



Updated:

10/21/13 @ 1:45pm

Added Staff Memo for Item 2B - Rezoning 1146 Haskell

Added Staff Memo for Item 2D - Preliminary Plat Burroughs Creek Addition 1146 Haskell

Added Communications for the following items:

Items 2A-2D - Rezoning & Preliminary Plat 1146 Haskell

Item 3C - Preliminary Plat Menards Addition 1900 W 31st St

Item 4 - Text Amendment Bar or Lounge in CN2

Item Misc 1 - Update on Horizon 2020

10/16/13 @ 4:30pm

The Draft September Planning Commission Minutes will be added when available

****The Wednesday, October 23rd Planning Commission meeting has been cancelled****

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
OCTOBER 21 & 23, 2013 6:30 - 10:30 PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 23, 2013.

COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Receive written communications from the public.
Consider request for deferral of Item 3C – Preliminary Plat for Menards Addition; 1900 W 31st St
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

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

**REGULAR AGENDA (OCTOBER 21, 2013) MEETING
PUBLIC HEARING ITEMS:**

**ITEM NO. 1 CERTIFICATE OF SURVEY VARIANCE FOR PROPERTY AT, & ADJACENT
TO, 1619 E 818 RD (MKM)**

Consider a variance associated with Certificate of Survey, **CSU-13-00432**, to allow two access points for Residential Development Parcels at 1619 E 818 Road and the adjacent parcel to the south. Submitted by Doug Garber Construction Inc., property owner of record.

ITEM NO. 2A RS10 TO RS7; 2.186 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00350: Consider a request to rezone approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

ITEM NO. 2B RS10 TO IL; 1.785 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00351: Consider a request to rezone approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial District) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

ITEM NO. 2C RS10 TO OS; 2.384 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00408: consider a request to rezone approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC on behalf of BK Rental LLC, property owner of record.

PUBLIC HEARING ITEM on Variance Only:

ITEM NO. 2D PRELIMINARY PLAT FOR BURROUGHS CREEK ADDITION; 1146 HASKELL AVE (MKM)

PP-13-00352: Consider a Preliminary Plat for Burroughs Creek Addition, a 6.36 acre subdivision consisting of 9 residential lots, 1 industrial lot, and one open space tract; 1 associated variance from right-of-way requirement in Section 20-810(e)(5) of the Subdivision Regulations. The property is located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

NON-PUBLIC HEARING ITEM:

ITEM NO. 3A ANNEXATION OF 8.4 ACRES; 1352 N 1300 RD (SLD)

A-13-00340: Consider a request to annex approximately 8.4 acres located at 1352 N 1300 Rd. Submitted by Menard Inc., for Bruce Snodgrass, property owner of record. *Initiated by City Commission on 9/10/13.*

PUBLIC HEARING ITEM:

ITEM NO. 3B A TO CR-FP; 8.4 ACRES; 1352 N 1300 RD (SLD)

Z-13-00337: Consider a request to rezone approximately 8.4 acres from County A (Agricultural) District to CR-FP (Regional Commercial-Floodplain Overlay) District, located at 1352 N 1300 Rd. Submitted by Menard, Inc. for Bruce Snodgrass, property owner of record.

PUBLIC HEARING ITEM on Variance Only:

****Deferral Requested by Applicant****

ITEM NO. 3C PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record.

RESUME PUBLIC HEARING:

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; BAR OR LOUNGE AS PERMITTED USE IN CN2 (SMS)

TA-13-00336: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to include *Bar or Lounge* as a permitted use in the CN2 (Neighborhood Commercial Center) District. *Initiated by City Commission on 9/3/13.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 RECEIVE UPDATE ON HORIZON 2020

Joint City Resolution No. 7045/County Resolution No. ____, establishing a steering committee to oversee and guide the review and updating of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and authorizing the Mayor to appoint steering committee members as noted in the resolution.

MISC NO. 2 MPO APPOINTMENT

Appointment for MPO.

ADJOURN

CALENDAR

September 2013						
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					

October 2013						
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 2013						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

PCCM Meeting:

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

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email:

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

2013
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, Mon & Wed	
Jan 9	Topics for 2013		Jan 28	Jan 30
Feb 13	PD Occupancy		Feb 25	Feb 27
Mar 13	Downtown Redevelopment - HRC Joint Meeting		Mar 25	Mar 27
Apr 10	Downtown Redevelopment - HRC Joint Meeting		Apr 22	Apr 24
May 8	APA Conference follow-up	Process Questions/Updates	May 20	May 22
Jun 12	Water/Wastewater Master Plan update		Jun 24	Jun 26
Jul 12**	PC Orientation – all day Friday		Jul 22	Jul 24
Aug 14	2010 Census Data		Aug 26	Aug 28
Sep 11	Parking Article – review for text amendments		Sep 23	Sep 25
Oct 9	Planning 101		Oct 21	Oct 23
Nov 6	Transportation & Traffic Planning 101		Nov 18	Nov 20
Dec 4	tentative		Dec 16	Dec 18
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Open Space Acquisition/Funding Mechanisms – what do other states do?</i> <i>Library Expansion Update</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i>		<i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Oread Overlay Districts</i> <i>Water/Wastewater Master Plan Update</i> <i>Downtown Survey Memo – redevelopment options</i> <i>Comprehensive Plan – Goals & Policies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

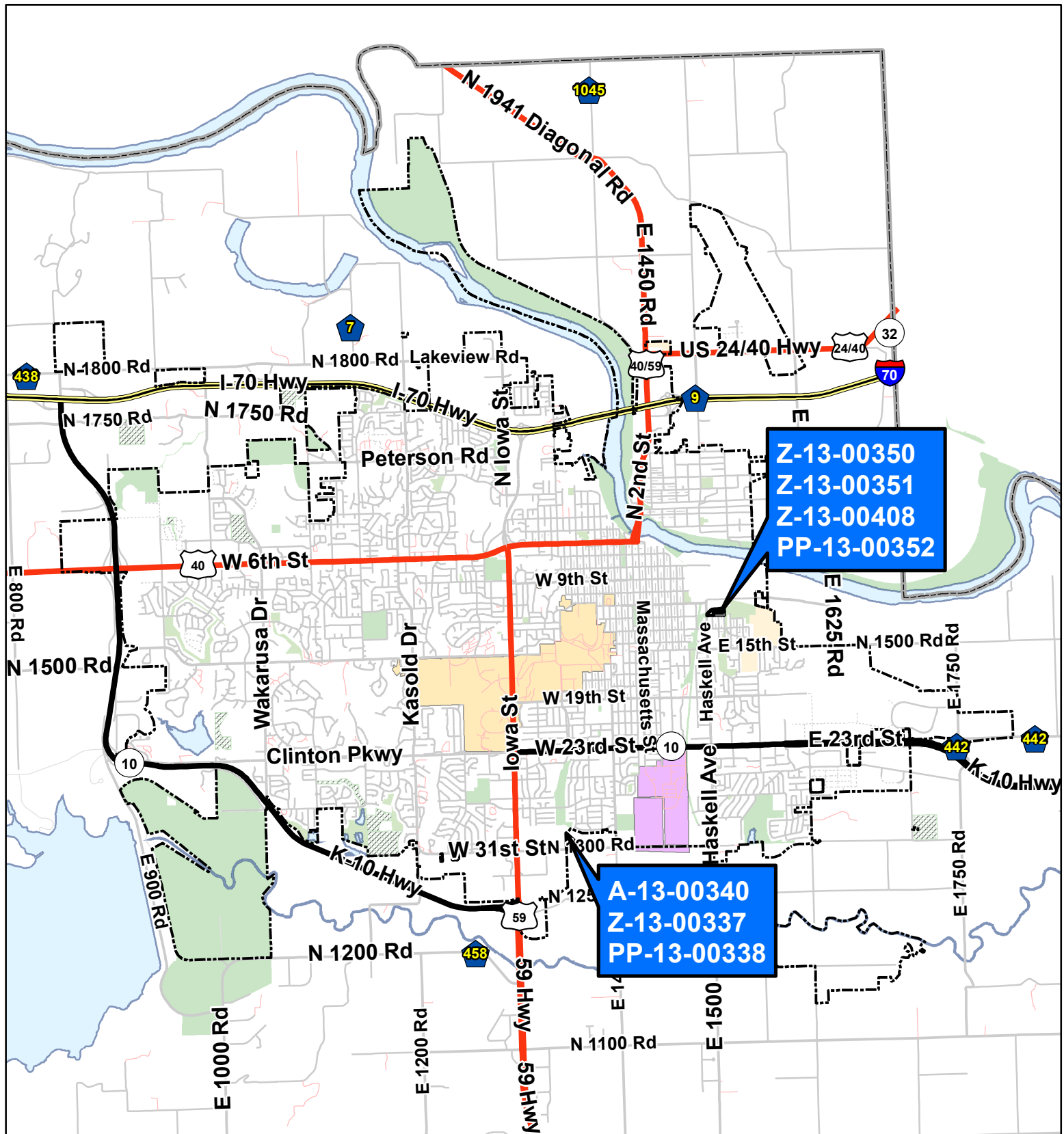
Revised 08/30/13

2013 PLANNING COMMISSION ATTENDANCE

	Jan 28 2013	Jan 30 2013	Feb 27 2013	Mar 25 2013	Apr 22 2013	May 20 2013	June 24 2013	June 26 2013	July 22 2013	Aug 26, 2013	Sept 23, 2013	Oct 21, 2013
Britton	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	
Burger	Yes	Yes	Yes	No	Yes	Yes						
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Denney							Yes	Yes	Yes	No	Yes	
Graham					Yes	Yes	Yes	No	No	Yes	Yes	
Josserand	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Kelly									No	Yes	Yes	
Lamer	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes				
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen							Yes	Yes	Yes	Yes	Yes	
Struckhoff										Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	

2013 MID-MONTH ATTENDANCE

	Jan 9 2013	Feb 13 2013	Mar 13 2013	Apr 10 2013	May 8 2013	June 12 2013	July 12 2013	Aug 14 2013	Sept 11 2013	Oct 9 2013		
Britton						No	Yes	Yes	No	Yes		
Burger												
Culver						No	Yes	Yes	Yes	Yes		
Denney						Yes	Yes	No	Yes	Yes		
Graham						Yes	Yes	Yes	Yes	Yes		
Josserand						Yes	Yes	Yes	Yes	Yes		
Kelly							Yes	Yes	Yes	Yes		
Lamer						No						
Liese						Yes	Yes	Yes	Yes	Yes		
Rasmussen						Yes	Yes	Yes	Yes	Yes		
Struckhoff								Yes	Yes	Yes		
von Achen						Yes	Yes	No	Yes	Yes		



Lawrence-Douglas County Planning Commission October 2013 Agenda Items



Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

CC: Scott McCullough, Planning and Development Services Director

Date: For October 21, 2013 meeting

RE: Item No. 1: Certificate of Survey Variance for Property at, and adjacent to, 1619 E 1818 Road.

Consider a variance associated with Certificate of Survey, **CSU-13-00432**, to allow two access points for Residential Development Parcels at 1619 E 818 Road and the adjacent parcel to the south. Submitted by Berniece Garber for Doug Garber Const. Inc, property owner of record.

Attachment A: Certificate of Survey, CSU-13-00432

Certificates of Survey are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Certificate of Survey was recently submitted and is currently under review. A copy of the Certificate of Survey is being provided with this memo for context; however, no action is required on the Certificate of Survey.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 11-113(g) [20-813(g)/City Code]. This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below.

VARIANCE REQUESTED: Creation of a Cluster Development Certificate of Survey with 2 access points.

A Cluster Development Certificate of Survey is a residential land division that is permitted within the Urban Growth Area. The development must be clustered on the property, with a maximum of 60% of the property being divided. The remainder of the property must be placed into a Future Development Area for development after annexation. Section 11-104(c)(1)(vii)(c) [20-804(c)(1)(vii)(c)/City Code] of the Subdivision Regulations states:

"Only one access point shall be allowed for the entire development unless a separate access point is necessary to allow access to prevent intrusion or damage to the Environmentally Sensitive Lands being conserved and protected."

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

The Certificate of Survey will divide approximately 26 acres to create Residential Development Parcels (RDP) for residential development. An existing house on the property takes access from E 818 Road, a private road to the east. The standard in the Subdivision Regulations would require that this access be abandoned and that access be taken from the Cross Access Easement (shared drive) that provides access to E 800 Road to the west. This would require the relocation of the drive to take access from the rear of the property. (Figure 1)

The property at 1619 E 818 Road currently has an approved access on a private road. The County Engineer indicated he had no objection to the access point remaining for current conditions.

Staff Finding:

Given that access is currently provided to the house at 1619 E 818 Road from E 818 Road and the County Engineer has no objection to this access remaining, requiring the reconfiguration of the drive so that access can be taken from the rear of the property would be an unnecessary hardship. The hardship would be the inconvenience of the new access point to the rear when an approved access point is currently located in close proximity to the front of the house.

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

The County Engineer indicated that KDOT's planned improvements for the US Highway-40/K10 Highway area recommend the removal of the intersection of E 818 Road with US Highway 40. The County Engineer has no objection to the requested variance for current conditions, but would require that the proposed cross access easement be extended to provide access to RDP 2, which is where the existing house is located. An access would not be required to be installed at this time, but it would provide the ability to connect The Residential Development Parcel to E 800 road in the future, if necessary.

The Subdivision Regulations are intended to provide for the orderly and harmonious division of land by making provisions for the continuity of the transportation network. With the extension of the cross access easement so that access could be provided to RDP 2 from E 800 Road in the event that the intersection of E 818 Road and Highway 40 was removed, the variance is in harmony with the intended purpose of the Subdivision Regulations.

Staff Finding:

The condition that the cross access easement be extended so that access for RDP 2 could be taken from E 800 Road, if necessary in the future, would insure the continuity of the transportation network for this property. The variance, as conditioned, is in harmony with the intended purpose of the Subdivision Regulations

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

The Cluster Development Certificate of Survey is intended to allow residential development to occur in the Urban Growth Area (UGA) at a higher density than in the Rural Area. The requirement that all Residential Development Parcels take access from one Cross Access Easement is intended to limit the number of access points (and potential conflict points) on roads in the UGA. The removal of the

access point on E 818 Road would not increase the public health, safety, or welfare as the private road was approved by the County Commission to serve a set number of houses.

Staff Finding:

Granting of the variance will not increase the number of access points on the public road system and will not negatively affect the public health, safety, and welfare.

STAFF RECOMMENDATION:

Approve the variance requested from Section 11-104(c)(1)(vii)(c) [Section 20-804(c)(1)(vii)(c)/City Code] to allow the Certificate of Survey CSU-13-00432 to provide 2 access points with 1 point being the existing access from the residence to E 818 Road, subject to the following condition:

1. The Certificate of Survey shall be revised so that the Cross Access Easement extends to the east to provide future access to Residential Development Parcel 2, in the event the intersection of E 818 Road and Highway 40 is removed. The additional drive does not need to be constructed with this division.

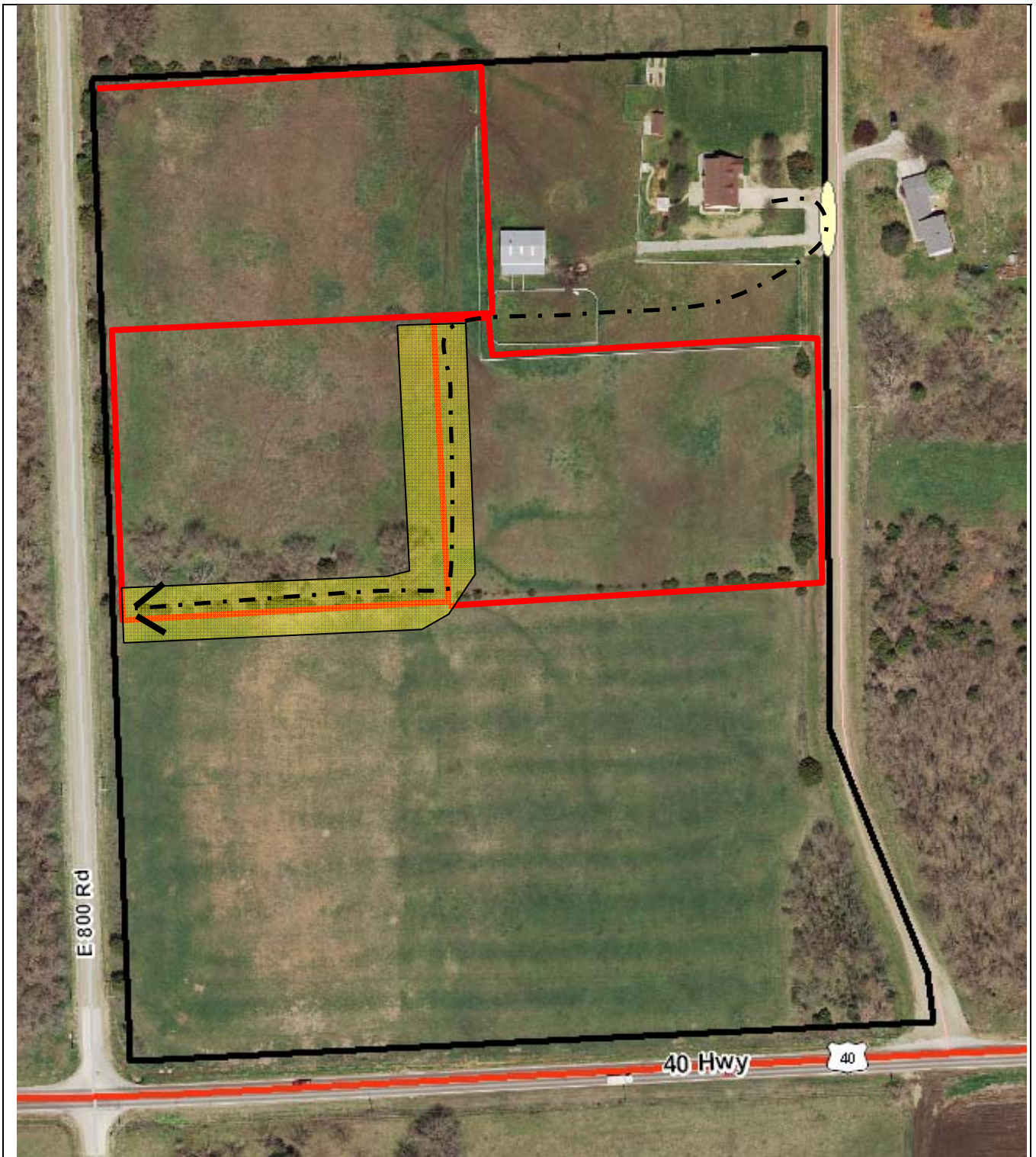


Figure 1. Change to drive that would be required without the variance.

- Existing access to E 818 Road shown with tan oval.
- Proposed land divisions shown in red outlines.
- Proposed Cross Access Easement (shared drive) highlighted in yellow.
- Reconfigured access for existing house without the variance shown in dashed line.

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 2A: RS10 TO RS7; 2.186 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00350: Consider a request to rezone approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) 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

APPLICANT'S REASON FOR REQUEST

"To divide property at 1146 Haskell into one IL property and one RS-7 property. The IL property will be Struct/Restruct shop/office and RS7 property will be future development."

KEY POINTS

- The property is unplatted. The property is being platted through the Major Subdivision process in conjunction with this rezoning.

ATTACHMENTS

A: Rezoning exhibit

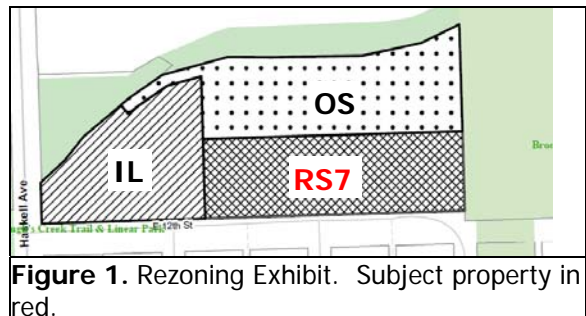


Figure 1. Rezoning Exhibit. Subject property in red.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Z-13-00351: Rezoning request for approximately 1.785 acres from RS10 to IL (Limited Industrial) District. This item is being considered by the Planning Commission at their October meeting.

Z-13-00408: Rezoning request for approximately 2.384 acres from RS10 to OS (Open Space) District. This item is being considered by the Planning Commission at their October meeting.

PP-13-00352: Preliminary Plat for Burrough's Creek Addition. This item is being considered by the Planning Commission at their October meeting.

Other Action Required:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Submittal and administrative approval of Final Plat for Burrough's Creek Addition.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Submittal Of Hydraulic and Hydrologic (H&H) Study prior to recording of the Final Plat
- Submittal and approval of Floodplain Development Permit prior to recording of the Final Plat

- Recording of Final Plat with the Register of Deeds Office.
- Application and release of building permits and floodplain development permits prior to development.

PUBLIC COMMENT

- Michael Almon, nearby property owner, visited the Planning Office for information on the project and the Floodplain Management Regulations.
- Byron Wiley, nearby property owner, visited the Planning Office to discuss the project and the uses which would be permitted under the IL Zoning.

Project Summary

This project includes the rezoning and platting of approximately 6.35 acres located in the northeast corner of the intersection of Haskell Avenue and E 12th Street. The area near the intersection of Haskell Avenue and E 12th Street has a rezoning request to the IL (Limited Industrial) District to allow the industrial use of the existing structure. The applicant is the owner/operator of Struct/Restruct, a construction/design firm which has built and remodeled several homes in East Lawrence. Struct/Restruct plans to relocate to the industrial building from its current location at 920 1/2 Delaware Street.

The project includes a residential component, with 9 lots planned along E 12th Street and the subject rezoning request to the RS7 District. The layout of these sites will be determined with the Preliminary Plat and the Building and Floodplain Development Permits.

The area to the north of the residential lots will be rezoned to the OS (Open Space) District and is planned for donation to the City for parkland.

The property will be developed in phases, with the industrial development occurring first and the residential later. The Open Space area will not be developed as part of this project.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Fits in with other surrounding zoning and densities."

The north side of E 12th Street in this area is shown on the Future Land Use Map as the dividing line between the Community Facilities and Low Density Residential. The east portion of E 12th Street is shown as parkland/open space. The Land Use Map contains the following note:

"This map does not depict, nor will it convey zoning. Land use shown is general and only conceptual in nature. Other factors, including development constraints outlined in the text of Horizon 2020 must be consulted for making land use decisions."

While the map is a general guide, the recommendations included in *Horizon 2020* provide more specific information.

Staff's discussion of the Comprehensive Plan recommendation follows with staff's comments in red.

- The Residential chapter's strategies include:
"Infill residential development should be considered prior to annexation of new residential areas." (Page 5-1)
- The Neighborhood concept noted on Page 5-2 notes that neighborhoods should have clearly defined edges which could be man-made (such as an arterial street) or natural, such as floodplain, parks, etc.

The rezoning request for the tract to the north of the residential portion to the OS (Open Space) District and donation to the City for parkland will provide a clearly defined edge for this neighborhood.

Some of the goals and policies listed in this chapter include:

- Policy 3.3: Encourage compatible Infill Development (pages 5-15 and 5-16)
"Encourage redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods."

The proposal is infill adjacent to a developed single-dwelling neighborhood.

"Utilize development regulations to ensure compatibility of different housing types within neighborhoods."

"Infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed."

The rezoning requested, RS7, is the same zoning that is present across E 12th Street. The 2006 Development Code includes minimum lot area as well as maximum building cover and impervious cover on a lot. This results in similar lot characteristics.

- Policy 5.1: Preserve and Protect the Environment (page 5-19)
"Natural environmental features within residential areas should be preserved and protected. Natural vegetation and large mature trees in residential areas add greatly to the appearance of the community as a whole and should be maintained."

A landscape easement is being provided on the preliminary plat for the protection of the large mature tree that is present on the east end of the site.

Staff Finding – The Future Land Use Map recommends this area be developed with Community Facilities (Public/Semi public) but notes that the map is a general concept in nature and that other recommendations in the Comprehensive Plan should also be used when making land use decisions. The property is currently zoned RS10 for Single Dwelling Residential development.

The proposed development will be compatible infill as it will have the same zoning as the existing residential area south of E 12th Street and will be subject to the same density and dimensional requirements. The open space area to the north will provide a clearly identifiable edge to the neighborhood.

The proposed development is in compliance with the land use recommendations for infill residential development.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped.

Surrounding Zoning and Land Use: To the north:
RS10 (Single-Dwelling Residential) District, part of the development project; undeveloped. Proposed rezoning to the OS (Open Space) District and donation to the City for parkland.

Property to the north, outside of the development project is zoned GPI (General Public and Institutional Use) and contains the City's Fuel Station and Solid Waste and Street Division's yards and offices.

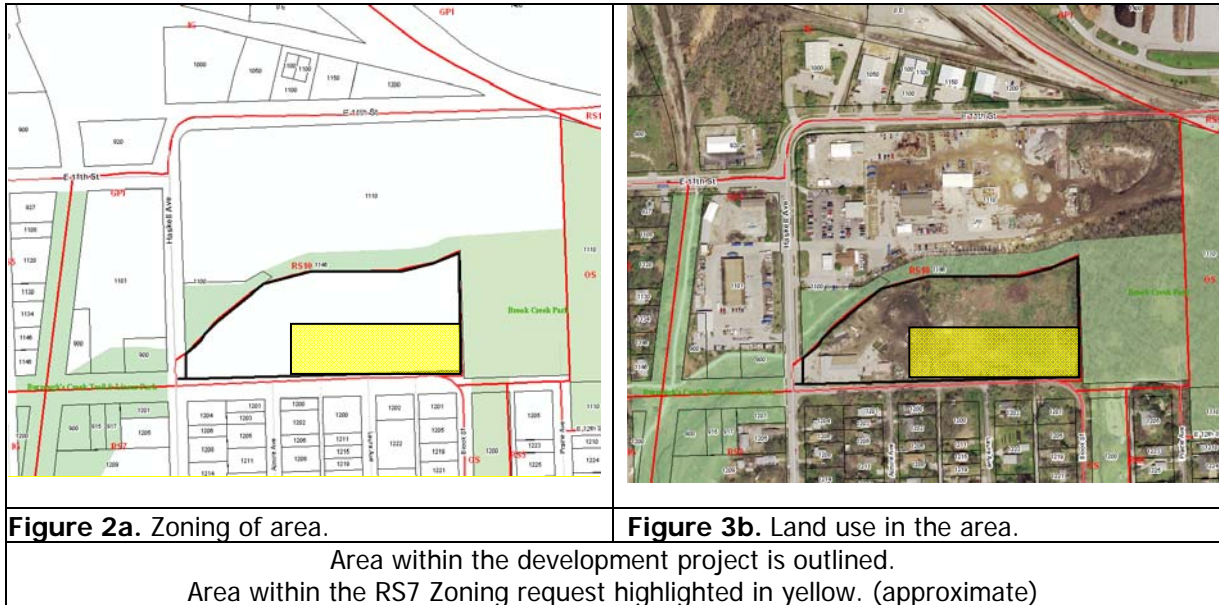
To the west:
RS10 (Single-Dwelling Residential)) District and FP (Floodplain Management) Overlay District, part of the development project; currently developed with a vacant industrial building. Proposed rezoning to the IL (Limited Industrial) District for a *Construction/Sales Service* facility.

Property to the west, outside of the development project, is zoned GPI (General Public and Institutional Use) and contains City parkland with the Burrough Trail and the City's Maintenance Garage.

To the east:
GPI (General Public and Institutional Use) District; wooded City parkland, *Nature preserve/undeveloped*.

To the south:
RS7 (Single-Dwelling Residential) District and FP (Floodplain Management) Overlay District. *Detached Dwellings*.
(Figure 2)

Staff Finding – The subject property is within a larger development project. Surrounding properties are zoned GPI, RS10, and RS7, with Floodplain Management Overlay District. Property to the north and west are within the development project and have rezonings pending to the OS (Open Space) and IL (Limited Industrial) respectively. Predominate land uses in the area are *Nature Preserve/Undeveloped, Heavy Wholesale Storage and Distribution, Light- and Heavy-Equipment Repair and Single- Dwelling Residences*.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Mixed use of industrial and residential."

The neighborhood is developed with a mix of industrial and residential uses. Industrial uses are located primarily to the north and northwest of the subject property. Large areas of open space in the vicinity follow Burrough's Creek and the associated floodplain. Single-dwelling residences make up the remainder of the land use.

Staff Finding – The neighborhood contains a mix of residential and industrial uses with large areas of wooded open space along Burroughs Creek and the associated floodplain.

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

Staff Finding –The subject property is located within the Brook Creek Neighborhood. This area was included in the planning area for the East Lawrence Neighborhood Plan, adopted in 1979. There have been no recent plans adopted for this area.

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

Applicant's Response:

"The property is suitable for residential development because of its proximity to the other existing Brook Creek residences, the proximity to Brook Creek Park, and is along the Burroughs Trail. The property lends itself to have a nice mix of residences that are similar in size and density that are currently found in the neighborhood."

The RS10 District permits the following uses by right: Detached Dwelling; Manufactured Home, Residential-Design; Zero Lot Line Dwelling; Group Home, Limited; Cemeteries;

Extended Care Facility; Limited or Passive Recreation; Nature Preserve/Undeveloped; Private Recreation; Neighborhood Institution-Religious Assembly, and Crop Agriculture. The property is suited to the uses which are permitted in the RS10 District.

The RS7 District permits the same uses as the RS10; therefore, the property is also suited to the uses permitted within the RS7 District. The RS7 and RS10 Districts are differentiated only by density and dimensional requirements.

Staff Finding – As the same uses are permitted in both the RS7 and RS10 Districts, the property is suited to the uses which are permitted in both districts.

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

Staff Finding – There is no record of development on this property.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"Will not detrimentally affect nearby properties. If anything, the future residential development will enhance the nearby properties."

The north side of E 12th Street is currently fenced along the right-of-way. This fencing provided screening from the exterior storage associated with the previous use. (Figure 4) The rezoning is being requested to allow the development of residential lots with 60 ft of frontage rather than the 70 ft required in the existing zoning, RS10. The property to the south of E 12th is zoned RS7 and has a variety of lot widths and areas. The proposed development should be compatible with the existing development in the area. as it would be subject to the same use restrictions and density and dimensional standards as the property to the south. The rezoning should have no detrimental impact on the area and should improve the character of the area by providing residential uses on the north side of E 12th Street.



Figure 4. Fencing along E 12th Street property line. (Image from Google Maps)

Staff Finding – The rezoning will provide the same zoning on the north side of E 12th Street as the south side, RS7. The resultant development should be compatible with the nearby properties as it will be subject to the same density and dimensional standards. The rezoning should have no detrimental impact on the area.

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

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

Denial of the rezoning would require the site to be developed with the density and dimensional requirements of the RS10 District. The lots shown on the preliminary plat have adequate area for the RS10 District, 10,000 sq ft but do not have the required lot width. The RS 10 District requires 70 ft of lot width and the RS7 required 60 ft. Nine residential lots with 10,000 sq ft of area can be developed along E 12th Street with 60 ft of lot width; seven lots could be developed with the 70 ft lot width.

The property south of E 12th Street was platted as the Fairfax Addition in 1917. This plat predated the adoption of zoning regulations (1927) and the lots were 40 ft wide. (Figure 5) Some of the lots have been combined to create larger development parcels, but many remain at the 40 ft width.





Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District
Z-13-00351: Rezone 1.785 acres from RS10 District to IL District
Z-13-00408: Rezone 2.384 acres from RS10 District to OS District
Located at 1146 Haskell Avenue

Lawrence-Douglas County Planning Office
October 2013







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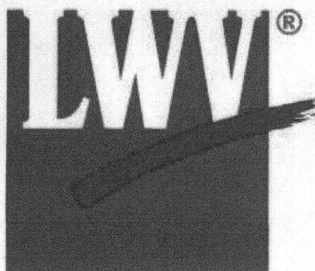
Located at 1146 Haskell Avenue

 Z-13-00350

 Z-13-00351

 Z-13-00408





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2: DEVELOPMENT OF 1146 HASKELL AVENUE

Dear Chairman Culver and Planning Commissioners:

We have several issues of concern with this development that we hope you will consider before recommending approval of the rezoning and platting of this property.

The entire proposed development is in the Regulatory Floodplain. Our League position is that floodplains should be left open to accommodate floodwater storage. However, regardless of the flooding problem, because of the development difficulties that can be foreseen here, we believe that the issue of fill, its source, and the other considerations of developing in a floodplain should be determined before it is rezoned and platted. We believe that some method should be applied here that would prevent unsuspecting buyers from purchasing individual lots that they later find require raising their future home 2 feet above base flood level before building.

Also, in view of the fact that this property has a history of use that apparently had contaminated its soil, if it is to be developed, the soil should be decontaminated before any steps are taken for further use, especially for residential use. In other words, before the property is rezoned and platted, it should be known to the future buyer of the property that it is, in fact, suitable for residential use and not a health hazard to those who would buy and build on it.

We believe the planning process is missing a vital step here before this property, and land like it, is taken through rezoning and platting up to recordation. We believe that the safety of the soil and the method for ensuring that the lots will be buildable must be determined very early in the process. We ask this for the safety of the public and the fairness to those who would buy and/or build on this land. We ask that these issues be determined before you allow the start of the rezoning and platting process not only of this property but also for similar situations in the future.

We hope that you will consider these issues carefully and we appreciate your concern for the public. Thank you.

Sincerely yours,

Cille King

Cille King
Co-President

Alan Black

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

1311 Prairie Ave.
Lawrence KS 66044

15 October 2013

re: 1146 Haskell rezoning and preliminary plat

Bryan Culver, Chair
Lawrence-Douglas County Planning Commission
Lawrence City Hall
Lawrence KS 66044

Mr. Culver & Commission:

The zoning and plat being considered is for a site with a checkered past, which you have never had an opportunity to review before. So I want to give you a thumbnail sketch of it's history to explain why the Brook Creek Neighborhood is extremely cautious towards whatever may be allowed there in the future.

The most recent owner of the property engaged in a number of illegal land uses on residentially zoned land. He engaged in the industrial uses of "large collection recycling", "recycling processing facility", and "auto salvage yard", all being illegal Open Uses of Land, and all out of compliance with his non-conforming use permit. His Code violations resulted in numerous noise complaints, six vehicle fires, K.D.H.E. fines and toxic clean up orders, and two Notices of Violation of the Lawrence Development Code. The immediate neighbors and the Neighborhood Association pressed for enforcement of the Code for six years until we finally prevailed at the Board of Zoning Appeals, while incurring thousands of dollars of legal fees. We do not want to face that situation again.

The previous owner has moved his operation to a properly zoned parcel, and we now want to turn a new page on the 1146 Haskell site. We know that whatever is accepted and allowed from here on out will be legally binding, so we want to be sure the uses will not impact negatively on our residential neighborhood immediately across the street to the south. We want it done right.

So I'm gratified that the prospective buyer and tenant is approaching the process in an open way, as should all land developers. Struct/Restruct has met with the Neighborhood Association on two occasions, made clear their intentions for the property, been open to concerns and conditions, and been approachable for conversation in general. I think their construction business activities can be conducted in a non-offensive way, if certain conditions are placed on the zoning, and if certain stipulations are incorporated into the plat and site plan.

In addition to such conditions and stipulations, there also are two major concerns with the City infrastructure proposals on the plat – the location of the new water line on the south side of 12th St., and the possibility of a 10 foot wide bicycle trail also on the south side of 12th St.

Conditional Zoning:

Regarding the conditions on the IL zoning, I am requesting the zoning be conditioned to prohibit the following Use Groups:

- 1) Mobile Home
- 2) Cemetery
- 3) College/University
- 4) Detention Facilities
- 5) Lodge, Fraternal & Civic Assembly
- 6) Postal & Parcel Service
- 7) Public Safety
- 8) Funeral & Internment
- 9) Temporary Shelter
- 10) Social Service Agency
- 11) Active Recreation
- 12) Kennel
- 13) Livestock Sale
- 14) Animal Sales & Grooming
- 15) Veterinary
- 16) Fast Order Food
- 17) Fast Order Food, Drive-in
- 18) Commercial Parking Facilities
- 19) Personal Convenience Retail Sales
- 20) Hotel, Motel, Extended Stay
- 21) Car Wash
- 22) Gas & Fuel Sales
- 23) Heavy Equipment Repair
- 24) Heavy Equipment Sales/Rental
- 25) Inoperable Vehicles Storage
- 26) Light Equipment Repair
- 27) Light Equipment Sales/Rental
- 28) RV & Boats Storage
- 29) Laundry Service
- 30) Scrap & Salvage Operation
- 31) Amateur & Receive-Only Antennas
- 32) Broadcasting Tower
- 33) Communications Service Establishment
- 34) Telecommunications Antenna
- 35) Telecommunications Tower
- 36) Large Collection Recycling Facilities
- 37) Small Collection Recycling Facilities
- 38) Recycling Processing Center

Struct/Restruct recommended all of these be prohibited uses to assure adequate protections, now and with future property owners (see attached).

Regarding the notes and requirements on the plat, there are a few elements that need to be clarified so that the future reality will not leave the immediate property owners in a worse situation than before. Because the lots in our neighborhood are only 40 feet wide, the property owner at 1200 Almira has only a five foot exterior side yard facing 12th Street. And because the street pavement is positioned off-center to the north of the right-of-way, the area from pavement to property lines on the south is about 35 feet, all of which the property owners are required to maintain.

Water Line, Pavement:

It would be a major problem for at least some of the property owners if the new water line were located in this open right-of-way area. The property at 1200 Laura has some large trees and ornamental plants located there. The property at 1201 Laura has two apple trees in the right-of-way, and most problematic, the property at 1200 Almira has thousands of dollars of perennial food bearing trees, shrubs and herbs. The owner, Byron Wiley, is a botanist, horticulturist and permaculturist, and he has been maintaining the right-of-way with a well designed polyculture that has taken years to establish.

It would be tragic if Mr. Wiley's landscaping were sacrificed to clear a swath for the water line, and/or install a 10 foot wide concrete multi-use track. Mr. Wiley did not fight six years for his property rights against intrusions from the illegal junkyard only to have City infrastructure destroy his life's work. Please revise the plat to remove the water line (and any possibility of City curb-and-gutter or multi-use track) from the south side of 12th Street.

Business Access Points:

The plat also mentions that access to the the IL zoned business property will be from both Haskell Ave. and 12th St. One of the main problems with the previous junkyard was the continual vehicular access into both the building and the scrap metal yard along 12th St. (skid loaders, trucks, roll-offs, etc.). Most considerately, Struct/Restruct has said that Haskell Ave. will be their primary access, and I am asking that that be reflected in the notes on the plat.

Buffer Yard & Screening:

Another problem with the previous junkyard was inadequate screening against sound, fumes, dust, lights, and view. The area of the Struct/Restruct business property east of the main building eastward to the residential properties will need tall, dense, and deep landscaping. I am requesting that the buffer landscaping be installed 50 feet back to the building setback line, and that some main elements be white pine, spruce, and other evergreen species. Mr. Wiley may be willing to help design in some fruit trees and berry bushes as well.

Equally dense and tall landscaping should also be located along the west property line of the westernmost residential property.

100 Year Floodplain:

These properties are at the confluence of Burroughs Creek and Brook Creek, both of which have the 100 year floodplain extending south from this location. Burroughs Creek drains a watershed of about 1 ½ square miles, and Brook Creek drains a watershed of about 1 ¼ square miles. Flooding on these properties and the neighboring properties can be significant.

Struct/Restruct has said that they want to build all nine residences above flood level by placing them on concrete piers. This would be ideal, so that no fill would be used and all flood storage capacity would be maintained within the properties. However, each residential lot buyer has their own option to use another builder. They also can use fill dirt or an extra tall foundation wall to get above flood level. Given that all building lots are fully within the 100 year floodplain, I am requesting that there be a note on the plat that if fill dirt be used, that all fill dirt come from on-site, and that all lots be filled continuously east to west rather than individual raised pads.

Stipulations Beyond the Standard:

If some of my requests seem to be beyond the norm, please keep in mind the unusual conditions here: the severe impacts of the previous operation, IL industrial zone immediately adjacent to residential zoning, and the entire site being within the 100 year floodplain. This situation calls for extra precautions, and Struct/Restruct has been more than willing to accommodate the neighborhood protections.

Bearing that in mind, I point you to Sec. 20-1101 of the Code, Protection Standards for Residential Districts. Subsection (a) reads in part, for “approval of any non-residential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter, and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property” [Subsection (a) attached].

I and the rest of my neighbors have expressed a desire to have Struct/Restruct locate their construction business on this site, and for them to build the adjoining residences. We have collaborated well to craft conditions that enable them to operate their business while being compatible with the adjacent residential neighborhood. All that's needed is that the Planning Commission use your authority to place the necessary conditions and stipulations in place. If so, we can be assured that this business, and any future purchaser of the site, will cause no problems for Brook Creek Neighborhood.

Thank you,

Michael Almon

Use Prohibitions Recommended by Struct/Restruct (red strike throughs):**Article 4 – Use Table**

Page 4 - 8

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CA1	CA2	MU	CO	CC	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	h	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P*	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P*	-	P	-	P	A	
	Cultural Center/Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

Article 4 – Use Table

Page 4 - 9

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI		H
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	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	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P	-	-	A*	-	-	505
	Temporary Shelter	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	A	
	Community Meal Program	S/A*	S/A*	S/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*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	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	A	

Article 4 – Use Table

Page 4 - 10

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
	Nature Preserve/ Undeveloped	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	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	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	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	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*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	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	

Article 4 – Use Table

Page 4 - 11

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	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*	-	-	-	-	-	516/526
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	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*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
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
	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	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	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	-	-	-	

Article 4 – Use Table

Page 4 - 13

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IN	IG	CS	GFI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	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	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	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*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101	Protection Standards for Residential Districts
20-1102	Intersection Visibility
20-1103	Outdoor Lighting
20-1104	Performance Agreements; Guarantees
20-1105	Sidewalks
20-1106	Agreement Not to Protest Formation of a Benefit District
20-1107	Retail Market Impact Analysis
20-1108	General Development Standards for Mixed Use (MU) Districts

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-[Family](#) use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, [Planning Director](#), [Planning Commission](#) or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional [Landscaping](#) and buffering;
- (7) [Height](#) restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar [Access](#);
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.



Brook Creek Neighborhood Association

Mail Address: 1944 Miller Drive (66046)

Telephone: 785/ 841-4997

e-mail: BrookCreekNA@gmail.com

October 17, 2013

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

The Brook Creek Neighborhood Association met on October 9th to discuss the proposed rezoning of 1146 Haskell. We acknowledge that the proposed plan may be the best option for the property, but the letter sent to neighbors brings up more questions than answers. We appreciate that the proposed plan is much better than living next to an industrial level salvage yard, but we do have questions/concerns to be addressed before we can fully stand behind this project.

- Flooding: The property is located in the floodplain. What was the outcome of the floodplain study? Who did the study? Most important is that new development does not add to flooding problems or increase FEMA flood insurance rates for neighbors. Outside storage near the floodway needs to be addressed.
- Ground contamination: What were the results of the environmental study, and who did the study? Is the property really suitable for residential uses?
- Rezoning to Limited Industrial District: What uses does this zoning allow? How do we prevent undesirable industrial uses in the future? Can conditions be placed on this zoning to prevent undesirable industrial uses?
- Effects on and changes to 12th Street:
 - How will the easements on the south side of 12th Street be affected by the construction and any future repairs/updates to sewer and water lines?
 - Will a sidewalk be built on the north side of 12th Street?
 - Will the ditch along both sides of 12th Street remain, or will curbs and storm sewers be installed? If the ditches remain, culverts along the south side need to be cleaned/repared.
 - What kind of outdoor lighting will be installed?
 - Access to the business should be on Haskell, not 12th Street.
- Green space on north side of property:
 - The wooded area to the east of the property needs to remain undeveloped. The neighborhood made this agreement with the City and Parks & Recreation many years ago. No parking lot.
 - The BMX bike track is not a popular idea, however neighbors did like the idea of extending the Burroughs Trail.

We appreciate the opportunity to discuss our questions and concerns.

Sincerely,

Julie Mitchell, President
Brook Creek Neighborhood Association
1231 Brook Street, Lawrence, KS 66044
865-3688

To: Lawrence/ Douglas County Planning Commission
Bryan Culver, Chairman

RE: 12th and Haskell property rezoning

Dear Bryan,

The proposed re-zoning of the old 12th and Haskell Bargain Center's property has prompted a few concerns. I am a residential neighbor who has lived adjacent to this parcel of land since 1996. I did not know it at the time when I purchased my property, but the quiet and peaceful appearing neighborhood was enjoying a 10 year intermission from intensive neighborhood-incompatible activities on the adjacent property.

Agricultural activity ceased on the property in 1951 when Ray's Garage and Auto Salvage started its business, ending operations in 1993. From 1993 through 2003 the property supported low impact businesses that included an auto repair shop, an auto alignment shop, and a towing company's vehicle impound business.

In late 2003 the property was sold to Bo Killough. He gradually morphed a damaged goods retail business into a high impact recycling collection, intensive recycling processing and high impact scrap yard. For almost 10 years, neighbors were abused with a variety of intolerable nuisances including: nearly constant heavy equipment noise, seismic vibrations, thunderous impact noises, crushing sounds, penetrating glass loading and unloading sounds, blowing litter from recycling activities, junk visible over the ugly fence, frequent (gasoline, oil and solvent) odors, frequent diesel exhaust odors, heavy truck and other equipment frequently using neighborhood streets, enormous amounts of open storage of scrap, and six separate incidents of vehicle fires. The last one involved three vehicles and engulfed the neighborhood with toxic smoke.

A second attempt to start a process of shutting down and ultimately relocating the offensive business was commenced in February of 2010. After much time, expense, legal work, public hearings, etc., the operation essentially ceased on that property around February of 2013.

The proposed rezoning and development of the property has prompted me to share these concerns so that any zoning that is put in place will not allow for a business to violate the peace, quiet and scenic character of this neighborhood again. I am not so concerned with Struct/Restruct's intentions, but am concerned beyond their use of the property. I want to make sure that there are safeguards built into the zoning to prevent future uses that are incompatible with a residential neighborhood.

I have reviewed the uses that are permitted in the IL district and have concerns with a few of them, thinking that when a time comes that Struct/Restruct no longer would own the property, the IL zoning may allow an incompatible entity to operate on the land. Not mentioning the uses that would require a SUP (they would most likely not be compatible), here are the ones of concern because of potential noise or traffic issues:

Livestock Sale -

Accessory Bar -

Cleaning (car wash) -

Gas and Fuel Sales

Light/Heavy Equipment Repair -

Light/Heavy Equipment Sales/Rental -

Manufacturing & production - this might be okay - depends on the noise and traffic -

Large collection recycling facility -

Small collection recycling facility -

Please help write the conditional zoning to prevent future incompatible matches with our residential neighborhood.

Looking at the entire proposed project, I have a few additional concerns and questions.

Since much of the property is in the 100 year flood zone, I am concerned that any net gain of fill from outside the boundaries of the property will displace future flood waters on the property, forcing that displaced water into our low lying neighborhood. I would support using fill from the property only, which would not add to floodwater displacement. (If soil is needed to be removed from the property, then only an equal amount should be replaced from the outside.) Material removed from location(s) on the property would create appropriate flood control basins.

I support the use of some dense trees/shrubs as screening around the exposed perimeter of the business part of this property. I am very impressed with the beautiful fencing around the new Advantage Metals facility in North Lawrence. If any fencing is required, I think that is a very nice model to follow.

I am concerned about commercial access from the business property on 12th Street. I think that it should be kept to an absolute minimum. Commercial traffic should be limited to the Haskell entrance for normal daily use.

I am concerned about the proposed waterline that would run through the easement north of my house. Over the past 17 years I have gone to great expense to fill in the area with fruit trees. Is there a reason that the waterline is not proposed to run on the north side of 12th Street which would avoid having to run individual water lines under the street to each of the new residential lots?

Overall, I am in support of Struct/Restruct's intentions and plans. I think that it is a very good solution for that piece of property. I am strongly in support of their offer to donate part of the property to the city for park use and for it to eventually function as a trail connector.

Sincerely yours,
Byron Wiley

1200 Almira
Lawrence, KS 66044

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 2B: RS10 TO IL; 1.785 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00351: Consider a request to rezone approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial) 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

APPLICANT'S REASON FOR REQUEST

"To divide property at 1146 Haskell into one IL property and one RS-7 property. The IL property will be Struct/Restruct shop/office and RS7 property will be future development."

KEY POINTS

- The property is unplatted. The property is being platted through the Major Subdivision process in conjunction with this rezoning.
- The property is nearly encumbered with the Regulatory Floodplain and is located within the Floodplain Management Regulations Overlay District. This rezoning request affects only the base zoning, the overlay district will remain.

ATTACHMENTS

Attachment A: Rezoning exhibit

Attachment B: IL District permitted use table

ASSOCIATED CASES/OTHER ACTION REQUIRED

Z-13-00350: Rezoning request for approximately 2.186 acres from RS10 to RS7 (Single Dwelling) District. This item is being considered by the Planning Commission at their October meeting. (Figure 1)

Z-13-00408: Rezoning request for approximately 2.384 acres from RS10 to OS (Open Space) District. This item is being considered by the Planning Commission at their October meeting. (Figure 1)

PP-13-00352: Preliminary Plat for Burrough's Creek Addition. This item is being considered by the Planning Commission at their October meeting.

Other Action Required:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Submittal and administrative approval of Final Plat for Burrough's Creek Addition.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Recording of Final Plat with the Register of Deeds Office.
- Administrative approval of site plan for change of use and site improvements on the Industrial lot. A Floodplain Development Permit will be required at this time.

- Application and release of building permits prior to development.

PUBLIC COMMENT

- Michael Almon, nearby property owner, visited the Planning Office for information on the project and the Floodplain Management Regulations.
- Byron Wiley, nearby property owner, visited the Planning Office to discuss the project and the uses which would be permitted under the IL Zoning.

Project Summary

This project includes the rezoning and platting of approximately 6.35 acres located in the northeast corner of the intersection of Haskell Avenue and E 12th Street from the RS10 to the IL District. This rezoning request is for approximately 1.78 acres that lies nearest Haskell Avenue. (Figure 1)

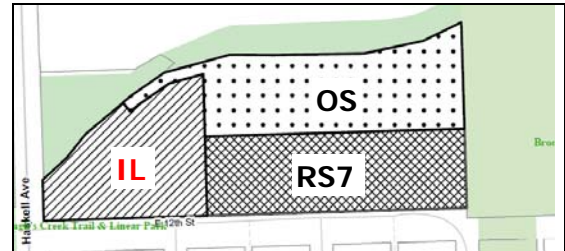


Figure 1. Subject property in Red.

An industrial building on this portion of the property previously housed a recycling processing facility. That facility moved to a different location leaving the property vacant. The applicant is the owner/operator of Struct/Restruct, a construction/design firm which has built and remodeled several homes in East Lawrence. The applicant plans to relocate the firm from its current location at 920½ Delaware Street to the industrial building on the subject property. The construction/design firm fits within the definition of the use *Construction Sales and Services*. This use is defined in Section 20-1718 of the Development Code as:

"Construction activities and incidental storage on lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures including the retail sale of paint, fixtures, and hardware, but excludes those uses classified as 'Automotive' and/or 'Heavy Equipment' use types. Typical uses include home improvement or building materials stores, tool and equipment rental or sales, building contracting/construction offices with shops and/or outside storage yards and landscape maintenance/contractor offices with shops and/or outside storage yards."

The rezoning is intended to provide a suitable zoning for the proposed use. *Construction Sales and Service* uses are permitted in several zoning districts: CD (Downtown Commercial), CR (Regional Commercial), CS (Commercial Strip), IL (Limited Industrial), and IG (General Industrial). The location does not fit the locational criteria for the commercial districts. Given the industrial nature of other uses in the area, industrial zoning would be appropriate. The IG District allows higher intensity industrial uses which may not be compatible with nearby residential uses. The Limited Industrial District is an appropriate zoning district for the proposed use in this location as the district is intended to accommodate low impact industrial uses.

Changes to the physical components of the site, including access to the adjacent streets, will be evaluated at the site planning stage. Floodplain Development Permits are required for any development activity on properties that are encumbered with Regulatory Floodplain.

The overall project includes a residential component, with 9 residential lots planned along E 12th Street and a rezoning request to the RS7 District. A rezoning has also been requested for the area to the north of the residential lots to the OS (Open Space) District. This property is being platted as a tract and the property owner indicated it would be donated to the City for parkland.

The property will be developed in phases, with the industrial development occurring first and the residential later. The Open Space area will not be developed as part of this project.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Fits in with other surrounding zoning and densities."

The property is currently developed and has historically been used for auto related or recycling uses. The property is not identified in the future land use map for industrial development and does not meet the criteria necessary for location of a new industrial zoning district. The Comprehensive Plan identifies 6 existing industrial areas and provides specific recommendations for those. The property is in adjacent to one of these areas, the Burroughs Creek Corridor. The plan notes *"Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses."* The subject area contains a mix of industrial uses with the City Central Maintenance Garage to the west across Haskell Avenue and the City's Public Works Facility to the north. Figure 2 illustrates the various non-residential uses that are located in the area.

Many of the recommendations in Chapter 7, 'Industrial and Employment' focus on the siting and development of new industrial uses. This site was developed and used for industrial uses since 1955; therefore, this review will focus on the recommendations that pertain to existing industrial uses.

Staff's discussion of the Comprehensive Plan recommendation follows with staff's comments in red.

- The Industrial and Employment chapter's strategies include:
"Protect, enhance, and retain existing industrial-related land use areas serving the community." (Page 7-2)
- Some of the goals and policies listed in this chapter include:
"Encourage the retention, redevelopment, and expansion of established industrial and employment-related areas." (Goal 1, page 7-11)

"Provide incentives for expansion of existing facilities and redevelopment of vacant facilities and/or land." (Policy 1.1, page 7-11)

The rezoning and reuse of this industrial property would enhance and retain existing industrial-related land use through the redevelopment of a vacant facility.

"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." (Policy 1.2(b), page 7-11)

The Development Code and the Industrial Design Standards provide standards and guidelines for industrial development. While the building location was previously determined other features such as landscaping, lighting, stormwater management and compatibility with surrounding properties will be considered and provided through the site planning process.

- Goals related to compatible transition from industrial to less intensive uses include:
"Encourage industrial, office research and warehouse distribution facilities to have a positive impact on neighboring land uses through the use of natural area separations, broad landscaped yards or other means of buffering." (Policy 3.1(a), page 7-15)

"Encourage the creative and extensive use of landscaping and berming techniques for effective buffering between differing intensities of land uses."

"Fences shall not be used as a sole method of providing screening and buffering. Where fencing is proposed, additional landscaping may be required to soften the monotonous effect of a fence-line. Unsightly views and light trespass should be screened from neighboring properties and the public right-of-way." (Policy 3.1(d)(4)(a and b), page 7-16)

These measures have been incorporated into the Land Development Code and the Industrial Design Standards and will be addressed through the site planning process.

Staff Finding – The Future Land Use Map recommends this area be developed with Community Facilities (Public/Semi Public). Chapter 10, 'Community Facilities' identifies 3 categories of community facilities: Educational Facilities, Municipal Buildings and Facilities, and Utilities. Community Facilities (Utilities) in the area include the City Maintenance Garage, the Solid Waste and Sanitation Facilities yards and offices, and the City Wastewater Plant. These uses are all industrial in nature as they include large areas of exterior storage

The subject property has historically been used for vehicle related services and recycling which are permitted in both commercial and industrial zoning districts. The property is adjacent to a recommended industrial corridor, Burroughs Creek Corridor, and represents an expansion of this area as recommended in Goal 1 of the Industrial and Employment-Related Land Use Goals and Policies.

The proposed development is not compliant with the land uses shown on the Future Land Use Map but; however nonresidential uses have been located here since 1955. The proposed development is in compliance with the land use recommendations for Industrial and Employment-related Land Use Goals and Policies.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; vacant building which recently housed a recycling processing

facility.

Surrounding Zoning and Land Use:

To the north:

GPI (General Public and Institutional Use) District and FP (Floodplain Management) Overlay District; City Fuel Station and Solid Waste and Street Division's offices and yards. *Office, Fuel Sales, Heavy Wholesale Storage and Distribution.*

To the west:

GPI (General Public and Institutional Use) District and FP (Floodplain Management) Overlay District; City Parkland containing the Burroughs Creek Trail, *Nature Preserve/Undeveloped.*

To the east:

Additional land within this project which is currently zoned RS10 and FP (Floodplain Management) Overlay District but has rezoning requests to the RS7 (Single-Dwelling Residential) and the OS (Open Space) Districts. Property is currently undeveloped but is being platted to accommodate City parkland and detached dwellings.

To the south:

RS7 (Single-Dwelling Residential) District and FP (Floodplain Management) Overlay District. *Detached Dwellings.*

(Figure 3)

Staff Finding – The surrounding properties are zoned GPI and RS7, with Floodplain Management Overlay District. The predominate uses are *Nature Preserve/Undeveloped, Heavy Wholesale Storage and Distribution, and Single-Dwelling Residences.*

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Mixed use of industrial and residential."

The neighborhood is developed with a mix of industrial and residential uses. The property included in this overall project is the only undeveloped parcel in the area. Industrial uses are located primarily to the north and northwest of the subject property. Large areas of open space in the area follow Burroughs Creek and the associated floodplain. Single-dwelling residences make up the remainder of the land use. The property has good access to the major transportation network having frontage on Haskell Avenue which is classified as a 'Minor Arterial' in the Major Thoroughfares Map.

Staff Finding – The neighborhood contains a mix of residential and industrial uses with large areas of wooded open space along Burroughs Creek and the associated floodplain. Haskell Avenue, a Minor Arterial, runs north/south through the neighborhood.



Figure 2. Nonresidential uses in area.

- Burroughs Creek Corridor outlined in black.
- East Lawrence Industrial District outlined in yellow.
- Subject property marked with dot.

Nonresidential uses in the area:

1. Glass Company: *Construction Sales and Services*
2. Utility yard: *Heavy Wholesale Storage and Distribution.*
3. Sand and Concrete Plant: *Intensive Industrial*
4. Various uses including warehouse, industrial, and office: *Wholesale Storage and Distribution, General Industrial, Limited Manufacturing, Office*
5. City Wastewater Treatment Plant: *Major Utility*
6. **Recycling facility, relocated from the subject property:** *Recycling Facilities*
7. Beverage distribution: *Light Wholesale Storage and Distribution*
8. Various uses including office, industrial: *General Industrial, Manufacturing and Production Limited, Office*
9. Publishing facility, *General Industrial*
10. **Current Location of Struct/Restruct:** *Construction Sales and Services*
11. Various uses including warehouse, industrial, and office: *General Industrial, Manufacturing and Production Limited, Construction Sales and Services*
12. Auto Service: *Light Equipment Repair*
13. City Maintenance Garage: *Light and Heavy Equipment Repair*
14. City Fuel Station, City Solid Waste and Street Division Offices and yards: *Gas and Fuel Sales, Offices, Heavy Wholesale Storage and Distribution*



Figure 3a. Zoning of area. Subject property is outlined. (approximate)



Figure 3b. Land use in the area. Subject property is outlined. (approximate)

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

Staff Finding – The subject property is located within the Brook Creek Neighborhood. This area was included in the planning area for the East Lawrence Neighborhood Plan, adopted in 1979. There have been no recent plans adopted for this area.

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

Applicant's Response:

"The property is suitable for light industrial development because of the nature of the existing structure and its proximity to the other industrial properties in the neighborhood, such as the city properties. The property also lends itself to industrial zoning because of its relationship and frontage to Haskell Street."

The RS10 District permits the following uses by right:

Detached Dwelling	Limited or Passive Recreation
Manufactured Home, Residential-Design	Nature Preserve/Undeveloped
Zero Lot Line Dwelling	Private Recreation
Group Home, Limited	Neighborhood Institution-Religious Assembly
Cemeteries	Crop Agriculture
Extended Care Facility	

The property is developed with an industrial building and parking area so it is not suitable for residential, passive recreation, nature preserve, or crop agriculture uses. The building may be able to be converted to a neighborhood religious institution or extended care facility but this would require a major renovation to meet applicable Building and Fire Codes. The property is not suited to the uses to which it is restricted under the existing zoning regulations based on current development. Development under the RS10 regulations would require the razing or major renovation of the site.

The property was developed with a nonresidential building years before it was annexed into the city. At the time of annexation, property was automatically rezoned to the RS-1 (now RS10) designation. The nonresidential building and site improvements makes this portion of the property more suitable for the proposed limited industrial uses than to the residential uses it is currently restricted to in the RS District.

Staff Finding – As the property currently contains a nonresidential building with associated parking and storage area it is not suitable for the uses to which it is restricted under the existing RS10 zoning regulations. The property is suitable for uses permitted within the IL (Limited Industrial) District.

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

Applicant's response:

"Less than 1 year."

Staff Finding – The existing building has been vacant since the relocation of the recycling facility to another location earlier this year. The Douglas County Appraiser's records indicate that the building was constructed in 1955.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"Will not detrimentally affect nearby properties. If anything, the future residential development will enhance the nearby properties."

The removal of restrictions will allow the building to be used for a use permitted within the IL District. The proposed use, Struct/Restruct Design Studio, a *Construction Sales and Services* use, is currently located in the area at 920½ Delaware Street. The IL District is intended for low impact industrial, wholesale, and warehouse uses. The proposed use is a low impact use which should not detrimentally affect nearby properties.

The IL District permits a range of uses. These uses are noted in Attachment B. Uses which require a Special Use Permit go through a process with a site plan and a public hearing very similar to a rezoning. It will be necessary to site plan the property with the change in use. The compatibility of any use/development proposed for this site with the surrounding properties would be evaluated through the review of the site plan.

Removal of the restrictions by rezoning to the IL District should not detrimentally affect nearby properties as it will permit a use similar in intensity to the previous uses on the site. Lighting, landscaping, buffering, screening and access will be considered with the site plan review to insure compatible development with the surrounding properties.

Staff Finding – Removal of the restrictions by rezoning to the IL District should not detrimentally affect nearby properties as it will permit a use similar in intensity to the previous uses on the site. Lighting, landscaping, buffering, screening and access will be considered with the site plan review to insure compatible development with the surrounding properties.

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

IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response:

"Not much difference. Property has been a recycling center which has negatively impacted local neighbors over the years. Our shop/office won't impose such a hardship."

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

Denial of the rezoning would require the site to be developed with uses permitted within the RS10 District. These uses would be similar to those in the adjacent residential district.

Approval of the rezoning request would allow the proposed use, *Construction Sales and Service*, to be installed in the existing building. This use is similar in intensity to the historic use of the site and should not have any off-site negative impacts, and would be similar to the other industrial uses north on Haskell Avenue. With the approval of this rezoning, 12th Street would be the south boundary of the industrial uses in the immediate area.

Approval of the rezoning would allow the continued use of the site in similar fashion to past uses and would establish a clear boundary for the industrial uses along this portion of Haskell Avenue at E 12th Street. It would expand the existing industrial district along the Burroughs Creek Corridor as recommended by the Comprehensive Plan and would provide a suitable site for the expansion of an existing East Lawrence business. The rezoning will limit the industrial use to the west side of the property and reduce the area along E 12th Street that would be in non-residential use. This would reduce the impact from the previous use of the land for storage area.

The Development Code contains buffering, screening, landscaping, lighting, and other provisions to insure compatibility of adjacent uses of differing intensities through the site planning process. The property has been used for commercial/industrial uses since 1955 and approval of the rezoning would allow the building to continue to be used but only for uses permitted in the IL District and with Development Code standards to insure compatibility. Denial of the rezoning request would require the property to be redeveloped with a use that is permitted in the RS10 District. Denial would neither detrimentally affect nearby properties nor provide a gain to the public health and safety.

Staff Finding – Denial of the request would require that the site be developed with uses that are permitted in the RS10 District while approval would allow the building to be re-used as a *Construction Sales and Services* use. Both uses should be compatible with the neighborhood, given the Industrial Design Standards and the Development Code. There would be no public benefit from the denial of the rezoning request. The previous use had some off-site impacts that were not compatible with the nearby residential uses; however, as the IL District is intended to accommodate low-impact industrial, wholesale, and warehouse operations the uses permitted in this district should not create negative off-site impacts and would be more similar in impact to the historic uses of the site. Approval of the rezoning could benefit East Lawrence by maintaining and enhancing an existing business site and providing a larger site for the expansion of an existing East Lawrence Business.


PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the rezoning request for compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* for existing industrial sites. Staff recommends approval of the rezoning request for approximately 1.78 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial) 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.



Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District
Z-13-00351: Rezone 1.785 acres from RS10 District to IL District
Z-13-00408: Rezone 2.384 acres from RS10 District to OS District
Located at 1146 Haskell Avenue

Lawrence-Douglas County Planning Office
October 2013

 Z-13-00350
 Z-13-00351
 Z-13-00408



Uses Permitted in the IL (Limited Industrial) District			
Residential		Retail Sales and Service (cont.)	
Mobile Home		Construction Sales and Service	
Work/Live Unit		Food and Beverage	
Community Facilities		Mixed Media Store	
Cemetery		Personal Convenience	
College/University		Personal Improvement	
Day Care Center		Repair Service, Consumer	
Detention Facility	SUP	Retail Sales, General	
Lodge, Fraternal & Civic Assembly		Transient Accommodation	
Postal and Parcel Service		Hotel, Motel, Extended Stay	
Public Safety		Vehicle Sales & Service	
Funeral and Interment		Cleaning (Car Wash)	
Temporary Shelter	SUP	Fleet Storage	
Social Service Agency		Gas and Fuel Sales	
Community Meal Program	SUP	Light/Heavy Equipment Repair	
Utilities, Minor		Light/Heavy Equipment Sales/Rental	
Utilities Major	SUP	Inoperable Vehicle Storage	
Medical Facilities		RV and Boats Storage	
Health Care Clinic/Office		Industrial Facilities	
Recreational Facilities		Industrial, General	
Active Recreation		Laundry Service	
Participant Sports & Recreation, Indoor or Outdoor		Manufacturing & Production, Ltd.	
Passive Recreation		Manufacturing & Production, Tech.	
Nature Preserve/Undeveloped		Research Service	
Religious Assembly		Scrap and Salvage Operation	SUP
Campus or Neighborhood Institution		Wholesale Storage & Distribution	
Animal Services		Exterior Storage (accessory)	
Kennel		Heavy	SUP
Livestock Sale		Light	
Sales and Grooming		Mini-Warehouse	
Veterinary		Adaptive Reuse	
Eating & Drinking Establishments		Designated Historic Property	SUP
Accessory Bar		Agriculture	
Fast Order Food		Agricultural Sales	
Fast Order Food-Drive In		Agriculture, Crop	
Restaurant, Quality		Communications Facilities	
Office		Amateur & Receive Only Antennas (accessory)	
Administrative and Professional		Broadcasting Tower	
Financial, Insurance, & Real Estate		Communications Service Establishment	
Other		Telecommunications Antenna	
Parking Facilities		Telecommunications Tower	SUP
Accessory and Commercial		Satellite Dish (accessory)	
Retail Sales and Service		Recycling Facilities	
Building Maintenance		Large Collection	
Business Equipment		Small Collection	
Business Support		Processing Center	SUP
Construction Sales and Service			
Food and Beverage			

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller

CC: Scott McCullough, Planning and Development Services Director

Date: For October 21, 2013 meeting

RE: Item No. 2B: RS10 TO IL; 1.785 ACRES; 1146 HASKELL AVE

Uses permitted within the IL District are being reviewed in response to public communications from two members of the Brookcreek Neighborhood and the Brookcreek Neighborhood Association. These letters were included in the Planning Commission agenda packet. **The revised staff recommendation is included on Page 6 and 7 of this memo.**

Attachment A of the staff report listed the uses which are permitted within the IL District. Conditioned zoning was not recommended with the staff report because it is staff's opinion that the standards and requirements of the Development Code and the review process contain safeguards adequate to insure compatible development. However, based on the concerns which were raised staff agrees that conditional zoning might be appropriate. This memo reviews the uses permitted within the IL District in regard to compatibility with the nearby residential uses.

This memo includes a comparison of the uses which are permitted within the RS7, RSO, and CN1 Zoning Districts. These districts were chosen for the following reasons:

- The residences south of the subject property are zoned RS7. Uses which are permitted within the RS7 District should be permitted within the proposed IL District, as there is no need to make it less intensive than the adjacent residential zoning.
- The RSO (Single-Dwelling Residential-Office) District is intended to accommodate low to medium-intensity offices that are compatible with the character of low and medium-density residential neighborhoods. Uses permitted within this district should also be permitted within the IL District.
- The CN1 District is the Inner Neighborhood Commercial District and its uses are intended to be located within a developed neighborhood. Uses permitted within the CN1 District should also be permitted in this district.

The table below lists the uses which have been proposed for restriction in the public communications. The table notes if the uses are permitted in the RS7, RSO, or CN1 Districts (in red), and whether the use in the IL District requires approval of a SUP or has use specific standards. Use specific standards are summarized. Definitions are included where necessary for clarity.

Suggested Restricted Uses	Standards etc that apply in the IL District
<i>Mobile Home</i>	Permitted ; Per definition a mobile home is not considered a dwelling unit unless it is located within a mobile home park. A <i>Mobile Home Park</i> is not permitted in the IL District. The mobile home could be used as a modular unit similar to schools and the temporary library.
<i>Cemetery</i> (permitted in RS7, RSO, and CN1 Districts)	Permitted
<i>College/University</i> (Permitted within the RS7, RSO and CN1 Districts with SUP)	Permitted
<i>Detention Facilities</i>	Permitted /Requires Special Use Permit
<i>Lodge, Fraternal & Civic Assembly</i> (Permitted within the RS7, RSO and CN1 Districts with SUP)	Permitted , Definition: "Meetings and activities primarily conducted for members of these groups. Excludes 'Group Living' and 'Transient Habitation' use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. Lodge, Fraternal and Civic Assembly uses are small-scale, and shall not exceed a capacity of 500 people."
<i>Postal & Parcel Service</i>	Permitted
<i>Public Safety</i> (Permitted within the RS7, RSO and CN1 Districts with SUP)	Permitted
<i>Funeral & Interment</i> (Permitted in RSO District with standard in 20-505)	Permitted in IL Standard 20-505 <i>Interment use Must be surrounded with 6 ft high fence or wall.</i>
<i>Temporary Shelter</i> (Permitted as accessory use in RS7, RSO, CN1 Districts. Permitted as primary use with approval of SUP in RSO and CN1 Districts) standards	Permitted as Accessory Use or as Primary Use with SUP Accessory comply with provision of 20-504. Primary use comply with design standards of 20-544.
<i>Social Service Agency</i> (Permitted in RSO and CN1 Districts)	Permitted
<i>Active Recreation</i> (Permitted in RS7, RSO, CN1 Districts with SUP)	Permitted Definition:
<i>Kennel</i>	Permitted
<i>Livestock Sale</i>	Permitted
<i>Animal Sales & Grooming</i> (Permitted in CN1)	Permitted
<i>Veterinary</i> (Permitted in RSO)	Permitted
<i>Accessory Bar</i> (Permitted in CN1)	Permitted as Accessory Use —standards in 20-509
<i>Fast Order Food</i> (Permitted in RSO and CN1)	Permitted
<i>Fast Order Food, Drive-in</i>	Permitted
<i>Commercial Parking Facilities</i> (Permitted in RSO)	Permitted
<i>Personal Convenience Retail Sales</i> (Permitted in CN1)	Permitted
<i>Hotel, Motel, Extended Stay</i>	Permitted
<i>Car Wash</i>	Permitted
<i>Gas & Fuel Sales</i>	Permitted

<i>Heavy Equipment Repair</i>	Permitted
<i>Heavy Equipment Sales/Rental</i>	Permitted
<i>Inoperable Vehicles Storage</i>	Permitted
<i>Light Equipment Repair</i>	Permitted
<i>Light Equipment Sales/Rental</i>	Permitted
<i>RV & Boats Storage</i>	Permitted
<i>Laundry Service</i>	Permitted
<i>Manufacturing & Production</i>	Permitted
<i>Scrap & Salvage Operation</i>	Permitted with a SUP
<i>Amateur & Receive-Only Antennas</i> (Permitted in RS7, RSO, and CN1 as accessory use)	Permitted as an Accessory Use
<i>Broadcasting Tower</i>	Permitted
<i>Communications Service Establishment</i> (Permitted in RSO and CN1 Districts)	Permitted
<i>Telecommunications Antenna</i> (Permitted in RS7, RSO, and CN1 as accessory use)	Permitted as Accessory Use Standards in 20-529 apply
<i>Telecommunications Tower</i> (Permitted in RS7, RSO, and CN1 with SUP)	Permitted as Special Use Standards in 20-529 apply
<i>Large Collection Recycling Facilities</i>	Permitted standards in 20-540 apply
<i>Small Collection Recycling Facilities</i> (Permitted in CN1)	Permitted standards in 20-540 apply
<i>Recycling Processing Center</i>	Permitted with SUP
<i>Industrial, General</i> This use was not mentioned, but the use would be similar in impact to <i>Manufacturing and Production</i> so this use will also be reviewed.	Permitted

The proposed use, Construction Sales and Services is not permitted in the residential or CN1 Districts, but a review of the proposed uses with those that are permitted should help determine those which are compatible by virtue of being permitted in those districts. Other uses will be reviewed specifically to determine those which could be incompatible with the nearby residential uses.

Staff recommends that uses that are permitted in the IL District only as 'Special Uses' remain. Per Section 20-1306, the Special Use review and approval procedures provide a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure entails public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at-large. These provisions should be adequate to insure compatibility of uses and design.

REVIEW OF PROPOSED RESTRICTED USES

Mobile Home. Staff does not recommend the restriction of this use. A *Mobile Home* can be used for a dwelling only when located in a mobile home park. *Mobile Home Parks* are not permitted in the IL District; therefore, the mobile home might serve as a temporary storage or office area. Mobile homes have been used in this fashion with several schools in the area and with the temporary public library.

Cemetery. Staff does not recommend a prohibition on cemeteries as this use is permitted in the RS7, RSO, and CN1 District. Activities associated with a cemetery should not negatively impact the adjacent properties.

College/University. While the site is not large enough for a major university or college, it could contain a satellite location or virtual school. This use is permitted in the RS7, RSO, and CN1 Districts as a Special Use. Given the size of the site, in staff's opinion, there would be no negative impacts associated with a small college/university use.

Lodge, Fraternal & Civic Assembly. This use includes uses such as 4-H clubs, bridge clubs, as well as veteran organizations. This use is permitted in the RS7, RSO, and CN1 Districts as a Special Use. It may be appropriate to require a SUP with this use as the types of assembly could vary and have differing characteristics and impacts on the neighborhood.

Postal and Parcel Service. This use category includes mailing and processing services. A mailing service or a satellite Postal or UPS facility are examples of this use. In staff's opinion, this use would be compatible.

Public Safety. Fire stations, ambulance services and police stations fall within this category. These uses could have negative impacts; however, they could also provide a valuable service to the area. This use is permitted in the RS7, RSO, and CN1 Districts as a Special Use. Rather than restricting this use, it may be more appropriate to allow it as a Special Use so the proposed use and its impacts could be adequately reviewed.

Funeral & Interment. This use is permitted in the RSO District. The use specific standard requires a 6 ft high fence or wall surround the use. In staff's opinion, there would be no negative impacts from this use.

Social Service Agency. This use is permitted in the RSO and CN1 District. In staff's opinion, this use would be compatible with nearby residences.

Active Recreation. *Active Recreation* refers to the areas and facilities used or designed for active or group sports and recreational activities, including spectator areas associated with such facilities. Such areas include athletic fields and courts, playgrounds and play apparatus, skating rinks, swimming pools, and community buildings. The use is permitted in the RS7, RSO, and CN1 Districts with a SUP. As the use could be an outdoor use, a Special Use Permit may be appropriate to insure the character of the use is appropriate and does not negatively impact the nearby residential properties.

Kennel and Livestock Sales. These uses typically include outdoor areas for animals which could create a noise issue for neighboring properties. Odor could also be associated with Livestock Sales. These uses would be appropriate for restriction given the proximity of the adjacent residences.

Animal Sales & Grooming. This use is permitted in the CN1 District. This use typically occurs inside and should have no external features which would negatively impact nearby residential uses.

Veterinary. A veterinary office does not typically include outdoor areas for animals. This use is permitted in the RSO District. The standards and requirements of the Development Code which will be implemented through the site planning process should result in compatible development.

Accessory Bar. This use is permitted in the CN1 District. An accessory bar would have to be accessory to a restaurant and the sale of food must constitute at least 55% of the total sales. This use would be very similar to a quality restaurant. In staff's opinion, it is not necessary to restrict this use.

Fast Order Food. This use is permitted in the RSO and CN1 Districts. A fast order food establishment is one where food is available within a short waiting time and is packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold. A coffee shop or bakery would be an example of this use. A sandwich shop without a drive-through would be another example. The provisions

of the Development Code which would be implemented through the site planning process should insure compatible development.

Fast Order Food, Drive-in. Fast order food with a drive-in (drive-through) would probably not meet the requirements for access. A coffee shop with a drive-through window is one example of this type of use which might be compatible with the surrounding area; however, a fast food franchise would also be an example of this use. Depending on the nature and intensity of the drive-through use, this use could be incompatible with the nearby residential uses; therefore, restricting this use would be appropriate.

Commercial Parking Facility. A *Commercial Parking Facility* is defined as a parking facility that provides parking that is not accessory to a specific use. A parking lot on this location may be unlikely, but it would be a low impact use. In staff's opinion, restricting this use is not necessary.

Personal Convenience. This use is permitted in the RSO District. *Personal Convenience* uses are defined as "Provisions of small personal items or consumer-oriented, personal services. These include various general retail sales and personal services of a small, neighborhood-scale. Typical uses include neighborhood grocery stores, drugstores, Laundromats/dry cleaners and barbershops." In staff's opinion, this corner lot in close proximity to the Burrough's Creek Trail would be a suitable location for these uses. As these uses are meant to be of a small, neighborhood-scale they should be compatible with the nearby residential uses. In staff's opinion, restricting this use is not necessary.

Hotel, Motel, Extended Stay. The size of a facility would be limited by the site's size and the ability to provide the required off-street parking while maintaining the required bufferyards. In staff's opinion, the provisions of the Development Code should be adequate to minimize any negative impacts; however, it may be appropriate to limit this use as a Special Use to insure compatibility.

Car Wash, Gas & Fuel Sales, Heavy Equipment Repair, Heavy Equipment Sales/Rental, Light Equipment Repair, Inoperable Vehicles Storage, Light Equipment Sales/Rental, RV & Boats Storage. While the property has historically been used for vehicle related activities, the most recent use was not compatible with the surrounding properties. Restricting these uses may be appropriate to reassure the neighbors that a use similar to the recent recycling facility would not be possible.

Laundry Service. Typical uses include laundering, dry-cleaning, or dyeing services other than those classified as 'Personal Convenience Services'. Typical uses include laundry or dry cleaning agencies, diaper services and linen supply services. Staff has not identified any features of this use which would be incompatible with the nearby residences. In staff's opinion, restricting this use is not necessary.

Manufacturing and Production uses permitted in the IL District include both Limited and Technical uses. *General Industrial Uses* are also permitted. These uses are defined as:

Manufacturing and Production, Limited: This use is defined as establishments generally employing fewer than 20 persons that do not involve outside storage of materials, do not require Federal air quality discharge permits, and are compatible with nearby residential uses because there are few or no offensive external effects. This use is restricted by its definition to uses which are compatible with residential uses. In staff's opinion, restricting this use is not necessary.

Manufacturing and Production, Technological "Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require Federal air quality discharge permits."

This use is similar to *Manufacturing and Production, Lmt'd* without the restriction on exterior storage or the number of employees. The Code contains provisions related to the screening and location of exterior

storage. This use could be compatible with the nearby residences with measures taken through the site planning process.

General Industrial. Although this use was not mentioned in the public comment, it is similar to the *Manufacturing and Production* uses so it is included in this review. *General Industrial* is defined as: “Production, processing, assembling, packaging or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. General Industrial uses may require Federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property.”

As uses permitted within this district may not have nuisance conditions such as noise, odors, noxious fumes, electrical disturbances or night illumination into residential areas this use should be compatible with nearby residential uses with the standards and requirements of the Development Code which will be implemented through the site planning process.

Broadcasting Tower. The tower and equipment necessary for broadcasting are usually fairly large scale. This use may not be compatible with the nearby residential uses.

Communications Service Establishment. Recording studios, television and radio studios, and telecommunication service centers are examples of this use. The use is permitted in the RSO and CN1 Districts and in staff’s opinion could be compatible.

Telecommunications Antenna. This use is permitted as an accessory use to an existing tower in the RS7, RSO, and CN1 District. It would be appropriate in this district as well.

Collection Recycling Facilities are defined as:

“A center or facility for the acceptance by donation, redemption, or purchase of recyclable materials from the public. A small collection facility may occupy a maximum area of 500 sq ft. Large collection facilities may occupy greater land area.”

In staff’s opinion a collection facility would not be incompatible with the nearby residential uses as processing is not permitted within a collection facility. Processing includes the preparation of materials for efficient shipment, or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. In staff’s opinion, restricting this use is not necessary; however, given the nature of the most recent use on this site restricting a large collection facility may help assure neighbors that a use similar to the previous will not be reinstated on the property.

Staff’s Recommendation (revised)

Staff does not propose the restriction of uses which are permitted within the RS7, RSO, or CN1 Districts as these districts were specifically developed for residential uses or uses which are compatible with residential uses. Uses which require approval of a Special Use Permit will require a public hearing process where the compatibility of the specific use can be determined; therefore, staff does not recommend restricting any uses which are permitted in the IL District only with a SUP.

Staff recommends approval of the rezoning request for approximately 1.785 acres from RS10 (Single-Dwelling Residential) District to IL (Limited Industrial) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

The following uses are permitted only upon approval of a Special Use Permit:

- *Lodge, Fraternal & Civic Assembly*

- *Active Recreation*
- *Hotel, Motel, Extended Stay*
- *Public Safety*

The following uses are not permitted within the district:

- *Kenel*
- *Livestock Sales*
- *Fast Order Food, Drive-in*
- *Car Wash*
- *Gas & Fuel Sales*
- *Heavy Equipment Sales/Rental*
- *Heavy Equipment Repair*
- *Light Equipment Sales/Rental*
- *Light Equipment Repair*
- *RM & Boats Storage*
- *Scrap and Salvage Operation*
- *Broadcasting Tower*
- *Large Collection Recycling Facilities*
- *Recycling Processing Center*
- *Participation Sports and Recreation, Outdoor*





Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District


Z-13-00351: Rezone 1.785 acres from RS10 District to IL District

Z-13-00408: Rezone 2.384 acres from RS10 District to OS District

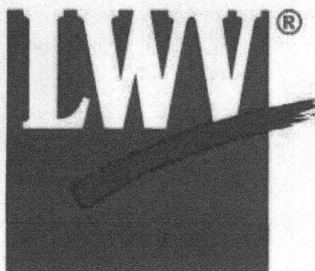
Located at 1146 Haskell Avenue

 Z-13-00350

 Z-13-00351

 Z-13-00408





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2: DEVELOPMENT OF 1146 HASKELL AVENUE

Dear Chairman Culver and Planning Commissioners:

We have several issues of concern with this development that we hope you will consider before recommending approval of the rezoning and platting of this property.

The entire proposed development is in the Regulatory Floodplain. Our League position is that floodplains should be left open to accommodate floodwater storage. However, regardless of the flooding problem, because of the development difficulties that can be foreseen here, we believe that the issue of fill, its source, and the other considerations of developing in a floodplain should be determined before it is rezoned and platted. We believe that some method should be applied here that would prevent unsuspecting buyers from purchasing individual lots that they later find require raising their future home 2 feet above base flood level before building.

Also, in view of the fact that this property has a history of use that apparently had contaminated its soil, if it is to be developed, the soil should be decontaminated before any steps are taken for further use, especially for residential use. In other words, before the property is rezoned and platted, it should be known to the future buyer of the property that it is, in fact, suitable for residential use and not a health hazard to those who would buy and build on it.

We believe the planning process is missing a vital step here before this property, and land like it, is taken through rezoning and platting up to recordation. We believe that the safety of the soil and the method for ensuring that the lots will be buildable must be determined very early in the process. We ask this for the safety of the public and the fairness to those who would buy and/or build on this land. We ask that these issues be determined before you allow the start of the rezoning and platting process not only of this property but also for similar situations in the future.

We hope that you will consider these issues carefully and we appreciate your concern for the public. Thank you.

Sincerely yours,

Cille King

Cille King
Co-President

Alan Black

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

1311 Prairie Ave.
Lawrence KS 66044

15 October 2013

re: 1146 Haskell rezoning and preliminary plat

Bryan Culver, Chair
Lawrence-Douglas County Planning Commission
Lawrence City Hall
Lawrence KS 66044

Mr. Culver & Commission:

The zoning and plat being considered is for a site with a checkered past, which you have never had an opportunity to review before. So I want to give you a thumbnail sketch of it's history to explain why the Brook Creek Neighborhood is extremely cautious towards whatever may be allowed there in the future.

The most recent owner of the property engaged in a number of illegal land uses on residentially zoned land. He engaged in the industrial uses of "large collection recycling", "recycling processing facility", and "auto salvage yard", all being illegal Open Uses of Land, and all out of compliance with his non-conforming use permit. His Code violations resulted in numerous noise complaints, six vehicle fires, K.D.H.E. fines and toxic clean up orders, and two Notices of Violation of the Lawrence Development Code. The immediate neighbors and the Neighborhood Association pressed for enforcement of the Code for six years until we finally prevailed at the Board of Zoning Appeals, while incurring thousands of dollars of legal fees. We do not want to face that situation again.

The previous owner has moved his operation to a properly zoned parcel, and we now want to turn a new page on the 1146 Haskell site. We know that whatever is accepted and allowed from here on out will be legally binding, so we want to be sure the uses will not impact negatively on our residential neighborhood immediately across the street to the south. We want it done right.

So I'm gratified that the prospective buyer and tenant is approaching the process in an open way, as should all land developers. Struct/Restruct has met with the Neighborhood Association on two occasions, made clear their intentions for the property, been open to concerns and conditions, and been approachable for conversation in general. I think their construction business activities can be conducted in a non-offensive way, if certain conditions are placed on the zoning, and if certain stipulations are incorporated into the plat and site plan.

In addition to such conditions and stipulations, there also are two major concerns with the City infrastructure proposals on the plat – the location of the new water line on the south side of 12th St., and the possibility of a 10 foot wide bicycle trail also on the south side of 12th St.

Conditional Zoning:

Regarding the conditions on the IL zoning, I am requesting the zoning be conditioned to prohibit the following Use Groups:

- 1) Mobile Home
- 2) Cemetery
- 3) College/University
- 4) Detention Facilities
- 5) Lodge, Fraternal & Civic Assembly
- 6) Postal & Parcel Service
- 7) Public Safety
- 8) Funeral & Internment
- 9) Temporary Shelter
- 10) Social Service Agency
- 11) Active Recreation
- 12) Kennel
- 13) Livestock Sale
- 14) Animal Sales & Grooming
- 15) Veterinary
- 16) Fast Order Food
- 17) Fast Order Food, Drive-in
- 18) Commercial Parking Facilities
- 19) Personal Convenience Retail Sales
- 20) Hotel, Motel, Extended Stay
- 21) Car Wash
- 22) Gas & Fuel Sales
- 23) Heavy Equipment Repair
- 24) Heavy Equipment Sales/Rental
- 25) Inoperable Vehicles Storage
- 26) Light Equipment Repair
- 27) Light Equipment Sales/Rental
- 28) RV & Boats Storage
- 29) Laundry Service
- 30) Scrap & Salvage Operation
- 31) Amateur & Receive-Only Antennas
- 32) Broadcasting Tower
- 33) Communications Service Establishment
- 34) Telecommunications Antenna
- 35) Telecommunications Tower
- 36) Large Collection Recycling Facilities
- 37) Small Collection Recycling Facilities
- 38) Recycling Processing Center

Struct/Restruct recommended all of these be prohibited uses to assure adequate protections, now and with future property owners (see attached).

Regarding the notes and requirements on the plat, there are a few elements that need to be clarified so that the future reality will not leave the immediate property owners in a worse situation than before. Because the lots in our neighborhood are only 40 feet wide, the property owner at 1200 Almira has only a five foot exterior side yard facing 12th Street. And because the street pavement is positioned off-center to the north of the right-of-way, the area from pavement to property lines on the south is about 35 feet, all of which the property owners are required to maintain.

Water Line, Pavement:

It would be a major problem for at least some of the property owners if the new water line were located in this open right-of-way area. The property at 1200 Laura has some large trees and ornamental plants located there. The property at 1201 Laura has two apple trees in the right-of-way, and most problematic, the property at 1200 Almira has thousands of dollars of perennial food bearing trees, shrubs and herbs. The owner, Byron Wiley, is a botanist, horticulturist and permaculturist, and he has been maintaining the right-of-way with a well designed polyculture that has taken years to establish.

It would be tragic if Mr. Wiley's landscaping were sacrificed to clear a swath for the water line, and/or install a 10 foot wide concrete multi-use track. Mr. Wiley did not fight six years for his property rights against intrusions from the illegal junkyard only to have City infrastructure destroy his life's work. Please revise the plat to remove the water line (and any possibility of City curb-and-gutter or multi-use track) from the south side of 12th Street.

Business Access Points:

The plat also mentions that access to the the IL zoned business property will be from both Haskell Ave. and 12th St. One of the main problems with the previous junkyard was the continual vehicular access into both the building and the scrap metal yard along 12th St. (skid loaders, trucks, roll-offs, etc.). Most considerately, Struct/Restruct has said that Haskell Ave. will be their primary access, and I am asking that that be reflected in the notes on the plat.

Buffer Yard & Screening:

Another problem with the previous junkyard was inadequate screening against sound, fumes, dust, lights, and view. The area of the Struct/Restruct business property east of the main building eastward to the residential properties will need tall, dense, and deep landscaping. I am requesting that the buffer landscaping be installed 50 feet back to the building setback line, and that some main elements be white pine, spruce, and other evergreen species. Mr. Wiley may be willing to help design in some fruit trees and berry bushes as well.

Equally dense and tall landscaping should also be located along the west property line of the westernmost residential property.

100 Year Floodplain:

These properties are at the confluence of Burroughs Creek and Brook Creek, both of which have the 100 year floodplain extending south from this location. Burroughs Creek drains a watershed of about 1 ½ square miles, and Brook Creek drains a watershed of about 1 ¼ square miles. Flooding on these properties and the neighboring properties can be significant.

Struct/Restruct has said that they want to build all nine residences above flood level by placing them on concrete piers. This would be ideal, so that no fill would be used and all flood storage capacity would be maintained within the properties. However, each residential lot buyer has their own option to use another builder. They also can use fill dirt or an extra tall foundation wall to get above flood level. Given that all building lots are fully within the 100 year floodplain, I am requesting that there be a note on the plat that if fill dirt be used, that all fill dirt come from on-site, and that all lots be filled continuously east to west rather than individual raised pads.

Stipulations Beyond the Standard:

If some of my requests seem to be beyond the norm, please keep in mind the unusual conditions here: the severe impacts of the previous operation, IL industrial zone immediately adjacent to residential zoning, and the entire site being within the 100 year floodplain. This situation calls for extra precautions, and Struct/Restruct has been more than willing to accommodate the neighborhood protections.

Bearing that in mind, I point you to Sec. 20-1101 of the Code, Protection Standards for Residential Districts. Subsection (a) reads in part, for “approval of any non-residential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter, and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property” [Subsection (a) attached].

I and the rest of my neighbors have expressed a desire to have Struct/Restruct locate their construction business on this site, and for them to build the adjoining residences. We have collaborated well to craft conditions that enable them to operate their business while being compatible with the adjacent residential neighborhood. All that's needed is that the Planning Commission use your authority to place the necessary conditions and stipulations in place. If so, we can be assured that this business, and any future purchaser of the site, will cause no problems for Brook Creek Neighborhood.

Thank you,

Michael Almon

Use Prohibitions Recommended by Struct/Restruct (red strike throughs):**Article 4 – Use Table**

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20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CA1	CA2	MU	CO	CC	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	h	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P*	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S
Congregate Living		-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
Dormitory		-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
Fraternity or Sorority House		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Group Home, General (11 or more)		S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
Group Home, Limited (10 or less)		P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P*	-	P	-	P	A	
	Cultural Center/Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI		H
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	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	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P	-	-	A*	-	-	505
	Temporary Shelter	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	A	
	Community Meal Program	S/A*	S/A*	S/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*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	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	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
	Nature Preserve/ Undeveloped	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	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	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	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	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*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	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	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		C/N1	C/N2	M/L	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	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*	-	-	-	-	-	516/526
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	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*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CH1	CH2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
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
	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	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	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	-	-	-	

Article 4 – Use Table

Page 4 - 13

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IN	IG	CS	GFI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	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	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	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*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101	Protection Standards for Residential Districts
20-1102	Intersection Visibility
20-1103	Outdoor Lighting
20-1104	Performance Agreements; Guarantees
20-1105	Sidewalks
20-1106	Agreement Not to Protest Formation of a Benefit District
20-1107	Retail Market Impact Analysis
20-1108	General Development Standards for Mixed Use (MU) Districts

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-[Family](#) use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, [Planning Director](#), [Planning Commission](#) or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional [Landscaping](#) and buffering;
- (7) [Height](#) restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar [Access](#);
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.



Brook Creek Neighborhood Association

Mail Address: 1944 Miller Drive (66046)

Telephone: 785/ 841-4997

e-mail: BrookCreekNA@gmail.com

October 17, 2013

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

The Brook Creek Neighborhood Association met on October 9th to discuss the proposed rezoning of 1146 Haskell. We acknowledge that the proposed plan may be the best option for the property, but the letter sent to neighbors brings up more questions than answers. We appreciate that the proposed plan is much better than living next to an industrial level salvage yard, but we do have questions/concerns to be addressed before we can fully stand behind this project.

- Flooding: The property is located in the floodplain. What was the outcome of the floodplain study? Who did the study? Most important is that new development does not add to flooding problems or increase FEMA flood insurance rates for neighbors. Outside storage near the floodway needs to be addressed.
- Ground contamination: What were the results of the environmental study, and who did the study? Is the property really suitable for residential uses?
- Rezoning to Limited Industrial District: What uses does this zoning allow? How do we prevent undesirable industrial uses in the future? Can conditions be placed on this zoning to prevent undesirable industrial uses?
- Effects on and changes to 12th Street:
 - How will the easements on the south side of 12th Street be affected by the construction and any future repairs/updates to sewer and water lines?
 - Will a sidewalk be built on the north side of 12th Street?
 - Will the ditch along both sides of 12th Street remain, or will curbs and storm sewers be installed? If the ditches remain, culverts along the south side need to be cleaned/repared.
 - What kind of outdoor lighting will be installed?
 - Access to the business should be on Haskell, not 12th Street.
- Green space on north side of property:
 - The wooded area to the east of the property needs to remain undeveloped. The neighborhood made this agreement with the City and Parks & Recreation many years ago. No parking lot.
 - The BMX bike track is not a popular idea, however neighbors did like the idea of extending the Burroughs Trail.

We appreciate the opportunity to discuss our questions and concerns.

Sincerely,

Julie Mitchell, President
Brook Creek Neighborhood Association
1231 Brook Street, Lawrence, KS 66044
865-3688

To: Lawrence/ Douglas County Planning Commission
Bryan Culver, Chairman

RE: 12th and Haskell property rezoning

Dear Bryan,

The proposed re-zoning of the old 12th and Haskell Bargain Center's property has prompted a few concerns. I am a residential neighbor who has lived adjacent to this parcel of land since 1996. I did not know it at the time when I purchased my property, but the quiet and peaceful appearing neighborhood was enjoying a 10 year intermission from intensive neighborhood-incompatible activities on the adjacent property.

Agricultural activity ceased on the property in 1951 when Ray's Garage and Auto Salvage started its business, ending operations in 1993. From 1993 through 2003 the property supported low impact businesses that included an auto repair shop, an auto alignment shop, and a towing company's vehicle impound business.

In late 2003 the property was sold to Bo Killough. He gradually morphed a damaged goods retail business into a high impact recycling collection, intensive recycling processing and high impact scrap yard. For almost 10 years, neighbors were abused with a variety of intolerable nuisances including: nearly constant heavy equipment noise, seismic vibrations, thunderous impact noises, crushing sounds, penetrating glass loading and unloading sounds, blowing litter from recycling activities, junk visible over the ugly fence, frequent (gasoline, oil and solvent) odors, frequent diesel exhaust odors, heavy truck and other equipment frequently using neighborhood streets, enormous amounts of open storage of scrap, and six separate incidents of vehicle fires. The last one involved three vehicles and engulfed the neighborhood with toxic smoke.

A second attempt to start a process of shutting down and ultimately relocating the offensive business was commenced in February of 2010. After much time, expense, legal work, public hearings, etc., the operation essentially ceased on that property around February of 2013.

The proposed rezoning and development of the property has prompted me to share these concerns so that any zoning that is put in place will not allow for a business to violate the peace, quiet and scenic character of this neighborhood again. I am not so concerned with Struct/Restruct's intentions, but am concerned beyond their use of the property. I want to make sure that there are safeguards built into the zoning to prevent future uses that are incompatible with a residential neighborhood.

I have reviewed the uses that are permitted in the IL district and have concerns with a few of them, thinking that when a time comes that Struct/Restruct no longer would own the property, the IL zoning may allow an incompatible entity to operate on the land. Not mentioning the uses that would require a SUP (they would most likely not be compatible), here are the ones of concern because of potential noise or traffic issues:

Livestock Sale -

Accessory Bar -

Cleaning (car wash) -

Gas and Fuel Sales

Light/Heavy Equipment Repair -

Light/Heavy Equipment Sales/Rental -

Manufacturing & production - this might be okay - depends on the noise and traffic -

Large collection recycling facility -

Small collection recycling facility -

Please help write the conditional zoning to prevent future incompatible matches with our residential neighborhood.

Looking at the entire proposed project, I have a few additional concerns and questions.

Since much of the property is in the 100 year flood zone, I am concerned that any net gain of fill from outside the boundaries of the property will displace future flood waters on the property, forcing that displaced water into our low lying neighborhood. I would support using fill from the property only, which would not add to floodwater displacement. (If soil is needed to be removed from the property, then only an equal amount should be replaced from the outside.) Material removed from location(s) on the property would create appropriate flood control basins.

I support the use of some dense trees/shrubs as screening around the exposed perimeter of the business part of this property. I am very impressed with the beautiful fencing around the new Advantage Metals facility in North Lawrence. If any fencing is required, I think that is a very nice model to follow.

I am concerned about commercial access from the business property on 12th Street. I think that it should be kept to an absolute minimum. Commercial traffic should be limited to the Haskell entrance for normal daily use.

I am concerned about the proposed waterline that would run through the easement north of my house. Over the past 17 years I have gone to great expense to fill in the area with fruit trees. Is there a reason that the waterline is not proposed to run on the north side of 12th Street which would avoid having to run individual water lines under the street to each of the new residential lots?

Overall, I am in support of Struct/Restruct's intentions and plans. I think that it is a very good solution for that piece of property. I am strongly in support of their offer to donate part of the property to the city for park use and for it to eventually function as a trail connector.

Sincerely yours,
Byron Wiley

1200 Almira
Lawrence, KS 66044

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 2C: RS10 TO OS; 2.384 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00408: consider a request to rezone approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC on behalf of BK Rental LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.384 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) 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

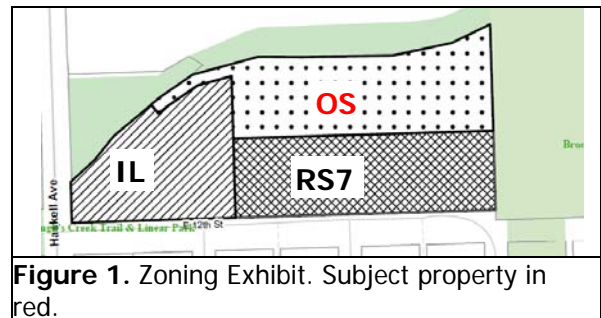
To provide protection measures for Environmentally Sensitive Lands present on the residentially zoned property.

KEY POINTS

- The property is unplatted. The property is being platted through the Major Subdivision process in conjunction with this rezoning.

ATTACHMENTS

A: Rezoning exhibit



ASSOCIATED CASES/OTHER ACTION REQUIRED

Z-13-00350: Rezoning request for approximately 2.186 acres from RS10 to RS7 (Single Dwelling) District. This item is being considered by the Planning Commission at their October meeting.

Z-13-00351: Rezoning request for approximately 1.785 acres from RS10 to IL (Limited Industrial) District. This item is being considered by the Planning Commission at their October meeting.

PP-13-00352: Preliminary Plat for Burrough's Creek Addition. This item is being considered by the Planning Commission at their October meeting.

Other Action Required:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Submittal and administrative approval of Final Plat for Burrough's Creek Addition.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Recording of Final Plat with the Register of Deeds Office.
- Floodplain Development Permit required prior to any development activity.
- Application and release of building permits prior to development.

PUBLIC COMMENT

- Michael Almon, nearby property owner, visited the Planning Office for information on the project and the Floodplain Management Regulations.
- Byron Wiley, nearby property owner, visited the Planning Office to discuss the project and the uses which would be permitted under the IL Zoning.

Project Summary

This project includes the rezoning of approximately 2.384 acres located along the north property line from the RS10 District to the OS (Open Space) District. The Development Code requires the protection of Environmentally Sensitive Lands when development is proposed on residentially zoned property. The subject property is currently zoned RS10 and is completely encumbered with the Regulatory Floodplain including both the Regulatory Floodway and the Regulatory Floodway Fringe.

The Development Code requires that Environmentally Sensitive Lands be protected when platting by being placed in a tract or easement with protection measures listed. The applicant has agreed to rezone the tract to OS to limit the development potential on the property as the protection measure.

The overall project includes an industrial and a residential component, with 1 industrial lot planned at the Haskell Avenue and E 12th Street intersection and 9 residential lots planned along E 12th Street. The layout of these sites will be determined with the preliminary plat, site plan, and the Building and Floodplain Development Permits.

The property will be developed in phases, with the industrial development occurring first and the residential later. The Open Space area will not be developed as part of this project.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

A review of the Comprehensive Plan recommendation follows with staff's comments in red.

- The Lawrence Future Land Use Map (Map 3-2, page 3-4) shows the north side of E 12th in this area as 'community facility--public/semi-public'.
- Chapter 9, Parks, Recreation, Open Space provides the following recommendations for open space or park development:
"It is also recommended that areas of the city and the Urban Growth Area (UGA) of unincorporated County subject to extensive and/or frequent flooding be a part of this open space network." (Page 9-3)

Policy 3.1(e), Identify Future Parklands and Open Space Areas: *"Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. Such uses could be for playfields, trails, passive recreation, greenbelts/greenways, wildlife habitat, agriculture, or similar uses compatible with intermittent flooding and the ecological functioning of these areas."* (Page 9-16)

Policy 6.1(a), Preserve and Enhance Natural Areas of the Community: *"Incorporate floodplains and drainageways into the park, recreation, and open space system whenever*

possible to preserve and enhance the hydrological functions, such as flood control and stormwater runoff filtration, and ecological functions, such as air purification and climate control.” (Page 9-23)

The subject property is being platted as a tract with the Burrough's Creek Addition preliminary plat. Rezoning to the OS District has been requested as additional protection of the floodplain. The rezoning is compliant with the recommendations in *Horizon 2020* for Open Space.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to open space in that natural areas, floodway and floodway fringe, are being protected by being zoned to the OS (Open Space) District.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped.

Surrounding Zoning and Land Use: To the north:
GPI (General Public and Institutional Use) District and FP (Floodplain Management) Overlay District; Strip of open space/City parkland, *Nature Preserve/Undeveloped* and beyond that the City's Fuel Station and Solid Waste and Street Division's yards and offices, *Gas and Fuel Sales and Heavy Wholesale Storage and Distribution*.

To the west:
RS10 (Single-Dwelling Residential) District and FP (Floodplain Management) Overlay District, part of the development project; currently developed with a vacant nonresidential building. Proposed rezoning to the IL (Limited Industrial) District for a *Construction/Sales Service* facility.

Property to the west, outside of the development project, is zoned GPI (General Public and Institutional Use) and contains City parkland with the Burroughs Creek Trail, *Nature Preserve/Undeveloped* and the City's Maintenance Garage, *Light/Heavy Equipment Repair*.

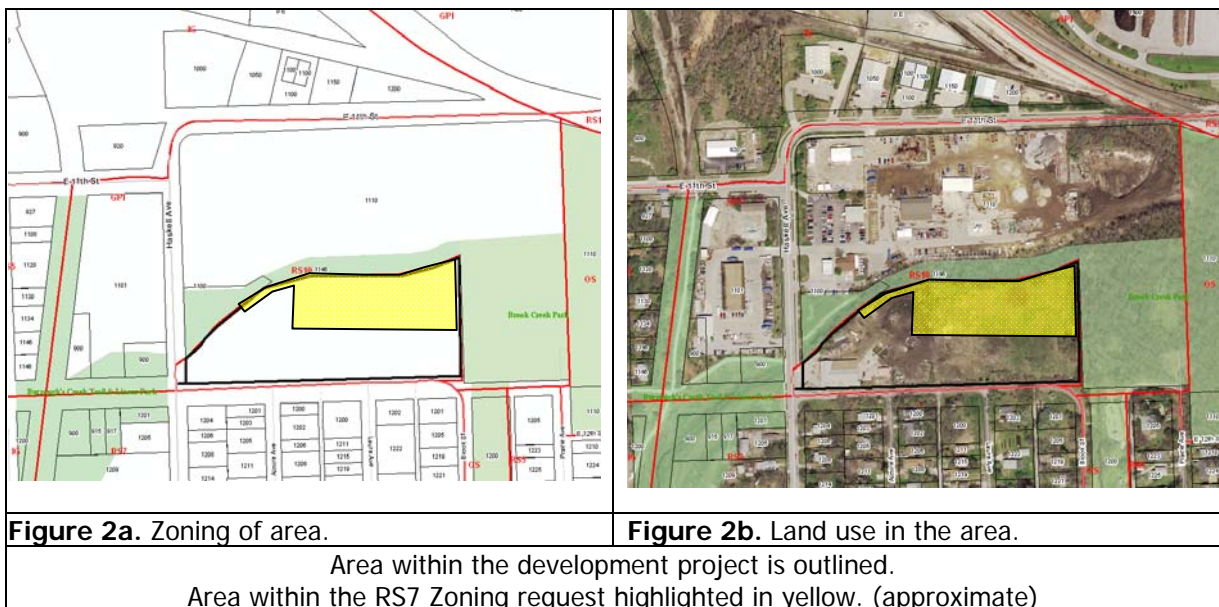
To the east:
GPI (General Public and Institutional Use) District; wooded City parkland, *Nature Preserve/Undeveloped*.

To the south:
RS10 (Single-Dwelling Residential) District and FP (Floodplain Management) Overlay District, part of the

development project. Proposed rezoning to RS7 for residential development; undeveloped.

South of the development project: RS7 (Single Dwelling Residential) District and FP (Floodplain Management) Overlay District; *Detached Dwellings*. (Figure 2)

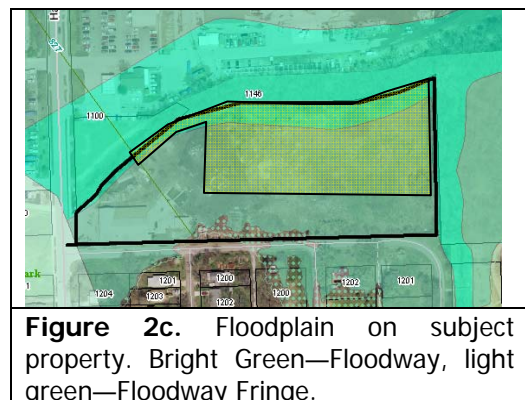
Staff Finding – The subject property is within a larger development project. Surrounding properties are zoned GPI, RS10, and RS7, with Floodplain Management Overlay District. Property to the west and south are within the development project and have rezonings pending to the IL (Limited Industrial) and RS7 (Single-Dwelling Residential) Districts, respectively. Predominate land uses in the area are *Nature Preserve/Undeveloped*, *Heavy Wholesale Storage and Distribution*, *Light- and Heavy-Equipment Repair* and *Single-Dwelling Residences*.



3. CHARACTER OF THE NEIGHBORHOOD

The neighborhood is developed with a mix of industrial and residential uses. Industrial uses are located primarily to the north and northwest of the subject property. Large areas of open space in the vicinity follow Burrough's Creek and the associated floodplain. Single-dwelling residences make up the remainder of the land use.

Staff Finding – The neighborhood contains a mix of residential and industrial uses with large areas of wooded open space along Burroughs Creek and the associated floodplain.



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

Staff Finding –The subject property is located within the Brook Creek Neighborhood. This area was included in the planning area for the East Lawrence Neighborhood Plan, adopted in 1979. There have been no recent plans adopted for this area.

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

The property has limited suitability for development with uses permitted in the RS10 District as it is completely encumbered with the Regulatory Floodplain. The property would require the extension of streets from E 12th Street in order to create lots with street frontage as required in the RS10 District. The OS District has a limited range of permitted uses and is intended to preserve and enhance major open space and recreational areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities. The table below lists the uses which are permitted in the OS District:

Cemetery		Nature Preserve/Undeveloped	
Cultural Center/Library	SUP	Private Recreation	
Funeral and Interment (accessory)		Campground	SUP
Utilities Minor		Adaptive Reuse –Historical Structure	SUP
Utilities and Service, Major	SUP	Amateur & Receive Only Antennas (accessory)	
Active Recreation	SUP	Telecommunications Antenna (accessory)	
Entertainment and Spectator Sports	SUP	Telecommunication Tower	SUP
Passive Recreation		Satellite Dish (accessory)	

Staff Finding – The property has limited suitability for the uses to which it is restricted with the RS10 Zoning due to the need for the extension of streets through the area to allow lots to be created with street frontage and the fact that the property is completely encumbered with the Regulatory Floodplain. The property is well suited for the uses to which it would be restricted with the OS Zoning.

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

Staff Finding – There is no record of this property having been developed.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Staff Finding – The rezoning will not remove restrictions but will apply additional restrictions to the property. The additional open space will serve to protect the floodplain and will provide a connection between the existing open space to the west and east. The rezoning should have no detrimental effect on nearby properties.

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

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

Denial of the rezoning would leave the area open for residential development. This could be accomplished through the extension of streets through the area. Approval of the rezoning limits the future development of this area.

The approval of the rezoning would serve to protect the floodplain in the area and provide an open space connection between other open space in the area.

Staff Finding – Denial of the rezoning request may leave this property open for residential development. The development opportunities would be limited with the approval of this rezoning request. Approval of the rezoning request would benefit the public health, safety, and welfare by providing protection to the floodplain.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations for open space in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 2 acres from RS10 (Single-Dwelling Residential) District to OS (Open Space) 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.



Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District
Z-13-00351: Rezone 1.785 acres from RS10 District to IL District
Z-13-00408: Rezone 2.384 acres from RS10 District to OS District
Located at 1146 Haskell Avenue

Lawrence-Douglas County Planning Office
October 2013







Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District


Z-13-00351: Rezone 1.785 acres from RS10 District to IL District

Z-13-00408: Rezone 2.384 acres from RS10 District to OS District

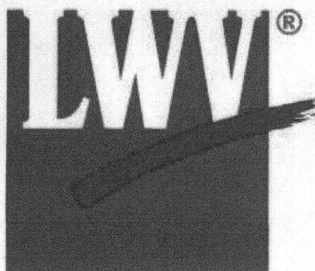
Located at 1146 Haskell Avenue

 Z-13-00350

 Z-13-00351

 Z-13-00408





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2: DEVELOPMENT OF 1146 HASKELL AVENUE

Dear Chairman Culver and Planning Commissioners:

We have several issues of concern with this development that we hope you will consider before recommending approval of the rezoning and platting of this property.

The entire proposed development is in the Regulatory Floodplain. Our League position is that floodplains should be left open to accommodate floodwater storage. However, regardless of the flooding problem, because of the development difficulties that can be foreseen here, we believe that the issue of fill, its source, and the other considerations of developing in a floodplain should be determined before it is rezoned and platted. We believe that some method should be applied here that would prevent unsuspecting buyers from purchasing individual lots that they later find require raising their future home 2 feet above base flood level before building.

Also, in view of the fact that this property has a history of use that apparently had contaminated its soil, if it is to be developed, the soil should be decontaminated before any steps are taken for further use, especially for residential use. In other words, before the property is rezoned and platted, it should be known to the future buyer of the property that it is, in fact, suitable for residential use and not a health hazard to those who would buy and build on it.

We believe the planning process is missing a vital step here before this property, and land like it, is taken through rezoning and platting up to recordation. We believe that the safety of the soil and the method for ensuring that the lots will be buildable must be determined very early in the process. We ask this for the safety of the public and the fairness to those who would buy and/or build on this land. We ask that these issues be determined before you allow the start of the rezoning and platting process not only of this property but also for similar situations in the future.

We hope that you will consider these issues carefully and we appreciate your concern for the public. Thank you.

Sincerely yours,

Cille King

Cille King
Co-President

Alan Black

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

1311 Prairie Ave.
Lawrence KS 66044

15 October 2013

re: 1146 Haskell rezoning and preliminary plat

Bryan Culver, Chair
Lawrence-Douglas County Planning Commission
Lawrence City Hall
Lawrence KS 66044

Mr. Culver & Commission:

The zoning and plat being considered is for a site with a checkered past, which you have never had an opportunity to review before. So I want to give you a thumbnail sketch of it's history to explain why the Brook Creek Neighborhood is extremely cautious towards whatever may be allowed there in the future.

The most recent owner of the property engaged in a number of illegal land uses on residentially zoned land. He engaged in the industrial uses of "large collection recycling", "recycling processing facility", and "auto salvage yard", all being illegal Open Uses of Land, and all out of compliance with his non-conforming use permit. His Code violations resulted in numerous noise complaints, six vehicle fires, K.D.H.E. fines and toxic clean up orders, and two Notices of Violation of the Lawrence Development Code. The immediate neighbors and the Neighborhood Association pressed for enforcement of the Code for six years until we finally prevailed at the Board of Zoning Appeals, while incurring thousands of dollars of legal fees. We do not want to face that situation again.

The previous owner has moved his operation to a properly zoned parcel, and we now want to turn a new page on the 1146 Haskell site. We know that whatever is accepted and allowed from here on out will be legally binding, so we want to be sure the uses will not impact negatively on our residential neighborhood immediately across the street to the south. We want it done right.

So I'm gratified that the prospective buyer and tenant is approaching the process in an open way, as should all land developers. Struct/Restruct has met with the Neighborhood Association on two occasions, made clear their intentions for the property, been open to concerns and conditions, and been approachable for conversation in general. I think their construction business activities can be conducted in a non-offensive way, if certain conditions are placed on the zoning, and if certain stipulations are incorporated into the plat and site plan.

In addition to such conditions and stipulations, there also are two major concerns with the City infrastructure proposals on the plat – the location of the new water line on the south side of 12th St., and the possibility of a 10 foot wide bicycle trail also on the south side of 12th St.

Conditional Zoning:

Regarding the conditions on the IL zoning, I am requesting the zoning be conditioned to prohibit the following Use Groups:

- 1) Mobile Home
- 2) Cemetery
- 3) College/University
- 4) Detention Facilities
- 5) Lodge, Fraternal & Civic Assembly
- 6) Postal & Parcel Service
- 7) Public Safety
- 8) Funeral & Internment
- 9) Temporary Shelter
- 10) Social Service Agency
- 11) Active Recreation
- 12) Kennel
- 13) Livestock Sale
- 14) Animal Sales & Grooming
- 15) Veterinary
- 16) Fast Order Food
- 17) Fast Order Food, Drive-in
- 18) Commercial Parking Facilities
- 19) Personal Convenience Retail Sales
- 20) Hotel, Motel, Extended Stay
- 21) Car Wash
- 22) Gas & Fuel Sales
- 23) Heavy Equipment Repair
- 24) Heavy Equipment Sales/Rental
- 25) Inoperable Vehicles Storage
- 26) Light Equipment Repair
- 27) Light Equipment Sales/Rental
- 28) RV & Boats Storage
- 29) Laundry Service
- 30) Scrap & Salvage Operation
- 31) Amateur & Receive-Only Antennas
- 32) Broadcasting Tower
- 33) Communications Service Establishment
- 34) Telecommunications Antenna
- 35) Telecommunications Tower
- 36) Large Collection Recycling Facilities
- 37) Small Collection Recycling Facilities
- 38) Recycling Processing Center

Struct/Restruct recommended all of these be prohibited uses to assure adequate protections, now and with future property owners (see attached).

Regarding the notes and requirements on the plat, there are a few elements that need to be clarified so that the future reality will not leave the immediate property owners in a worse situation than before. Because the lots in our neighborhood are only 40 feet wide, the property owner at 1200 Almira has only a five foot exterior side yard facing 12th Street. And because the street pavement is positioned off-center to the north of the right-of-way, the area from pavement to property lines on the south is about 35 feet, all of which the property owners are required to maintain.

Water Line, Pavement:

It would be a major problem for at least some of the property owners if the new water line were located in this open right-of-way area. The property at 1200 Laura has some large trees and ornamental plants located there. The property at 1201 Laura has two apple trees in the right-of-way, and most problematic, the property at 1200 Almira has thousands of dollars of perennial food bearing trees, shrubs and herbs. The owner, Byron Wiley, is a botanist, horticulturist and permaculturist, and he has been maintaining the right-of-way with a well designed polyculture that has taken years to establish.

It would be tragic if Mr. Wiley's landscaping were sacrificed to clear a swath for the water line, and/or install a 10 foot wide concrete multi-use track. Mr. Wiley did not fight six years for his property rights against intrusions from the illegal junkyard only to have City infrastructure destroy his life's work. Please revise the plat to remove the water line (and any possibility of City curb-and-gutter or multi-use track) from the south side of 12th Street.

Business Access Points:

The plat also mentions that access to the the IL zoned business property will be from both Haskell Ave. and 12th St. One of the main problems with the previous junkyard was the continual vehicular access into both the building and the scrap metal yard along 12th St. (skid loaders, trucks, roll-offs, etc.). Most considerately, Struct/Restruct has said that Haskell Ave. will be their primary access, and I am asking that that be reflected in the notes on the plat.

Buffer Yard & Screening:

Another problem with the previous junkyard was inadequate screening against sound, fumes, dust, lights, and view. The area of the Struct/Restruct business property east of the main building eastward to the residential properties will need tall, dense, and deep landscaping. I am requesting that the buffer landscaping be installed 50 feet back to the building setback line, and that some main elements be white pine, spruce, and other evergreen species. Mr. Wiley may be willing to help design in some fruit trees and berry bushes as well.

Equally dense and tall landscaping should also be located along the west property line of the westernmost residential property.

100 Year Floodplain:

These properties are at the confluence of Burroughs Creek and Brook Creek, both of which have the 100 year floodplain extending south from this location. Burroughs Creek drains a watershed of about 1 ½ square miles, and Brook Creek drains a watershed of about 1 ¼ square miles. Flooding on these properties and the neighboring properties can be significant.

Struct/Restruct has said that they want to build all nine residences above flood level by placing them on concrete piers. This would be ideal, so that no fill would be used and all flood storage capacity would be maintained within the properties. However, each residential lot buyer has their own option to use another builder. They also can use fill dirt or an extra tall foundation wall to get above flood level. Given that all building lots are fully within the 100 year floodplain, I am requesting that there be a note on the plat that if fill dirt be used, that all fill dirt come from on-site, and that all lots be filled continuously east to west rather than individual raised pads.

Stipulations Beyond the Standard:

If some of my requests seem to be beyond the norm, please keep in mind the unusual conditions here: the severe impacts of the previous operation, IL industrial zone immediately adjacent to residential zoning, and the entire site being within the 100 year floodplain. This situation calls for extra precautions, and Struct/Restruct has been more than willing to accommodate the neighborhood protections.

Bearing that in mind, I point you to Sec. 20-1101 of the Code, Protection Standards for Residential Districts. Subsection (a) reads in part, for “approval of any non-residential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter, and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property” [Subsection (a) attached].

I and the rest of my neighbors have expressed a desire to have Struct/Restruct locate their construction business on this site, and for them to build the adjoining residences. We have collaborated well to craft conditions that enable them to operate their business while being compatible with the adjacent residential neighborhood. All that's needed is that the Planning Commission use your authority to place the necessary conditions and stipulations in place. If so, we can be assured that this business, and any future purchaser of the site, will cause no problems for Brook Creek Neighborhood.

Thank you,

Michael Almon

Use Prohibitions Recommended by Struct/Restruct (red strike throughs):**Article 4 – Use Table**

Page 4 - 8

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CA1	CA2	MU	CO	CC	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P*	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P*	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI		H
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	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	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P	-	-	A*	-	-	505
	Temporary Shelter	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	A	
	Community Meal Program	S/A*	S/A*	S/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*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	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	A	

Article 4 – Use Table

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		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
	Nature Preserve/ Undeveloped	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	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	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	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	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*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	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	

Article 4 – Use Table

Page 4 - 11

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		C/N1	C/N2	M/L	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	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*	-	-	-	-	-	516/526
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	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*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CH1	CH2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
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
	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	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	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	-	-	-	

Effective July 1, 2008

Land Development Code

Amended November 27, 2012

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CW1	CW2	MU	CC	CD	CC	CR	CS	IBF	IL	IN	IG	CS	GFI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	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	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	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*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101	Protection Standards for Residential Districts
20-1102	Intersection Visibility
20-1103	Outdoor Lighting
20-1104	Performance Agreements; Guarantees
20-1105	Sidewalks
20-1106	Agreement Not to Protest Formation of a Benefit District
20-1107	Retail Market Impact Analysis
20-1108	General Development Standards for Mixed Use (MU) Districts

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-[Family](#) use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, [Planning Director](#), [Planning Commission](#) or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional [Landscaping](#) and buffering;
- (7) [Height](#) restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar [Access](#);
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.



Brook Creek Neighborhood Association

Mail Address: 1944 Miller Drive (66046)

Telephone: 785/ 841-4997

e-mail: BrookCreekNA@gmail.com

October 17, 2013

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

The Brook Creek Neighborhood Association met on October 9th to discuss the proposed rezoning of 1146 Haskell. We acknowledge that the proposed plan may be the best option for the property, but the letter sent to neighbors brings up more questions than answers. We appreciate that the proposed plan is much better than living next to an industrial level salvage yard, but we do have questions/concerns to be addressed before we can fully stand behind this project.

- Flooding: The property is located in the floodplain. What was the outcome of the floodplain study? Who did the study? Most important is that new development does not add to flooding problems or increase FEMA flood insurance rates for neighbors. Outside storage near the floodway needs to be addressed.
- Ground contamination: What were the results of the environmental study, and who did the study? Is the property really suitable for residential uses?
- Rezoning to Limited Industrial District: What uses does this zoning allow? How do we prevent undesirable industrial uses in the future? Can conditions be placed on this zoning to prevent undesirable industrial uses?
- Effects on and changes to 12th Street:
 - How will the easements on the south side of 12th Street be affected by the construction and any future repairs/updates to sewer and water lines?
 - Will a sidewalk be built on the north side of 12th Street?
 - Will the ditch along both sides of 12th Street remain, or will curbs and storm sewers be installed? If the ditches remain, culverts along the south side need to be cleaned/repared.
 - What kind of outdoor lighting will be installed?
 - Access to the business should be on Haskell, not 12th Street.
- Green space on north side of property:
 - The wooded area to the east of the property needs to remain undeveloped. The neighborhood made this agreement with the City and Parks & Recreation many years ago. No parking lot.
 - The BMX bike track is not a popular idea, however neighbors did like the idea of extending the Burroughs Trail.

We appreciate the opportunity to discuss our questions and concerns.

Sincerely,

Julie Mitchell, President
Brook Creek Neighborhood Association
1231 Brook Street, Lawrence, KS 66044
865-3688

To: Lawrence/ Douglas County Planning Commission
Bryan Culver, Chairman

RE: 12th and Haskell property rezoning

Dear Bryan,

The proposed re-zoning of the old 12th and Haskell Bargain Center's property has prompted a few concerns. I am a residential neighbor who has lived adjacent to this parcel of land since 1996. I did not know it at the time when I purchased my property, but the quiet and peaceful appearing neighborhood was enjoying a 10 year intermission from intensive neighborhood-incompatible activities on the adjacent property.

Agricultural activity ceased on the property in 1951 when Ray's Garage and Auto Salvage started its business, ending operations in 1993. From 1993 through 2003 the property supported low impact businesses that included an auto repair shop, an auto alignment shop, and a towing company's vehicle impound business.

In late 2003 the property was sold to Bo Killough. He gradually morphed a damaged goods retail business into a high impact recycling collection, intensive recycling processing and high impact scrap yard. For almost 10 years, neighbors were abused with a variety of intolerable nuisances including: nearly constant heavy equipment noise, seismic vibrations, thunderous impact noises, crushing sounds, penetrating glass loading and unloading sounds, blowing litter from recycling activities, junk visible over the ugly fence, frequent (gasoline, oil and solvent) odors, frequent diesel exhaust odors, heavy truck and other equipment frequently using neighborhood streets, enormous amounts of open storage of scrap, and six separate incidents of vehicle fires. The last one involved three vehicles and engulfed the neighborhood with toxic smoke.

A second attempt to start a process of shutting down and ultimately relocating the offensive business was commenced in February of 2010. After much time, expense, legal work, public hearings, etc., the operation essentially ceased on that property around February of 2013.

The proposed rezoning and development of the property has prompted me to share these concerns so that any zoning that is put in place will not allow for a business to violate the peace, quiet and scenic character of this neighborhood again. I am not so concerned with Struct/Restruct's intentions, but am concerned beyond their use of the property. I want to make sure that there are safeguards built into the zoning to prevent future uses that are incompatible with a residential neighborhood.

I have reviewed the uses that are permitted in the IL district and have concerns with a few of them, thinking that when a time comes that Struct/Restruct no longer would own the property, the IL zoning may allow an incompatible entity to operate on the land. Not mentioning the uses that would require a SUP (they would most likely not be compatible), here are the ones of concern because of potential noise or traffic issues:

Livestock Sale -

Accessory Bar -

Cleaning (car wash) -

Gas and Fuel Sales

Light/Heavy Equipment Repair -

Light/Heavy Equipment Sales/Rental -

Manufacturing & production - this might be okay - depends on the noise and traffic -

Large collection recycling facility -

Small collection recycling facility -

Please help write the conditional zoning to prevent future incompatible matches with our residential neighborhood.

Looking at the entire proposed project, I have a few additional concerns and questions.

Since much of the property is in the 100 year flood zone, I am concerned that any net gain of fill from outside the boundaries of the property will displace future flood waters on the property, forcing that displaced water into our low lying neighborhood. I would support using fill from the property only, which would not add to floodwater displacement. (If soil is needed to be removed from the property, then only an equal amount should be replaced from the outside.) Material removed from location(s) on the property would create appropriate flood control basins.

I support the use of some dense trees/shrubs as screening around the exposed perimeter of the business part of this property. I am very impressed with the beautiful fencing around the new Advantage Metals facility in North Lawrence. If any fencing is required, I think that is a very nice model to follow.

I am concerned about commercial access from the business property on 12th Street. I think that it should be kept to an absolute minimum. Commercial traffic should be limited to the Haskell entrance for normal daily use.

I am concerned about the proposed waterline that would run through the easement north of my house. Over the past 17 years I have gone to great expense to fill in the area with fruit trees. Is there a reason that the waterline is not proposed to run on the north side of 12th Street which would avoid having to run individual water lines under the street to each of the new residential lots?

Overall, I am in support of Struct/Restruct's intentions and plans. I think that it is a very good solution for that piece of property. I am strongly in support of their offer to donate part of the property to the city for park use and for it to eventually function as a trail connector.

Sincerely yours,
Byron Wiley

1200 Almira
Lawrence, KS 66044

**PLANNING COMMISSION REPORT
REGULAR AGENDA — NON PUBLIC HEARING ITEM
PUBLIC HEARING ON VARIANCE REQUEST ONLY**

PC Staff Report
10/21/13

**ITEM NO 2D: PRELIMINARY PLAT FOR BURROUGH'S CREEK ADDITION; 1146
HASKELL AVE (MKM)**

PP-13-00352: Consider a Preliminary Plat for Burrough's Creek Addition, a 6.36 acre subdivision consisting of 9 residential lots, 1 industrial lot, and one open space tract; and an associated variance from right-of-way requirement in Section 20-810(e)(5) of the Subdivision Regulations. The property is located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

STAFF RECOMMENDATION ON VARIANCE:

Staff recommends approval of the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Haskell Avenue adjacent to Lot 1 Burrough's Creek Addition based on the findings listed in the report, subject to the following condition:

The plat shall be revised to include the following note: *"On October 21, 2013, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 100 ft of right-of-way for minor arterials to allow the right-of-way for Haskell Avenue as shown on this plat."*

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

Staff recommends approval of the Burrough's Creek Addition subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Increase the width of the utility easement between Lots 9 and 10 to 15 ft.
 - b. Revise General Note 10 to note that Tract A will be donated to the City rather than 'dedicated'.
 - c. Revise the site summary to include the tract in the net area.
 - d. Add the following note: *"In order to maintain the health and vigor of a Bur Oak Tree (specifically one being a 50" caliber, DBH), and their root systems; the following restrictions apply within the Landscape Easement on Lot 10:*
 - *No building.*
 - *No building material or debris storage of any kind.*
 - *No person shall deposit, place, store, or maintain any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing inside the easement.*
 - *No cut/fill grading over 4 inches and no excavation of ditches or trenches.*
 - *No drives shall be installed.*
 - *No driving, parking, or storage of vehicles."*

Applicant's Reason for Request:

Subdivision is required prior to development of property.

KEY POINT

- The property is nearly completely encumbered with the Regulatory Floodplain.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases:

- Z-13-00350: Rezoning request for approximately 2.186 acres from RS10 (Single-Dwelling Residential) to RS7 (Single-Dwelling Residential).
- Z-13-00351: Rezoning request for approximately 1.785 acres from RS10 (Single-Dwelling Residential) to IL (Limited Industrial).
- Z-13-00408: Rezoning request for approximately 2.384 acres from RS10 (Single-Dwelling Residential) to OS (Open Space).

These rezoning requests are being considered concurrently with the preliminary plat as part of the October Planning Commission agenda.

Other Action Required for Subdivision:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Submittal of a final plat for administrative review and placement on the City Commission agenda for acceptance of dedications.
- Submittal of H & H (Hydraulic and Hydrologic Study) for the residential portion of the property to the Stormwater Engineer's approval prior to recording of the final plat.
- Submittal and approval of Public Improvement Plans prior to recording of the final plat.
- Recording of Final Plat with the Douglas County Register of Deeds Office.
- Administrative approval of Site Plan for proposed industrial development.
- Application and release of Building Permit prior to development.
- Application and release of Floodplain Development Permit prior to development activity. Permits must be approved for the residential lots prior to recording of the Final Plat.

PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – The DSSA letter dated August 19, 2013 provided by Landplan Engineering, P.A. has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in AP-76.
- *Drainage Study* – A Drainage Study, also referred to as a H & H Study, is required for the residential portion of the property, prior to the recording of the final plat. Any changes required with the study shall be made to the final plat, per the Stormwater Engineer's approval, prior to recording.

PUBLIC COMMENT

- Michael Almon, nearby property owner, visited the Planning Office for information on the project and the Floodplain Management Regulations.

Site Summary	
Gross Area (acres):	6.355
Additional Right-of-Way (acres):	No right-of-way is being dedicated with this plat.
Net Area (acres)	6.355
Number of Existing Lots:	None, the property is unplatted
Number of Proposed Lots:	10 lots (1 industrial, 9 residential) and 1 tract.

GENERAL INFORMATION

Current Zoning and Land Use:

RS10 (Single-Dwelling Residential) District and FP (Floodplain Management Regulations) Overlay District; vacant building which previously housed a *Recycling Facility* and undeveloped land.

Surrounding Zoning and Land Use:

To the north:

GPI (General Public and Institutional Use) District and FP (Floodplain Management Regulations) Overlay District. Narrow strip of City parkland/woods to the north then the City Public Works Facility, *Heavy Wholesale Storage and Distribution*.

To the east:

GPI (General Public and Institutional Use) District and FP (Floodplain Management Regulations) Overlay District; City park/woodland, *Nature Preserve/Undeveloped*.

To the west:

GPI (General Public and Institutional Use) District and FP (Floodplain Management Regulations) Overlay District; City garage/maintenance facility and City Park, *Light and Heavy Equipment Repair and Nature Preserve/Undeveloped*.

To the south:

RS 7 (Single-Dwelling Residential) District and FP (Floodplain Management Regulations) Overlay District; *Single-Dwelling Residences*.

(Figure 1)

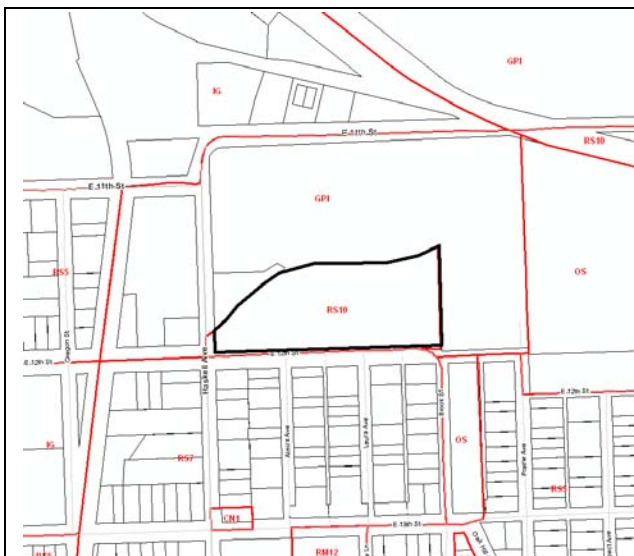


Figure 1a. Zoning in the area.

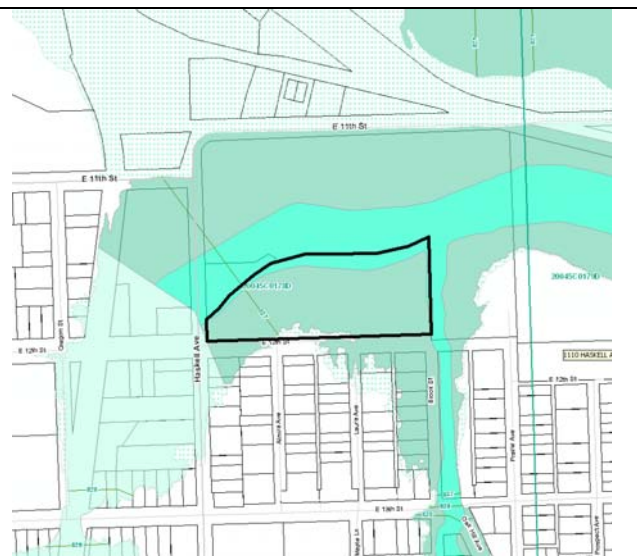


Figure 1b. Floodplain in the area.



Figure 2. Land use in the area. Existing industrial structure marked with dot.

STAFF REVIEW

The property is currently unplatted and undeveloped, with the exception of an industrial building and parking lot at the west portion. (Figure 2) The plat creates 10 lots. Lot 1 has a rezoning request to the IL (Limited Industrial) District. The intention is to use it as the operating facility of the Struct/Restruct business, *Construction Sales and Services*. The other 9 lots will have frontage on E 12th Street and are being planned for residential development. The area is heavily encumbered with the floodplain, and the tract behind the residences is being rezoned to the OS (Open Space) District. This tract is planned to be donated to the City as parkland.

Compliance with Zoning Regulations for the Proposed Zoning Districts.

The plat is creating 1 lot in the Industrial Zoning District, 9 in the Residential Zoning District and 1 open space tract. (Figure 3)

Per Section 20-601(b) of the Development Code, the IL (Limited Industrial) District requires a minimum lot area of 20,000 sq ft, and a minimum lot width of 100 ft. The IL lot, Lot 1, has 77,734 sq ft in area and has a lot width of 352.85 ft. The industrial lot being created complies with the Zoning Regulations for the IL District.

The IL District requires a minimum setback of 50 ft for street frontage which is across the street from a residential district, 25 ft setback where adjacent to a non-residential district across a collector street, and 15 ft where abutting a non-residential district. The preliminary plat shows the existing structure and accessory structure which are within the required setback from E 12th Street. As this is a pre-existing condition, the structure is nonconforming and a variance from the Board of Zoning Appeals is not required.

Per Section 20-601(b) of the Development Code, there are no minimum lot area or width requirements for a property in the OS (Open Space) District.

Per Section 20-601(a) of the Development Code, the RS 7 (Single-Dwelling Residential) District requires a minimum lot area of 7,000 sq ft, a minimum lot width of 60 ft and a minimum lot frontage of 40 ft. The lots proposed within the RS7 District, Lots 2-10, have a minimum lot area of 10,200 sq ft, and a minimum lot width and frontage of 60 ft. The residential lots being created comply with the Zoning Regulations for the RS7 District.

Zoning and Land Use

The subject property currently contains a vacant industrial building on the west portion of the property and the remainder is undeveloped. The proposal is to convert the previous *Recycling Facility* into the shop and office for Struct/Restruct, a local design/construction firm. The proposed use fits into the use classification of *Construction Sales and Services*. The office use is accessory to this use. The proposed use is permitted in the IL District.

Streets and Access

The property is bounded on the west by Haskell Avenue and on the south by E 12th Street. The recycling facility had access on Haskell Avenue and on E 12th Street. The access is shown on the preliminary plat; however, the final access for the property will be determined through the site planning process. A note to this effect is on the plat.

The residential lots will have individual access on E 12th Street.

The Open Space area is surrounded by City parkland on the north, east, and west. The Burrough's Creek Trail, a shared-use bicycle and pedestrian path, terminates in the parkland to the west of Haskell Avenue. The property owner indicated that it is their intent to donate Tract A to the City for parkland. The shared use path will be extended through the area; however, details are still being worked out at this time.

Utilities and Infrastructure

A sanitary sewer main will need to be extended to serve the residential properties as well as a water main. The water main extensions will be located within the E 12th Street right-of-way and the sanitary sewer will be located within the 20 ft Pedestrian and Utility easement along the 12th Street frontage. Public Improvement Plans for these improvements will need to be submitted and approved prior to the recording of the final plat.

Easements and Rights-of-way

A 15 ft wide utility easement is centered along the shared property line of Lots 1 and 2. A 15 ft wide utility easement is located along the north property line of Lots 2-9. The utility easement does not extend along the north property line of Lot 10 as a landscape easement is in that location, but a connecting utility easement is centered on the dividing property line between Lots 9 and 10. Westar indicated that a 15 ft utility easement would be required in this location. The plat should be revised to provide a 15 ft utility easement between Lots 9 and 10.

A 20 ft pedestrian and utility easement is located along the E 12th Street frontage on Lots 2-10 and a 10 ft wide pedestrian and utility easement is located along the E 12th Street frontage of Lot 1 for the location of sanitary sewer lines and the placement of a sidewalk on the subject property. While adequate right-of-way is available for E 12th Street, the street is not located within the center of the right-of-way. Therefore, the sidewalk will be installed within the pedestrian easement along the

south of the lots for the sidewalk. A 15 ft pedestrian easement is also being provided along the east side of Lot 10 to provide a connection to the parkland to the north.

A landscape easement is being dedicated for the protection of a large Burr Oak on the property. The plat should note the purpose of the landscape easements and the restrictions that apply. This would include no trenching, grading, building, storage of materials or parking or storage of vehicles. Construction fencing should be used to protect the trees from the construction activity with the development of Lot 10.

The pedestrian easement along the east side of Lot 10 overlaps the landscape easement. The construction of the pedestrian walkway will be coordinated with the City Parks and Recreation Department to minimize any impact to the Burr Oak.

Haskell Avenue is classified as a 'Minor Arterial' street in the Major Thoroughfares Map. Per Section 20-810(e)(5)(i), 100 ft of right-of-way is required for a Minor Arterial street. Haskell Avenue in this location has 60 ft of right-of-way, with 40 ft being on the subject property side of the centerline and 20 ft being on the west side. A variance from this requirement has been requested and will be discussed later in this report.

E 12th Street is classified as a Local street in the Major Thoroughfares Map. Per Section 20-810(e)(5)(i), 60 ft of right-of-way is required for a Local street. The right-of-way width for E 12th varies from 60 ft on the west to 70 ft on the east. Adequate right-of-way is currently available for E 12th Street.

Stormwater/Drainage

The City Stormwater Engineer indicated that a H & H Study (Hydraulic and Hydrologic Study) is required for the residential portion of the site prior to the recording of the final plat. As the property is nearly completely encumbered with the floodplain and floodway, Floodplain Development Permits will be required prior to any development activity on the site. Floodplain Development Permits will be required for the residential lots at the Final Plat stage. Permits for the open space or industrial lots will be required with any development activity and at the site planning stage.

The storm drainage system will require public improvements to the site. Public Improvement Plans must be submitted and approved prior to the recording of the final plat.

Per City Code Chapter IX Article 9-903(B), a Stormwater Pollution Prevention Plan (SWP3) must be provided for residential portion of this project. No construction activity, including soil disturbance or removal of vegetation may commence until an approved SWP3 has been obtained. The City Stormwater Engineer indicated that a copy of the Notice of Intent (NOI) should be supplied with the SWP3.

VARIANCE FROM DESIGN STANDARD

Per Section 20-813(g) of the Subdivision Regulations, in cases where there is a hardship in carrying out the literal provisions of the Design Standards or Public Improvement Standards the Planning Commission may grant a variance from such provisions. The applicant requested a variance from the Design Standard in Section 20-810(e)(5)(i) which requires that 100 ft of right-of-way be provided for minor arterial streets to allow the 60 ft right-of-way for Haskell Avenue being provided adjacent to the subject property.

The following reviews the request with the 3 criteria which are required in Section 20-813(g) for approval of a variance.

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

Haskell Avenue is classified in the Major Thoroughfares Map as a 'Minor Arterial' street which requires 100 ft of right-of-way. There is currently 60 ft of right-of-way for Haskell Avenue with 40 ft of the right-of-way being on the east side (subject property) side of the street. Most of the properties along Haskell in this area (from 11th Street to 15th Street) are platted and developed so it is unlikely that many of the properties will replat. The right-of-way width requirement was increased with the 2006 Subdivision Regulations; however, this was intended to apply to new development rather than infill on streets in developed areas. The graphics in Figure 4 show the right-of-way width for Haskell Avenue being consistent from 11th Street to 15th Street. The right-of-way is 60 ft in this area with a few exceptions where an additional 10 ft of right-of-way has been dedicated with a recent plat. The City Engineer indicated he has no objection to the variance to allow the right-of-way to remain as it is, as there are no plans to widen Haskell Avenue in the future.

Staff Finding: As noted above, Haskell Avenue's right-of-way width is consistent at 60 ft from 11th Street south to 15th Street, with a few exceptions that have been recently platted with an additional 10 ft. While Haskell Avenue is designated as a Minor Arterial, the street profile is not anticipated to change from its current two-lane configuration due to the fact that most of the area is developed. Granting the requested variance is not opposed to the purpose and intent of the regulations.

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

The Subdivision Regulations are intended to provide for the harmonious and orderly development of land within the city and the unincorporated area of Douglas County. Right-of-way dedication is required when properties are platted to insure the required right-of-way is available for improvements to adjacent roadways. The City Engineer indicated that the existing right-of-way for Haskell Avenue is adequate as there are no plans to widen the street in the near future.

Staff Finding: Future improvements will not include widening the roadway and the right-of-way width being proposed with this plat has been determined by the City Engineer to be adequate for Haskell Avenue; therefore, the proposed variance is in harmony with the intended purpose of the Subdivision Regulations.

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

Staff Finding: As there are no plans to improve Haskell Avenue in this area, and the amount of right-of-way being provided has been determined to be adequate, the variance will not affect the public health, safety, or welfare.

Staff Recommendation:

Approve the variance requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Haskell Avenue adjacent to Lot 1 Burrough's Creek Addition subject to the following condition:

The plat shall be revised to include the following note:

"On October 21, 2013, the Planning Commission approved a variance from the requirement in Section 20-810(e)(5) to dedicate 100 ft of right-of-way for minor arterials to allow the right-of-way for Haskell Avenue as shown on this plat."

Conformance

The preliminary plat, with the approved variance and as conditioned, is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

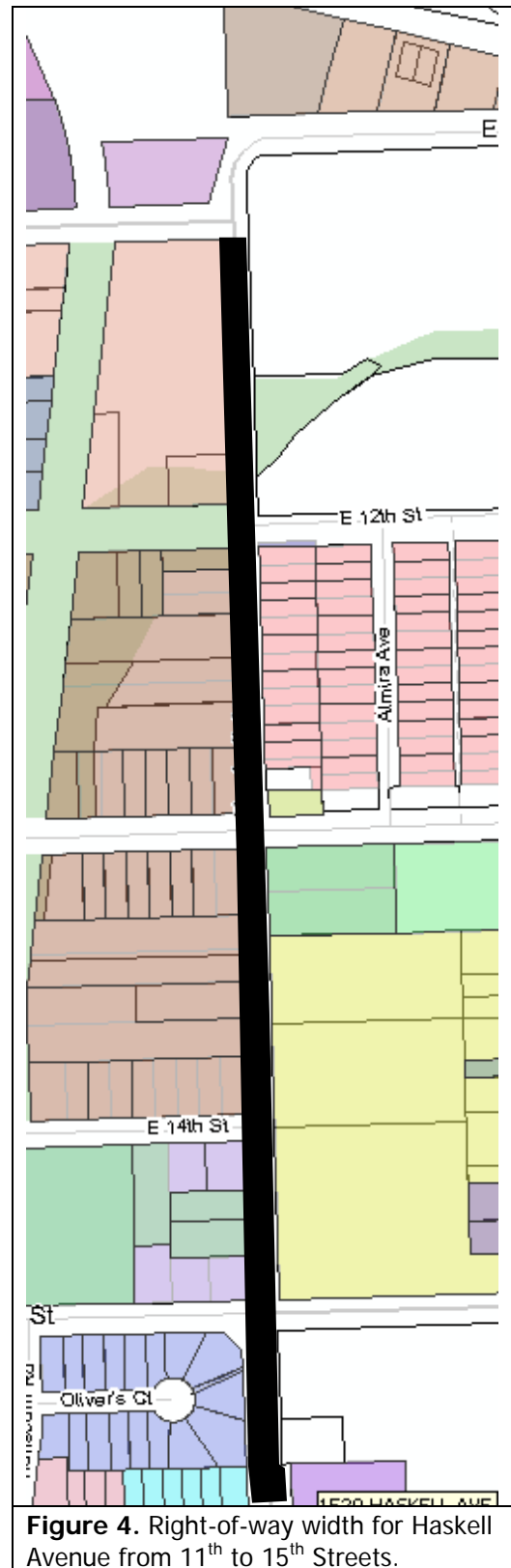


Figure 4. Right-of-way width for Haskell Avenue from 11th to 15th Streets.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller

CC: Scott McCullough, Planning and Development Services Director

Date: For October 21, 2013 meeting

RE: Item No. 2D: Revised Condition recommended for PP-13-00352; Preliminary Plat for Burrough's Creek Addition; 1146 Haskell Avenue

The applicant has been working with Westar on the requirement that the Utility Easement between Lots 9 and 10 be 15 ft wide. The Westar representative indicated that a 10 ft Utility Easement between Lots 9 and 10 would be adequate for their needs.

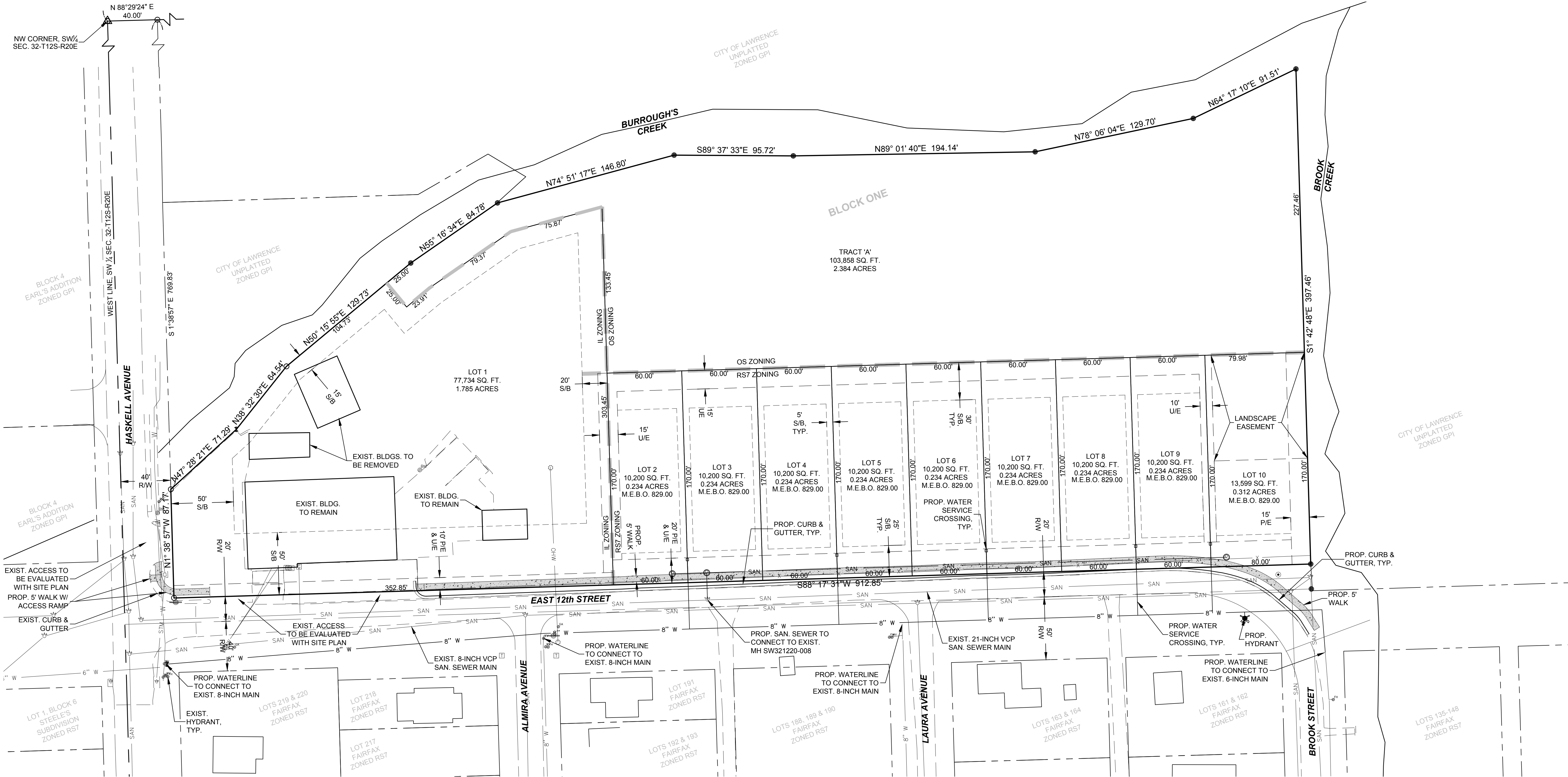
Condition No 1a which requires the widening of the utility easement in this location to 15 ft is therefore removed. The revised conditions of approval for the Preliminary Plat are below:

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

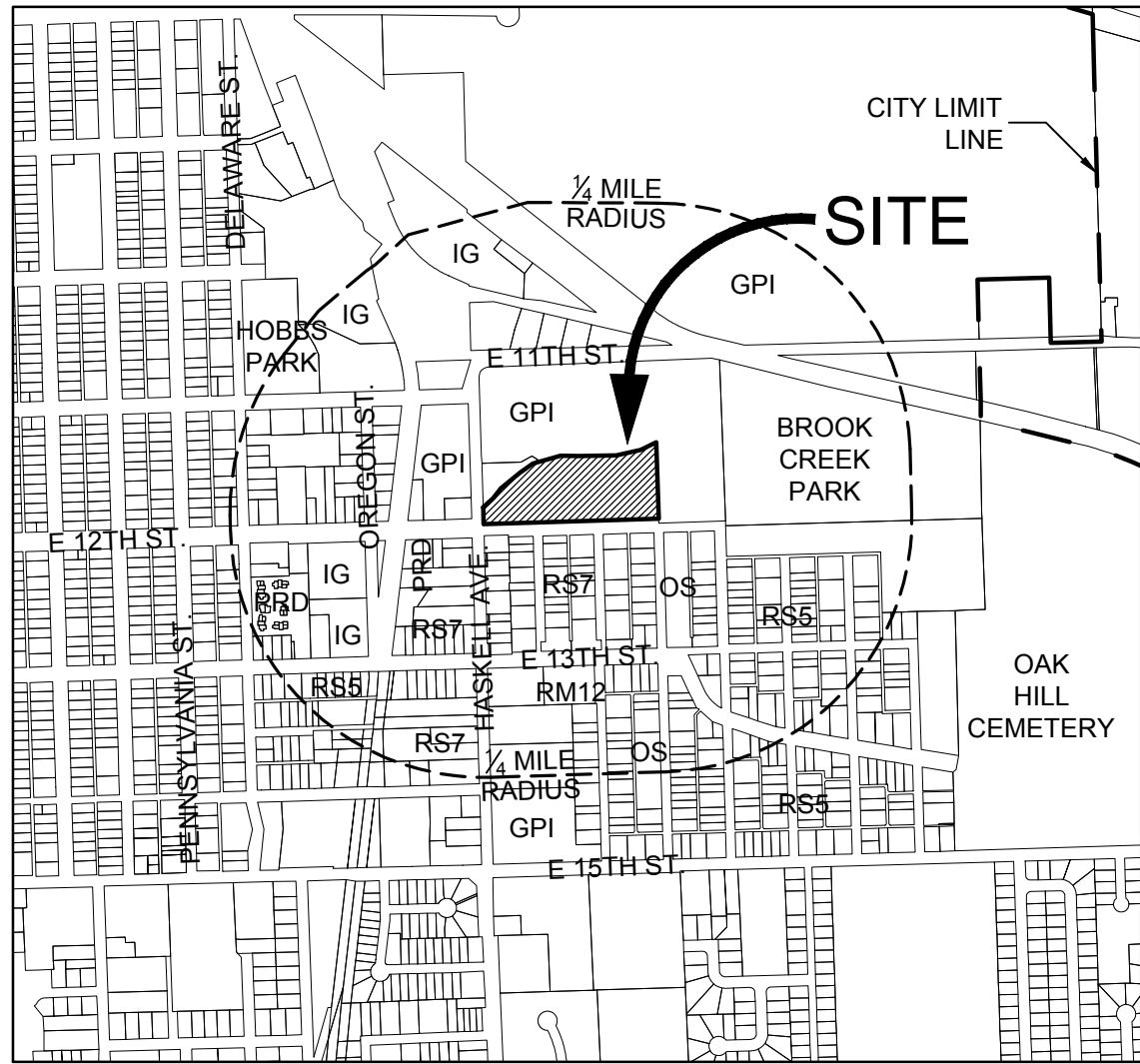
Staff recommends approval of the Burrough's Creek Addition subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. ~~Increase the width of the utility easement between Lots 9 and 10 to 15 ft.~~
 - b. Revise General Note 10 to note that Tract A will be donated to the City rather than 'dedicated'.
 - c. Revise the site summary to include the tract in the net area.
 - d. Add the following note: *"In order to maintain the health and vigor of a Bur Oak Tree (specifically one being a 50" caliber, DBH), and their root systems; the following restrictions apply within the Landscape Easement on Lot 10:*
 - *No building.*
 - *No building material or debris storage of any kind.*
 - *No person shall deposit, place, store, or maintain any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing inside the easement.*
 - *No cut/fill grading over 4 inches and no excavation of ditches or trenches.*
 - *No drives shall be installed.*
 - *No driving, parking, or storage of vehicles."*

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LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 32, THENCE NORTH 88°29'24" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 40.00 FEET TO THE EAST RIGHT OF WAY LINE OF HASKELL AVENUE; THENCE SOUTH 01°38'57" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 769.83 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47°28'21" EAST, 71.29 FEET; THENCE NORTH 38°32'30" EAST, 64.54 FEET; THENCE NORTH 50°15'55" EAST, 129.73 FEET; THENCE NORTH 58°16'34" EAST, 84.78 FEET; THENCE NORTH 74°51'17" EAST, 146.80 FEET; THENCE SOUTH 89°37'33" EAST 95.72 FEET; THENCE NORTH 89°01'40" EAST, 194.14 FEET; THENCE NORTH 78°06'04" EAST, 129.70 FEET; THENCE NORTH 64°17'10" EAST, 91.51 FEET; THENCE SOUTH 01°42'48" EAST, 397.46 FEET TO THE NORTH RIGHT OF WAY LINE OF 12TH STREET; THENCE SOUTH 88°17'31" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 912.85 FEET TO THE EAST RIGHT OF WAY LINE OF HASKELL AVENUE; THENCE NORTH 01°38'57" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 87.17 FEET TO THE POINT OF BEGINNING. CONTAINS 6.355 ACRES, MORE OR LESS.

PHASING SCHEDULE:

LOT 1: 2013-2014
LOTS 2-10: 2015-2016

GENERAL NOTES:

- OWNER: BK RENTAL, LLC
393 E 1400 ROAD
BALDWIN CITY, KANSAS 66006
- LAND PLANNER/
CIVIL ENGINEER/
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., AUGUST, 2013.
- EXISTING ZONING: RS10
- PROPOSED ZONING: IL, RS7, OS
- EXISTING LAND USE: SCRAP AND SALVAGE OPERATION
- PROPOSED LAND USE: CONSTRUCTION SALES AND SERVICE, DETACHED DWELLING
- THE SUBJECT PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 178, MAP NUMBER 20045C0178D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM OCCASIONALLY FLOODED; EUDORA-KIMO COMPLEX, OVERWASH, RARELY FLOODED; PAWNEE CLAY LOAM, 3 TO 6% SLOPES.
- TRACT 'A' WILL BE DEDICATED TO THE CITY OF LAWRENCE FOR THE DEVELOPMENT OF PURPOSES OF PARK LAND AND OPEN SPACE. THE CITY IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.

- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.
- THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH

SITE SUMMARY:

GROSS AREA: 276,803 SF / 6.355 AC
TRACT: 103,858 SF / 2.384 AC
NET AREA: 172,945 SF / 3.971 AC
TOTAL LOTS: 10
AVERAGE LOT SIZE: 17,295 SF / 0.397 AC
MINIMUM LOT AREA: 10,200 SF / 0.234 AC
MAXIMUM LOT AREA: 77,734 SF / 1.785 AC

ZONING SUMMARY:

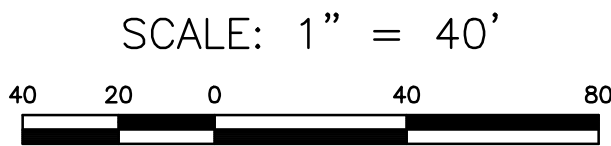
IL GROSS AREA: 77,734 SF / 1.785 AC
NET AREA: 77,734 SF / 1.785 AC
TOTAL LOTS: 1
AVERAGE LOT SIZE: 77,734 SF / 1.785 AC
MINIMUM LOT AREA: 77,734 SF / 1.785 AC
MAXIMUM LOT AREA: 77,734 SF / 1.785 AC

RS7 GROSS AREA: 95,211 SF / 2.186 AC
NET AREA: 95,211 SF / 2.186 AC
TOTAL LOTS: 9
AVERAGE LOT SIZE: 10,579 SF / 0.243 AC
MINIMUM LOT AREA: 10,200 SF / 0.234 AC
MAXIMUM LOT AREA: 13,599 SF / 0.312 AC

OS GROSS AREA: 103,858 SF / 2.384 AC
TRACT: 103,858 SF / 2.384 AC
NET AREA: 0 SF / 0 AC
TOTAL LOTS: 0

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

- THE SUBDIVISION WILL NOT DEDICATE ANY NEW PUBLIC RIGHTS-OF-WAY. THE SUBDIVISION WILL TAKE ACCESS TO AND FROM EXISTING PUBLIC ROADS, NAMELY HASKELL AVENUE AND EAST 12TH STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA EXISTING 8-INCH MAINS LOCATED IN THE HASKELL, ALMIRA AND LAURA AVENUE RIGHTS-OF-WAY AND A 6-INCH MAIN LOCATED IN THE BROOK STREET RIGHT-OF-WAY.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA AN EXISTING 21-INCH MAIN LOCATED IN THE EAST 12TH STREET RIGHT-OF-WAY.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.



Civil Engineering
Landscape Architecture
Community Planning
Surveying

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Web: www.landplan-pa.com

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

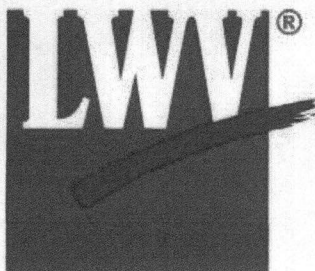
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1146 HASKELL AVENUE
LAWRENCE, KANSAS 66044
BURROUGH'S CREEK ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	9/15/13	PER DEPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133024
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS

ISSUE	SHEET NO.
	1
	OF 2 SHEETS



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2: DEVELOPMENT OF 1146 HASKELL AVENUE

Dear Chairman Culver and Planning Commissioners:

We have several issues of concern with this development that we hope you will consider before recommending approval of the rezoning and platting of this property.

The entire proposed development is in the Regulatory Floodplain. Our League position is that floodplains should be left open to accommodate floodwater storage. However, regardless of the flooding problem, because of the development difficulties that can be foreseen here, we believe that the issue of fill, its source, and the other considerations of developing in a floodplain should be determined before it is rezoned and platted. We believe that some method should be applied here that would prevent unsuspecting buyers from purchasing individual lots that they later find require raising their future home 2 feet above base flood level before building.

Also, in view of the fact that this property has a history of use that apparently had contaminated its soil, if it is to be developed, the soil should be decontaminated before any steps are taken for further use, especially for residential use. In other words, before the property is rezoned and platted, it should be known to the future buyer of the property that it is, in fact, suitable for residential use and not a health hazard to those who would buy and build on it.

We believe the planning process is missing a vital step here before this property, and land like it, is taken through rezoning and platting up to recordation. We believe that the safety of the soil and the method for ensuring that the lots will be buildable must be determined very early in the process. We ask this for the safety of the public and the fairness to those who would buy and/or build on this land. We ask that these issues be determined before you allow the start of the rezoning and platting process not only of this property but also for similar situations in the future.

We hope that you will consider these issues carefully and we appreciate your concern for the public. Thank you.

Sincerely yours,

Cille King

Cille King
Co-President

Alan Black

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

1311 Prairie Ave.
Lawrence KS 66044

15 October 2013

re: 1146 Haskell rezoning and preliminary plat

Bryan Culver, Chair
Lawrence-Douglas County Planning Commission
Lawrence City Hall
Lawrence KS 66044

Mr. Culver & Commission:

The zoning and plat being considered is for a site with a checkered past, which you have never had an opportunity to review before. So I want to give you a thumbnail sketch of it's history to explain why the Brook Creek Neighborhood is extremely cautious towards whatever may be allowed there in the future.

The most recent owner of the property engaged in a number of illegal land uses on residentially zoned land. He engaged in the industrial uses of "large collection recycling", "recycling processing facility", and "auto salvage yard", all being illegal Open Uses of Land, and all out of compliance with his non-conforming use permit. His Code violations resulted in numerous noise complaints, six vehicle fires, K.D.H.E. fines and toxic clean up orders, and two Notices of Violation of the Lawrence Development Code. The immediate neighbors and the Neighborhood Association pressed for enforcement of the Code for six years until we finally prevailed at the Board of Zoning Appeals, while incurring thousands of dollars of legal fees. We do not want to face that situation again.

The previous owner has moved his operation to a properly zoned parcel, and we now want to turn a new page on the 1146 Haskell site. We know that whatever is accepted and allowed from here on out will be legally binding, so we want to be sure the uses will not impact negatively on our residential neighborhood immediately across the street to the south. We want it done right.

So I'm gratified that the prospective buyer and tenant is approaching the process in an open way, as should all land developers. Struct/Restruct has met with the Neighborhood Association on two occasions, made clear their intentions for the property, been open to concerns and conditions, and been approachable for conversation in general. I think their construction business activities can be conducted in a non-offensive way, if certain conditions are placed on the zoning, and if certain stipulations are incorporated into the plat and site plan.

In addition to such conditions and stipulations, there also are two major concerns with the City infrastructure proposals on the plat – the location of the new water line on the south side of 12th St., and the possibility of a 10 foot wide bicycle trail also on the south side of 12th St.

Conditional Zoning:

Regarding the conditions on the IL zoning, I am requesting the zoning be conditioned to prohibit the following Use Groups:

- 1) Mobile Home
- 2) Cemetery
- 3) College/University
- 4) Detention Facilities
- 5) Lodge, Fraternal & Civic Assembly
- 6) Postal & Parcel Service
- 7) Public Safety
- 8) Funeral & Internment
- 9) Temporary Shelter
- 10) Social Service Agency
- 11) Active Recreation
- 12) Kennel
- 13) Livestock Sale
- 14) Animal Sales & Grooming
- 15) Veterinary
- 16) Fast Order Food
- 17) Fast Order Food, Drive-in
- 18) Commercial Parking Facilities
- 19) Personal Convenience Retail Sales
- 20) Hotel, Motel, Extended Stay
- 21) Car Wash
- 22) Gas & Fuel Sales
- 23) Heavy Equipment Repair
- 24) Heavy Equipment Sales/Rental
- 25) Inoperable Vehicles Storage
- 26) Light Equipment Repair
- 27) Light Equipment Sales/Rental
- 28) RV & Boats Storage
- 29) Laundry Service
- 30) Scrap & Salvage Operation
- 31) Amateur & Receive-Only Antennas
- 32) Broadcasting Tower
- 33) Communications Service Establishment
- 34) Telecommunications Antenna
- 35) Telecommunications Tower
- 36) Large Collection Recycling Facilities
- 37) Small Collection Recycling Facilities
- 38) Recycling Processing Center

Struct/Restruct recommended all of these be prohibited uses to assure adequate protections, now and with future property owners (see attached).

Regarding the notes and requirements on the plat, there are a few elements that need to be clarified so that the future reality will not leave the immediate property owners in a worse situation than before. Because the lots in our neighborhood are only 40 feet wide, the property owner at 1200 Almira has only a five foot exterior side yard facing 12th Street. And because the street pavement is positioned off-center to the north of the right-of-way, the area from pavement to property lines on the south is about 35 feet, all of which the property owners are required to maintain.

Water Line, Pavement:

It would be a major problem for at least some of the property owners if the new water line were located in this open right-of-way area. The property at 1200 Laura has some large trees and ornamental plants located there. The property at 1201 Laura has two apple trees in the right-of-way, and most problematic, the property at 1200 Almira has thousands of dollars of perennial food bearing trees, shrubs and herbs. The owner, Byron Wiley, is a botanist, horticulturist and permaculturist, and he has been maintaining the right-of-way with a well designed polyculture that has taken years to establish.

It would be tragic if Mr. Wiley's landscaping were sacrificed to clear a swath for the water line, and/or install a 10 foot wide concrete multi-use track. Mr. Wiley did not fight six years for his property rights against intrusions from the illegal junkyard only to have City infrastructure destroy his life's work. Please revise the plat to remove the water line (and any possibility of City curb-and-gutter or multi-use track) from the south side of 12th Street.

Business Access Points:

The plat also mentions that access to the the IL zoned business property will be from both Haskell Ave. and 12th St. One of the main problems with the previous junkyard was the continual vehicular access into both the building and the scrap metal yard along 12th St. (skid loaders, trucks, roll-offs, etc.). Most considerately, Struct/Restruct has said that Haskell Ave. will be their primary access, and I am asking that that be reflected in the notes on the plat.

Buffer Yard & Screening:

Another problem with the previous junkyard was inadequate screening against sound, fumes, dust, lights, and view. The area of the Struct/Restruct business property east of the main building eastward to the residential properties will need tall, dense, and deep landscaping. I am requesting that the buffer landscaping be installed 50 feet back to the building setback line, and that some main elements be white pine, spruce, and other evergreen species. Mr. Wiley may be willing to help design in some fruit trees and berry bushes as well.

Equally dense and tall landscaping should also be located along the west property line of the westernmost residential property.

100 Year Floodplain:

These properties are at the confluence of Burroughs Creek and Brook Creek, both of which have the 100 year floodplain extending south from this location. Burroughs Creek drains a watershed of about 1 ½ square miles, and Brook Creek drains a watershed of about 1 ¼ square miles. Flooding on these properties and the neighboring properties can be significant.

Struct/Restruct has said that they want to build all nine residences above flood level by placing them on concrete piers. This would be ideal, so that no fill would be used and all flood storage capacity would be maintained within the properties. However, each residential lot buyer has their own option to use another builder. They also can use fill dirt or an extra tall foundation wall to get above flood level. Given that all building lots are fully within the 100 year floodplain, I am requesting that there be a note on the plat that if fill dirt be used, that all fill dirt come from on-site, and that all lots be filled continuously east to west rather than individual raised pads.

Stipulations Beyond the Standard:

If some of my requests seem to be beyond the norm, please keep in mind the unusual conditions here: the severe impacts of the previous operation, IL industrial zone immediately adjacent to residential zoning, and the entire site being within the 100 year floodplain. This situation calls for extra precautions, and Struct/Restruct has been more than willing to accommodate the neighborhood protections.

Bearing that in mind, I point you to Sec. 20-1101 of the Code, Protection Standards for Residential Districts. Subsection (a) reads in part, for “approval of any non-residential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter, and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property” [Subsection (a) attached].

I and the rest of my neighbors have expressed a desire to have Struct/Restruct locate their construction business on this site, and for them to build the adjoining residences. We have collaborated well to craft conditions that enable them to operate their business while being compatible with the adjacent residential neighborhood. All that's needed is that the Planning Commission use your authority to place the necessary conditions and stipulations in place. If so, we can be assured that this business, and any future purchaser of the site, will cause no problems for Brook Creek Neighborhood.

Thank you,

Michael Almon

Use Prohibitions Recommended by Struct/Restruct (red strike throughs):**Article 4 – Use Table**

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20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CA1	CA2	MU	CO	CC	CC	CA	CS	IBF	IL	IM	IG	CS	GFI	h	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P*	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P*	-	P	-	P	A		
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI		H
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	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	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P	-	-	A*	-	-	505
	Temporary Shelter	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	A	
	Community Meal Program	S/A*	S/A*	S/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*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	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	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
	Nature Preserve/ Undeveloped	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	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	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	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	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*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	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	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		C/N1	C/N2	M/L	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	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*	-	-	-	-	-	516/526
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	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*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CH1	CH2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
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
	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	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	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	-	-	-	

Effective July 1, 2008

Land Development Code

Amended November 27, 2012

Article 4 – Use Table

Page 4 - 13

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IN	IG	CS	GFI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	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	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	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*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101	Protection Standards for Residential Districts
20-1102	Intersection Visibility
20-1103	Outdoor Lighting
20-1104	Performance Agreements; Guarantees
20-1105	Sidewalks
20-1106	Agreement Not to Protest Formation of a Benefit District
20-1107	Retail Market Impact Analysis
20-1108	General Development Standards for Mixed Use (MU) Districts

20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-[Family](#) use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, [Planning Director](#), [Planning Commission](#) or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional [Landscaping](#) and buffering;
- (7) [Height](#) restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar [Access](#);
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.



Brook Creek Neighborhood Association

Mail Address: 1944 Miller Drive (66046)

Telephone: 785/ 841-4997

e-mail: BrookCreekNA@gmail.com

October 17, 2013

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

The Brook Creek Neighborhood Association met on October 9th to discuss the proposed rezoning of 1146 Haskell. We acknowledge that the proposed plan may be the best option for the property, but the letter sent to neighbors brings up more questions than answers. We appreciate that the proposed plan is much better than living next to an industrial level salvage yard, but we do have questions/concerns to be addressed before we can fully stand behind this project.

- Flooding: The property is located in the floodplain. What was the outcome of the floodplain study? Who did the study? Most important is that new development does not add to flooding problems or increase FEMA flood insurance rates for neighbors. Outside storage near the floodway needs to be addressed.
- Ground contamination: What were the results of the environmental study, and who did the study? Is the property really suitable for residential uses?
- Rezoning to Limited Industrial District: What uses does this zoning allow? How do we prevent undesirable industrial uses in the future? Can conditions be placed on this zoning to prevent undesirable industrial uses?
- Effects on and changes to 12th Street:
 - How will the easements on the south side of 12th Street be affected by the construction and any future repairs/updates to sewer and water lines?
 - Will a sidewalk be built on the north side of 12th Street?
 - Will the ditch along both sides of 12th Street remain, or will curbs and storm sewers be installed? If the ditches remain, culverts along the south side need to be cleaned/repared.
 - What kind of outdoor lighting will be installed?
 - Access to the business should be on Haskell, not 12th Street.
- Green space on north side of property:
 - The wooded area to the east of the property needs to remain undeveloped. The neighborhood made this agreement with the City and Parks & Recreation many years ago. No parking lot.
 - The BMX bike track is not a popular idea, however neighbors did like the idea of extending the Burroughs Trail.

We appreciate the opportunity to discuss our questions and concerns.

Sincerely,

Julie Mitchell, President
Brook Creek Neighborhood Association
1231 Brook Street, Lawrence, KS 66044
865-3688

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 3A: ANNEXATION OF 8.4 ACRES; located at 1352 N 1300 ROAD (SLD)

A-13-00340: Consider a request to annex approximately 8.4 acres located at 1352 N 1300 Rd. Submitted by Menard Inc., for Bruce Snodgrass, property owner of record. *Initiated by City Commission on 9/10/13.*

STAFF RECOMMENDATION:

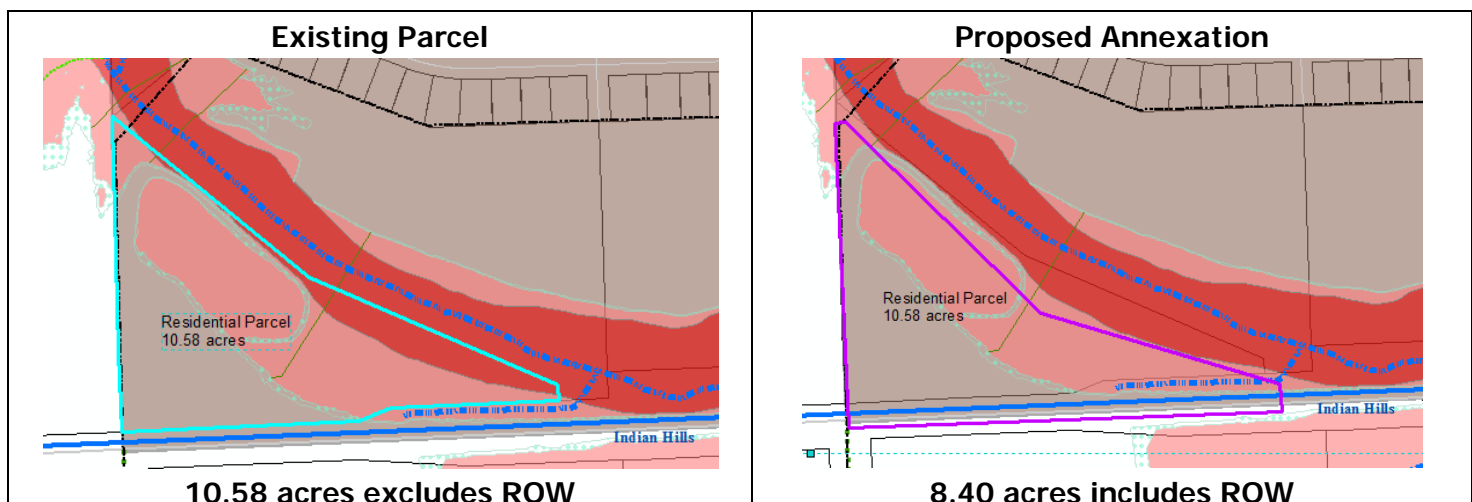
Staff recommends approval of the requested annexation [A-13-00340] of approximately 8.4 acres located at 1352 N 1300 Road based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval.

Reason for Request:

Applicant's response: *"Menards is requesting consensual annexation of the land with the permission of the property owner. The property will be incorporated into the Menards development and round out the commercial area. After the property is annexed Menards intends to proceed to rezoning the property as it is already designated for commercial in H2020 and the Southern Development Plan."*

KEY POINTS

- The property being annexed is part of an overall 47.46-acre combination of parcels that make up what is known as the Snodgrass property.
- The property abuts existing city limits along the west property line.
- The property is located within the boundary of the Revised Southern Development Plan.
- This request excludes approximately 2 acres of floodway that encumbers the residential parcel.



ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-13-00337; A to CR-FP overlay
- PP-13-00338; Preliminary Plat for Menards Addition.

Other action required:

- City Commission approval of annexation and adoption/publication of ordinance.

PUBLIC COMMENT

- No written public comments were received prior to the printing of this staff report.

ATTACHMENTS

1. Map of area with floodplain overlay
2. Applicant's request

EXISTING CONDITIONS

Current Zoning and Land Use:

A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing residential use and pond.

Surrounding Zoning and Land Use:

To the north/northeast/east:

OS (Open Space) City Zoning District and A (Agricultural) County Zoning District; Existing open space.

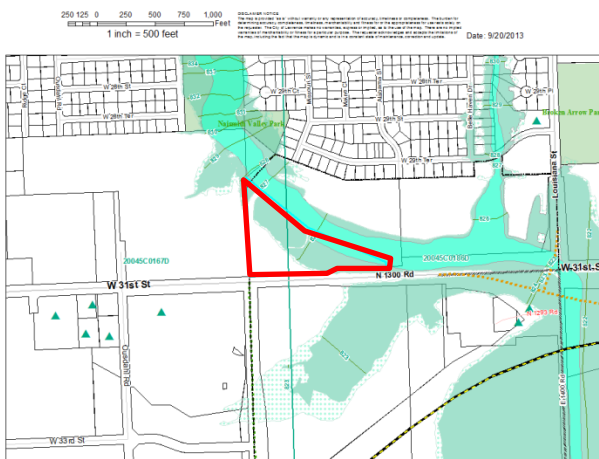
To the west:

CR (Regional Commercial) District; Planned Menards store; existing vacant land, former mobile home park.

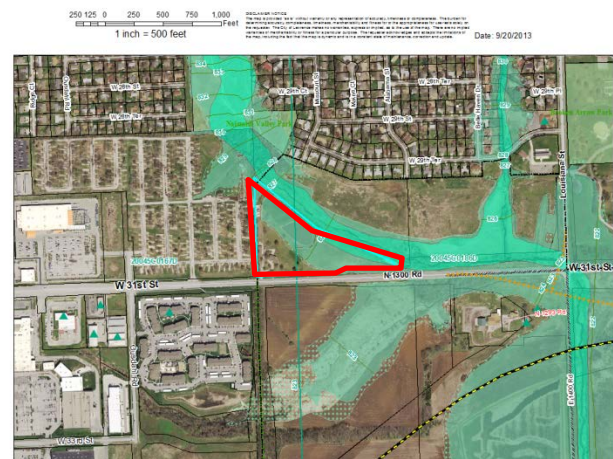
To the south:

A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; agriculture.

Existing Zoning



Existing Land Use



Site Summary

Gross Area: 8.41 acres [Red outline highlights subject property.]

Project Summary

This property is part of a larger 47-acre area owned by the Snodgrass family. The west 8.4 acres (excluding floodway property) is intended to be included in a commercial development project – Menards. The balance of the property includes: property encumbered by flood plain; property being acquired for a city utility project; and an area north of Naismith Creek intended for future residential development. The subject of this report addresses only the 8.4 acres to be incorporated into the commercial project to the west.

Annexation Procedure

Kansas Law [*K.S.A. 12-519 et. seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. This annexation request is accompanied by a rezoning request and a preliminary plat to be considered concurrently by the Planning Commission on this agenda. When an annexation application is submitted as part of a development project, the request is typically considered by the Planning Commission even if it is not 10 acres in size.

The City Commission received the annexation request on September 10, 2013 and forwarded the request to the Planning Commission for a recommendation. Following a recommendation from the Planning Commission, the City Commission will consider the request and adopt an ordinance.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to Kansas Statutes. The property included in this request is located in a part of the county that is not served by any Rural Water District; therefore, no additional action is required for compliance.

General Location

The property requested for annexation is located along the north side of N 1300 Road and is adjacent to existing city limits along the west property line and a portion of the north property line.

Infrastructure and Utility Extensions

Public Right-of-Way: 31st Street is classified as a future arterial on the Thoroughfares Map. The right-of-way width between Louisiana and Iowa Street varies and is evaluated as part of the subdivision review process. Interior access for future lots is also considered as part of the subdivision review process.

Utility Extensions: This property is included in the preliminary plat of the Menards Addition. A water line is being extended along the north side of 31st Street as part of the larger area improvements. Sanitary sewer improvements are also planned to the east with the pump station and the future Wakarusa Reclamation Facility (WWRF).

COMPREHENSIVE PLAN

The subject property is located within Service Area 1 of the Lawrence Urban Growth Area. As city services become available, properties are encouraged to annex prior to development in this service area. Annexation Policy No. 1 listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

The annexation request is consistent with the growth management policies found in *Horizon 2020*.

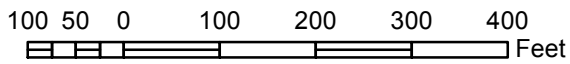
COMPLIANCE WITH ADOPTED AREA PLANS

The subject property is located within the *Revised Southern Development Plan*, a specific sector plan. This plan was recently revised to extend the commercial limits along 31st Street to include this property. Annexation of the area and planned 31st Street improvements provide the opportunity for improved connectivity and reduced congestion in the southern part of the city.

Other plans include construction of a pump station on the western 6.7 acres adjacent to Louisiana Street and future dedication of land for extension of Naismith Valley Park (floodway and floodplain areas). Future applications for annexation and zoning are expected in the near future.

CONCLUSION

The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.

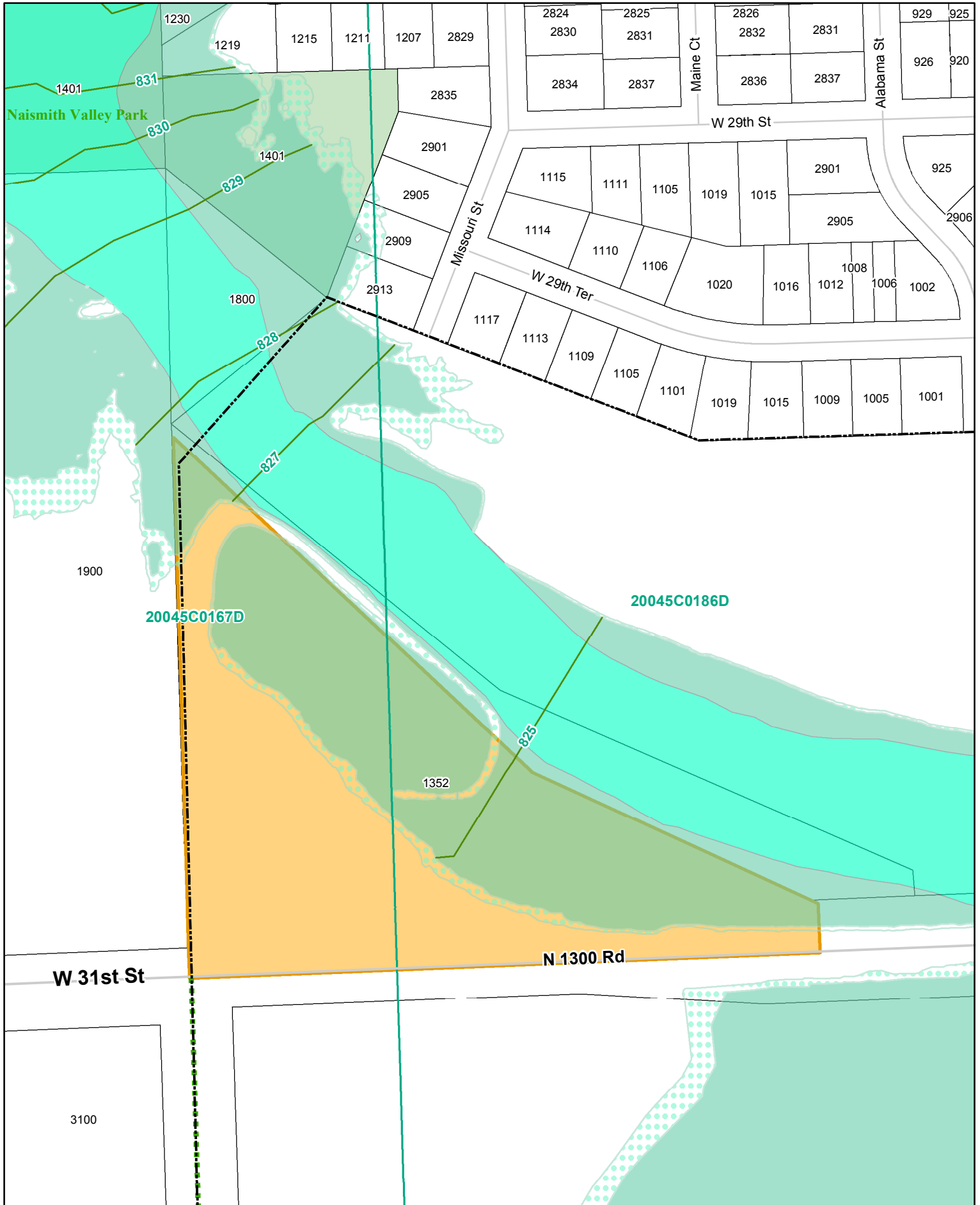


1 inch = 200 feet

DISCLAIMER NOTICE

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

Date: 9/4/2013





August 15, 2013

RECEIVED

AUG 19 2013

City County Planning Office
Lawrence, Kansas

Dear City Commissioners,

Menard, Inc. is under contract to purchase a little over eight acres from the Snodgrass family. The property is directly east of the property that will be home to the new Lawrence Menards store we have already discussed. Menards is requesting consensual annexation of the land with the permission of the property owner. The property will be incorporated into the Menards development and round out the commercial area. After the property is annexed Menards intends to proceed to rezone the property as it is already designated for commercial in H2020 and the Southern Development Plan.

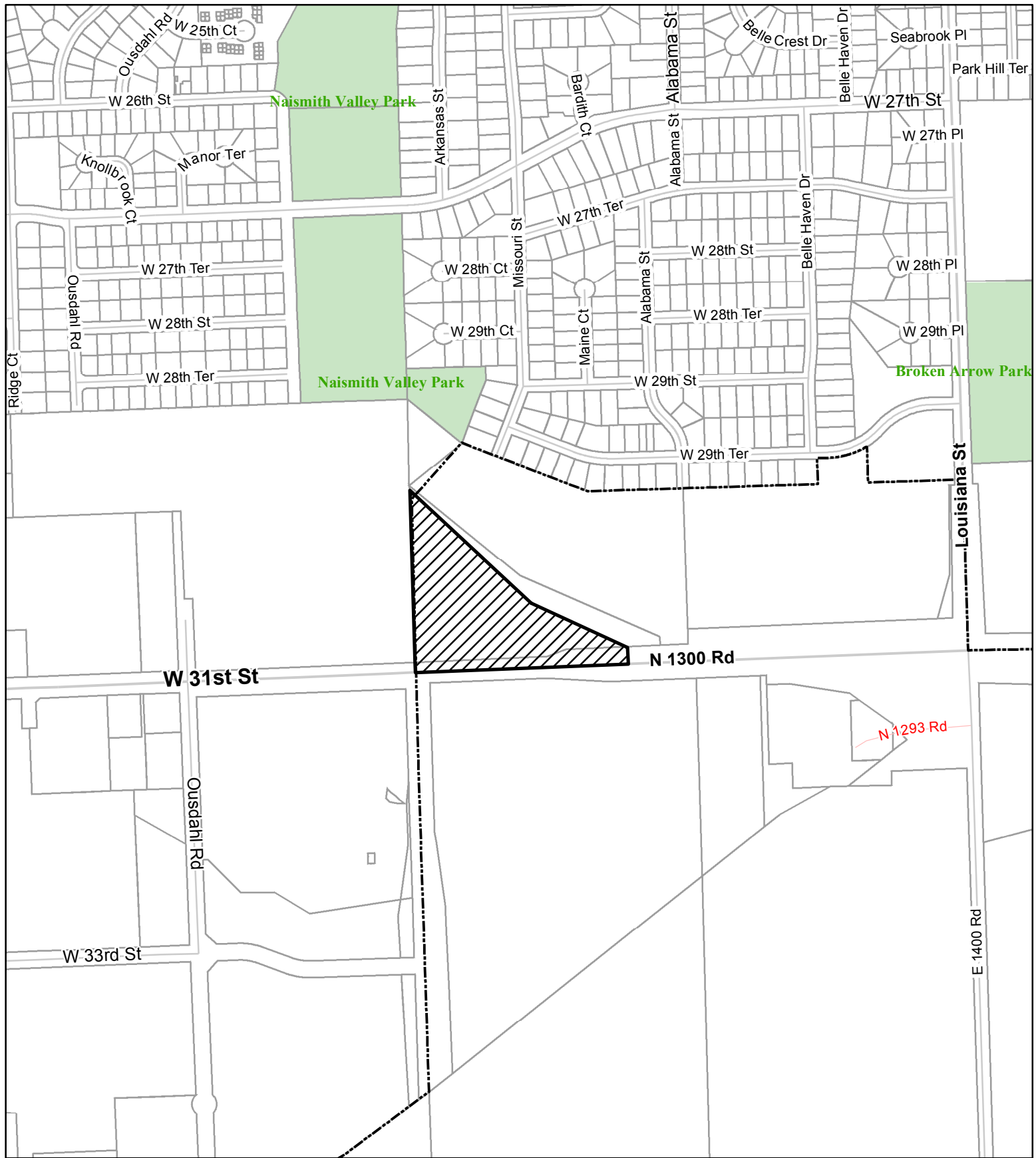
The property abuts the current city boundary and is the next logical step in incorporating this land into the City of Lawrence. Menards will be grading the property as part of the redevelopment project and will bring the new frontage road to the property boundary. The property will remain a vacant outlot until a suitable commercial use is ready to build. The annexation of the property will not hinder the growth or development of the area as it is designated for this use in the long range plans and it has been anticipated it will be annexed for some time.

A legal description of the property and a site plan showing the property location have been attached to this application and any further information needed can be provided upon request. We look forward to continuing the development process with the city and bringing the Menards development into reality.

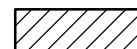
Sincerely,
Menard, Inc.

Tyler Edwards
Real Estate Representative
Menard, Inc. - Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

Bruce Snodgrass
Property Owner
1352 N 1300 Rd
Lawrence, KS 66046



A-13-00340: Annexation of approximately 8.4 acres
Z-13-00337: Rezone 8.4 acres from A District to CR-FP District
Located at 1352 N 1300 Road



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/21/2013

ITEM NO. 3B: A TO CR- FP; 8.4 ACRES; 1900 W. 31st STREET (SLD)

Z-13-00337: Consider a request to rezone approximately 8.4 acres from County A (Agricultural) District to CR (Regional Commercial) and FP (Flood Plain Overlay) District, located at 1352 N 1300 Rd. Submitted by Menard, Inc. for Bruce Snodgrass, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 8.45 acres from A (Agricultural) District to CR (Regional Commercial) District and FP (Floodplain Overlay) 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 subject to the following conditions:

1. Applicant shall provide a revised legal description of the property describing that portion of the property within the regulatory floodplain for inclusion in the ordinance for the CR-FP portion of the property and a legal description for the remainder of the property for inclusion of an ordinance for the CR portion of the property.
2. Uses shall be prohibited in this CR (Community Regional) District:
 - a. Animal Services: Livestock Sales
 - b. Eating and Drinking Establishments: Bar or Lounge
 - c. Sexually Oriented Business: Sexually Oriented Theater
 - d. Vehicle Sales and Service: Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage; and
 - e. Industrial Facilities: Laundry Service

ATTACHMENTS

- A. Reason for Request
- B. Revised Southern Development Plan Map
- C. Table of Restricted Uses
- D. Floodplain Map
- E. Concept Plan
- F. CR ordinance 8870 including use restrictions for existing CR district.
- G. General Boundary of CR and CR-FP

PROPERTY OWNER'S REASON FOR REQUEST

Development of a Menards store in Lawrence. Refer to attached letter.

KEY POINTS

- This is a request to accommodate a Menards home improvement store, as well as additional commercial retail space, at the northeast corner of W. 31st St. and Ousdahl Rd.
- Proposed request will extend commercial zoning east along W. 31st Street.
- Request is consistent with land use recommendations for this area noted in the *Revised Southern Development Plan*.
- Property is encumbered by AE and AH special flood hazard zones. Therefore, the FP Overlay is required as part of the Zoning action for properties annexed into the City Limits after March 1, 2003.
- The FP is an Overlay District to the proposed base-zoning CR District.

- The report focuses on the CR base-zoning district.
- Existing CR (area to the west of subject property) was approved with use restrictions. A copy of the ordinance is attached for reference.

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED ITEMS BEING CONSIDERED AT THE OCTOBER PLANNING COMMISSION MEETING:

- A-13-00340; annexation of 8.4 acres
- **Z-13-00337; A to CR-FP**
- PP-13-00338; preliminary plat

OTHER ACTION REQUIRED:

- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

OTHER ACTIONS REQUIRED PRIOR TO DEVELOPMENT

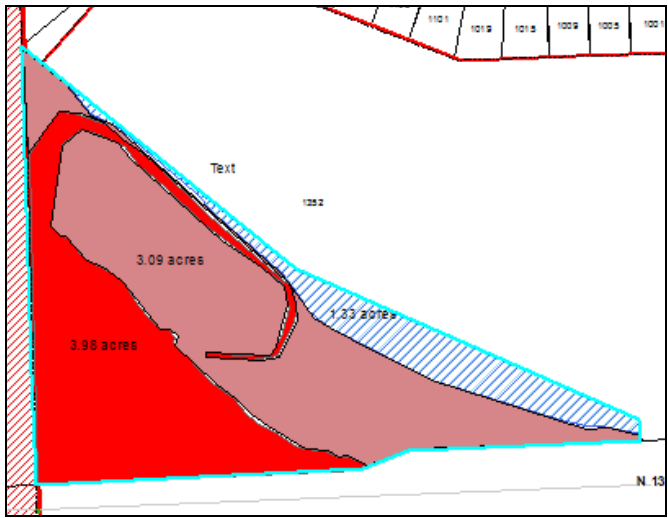



- Platting of the property through the Major Subdivision process.
- Site plan approved prior to release of building permits.
- Local Floodplain Development Permit approved prior to release of the site plan for issuance of a building permit.

PLANS AND STUDIES REQUIRED

See Preliminary Plat Staff Report for comment on related studies.

PUBLIC COMMENT

- Letter from Dan Watkins on behalf of First National Development, Ltd.
- Response letter from Tyler Edwards on behalf of Menards.

GENERAL INFORMATION:	
Request includes 8.4 acres	
<ul style="list-style-type: none">• 1.33 acres is existing floodway 	
<ul style="list-style-type: none">• 3.09 acres is existing floodway fringe [CR-FP] 	
<ul style="list-style-type: none">• 3.98 acres is developable area including 500-year floodplain area. [CR] 	
<i>Note: Staff estimated the acreage of the CR and CR-FP area using GIS. The applicant will be required to provide a more detailed legal description of each area.</i>	

Project Summary

This property is located on the north side of 31st Street. This application is an extension of the recent consideration of the adjacent property to the west Z-13-00071 (Ordinance No. 8870). The application for rezoning includes floodplain and therefore requires the FP overlay designation per section 20-1201 of the Land Development Code. This request extends the commercial development along 31st Street to an eastern boundary terminating at Naismith Creek. This application was submitted concurrently with annexation and preliminary plat applications.

The applicant has submitted a concept plan for the Menards store that identifies several commercial pad sites, including this property as a future commercial pad site. The preliminary plat identifies this property as Lot 2. A copy of the concept plan is attached to this report as a reference. An application for site plan approval for the Menards Lot was received on October 1, 2013 and is being processed. There is no specific site plan application for this property at this time.

This property was discussed in detail with the previous rezoning application [Z-13-00071] as it pertained to the designation of commercial land use within the *Revised Southern Development Plan* and in the Planning Commission minutes from the May 2013 Meeting.

The addition of the Floodplain Overlay District designation (-FP) applies to only that portion that is encumbered by the regulatory floodplain plus the area that includes 2' above the base flood elevation of the site. This property slopes from the northwest to the southeast.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Property Owner's Response:

"The property does conform with H2020 and is currently designated commercial in the comprehensive [plan]. We went through lengthy discussions with staff, elected officials, and appointed officials earlier this year regarding the property. The property also conforms with the Southern Development Plan's future designation of commercial."

The City Commission approved an amendment to *Horizon 2020*, as part of the recent approval for CR zoning to the west, expanding commercial development along W. 31st Street to include this area [CPA-13-00067]. This request is consistent with the previous land use decisions anticipating the incorporation of this property as part of the commercial development at Iowa and 31st Street.

The design standards ensure that a new regional commercial center is capable of development with a critical mass of uses including multiple big box buildings, parking, and other physical development considerations. S. Iowa (23rd Street to K-10) is an existing commercial center. Map 6-1 of *Horizon 2020* shows the existing and future commercial land use locations. *Horizon 2020* notes commercial uses exist both east and west of S. Iowa along W. 31st Street.

Horizon 2020 identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

Other comprehensive plan goals include appropriate land use transition between commercial and residential neighborhood areas. These goals are applicable to the north and east sides of the proposed request.

Staff Finding – The request for CR zoning in this location is consistent with recently approved changes to *Horizon 2020* goals and policies and specific land use recommendations included in the *Revised Southern Development Plan* per CPA-13-00067.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing residential use and pond.

Surrounding Zoning and Land Use: To the north/northeast:
OS (Open Space) City Zoning District and A (Agricultural) County Zoning District; Existing open space.

To the west:
CR (Regional Commercial) District; Planned Menards store; existing vacant land, former mobile home park.

To the south:
A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; agriculture.

Note: See A-13-00340 for additional detail.

The predominate use of nearby property to the north of this property and the recently approved CR District to the west is open space and residential. The property immediately adjacent to the north and east of this property is currently owned by the Snodgrass family and is vacant. The area to the south, along the south side of 31st Street, is existing agricultural land. This property is surrounded by a variety of both urban and rural zoning and land uses. The property to the north and east is included in several development plans including a future utility pump station, extension of the Naismith Park, and future residential development.

The development pattern along the north side of the entire Snodgrass property, including this 8.4 acre parcel, is medium-density residential zoned RM12 (along W. 29th Terrace). The property to the southwest is zoned RM15 and is developed with an apartment complex (The Connection).

This property including the remaining parcels owned by the Snodgrass family represents an interface of urban and rural uses. The regulatory floodplain encumbers a portion of the property along the northeast side. This area is subject to the Floodplain Overlay District standards of the City of Lawrence upon annexation.

Staff Finding – The existing zoning and land use in this immediate area includes both city and county zoning and a significant area both north and south that is vacant or used for agricultural purposes.

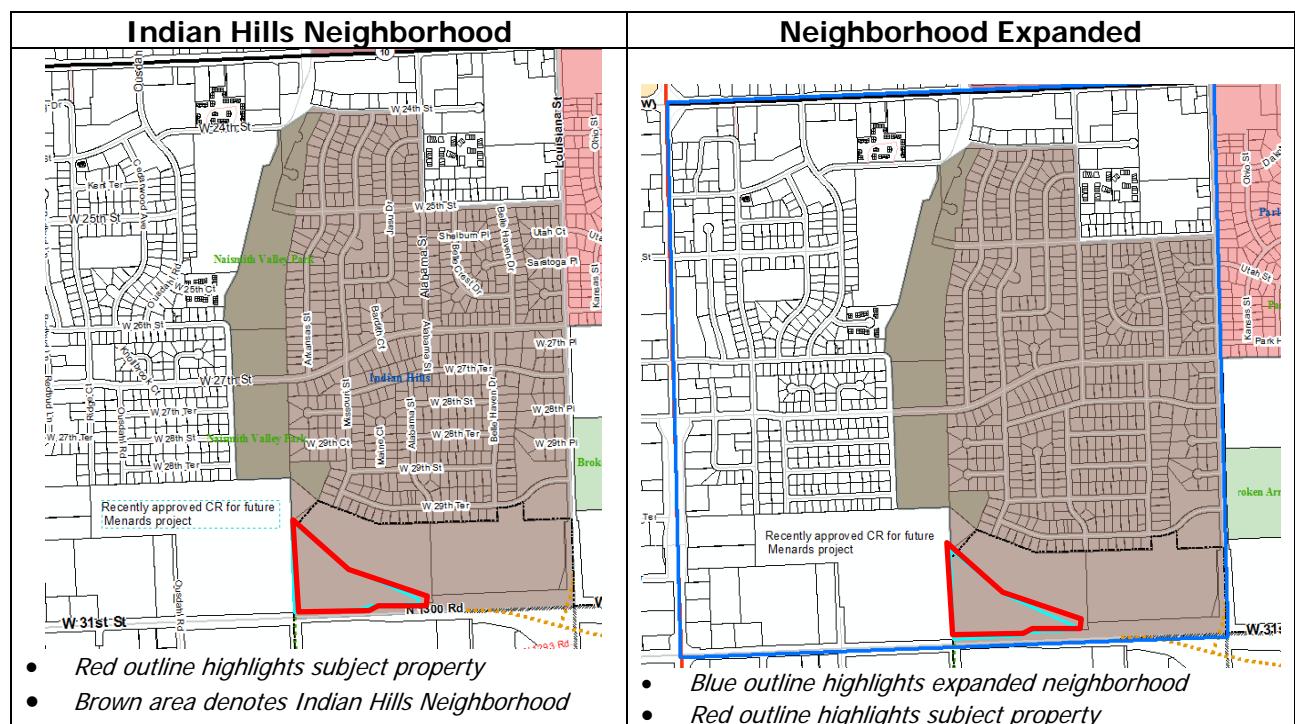
3. CHARACTER OF THE AREA

Property Owner's Response:

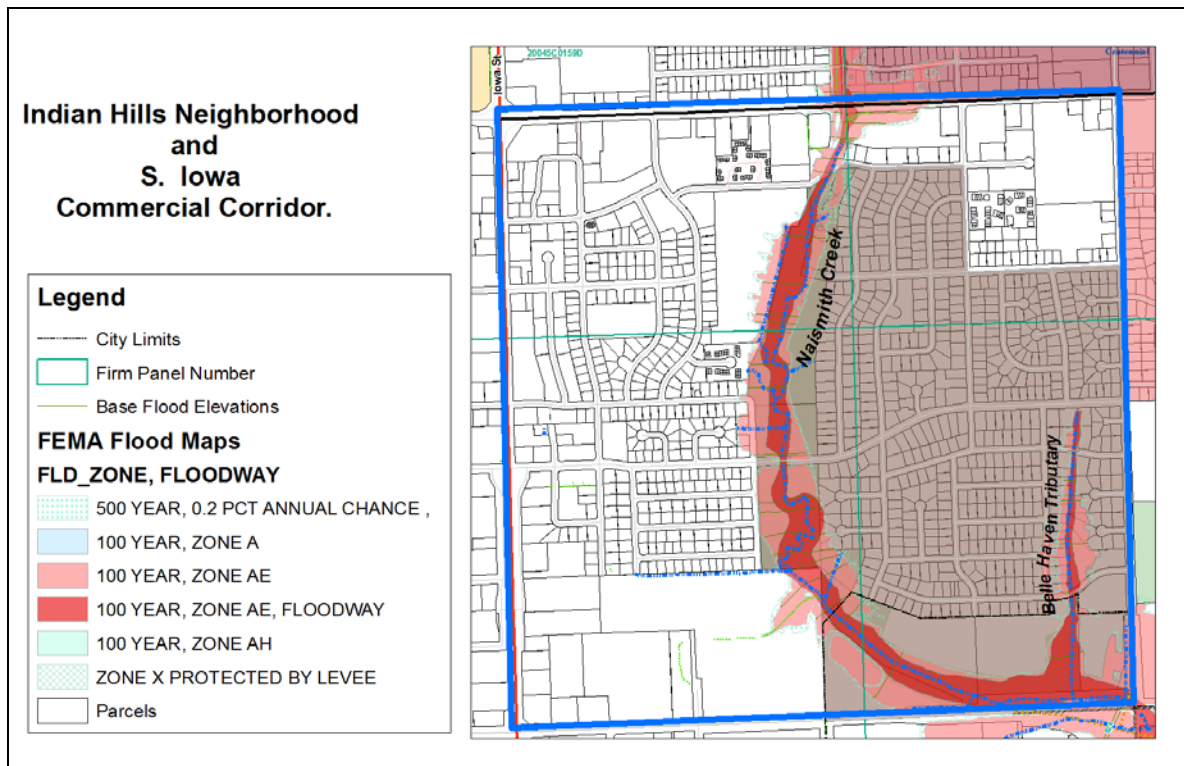
"Today the neighborhood is very vacant. The 40 acres to the west is a vacant trailer park and the 40 acres to the east is vacant floodway. This floodway also exists north of the property. To the south is 31st Street and there is vacant agricultural land south of that. This property and house is very isolated in its current location. The future character of the neighborhood is a little different. In spring of 2014, construction will begin on the new Menards store and development to the west. It is our goal that this lot is part of that commercial development."

This property is located within the Indian Hills Neighborhood. The area to the west is part of the South Iowa Street Commercial Corridor. This property is isolated from the adjacent residential uses to the north because of the lack of pedestrian and vehicular connectivity. A drainage course along the north property line contributes to the disconnected street patterns in this part of the neighborhood. W. 31st Street, a major arterial street, bounds the south part of the neighborhood.

Expanding the definition of neighborhood to encompass the area bounded by Iowa Street to the west, Louisiana Street to the east, W. 31st Street to the south and 23rd Street on the north, the property is located on the edge of a mixed-use neighborhood. Intensive uses are generally located along the arterial streets and low intensity uses are located interior to the larger neighborhood boundary. Recent land use approvals for the Menards project to the west expanded the commercial limits to include this specific parcel of land as the terminating commercial boundary along this segment of W. 31st Street.



The Naismith Creek and the Bell Haven Tributary floodplain encumber the Indian Hills Neighborhood. This neighborhood is entirely within the city limits other than the existing 46.23 acres known as the Snodgrass property. Property annexed after 2003 requires the FP Overlay zoning and therefore is applicable to this request.

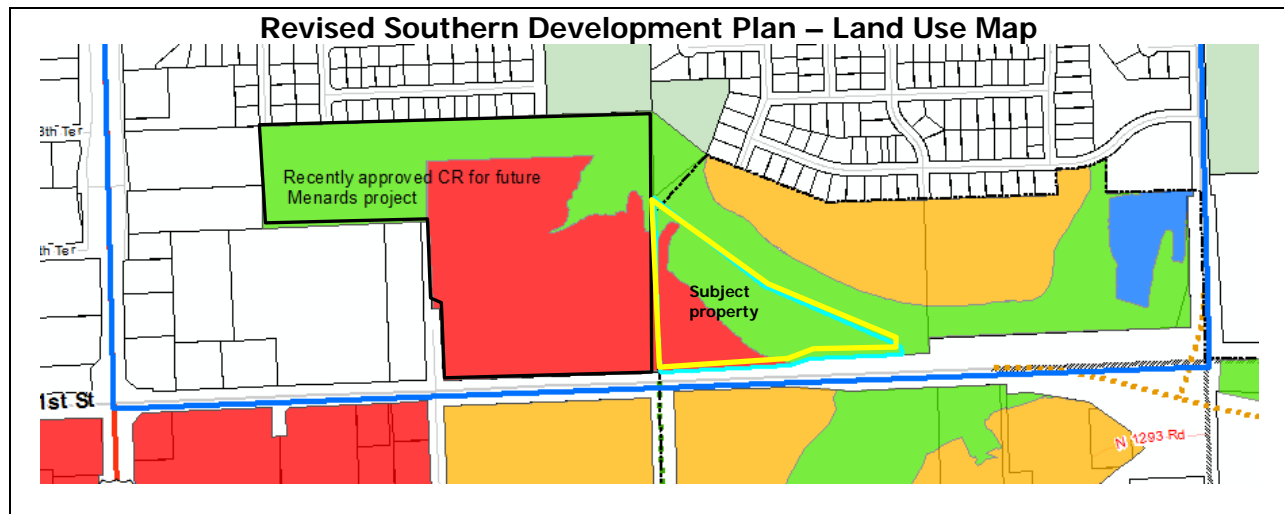


The graphic above shows the boundary of the neighborhood area and the existing regulatory floodplain. The FP Overlay District will apply only to that area of the request that includes the boundary of the floodplain plus the 2' of freeboard above the base flood elevation as required in section 20-1201 (c) of the Development Code.

Staff Finding – The vicinity surrounding the subject property includes an established low-density traditional neighborhood within the central portion of the area. The area along Iowa Street between W. 23rd Street and W. 31st Street, west of the subject property is an existing commercial area known as the S. Iowa Commercial Corridor. The area on the south side of W. 31st Street is developing commercially west of Ousdahl Road and residentially east of Ousdahl Road.

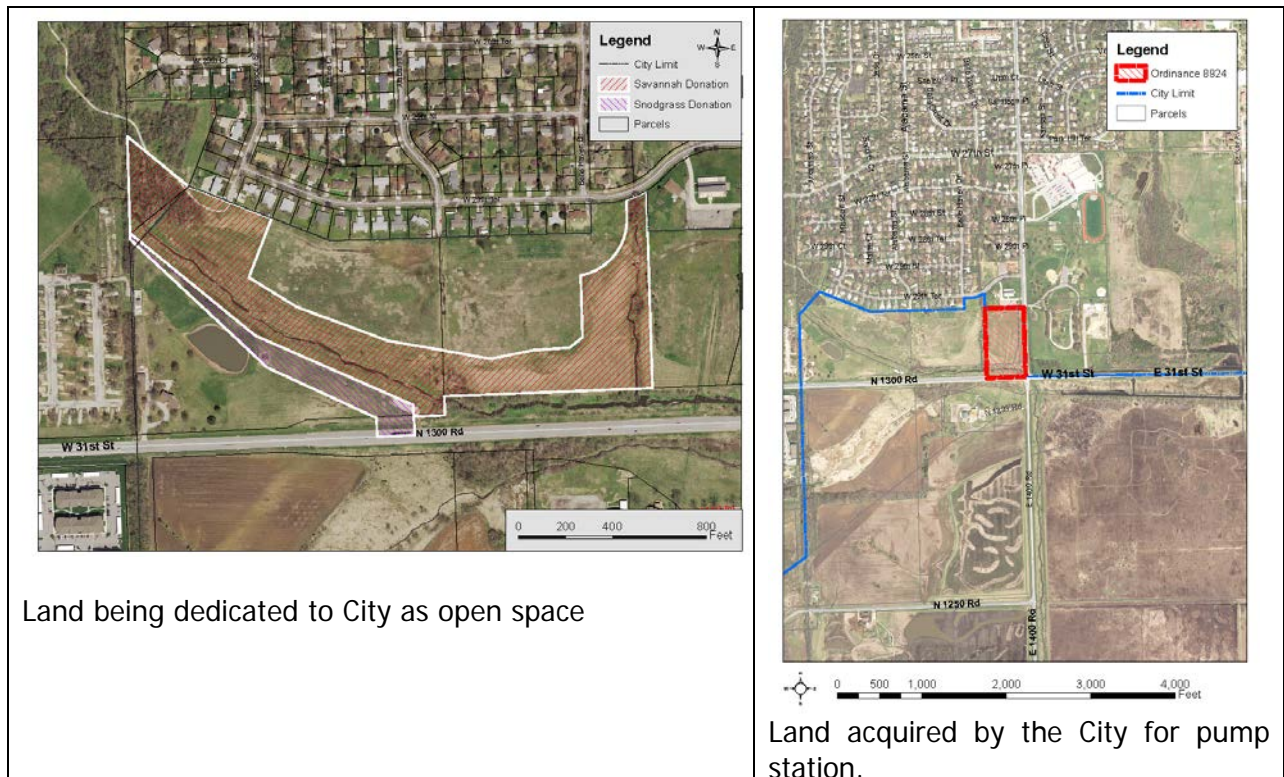
4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development of this property. This plan identifies the area located to the east of Ousdahl Road as suitable for commercial uses. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use.



Future commercial development identified in the *Revised Southern Development Plan* is located along the S. Iowa Street Corridor. An Auto-Related commercial area is identified south of K-10 Highway along the S. Iowa Street Corridor. Rezoning the subject property CR terminates the commercial node along W. 31st Street in this area.

The proposed FP Overlay reflects the existing floodplain encumbrance of this property as a recognized land use within the plan. The property owner donated land to the City of Lawrence that encompasses the floodplain. Additionally, the City has acquired property at the corner of Louisiana Street and W. 31st Street for a future pump station.



Land being dedicated to City as open space

Land acquired by the City for pump station.

These uses along with the proposed commercial use will implement the land use recommendations of the *Revised Southern Development Plan*.

Staff Finding – The proposed commercial rezoning conforms with land use recommendations in the *Revised Southern Development Plan*. The recent land acquisitions by the City provide a boundary to the commercial development along the north side of W. 31st Street.

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

Property Owner's Response:

"The property is suited just fine for a residential house as it has been for the past 30+ years. However, that is for the current property owners. In the future after the existing property owners move out the house will be situated next to a large commercial development. I have seen this situation occur many times and the end result is almost always the same. When the original owners move out, someone purchases the property and develops it into commercial space. Menards is bypassing that waiting period and including the property in our development plans for next year."

Upon annexation, the existing A (Agricultural) County District designation will no longer be suitable for this property. This property is planned to be incorporated into the Menards commercial development to the west. Approval of the CR District is consistent with planned land use for this property.

Since this property is encumbered by regulatory floodplain **and** it is being annexed after March 1, 2003, it is appropriate to zone the property as part of the Floodplain Overlay District. The boundary of the FP (Floodplain) Overlay District is established as the base flood elevation plus an area of 2' of "freeboard". For reference, floodplain terms used in this report are defined in Article 12 of the Land Development Code. Attached to this report is a list of specific terms and definitions.

Staff Finding – Upon annexation, the existing County designation is no longer suitable. The property is suitable for the commercial zoning consistent with recent land use approvals relating to the Menards development request to the west and the recent changes to *Horizon 2020* and the *Revised Southern Development Plan* discussed earlier in this report. The CR District is the base-zoning district. The portion of the property encumbered by the regulatory floodplain will be zoned with the CR base district and the FP Overlay District.

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

Property Owner's Response:

"The subject property is currently occupied by the Snodgrass family; however they have agreed to our deal terms and will be moving to a new location."

This parcel is not vacant. This property developed with an existing residence, detached garage, and pond. The current driveway is located within the alignment of Michigan Street to be extended to accommodate access to this property and the commercial development to the west.

This property is currently zoned A (Agricultural) District. It has been zoned A since 1966.

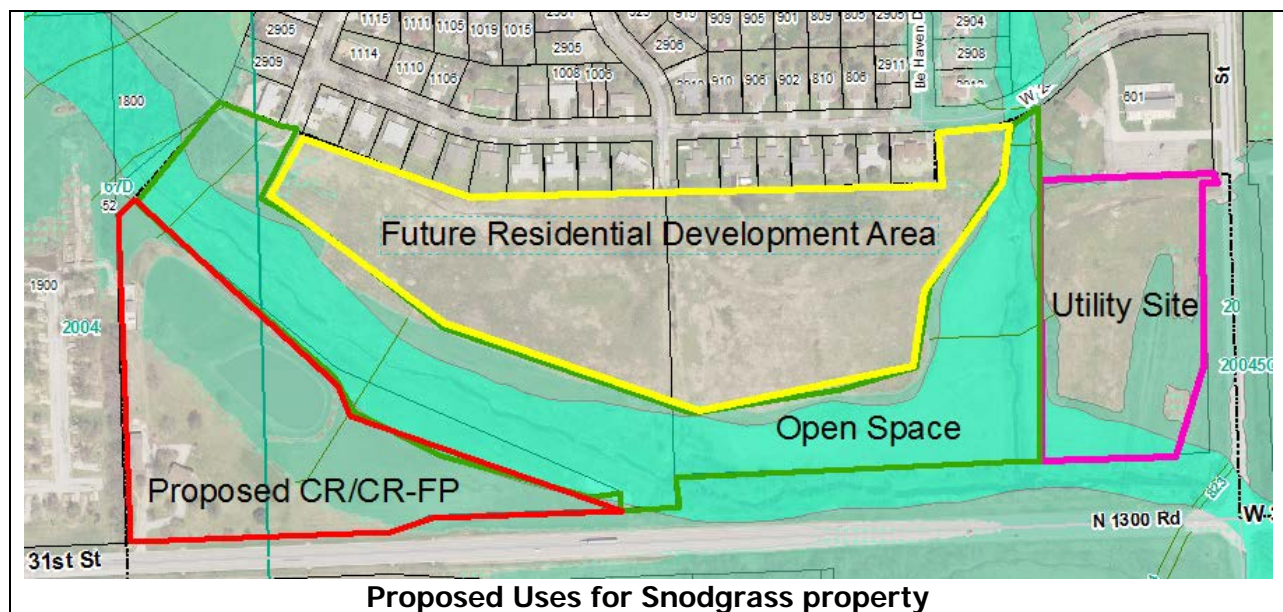
Staff Finding – This property is developed with an existing residence. The current zoning has been in place since 1966.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Property Owner's response:

"The rezoning would have no detrimental effects on the neighborhood or surrounding properties. The property to the west is designated CR for the Menards project. We are requesting that the CR designation be extended to this property. The property is currently zoned residential but it is alone in that designation as the surrounding properties are either commercial or floodway. The nearest residential property is over 200 feet away."

The property owner, the Snodgrass family, is working with the City to convey the floodplain portion to the City as an extension of Naismith Park. The City has recently acquired a parcel along Louisiana Street for a City Utility project. The remaining portion of the land owned by the Snodgrass family is anticipated for future residential development adjacent to the lots along W. 29th Terrace.



This commercial property is intended to be incorporated with the planned development to the west and is included as Lot 2 of the Menards Addition preliminary plat. Water line improvements are anticipated along the north side of W. 31st Street. Other significant area improvements are related to the South Lawrence Trafficway and re-alignment of W. 31st Street within this corridor. Significant changes are anticipated in the next several years for this area. Significant planning regarding land use expectations for this area were completed by KDOT for the traffic and highway circulation and the community in the *Revised Southern Development Plan*. Impacts on adjacent properties are mitigated through these planning efforts.

Commercial zoning, with use restrictions, was recently approved to the west. These use restrictions should be applied to this request. This provides a uniform application of the zoning district for this property, intended to be incorporated in the Menards development project to the west.

Staff Finding – Approval of the request facilitates redevelopment of the site consistent with recently approved land use plans for this immediate area. Impacts to adjacent

residential uses to the north along 29th Street are mitigated by dedication of land for open space. The new public open space will separate the residential and commercial uses.

If approved, uses should be restricted in the zoning ordinance to mitigate incompatible land uses previously identified for the CR zoning to the west.

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

Property Owner's Response:

"The largest gain to the public would be through the redevelopment of an aging residential property into a new first class retail location and the sales tax generation that is part of the future use. The public is also getting a connection to the Menards development off of Michigan Ave. Without this property, the access to the development would be much more restricted and potentially unsafe. There would be a hardship on the owner as they have agreed to the financial compensation for the property and will be building a new house at a different location that will suit their needs."

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

Based on past land use actions including plan approval expanding commercial development to Naismith Creek, staff concurs with the applicant that the existing property is underutilized and should be appropriately rezoned to accommodate redevelopment.

If the rezoning request were denied, the property could remain as a residence; however, upon annexation an applicable city-zoning district is needed.

If the rezoning were approved, the uses allowed change from residential to commercial with a wide variety of commercial uses allowed. Limiting uses would serve to create a more compatible development with the adjacent low-density residential development to the north and provide consistency with the approved commercial uses to the west.

Approval of the request will facilitate redevelopment and reinvestment in existing property. Denial of the request would prohibit the ability to redevelop the property as a commercial extension of the existing node at Iowa and W. 31st Street.

Staff Finding – Benefits to the community include the investment in property within existing utility, transportation and service corridors. Denial of the request prohibits the applicant from redeveloping the property as a commercial use. If approved, staff believes the zoning should be restricted with conditional zoning.

PROFESSIONAL STAFF RECOMMENDATION

The focus of this report is the specific land use request for CR zoning. This application was made with a concept plan for a specific end user for the property to the west. Negotiations regarding this property began during the review of the original CR request to the west. Other development pressures on the "Snodgrass" property included the planned utility pump station on the far eastern portion of the property and the planned improvements for the SLT and 31st Street Corridor. These actions together with the revision to the *Revised Southern Development*

Plan resulted in a land use recommendation for the property west of Naismith Creek to be included in the commercial area along W. 31st Street east of Iowa Street. This request is consistent with these recent land use actions.

As discussed above a portion of this property is encumbered by the regulatory floodplain. The area being rezoned is slightly smaller than the parcel boundary that includes the residence. This difference in area between the parcel boundary and the proposed CR boundary is equal to the area that is within the **floodway** and is not part of this rezoning application. The floodway portion of the parcel is included in a dedication of land to the City for open space use. The FP designation will be applied to that part of the overall CR zoning request that includes regulatory floodplain (fringe area). Attached to this report is a map showing the general area to be zoned CR and CR-FP.

The impact of this zoning designation is that:

1. A local floodplain development permit is required for development of the site. Such permit is typically submitted concurrently with a site plan or applicable development plan.
2. New development requires an approved Hydrologic and Hydraulic Study at the time of platting demonstrating there will be no rise in the Base Flood Elevation and no increase in the flood velocities at any point resulting from the proposed development.
3. Fill may not be placed in a setback.
4. Structural design of buildings and improvements must meet minimum flood proofing standards, including elevating 1' above the base flood elevation.
5. Exterior storage of material is required to be adequately flood proofed including being raised 1' above Base Flood Elevation.
6. Maximum impervious surface cover within the FP District is 60%.

The applicant's engineer has provided a Hydrologic and Hydraulic Study. The City's Stormwater Engineer approved this study. This study anticipates development of both this property and the Menards site to the west.

Staff recommends approval of the proposed CR with conditions limiting uses to those approved for the CR District to the west.

CONCLUSION

Upon annexation the existing County A (Agricultural), zoning designation is no longer appropriate or applicable. The request completes the expected delineation of the commercial node along 31st Street east of Iowa Street.



August 15, 2013

Dear Members of the Planning Commission,

Menard, Inc. is requesting the rezoning of 8.4 acres of property located at 1352 N 1300 Rd, immediately east of the Menards store property we were discussing in April. At the time of our previous meetings we did not have the property under contract and we were not entirely sure how that property would fit into our development plan. We now know that this property will be a valuable asset to the project ensuring the best possible access and round out the commercial center. The property is simultaneously being annexed and platted with the Menards development site.

The eight and a half acre piece of land will be graded and prepared as part of the other outlots in front of the proposed Menards store. The new Michigan Avenue access will intersect with this property and create a connection to the new frontage road Menards is putting in as part of our project. No additional burden will be placed on the city as part of this rezoning. Menards will be responsible for the intersection improvements on the north side of Michigan Ave. Menards will also extend utilities to the site when the property is developed.

The Comprehensive Plan and Southern Development Plan both designate the property as commercial. The property is the last available space on 31st street that can be developed and it would not make sense to leave it as a small chunk of residential land.

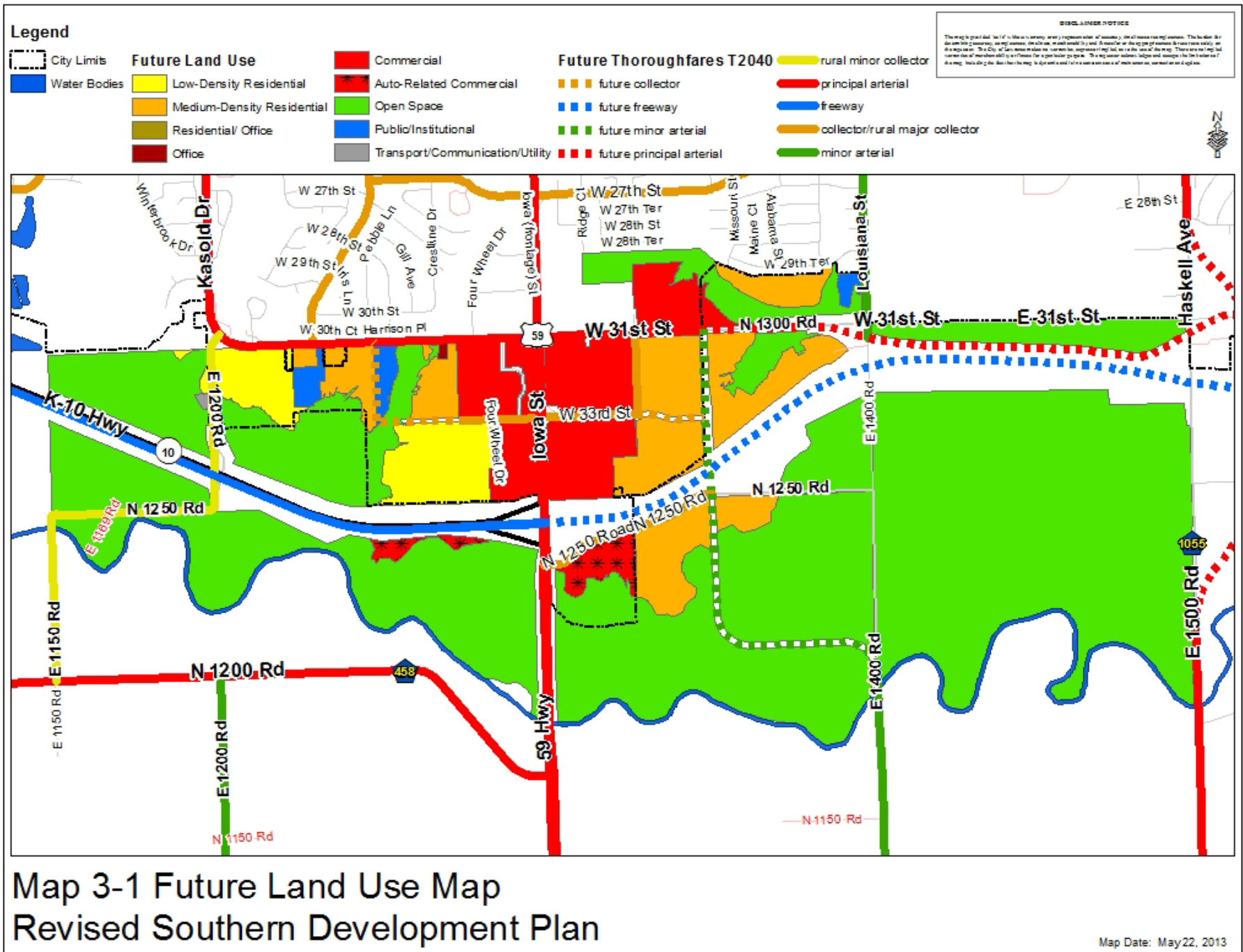
This piece of property will be an asset to the Menards development and will ultimately benefit the city as part of Lawrence's newest commercial center. There is a substantial demand for small commercial lots in the South Iowa Street commercial district. This is most evident by the recent development of a building in the Wal-Mart parking lot. Rezoning this property in accordance with the H2020 plan is a good move for Lawrence and the future of South Iowa St.

If you have any questions regarding the rezoning or any other aspect of the property please feel free to contact me directly.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over the printed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com



Recommended Uses	
Residential	Retail Sales and Services (continued)
Not permitted in the CR district with the exception of Group Homes approved with a Special Use Permit.	Business Support
	Construction Sales and Service
	Food and Beverage
	Mixed Media
	Personal Convenience
	Personal Improvement
	Retail Sales, General (65,000 sq ft limit)
	Retail Establishment, Large
	Retail Establishment, specialty
	Sexually Oriented Business – [would not be allowed on W. 31st Street] but is allowed in the CR District]
	Sex Shop
	Sexually Oriented Theater
Community Facilities	Transient Accommodations
College/University	Campground
Cultural Center/Library	Hotel Motel, Extended Stay
Day Care Center	Vehicle Sales & Service
Lodge, Fraternal and Civic Assembly	Cleaning (car wash)
Postal and Parcel Service	Fleet Storage
Public Safety	Gas and Fuel Sales
Social Service Agency	Truck Stop [undesirable use in this location because of proximity to residential neighborhood]
Utility Minor (P or SUP)	Heavy Equipment Repair [undesirable use in this location because of proximity to residential neighborhood]
Utility Major (SUP)	Heavy Equipment Sales/ Rental
Medical Facilities	Inoperable Vehicle Storage [undesirable use in this location because of proximity to residential neighborhood]
Health Care Office/Clinic	Light Equipment Repair
Outpatient Care Facility	Light Equipment Sales/Rental
Recreational Facilities	RV and Boats Storage
Active Recreation	Industrial Facilities
Entertainment and Spectator Sports (General and Limited)	Laundry Service [undesirable use in this location because of proximity to residential neighborhood]
Participant Sports and Recreation (Indoor and Outdoor)	Manufacturing and Production Ltd (SUP)
Passive Recreation	Manufacturing and Production Tech
Nature Preserve / Undeveloped	Research Service
Private Recreation	Wholesale Storage and Distribution
Religious Assembly	Heavy (SUP)
Religious Institution (Community or Neighborhood)	Light
Animal Services	Mini Warehouse
Kennel	Agriculture
Livestock Sales [Use not recommended]	Agricultural Sales
Sales and Grooming	Crop Agriculture
Veterinary	Communications Facilities
Eating and Drinking Establishments	Amateur and Receive Only (accessory)
Accessory Bar	Communications Service Establishment
Bar or Lounge	Telecommunication Antennae (accessory)
Brewpub	Telecommunication Tower (SUP)
Fast Order Food	Satellite Dish (accessory)
Fast Order Food with Drive-In	Recycling
Private Dining Establishments	Large Collection
Quality Restaurant	Small Collection
Offices	
Administrative and Professional	
Financial, Insurance and Real Estate	
Other	
Parking	
Accessory	
Commercial	
Retail Sales and Services	
Building Maintenance	
Business Equipment	

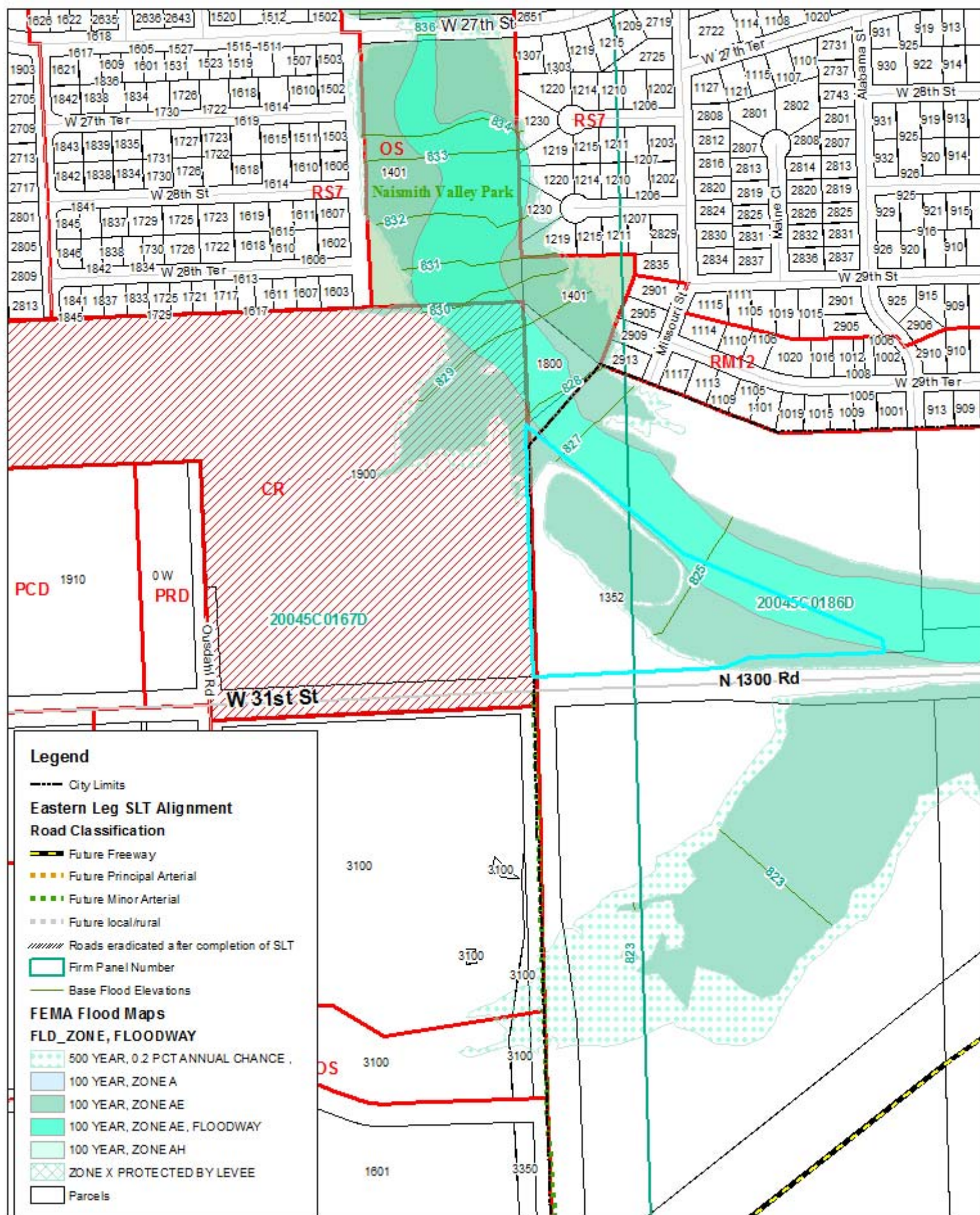
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DISCLAIMER NOTICE

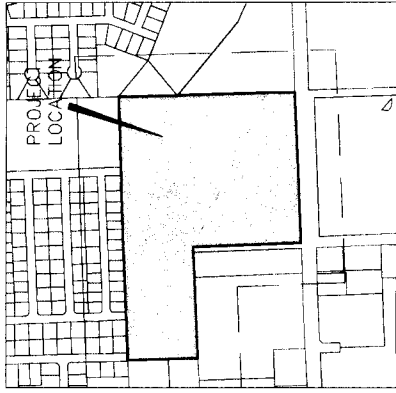
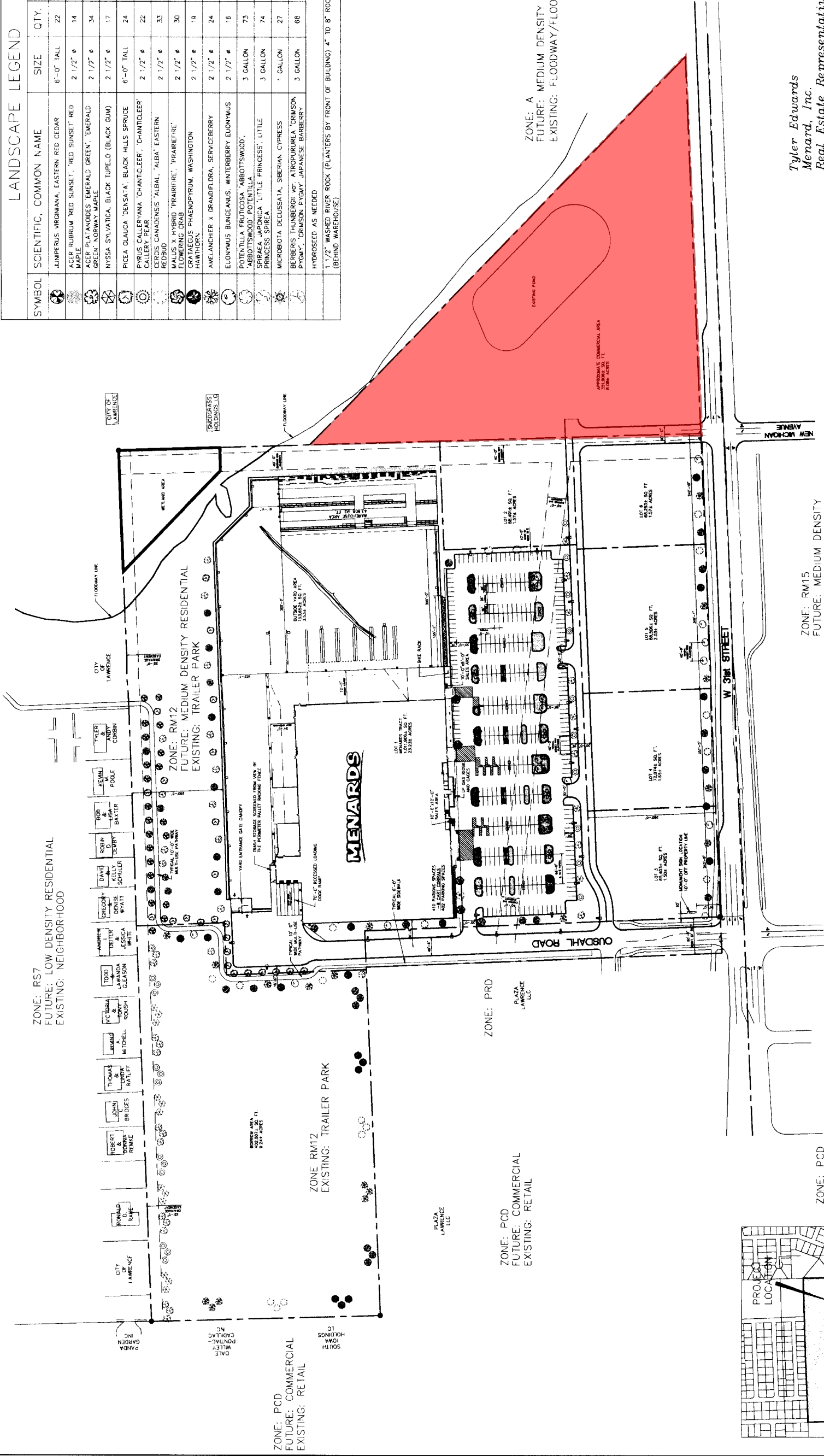
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for use rests solely on the user. The City of Lawrence makes no warranties, express or implied, as to 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.

1 inch = 417 feet

Date: 9/20/2013



LANDSCAPE LEGEND				
SYMBOL	SCIENTIFIC, COMMON NAME	SIZE	QTY.	MATURE SIZE
	JUNIPERUS VIRGINIANA, EASTERN RED CEDAR	6"-0" TALL	22	40'-0" TO 50'-0" TALL 8'-0" TO 20'-0" WIDE
	ASPLENIUM 'RED SUNSET', 'RED SUNSET' RED	2 1/2" #	14	40'-0" TO 60'-0" TALL 20'-0" TO 30'-0" WIDE
	ACER PLATANOIDES 'EMERALD GREEN', 'EMERALD GREEN', NORWAY MAPLE	2 1/2" #	34	40'-0" TO 60'-0" TALL 20'-0" TO 30'-0" WIDE
	NYSSA SYLVATICA, BLACK TUPELO (BLACK GUM)	2 1/2" #	17	30'-0" TO 40'-0" TALL 20'-0" TO 30'-0" WIDE
	PICEA GLAUCA 'DENSATA', BLACK HILLS SPRUCE	6"-0" TALL	24	30'-0" TO 40'-0" TALL 15'-0" TO 20'-0" WIDE
	PYRUS CALLERYANA 'CHANTICLEER', 'CHANTICLEER' CALLERY PEAR	2 1/2" #	22	30'-0" TO 40'-0" TALL 10'-0" TO 45'-0" WIDE
	CERCIS CANADENSIS 'ALBA', 'ALBA' EASTERN REDBUD	2 1/2" #	33	20'-0" TO 30'-0" TALL 25'-0" TO 30'-0" WIDE
	MALUS X HYBRID 'PRAIRIEFIRE', 'PRAIRIEFIRE' FLOWERING CRAB	2 1/2" #	30	20'-0" TALL 20'-0" WIDE
	GRATIAGO PHAENOPYRUM, WASHINGTON HAWTHORN	2 1/2" #	19	20'-0" TO 25'-0" TALL 20'-0" TO 30'-0" WIDE
	AMELANCHIER X GRANDIFLORA, SERVICEBERRY	2 1/2" #	24	20'-0" TO 25'-0" TALL 15'-0" TO 20'-0" WIDE
	EUKONYMUS BUNGEANUS, WINTERBERRY EUONYMUS	2 1/2" #	16	15'-0" TO 20'-0" TALL 10'-0" WIDE
	POTENTILLA FRUTICOSA 'ABBOTTSMOOD', 'ABBOTTSMOOD', 'POTENTILLA	3 GALLON	73	4'-0" TALL 4'-0" WIDE
	SPIRAEA JAPONICA 'LITTLE PRINCESS', 'LITTLE PRINCESS' SPIREA	3 GALLON	74	2'-6" TALL 2'-6" WIDE
	MICROBIOTA DECUSSATA, SIBERIAN CYPRESS	1 GALLON	27	1'-6" TALL 7'-0" WIDE
	BERBERIS THUNBERGII var. 'ATROPURUREA', 'CRIMSON PYGMY', 'CRIMSON PYGMY' JAPANESE BARBERRY	3 GALLON	68	1'-0" TO 2'-0" TALL 2'-0" TO 3'-0" WIDE
	HYDROSEED AS NEEDED			
	1 1/2" WASHED RIVER ROCK (PLAYERS BY FRONT OF BUILDING) 4" TO 8" ROCK RIP-RAP (BEHIND WAREHOUSE)			



SEC. 12-T135-R19E
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS
SCALE: 1" = 600'

RECEIVED

AUG 19 2013

City County Planning Office
Lawrence, Kansas

Tyler Edwards
Menard, Inc.
Real Estate Representative
5101 Menard Drive
Eau Claire, WI 54703



MENARDS

Lawrence, Kansas
Overall Site Plan
August 7, 2013
Scale: 1" = 100'-0"

kwk

CT10

ORDINANCE NO. 8870

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 41.15 ACRES FROM RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT TO CR (REGIONAL COMMERCIAL) 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, 2011 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, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A tract of land located in the Southwest Quarter (SW1/4) of Section Twelve (S 12), Township Thirteen South (T13S), Range Nineteen East (R19E) of the 6th P.M. in the City of Lawrence, Douglas County, Kansas more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter (SW1/4) of Section (S 12); thence North 87°42'29" East, along the South line of said Southwest Quarter (SW1/4), 1607.74 feet; thence North 02°17'31" West, 50 feet to the point of beginning, said point being on the North right-of-way line of 31st Street as recorded in Book 282, Page 643 and the East right-of-way line of Ousdahl Road as recorded in Book 1078, Page 1045 at the Douglas County Register of Deeds; thence North 02°17'31" West, along the East right-of-way of said Ousdahl Road, 350.00 feet; thence South 87°42'29" West, 40.00 feet to the East line of First National Addition, an addition to the City of Lawrence; thence North 02°17'31" West, 424.94 feet to the Northeast corner of First National Addition; thence South 87°42'29" West 807.91 feet along the North line of said First National Addition, to the East line of Commerce Plaza Addition, an addition to the City of Lawrence; thence North 01°36'39" West, parallel to the West line of said Southwest Quarter (SW1/4) of Section Twelve (S 12) and along the East line of said Commerce Plaza Addition, also the East line of Willey's Auto Addition, an addition to the City of Lawrence, 499.41 feet to the South line of Norwood Addition, an addition to the City of Lawrence; thence North 87°50'13" East, along the South line of said Norwood Addition, the South line of Meadow Lea Estates, an addition to the City of Lawrence and Naismith Valley No.1, also an addition to the City of Lawrence, 1913.98 feet to the East line of the Southwest Quarter (SW1/4) of said Section Twelve (S 12); thence South 01°41'49" East along said East line to the North right of way line of 31st Street, 1270.09 feet; thence South 87°42'29" West, along said North right-of-way, 1058.80 feet to the point of beginning. (Contains 41.150 acres, more or less.)

is hereby changed from RM12 (Multi-Dwelling Residential) District to CR (Regional Commercial) District, as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 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, 2011 Edition, as amended, is also subject to the following special conditions:

- (a) Development such as, but not limited to, buildings, parking lots, access drives, exterior storage, and like site elements shall be prohibited in the north two hundred feet (200') of the property being rezoned. Development such as designed open space, landscaping, stormwater-related improvements, hiking/biking trails, and like site elements shall be allowed in the north two hundred feet (200') of the property being rezoned.
- (b) The following uses shall be prohibited in this CR (Community Regional) District:
 - (i) Animal Services: Livestock Sales.
 - (ii) Eating and Drinking Establishments: Bar or Lounge.
 - (iii) Vehicle Sales and Service: Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage; and
 - (iv) Industrial Facilities: Laundry Service.
- (c) A building permit for Phase I of the Menard's main building, planned for the property being rezoned, shall be obtained from the City no later than midnight, 12:00 a.m., July 1, 2015. Failure to obtain that building permit before the expiration of that deadline shall render this rezoning null and void and the property being rezoned shall, in that case, revert to its former base zoning district classification of RM12 (Multi-Dwelling Residential) District.

SECTION 3. Failure of the applicant, owner, or any successor or assign to abide by the requirements of Chapter 20 of the Code of the City of Lawrence, Kansas, 2011 Edition, as amended, or the special condition established in Section 2, *supra*, shall be cause for the City to revoke the rezoning granted by this Ordinance.


SECTION 4. 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, 2011), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

SECTION 5. 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.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

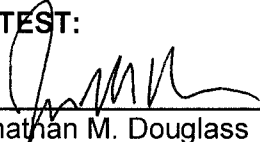
PASSED by the Governing Body of the City of Lawrence, Kansas, this 25th day of June, 2013.

APPROVED:




Michael Dever
Mayor

ATTEST:



Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni R. Wheeler
City Attorney

Existing Floodplain

CR-FP

827 M.S.L. to 825 M.S.L. + 2'

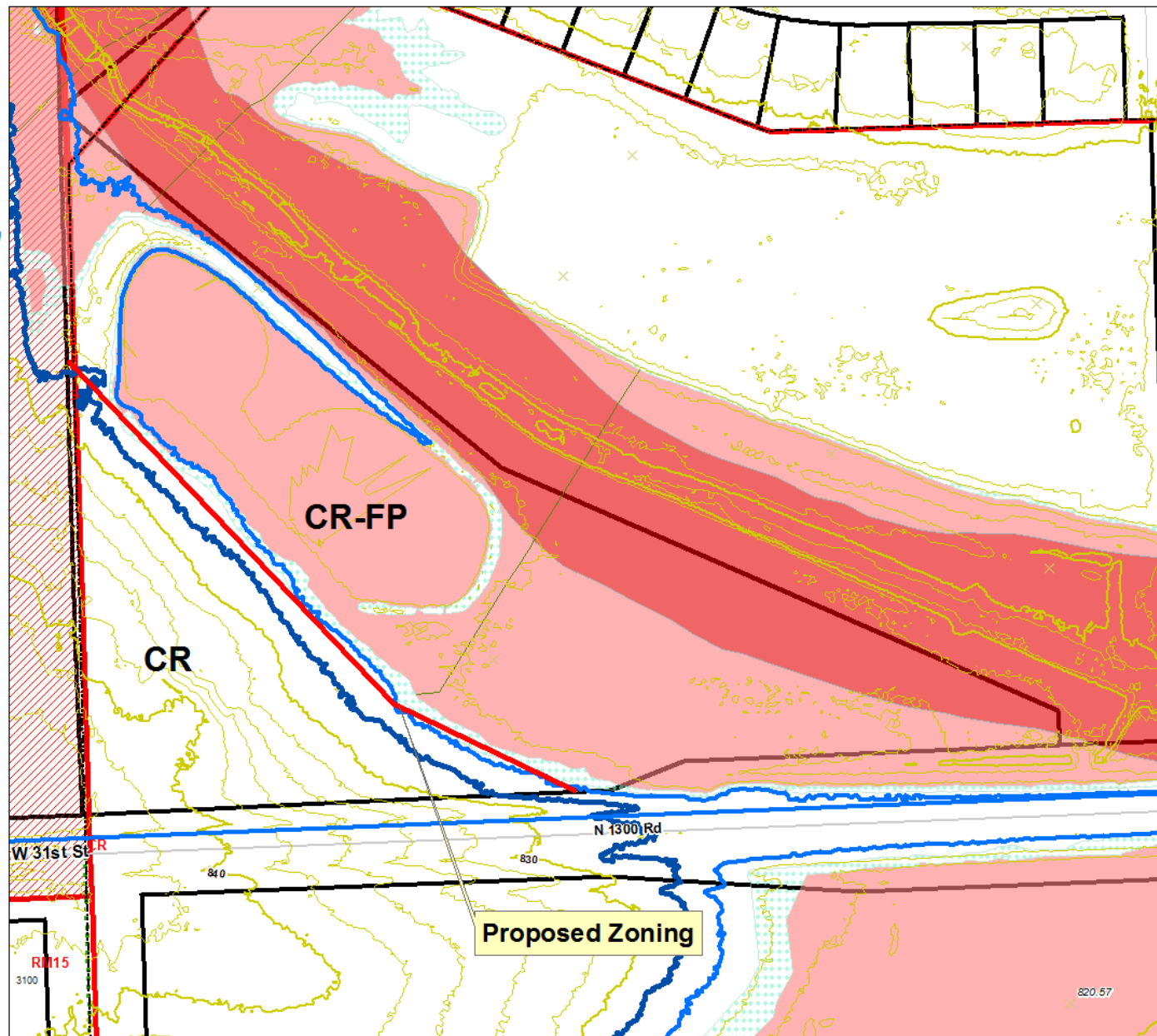
Legend

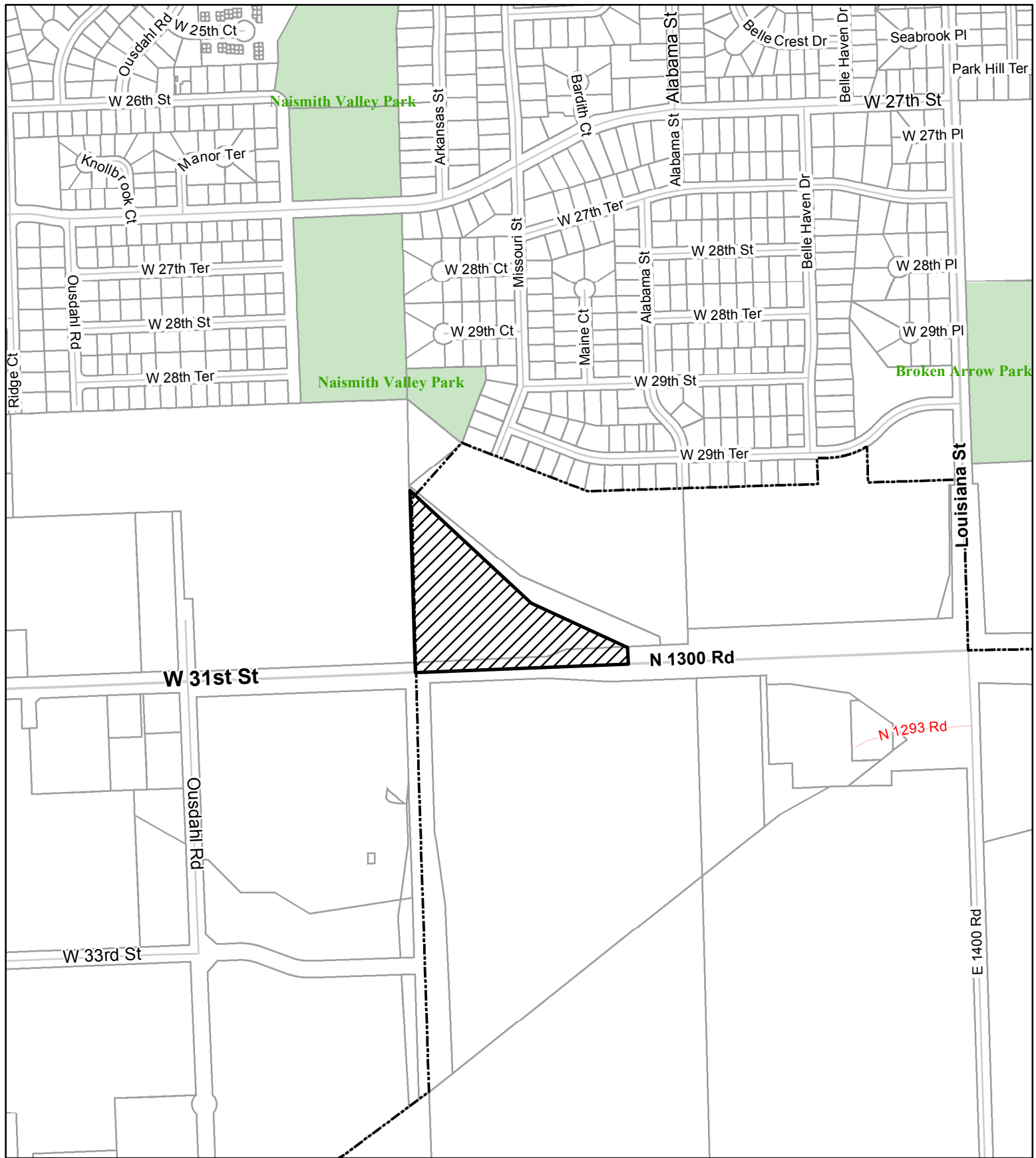
- 828 Contour
- 826 Contour
- City Limits
- Interval
- Index
- Base Flood Elevations

FEMA Flood Maps

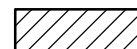
FLD_ZONE, FLOODWAY

- 500 YEAR, 0.2 PCT ANNUAL CHANCE
- 100 YEAR, ZONE A
- 100 YEAR, ZONE AE
- 100 YEAR, ZONE AE, FLOODWAY
- 100 YEAR, ZONE AH
- ZONE X PROTECTED BY LEVEE
- Parcels
- Zoning, City





A-13-00340: Annexation of approximately 8.4 acres
Z-13-00337: Rezone 8.4 acres from A District to CR-FP District
Located at 1352 N 1300 Road



**PLANNING COMMISSION REPORT
REGULAR AGENDA
PUBLIC HEARING FOR VARIANCE ONLY**

PC Staff Report
10/21/2013

ITEM NO. 3C PRELIMINARY PLAT FOR MENARDS ADDITION; 1900 W 31ST ST & 1352 N 1300 RD (SLD)

PP-13-00338: Consider a Preliminary Plat for Menards Addition, a 7 lot commercial subdivision, located at 1900 W 31st St & 1352 N 1300 Rd. Consider variance request from section 20-810 (e)(5) regarding minimum right-of-way for a principal arterial street. Submitted by Menard, Inc. on behalf of Tom Horner III and Bruce Snodgrass, property owners of record.

STAFF RECOMMENDATIONS: Variance

1. Approve the variance requested to allow the right-of-way for 31st Street to remain at 50 feet rather than the 75 feet right-of-way requirement in Section 20-810(e)(5) for Principal Arterial Streets.

STAFF RECOMMENDATIONS: Preliminary Plat

Staff recommends approval of the Preliminary Plat of the Menards Addition subject to the following condition.

1. Provision of a revised preliminary plat to show a dedication of an additional 30' of right-of-way and 10' of adjacent easement for Ousdahl Road extended north.

KEY POINTS

- This preliminary plat is for commercial development.
- The primary development is for Lot 1, Block 1 – Menards Store.
- Proposed development includes extension of public streets and infrastructure to serve this property.
- This property abuts W 31st Street, a designated arterial street requiring 150' of right-of-way. This segment of the existing street is constructed with a narrower total right-of-way thus requiring a variance.
- A similar variance was approved in January 2012 for this property when considered for the residential development project known as Aspen Heights.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-810(e)(5)(i) requires 150' of right-of-way for a principal arterial street.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00340; annexation of 8.4 acres
- Z-13-00337; A to CR-FP
- **PP-13-00338; preliminary plat**

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided and accepted.

- *Downstream Sanitary Sewer Analysis* - The DSSA letter dated August 19, 2013 (uploaded to ComDev August 20, 2013) provided by Landplan Engineering, P.A. has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in AP-76.
- *Retail Market Study* – refer to CPA-13-00067 and Z-13-00071. Study provided and accepted with the related rezoning application.

ATTACHMENTS

- Preliminary Plat
- Variance request
- Letter from Daniel Watkins on behalf of First National Development, Ltd.
- Response Letter from Tyler Edwards

PUBLIC COMMENT

- None received to date.

Site Summary				
	Acres		Acres	
Area	50.992	Minimum Lot Area	1.286	(Lot 4, Block 1)
ROW	1.975	Maximum Lot Area	24.492	(Lot 1, Block 1)
Tract A	8.412	Average Lot Area	5.801	
# lots	7			

GENERAL INFORMATION

Current Zoning and Land Use:

CR (Regional Commercial) District; Planned Menards store; existing vacant land, former mobile home park and A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing residential use and pond Lot 2, Block 1.

Surrounding Zoning and Land Use:

To the north

RM12 (Multi-Dwelling Residential), RS7 (Single-Dwelling Residential) and (OS (Open Space) Districts along the north side of Lot 1, Block 1 (Menards Site). Existing residential development and Naismith Valley Park.

To the northeast:

OS (Open Space) City Zoning District and A (Agricultural) County Zoning District; Existing open space.

To the West of Ousdahl Road extended:

PD [Home Improvement Residential PRD]; existing open space/detention areas.

To the west of Tract A:

CS (Commercial Strip) District; existing automotive and mini-storage uses.

PD [Home Improvement PCD]; existing Home Depot and commercial out lots.

To the south:

RM15 (Multi-Dwelling Residential) District between Ousdahl Road and Michigna Street. Existing apartment development.

A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; agriculture.

To the south of Tract A:

PD [Home Improvement PCD]. Existing commercial development including Home Depot.

STAFF REVIEW

This property is proposed for non-residential development with a variety of lot sizes. The primary development is intended for Menards (Lot 1, Block 1) with several pad site lots to the south and east. This property is located on the north side of W 31st Street between Ousdahl Road and Michigan Street.

A variance is requested as it relates to the total width of right-of-way for W 31st Street. This segment of W 31st Street Right-of-way between Ousdahl Road and Michigan Street is 124 feet wide. The minimum required width per the Subdivision Regulations is 150 feet. The right-of-way widens west of Michigan Street is 166 feet.

Zoning and Land Use

This property includes both existing and pending CR (Regional Commercial) District. The east lot includes Floodplain Overlay District zoning. The majority of the property is vacant at this time. Lot 2, Block 1 includes an existing residence that will be removed with future improvements to the property as part of this redevelopment.

This development will extend the shared use path between W 31st Street and the Naismith Valley Park connection. The Preliminary Plat shows the path extending north along the west side of Ousdahl Road then east along the north portion of Lot 1, Block 1. The path will be included in public improvement plans for this development and will include work on City Property to the north to complete the connection.

Lot and Block Arrangement

This subdivision extends Ousdahl Road and Michigan Street north to serve this development with an interior public access easement between the two streets north of W 31st Street along the rear of Lots 4-7. The CR District requires a minimum lot area of 20,000 SF and a minimum lot width of 150'. The proposed lot configuration exceeds the minimum area requirements. This design follows a general grid pattern consistent with the development pattern to the west.

Lot 1, Block 1 and Lot 3, Block 1 are designed with public right-of-way that extends north to accommodate a designated turnaround. Each public street connects with the interior east-west public access easement.

Lot 1, Block 1 as designed includes 100' of frontage along Ousdahl Road. When combined with the public access easement along the south frontage exceeds the 150' standard. The lot width along the public access easement is more than 700' wide.

Lot 3, Block 1 includes a total of 70' of frontage along Michigan Street in the southeast corner of the lot. This lot is also designed to provide access from the interior public access easement. The lot width along the access easement is 205.15'. The proposed right-of-way when combined with the public access easement exceeds the 150' requirement.

The design of streets to terminate in this configuration was recommended by staff to limit the amount of public right-of-way required to serve this development. The applicant benefits from this arrangement by gaining more developable land area resulting from minimized building setback

requirements. The City benefits because the total area of public right-of-way to be maintained is minimized.

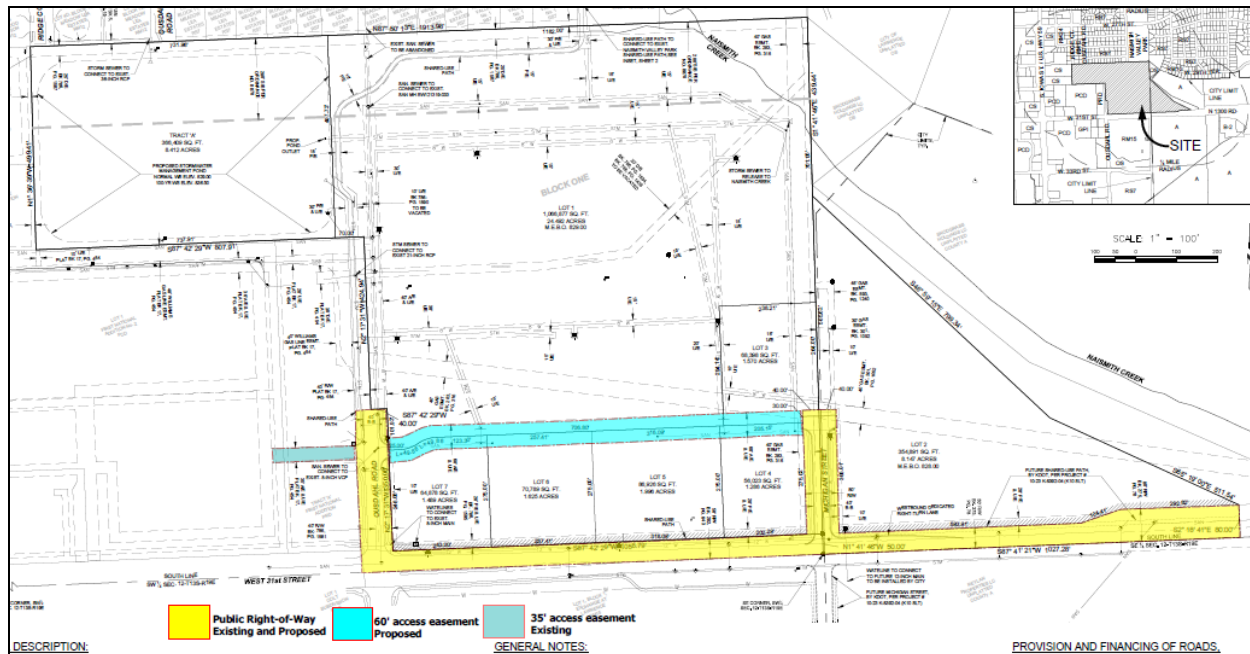


Figure 1: Existing and Proposed Access

Streets and Access

The graphic above highlights the existing and proposed right-of-way that will serve this development.

Direct access to W 31st Street from all lots is prohibited. All access will be provided to proposed lots from an interior circulation that includes public right-of-way and interior access easements.

Ousdahl Road at W 31st Street includes 80' of right-of-way. While 80' wide, it is classified as a local street. Local streets typically only have 60' of right-of-way. This additional width accommodates turn lanes at the intersection. Farther to the north, Ousdahl Road includes only one half of the right-of-way (the west half) dedicated with a Final Plat of First National Addition. The expectation was that the east half of the right-of-way would be dedicated by the property owner upon development of what is today the Menards project.

The Menards Preliminary Plat was originally submitted with 40' of right-of-way (east half) for Ousdahl Road. During the review process it was expressed by staff that this street serves only one development/property. Staff commented that the right-of-way would not be necessary and that the burden of long term maintenance should be the property owners'.

Late in the review process a representative for First National Addition contacted staff to discuss development options for property on the west side of Ousdahl Road. Pending other land use review and approval, access to Ousdahl Road extended would be desirable and potentially serve more than just one property. To protect the interests of both property owners, staff is recommending that the applicant for Menards proceed with the dedication of additional right-of-way. Right of way recommended is 30' (one half of a local street) with an adjacent 10' of easement for utilities.

As noted in the summary the total width of right-of-way for W 31st Street as a principal arterial street is required at 150 feet. The street was designed and constructed with less right-of-way, thus a variance is required.

VARIANCE: Reduce the 150 ft right-of-way requirement in Section 20-810(e)(5) for a Principal Arterial Street to allow the right-of-way for W 31st Street to remain 124' (50' from centerline) for that portion between Ousdahl Road and 593' west of Michigan Street.

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

Applicant Response:

The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. The regulations would require that the right-of-way be widened to 75'. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared-use path on the north side of 31st Street, this subdivision proposes to dedicate a 20' wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.

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

Applicant Response:

The subject property is located adjacent to a stretch of 31st Street that is already full improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.

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

Applicant Response:

Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Staff Finding:

W 31st Street is classified as a principal arterial street in the Future Thoroughfares Map. Per Section 20-810(e)(5), 150 feet of right-of-way must be dedicated for arterial streets when platting property. The applicant is requesting a variance from this requirement to allow the right-of-way to remain at 124' with increasing right-of-way along the eastern portion of Lot 2, Block 1.

The property on each side of the street is responsible for dedicating one-half of the required right-of-way; therefore, an additional 25 feet would be required along lots fronting W 31st Street.

The right-of-way width is inconsistent from Iowa Street to Louisiana Street. The street profile is not anticipated to change from its current four-lane configuration. Modifications near Louisiana Street to the east are planned and right-of-way has been acquired for that construction project.

The 150 ft principal arterial standard is more typically applied when new streets are planned in new development areas. Granting the requested variance is not opposed to the purpose and intent of the regulations.

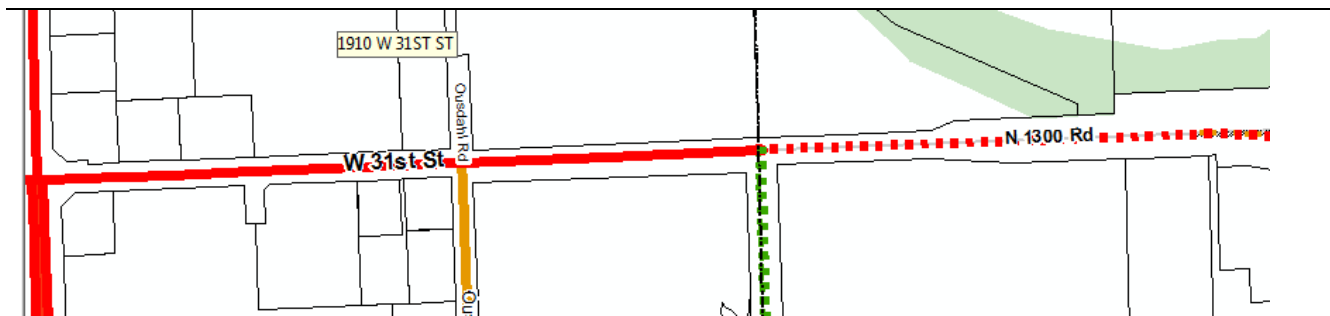


Figure 2: Right-of-way inconsistent for length of Arterial Street.

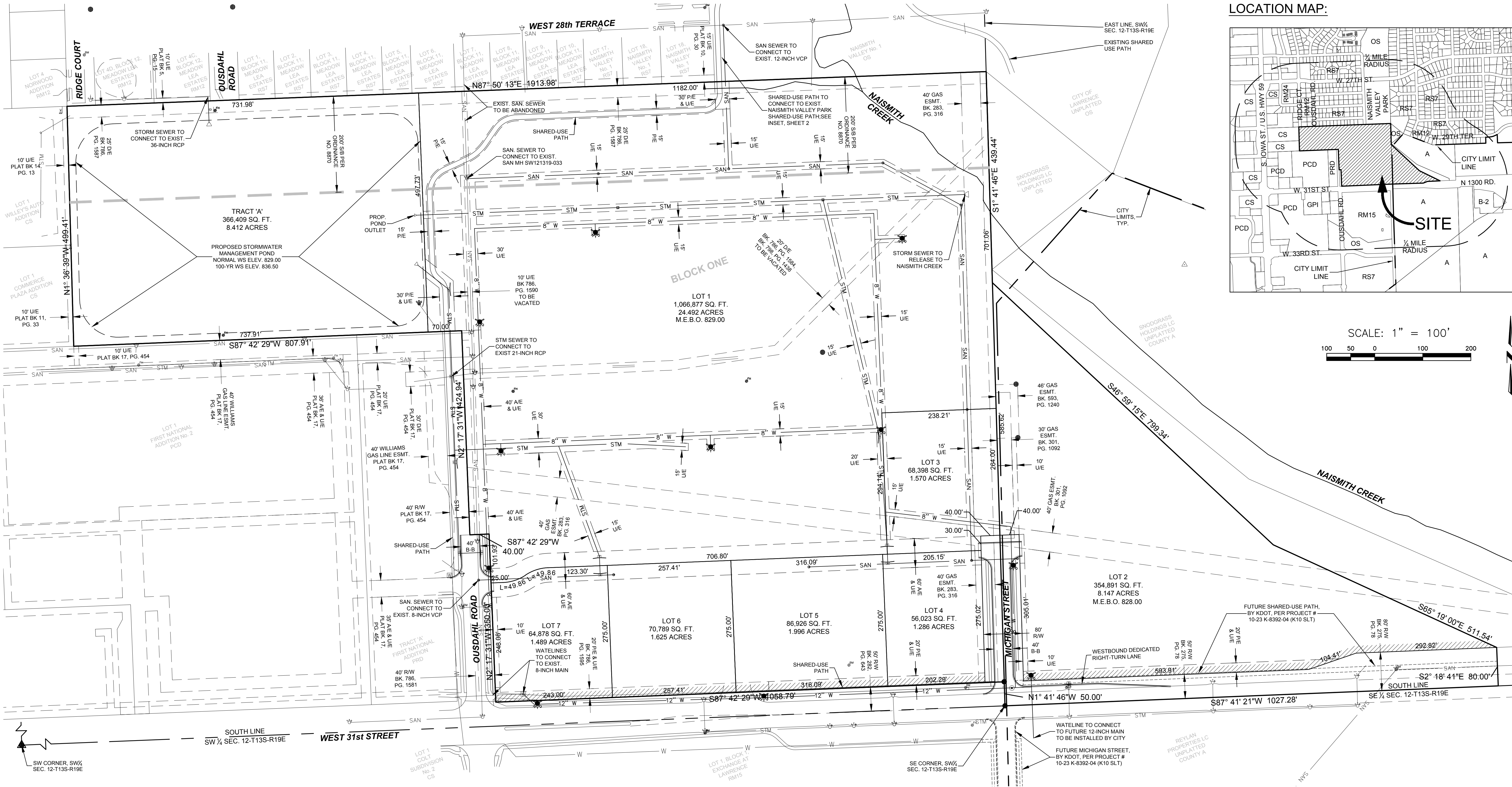
Utilities and Infrastructure

Utilities can be extended to serve this development. The proposed Preliminary Plat includes the necessary easements to accommodate infrastructure needs for the proposed development.

Conformance

The Comprehensive Plan recognizes this area as a future commercial development. The plan also notes that development should provide adequate land use transition between more intense uses and less intense uses. Lot 1, Block 1 includes a 200' area as a designated buffer yard between the commercial development and the residential development to the north.

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 12, THENCE NORTH 87°42'29" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1607.74 FEET; THENCE NORTH 02°17'31" WEST, 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 282, PAGE 643 AND THE EAST RIGHT OF WAY LINE OF OUSDAHL ROAD AS RECORDED IN BOOK 1078, PAGE 1045 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 02°17'31" WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID OUSDAHL ROAD, 350.00 FEET; THENCE SOUTH 87°42'29" WEST, 40.00 FEET TO THE EAST LINE OF FIRST NATIONAL ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 02°17'31" WEST, 424.94 FEET TO THE NORTHEAST CORNER OF FIRST NATIONAL ADDITION; THENCE SOUTH 87°42'29" WEST 807.91 FEET ALONG THE NORTH LINE OF SAID FIRST NATIONAL ADDITION, TO THE EAST LINE OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 01°36'39" WEST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER AND ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, ALSO THE EAST LINE OF WILLEY'S AUTO ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, 499.41 FEET TO THE SOUTH LINE OF NORWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE; THENCE NORTH 87°50'13" EAST, ALONG THE SOUTH LINE OF SAID NORWOOD ADDITION, THE SOUTH LINE OF MEADOW LEA ESTATES, AN ADDITION TO THE CITY OF LAWRENCE, AND NAISMITH VALLEY NO. 1, ALSO AN ADDITION TO THE CITY OF LAWRENCE, 1913.98 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°41'46" EAST ALONG SAID EAST LINE, 439.44 FEET; THENCE SOUTH 46°59'15" EAST, 799.34 FEET; THENCE SOUTH 65°19'00" EAST, 511.54 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 31ST STREET AS RECORDED IN BOOK 275, PAGE 78 AT THE

DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTH 2°18'41" EAST, 80.00 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 12; THENCE SOUTH 87°41'21" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1,027.28 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, THENCE NORTH 1°41'46" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 31ST STREET; THENCE SOUTH 87°42'29" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1058.79 FEET TO THE POINT OF BEGINNING. CONTAINS 50.992 ACRES, MORE OR LESS.

SITE SUMMARY:

GROSS AREA:	2,221,230 SF / 50.992 AC
RIGHT-OF-WAY TRACT:	86,039 SF / 1.975 AC
TRACT:	366,409 SF / 8.412 AC
NET AREA:	1,768,782 SF / 40.605 AC
TOTAL LOTS:	7
AVERAGE LOT SIZE:	252,683 SF / 5.801 AC
MINIMUM LOT AREA:	56,023 SF / 1.286 AC
MAXIMUM LOT AREA:	1,066,877 SF / 24.492 AC

GENERAL NOTES:

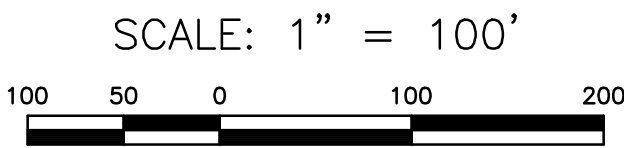
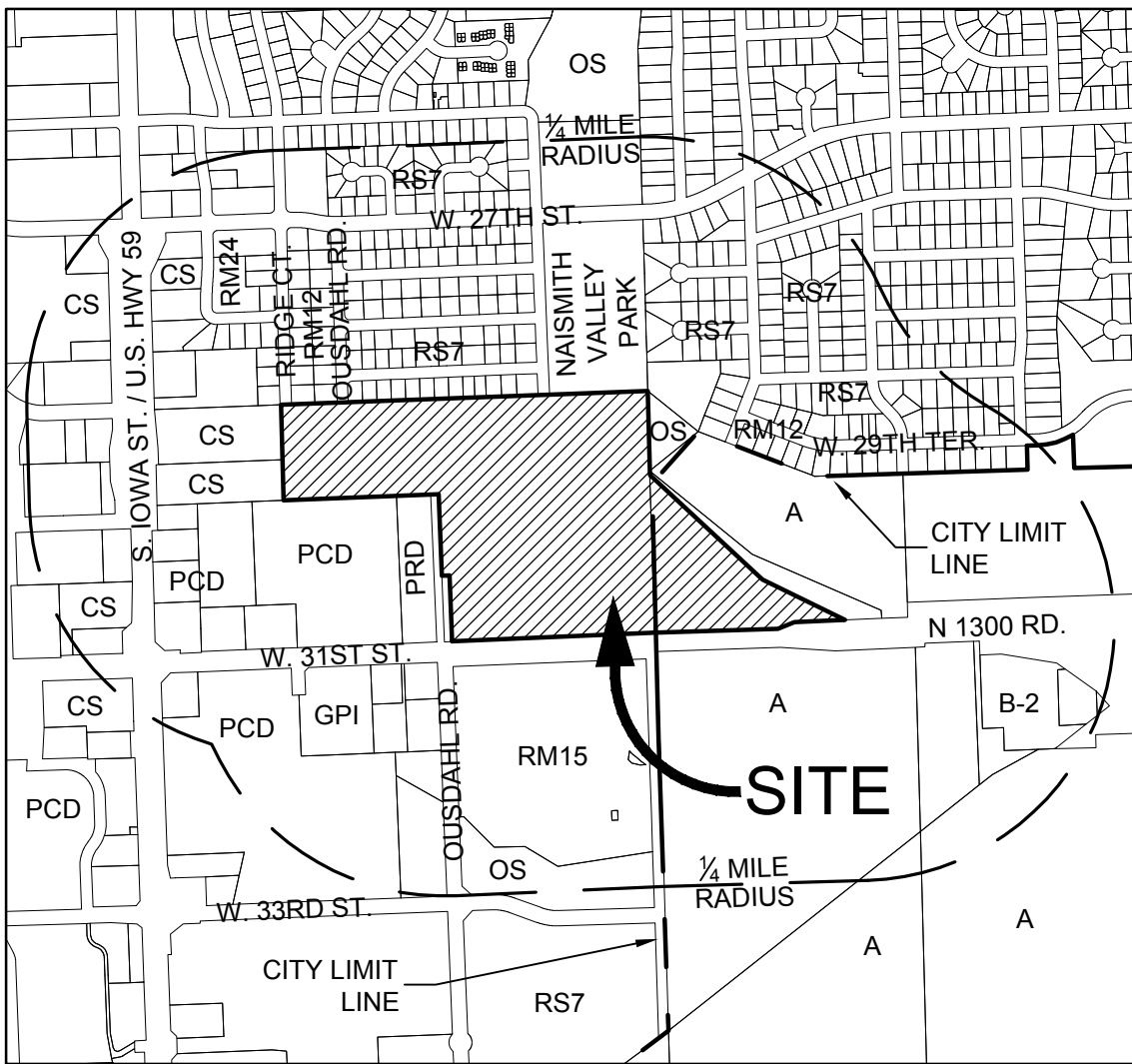
- OWNERS: MID-AMERICA MANUFACTURED HOUSING COMMUNITIES, INC.
10011 WOODENO ROAD
EDWARDSVILLE, KANSAS 66111

BRUCE F. & JOAN SNODGRASS
1352 N 1300 ROAD
LAWRENCE, KS 66046
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPAN ENGINEERING, P.A., JULY, 2013.
- EXISTING ZONING: CR (CITY), A (COUNTY)
- PROPOSED ZONING: CR
- EXISTING LAND USE: VACANT, DETACHED DWELLING
- PROPOSED LAND USE: COMMERCIAL
- THE SUBJECT PROPERTY DOES LIE WITHIN A FLOOD HAZARD AREA AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 167, MAP NUMBER 20045C0167D, DOUGLAS COUNTY, KS., BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; GYMER SILT LOAM, 3 TO 7% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES; WOODSON SILT LOAM, 1 TO 3 % SLOPES.
- TRACT 'A' WILL BE A PRIVATELY OWNED, DEDICATED DRAINAGE EASEMENT. THE DEVELOPER IS RESPONSIBLE FOR ESTABLISHING OWNERSHIP AND MAINTENANCE OF SAME.
- NO PERSON MAY CONSTRUCT, MAINTAIN OR ALLOW ANY NATURAL OR NON-NATURAL STRUCTURE OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHUBBERY, BERMS, FENCES AND WALLS) UPON A DRAINAGE EASEMENT THAT THE DIRECTOR OF PUBLIC WORKS FINDS IMPEDES, DETAINS, RETAINS OR OTHERWISE INTERFERES WITH THE DRAINAGE OF STORMWATER REGARDLESS OF THE SOURCE OF STORMWATER.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN. ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT HIGH VOLTAGE LINES) MUST BE PLACED UNDERGROUND WHEN IN THE CITY OF LAWRENCE OR IN LAWRENCE UGA.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION. IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP.

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

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHT-OF-WAY ASSOCIATED WITH MICHIGAN STREET. A PROPOSED EAST-WEST ROADWAY AND THE EXTENSION OF OUSDAHL ROAD WILL BE PRIVATE.
- THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH LINE LOCATED AT THE NORTHEAST CORNER OF OUSDAHL ROAD AND 31ST STREET.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA TWO EXISTING MAINS: A 12-INCH MAIN THAT RUNS NORTH THROUGH THE SUBJECT PROPERTY IN A 10-FOOT UTILITY EASEMENT; AND A 12-INCH MAIN THAT RUNS EAST NORTH OF THE SUBJECT PROPERTY IN CITY-OWNED PROPERTY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE BIKEWAY SYSTEM VIA TWO EXISTING 10-FOOT-WIDE SHARED USE PATHS: ONE THAT RUNS EAST-WEST ON THE NORTH SIDE OF 31ST STREET AND A SECOND THAT RUNS NORTH-SOUTH THROUGH NAISMITH VALLEY PARK.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISIONS OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

LOCATION MAP:



Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Wakarusa Drive
Lawrence, Kansas 66049
Tel: (785)842-7530
Fax: (785)842-2410
Web: www.landplan-pa.com

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

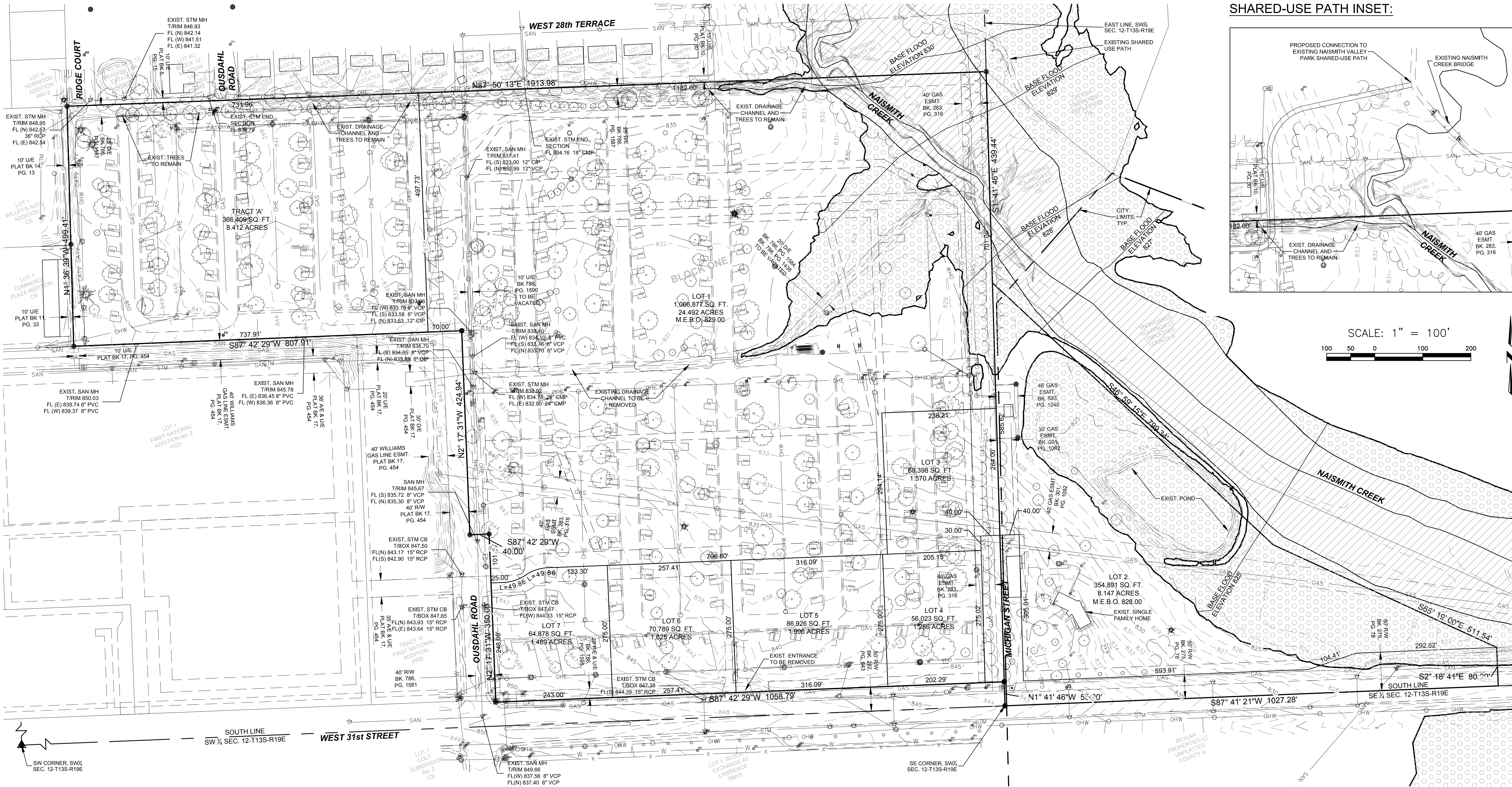
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1900 WEST 31st STREET
LAWRENCE, KS 66046

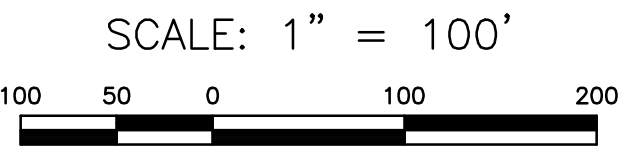
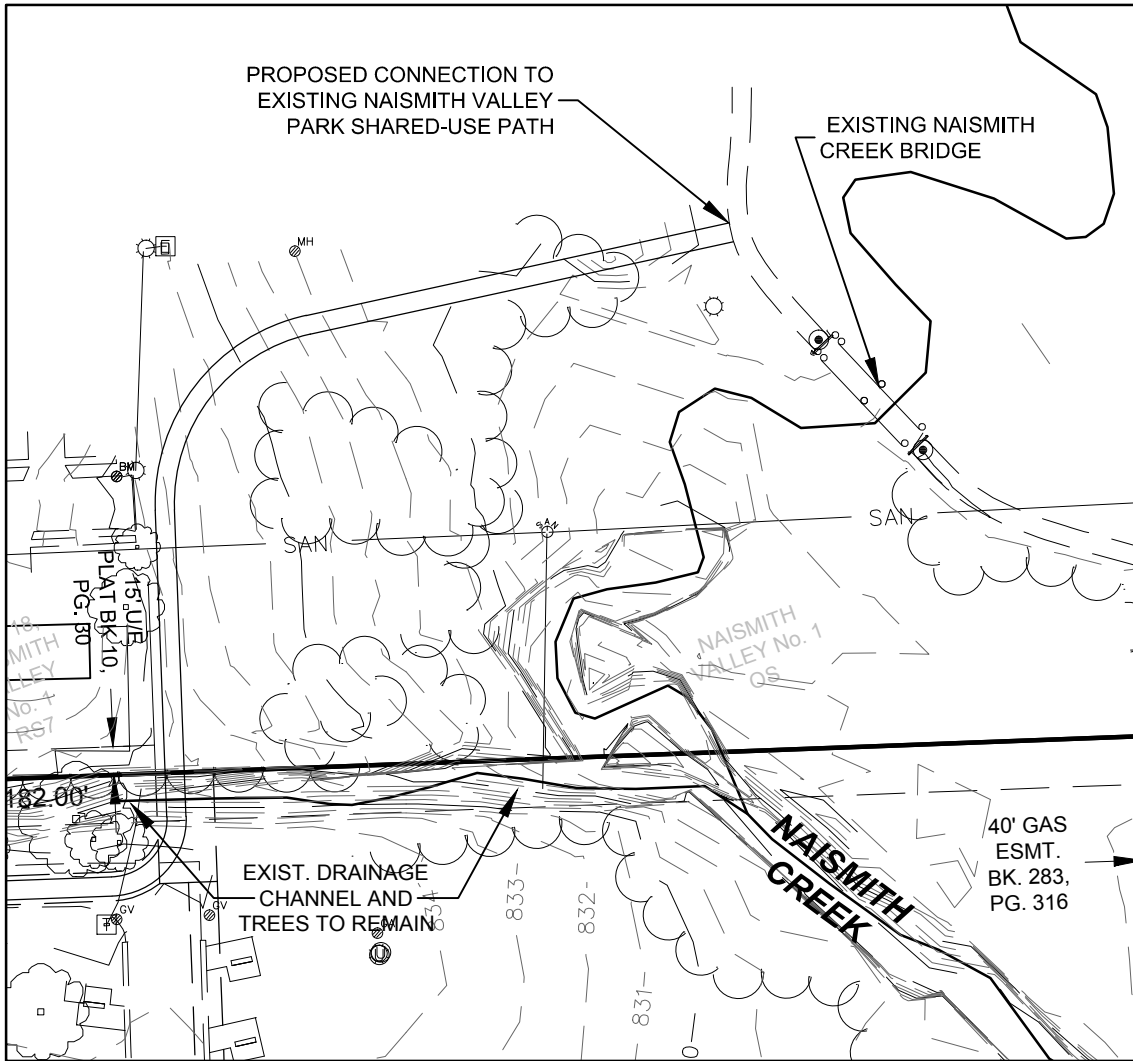
MENARDS ADDITION
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	8/13/13	PER DEPT. COMMENTS

DATE:	8/19/13
PROJECT NO.:	20133001
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	CMS



SHARED-USE PATH INSET:



LEGEND:

- FLOODWAY (ZONE AE, PER FEMA FIRM)

100-YR FLOODPLAIN (ZONE AE, PER FEMA FIRM)

EXISTING TOPOGRAPHIC CONTOUR

EXISTING WATER LINE

PROPOSED WATERLINE

EXISTING SANITARY SEWER

PROPOSED SANITARY SEWER

EXISTING STORM SEWER

PROPOSED STORM SEWER

EXISTING GAS LINE

EXISTING OVERHEAD WIRE

EXISTING OVERHEAD ELECTRIC

EXISTING UNDERGROUND ELECTRIC

EXISTING CABLE TELEVISION
- EXISTING WATER BLOWOFF

EXISTING WATER VALVE

EXISTING FIRE HYDRANT

PROPOSED FIRE HYDRANT

EXISTING MANHOLE

EXISTING SANITARY SEWER MANHOLE

PROPOSED SANITARY SEWER MANHOLE

EXISTING STORM SEWER MANHOLE

EXISTING AREA DRAIN

PROPOSED STORM SEWER CURB INLET

PROPOSED STORM SEWER BOX

PROPOSED STORM SEWER END SECTION

EXISTING GAS VALVE

EXISTING GAS REGULATOR

EXISTING GASLINE MARKER
- EXISTING TRAFFIC SIGNAL POLE

EXISTING UTILITY POLE

EXISTING LIGHT POLE

EXISTING ELECTRIC BOX

EXISTING TELEPHONE PEDASTAL

EXISTING CABLE BOX

EXISTING IRON BAR

BENCHMARK

ACCESS PROHIBITED

BENCHMARKS:

- BM #1

"□" CUT ON NW COR. CONCRETE GAS VAULT ± 79' W. OF E. SECTION LINE & ± 41' N OF E 31ST STREET.
ELEV. 845.59
- BM#2

"□" CUT ON CENTER FRONT FACE OF CURB INLET LOCATED AT THE SW CORNER OF THE INTERSECTION OUSDAHL AND U STREET ± 200' NORTH
ELEV. 847.62
- BM#3

"□" CUT ON THE CENTER FRONT FACE OF CURB INLET LOCATED ON THE EAST SIDE OF RIDGE COURT ± 125' NORTH AND 30' EAST OF NW PROP. COR. OF GASLIGHT VILLAGE.
ELEV. 848.26
- BM#4

"□" CUT ON BACK OF CURB ±21' EAST OF DRIVEW3AY AT 1602 W. 28TH TERRACE ON NORTH SIDE OF ROAD.
ELEV. 839.72

Civil Engineering
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1900 WEST 31st STREET
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PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	9/13/13	PER DEPT. COMMENTS

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CHECKED BY: CMS



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Community Planning
Surveying

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email info@landplan-pa.com

September 13, 2013

Sandra L. Day
City/County Planner II
Planning Division
6 E. Sixth Street
Lawrence, Kansas 66044

Re: 1900 W. 31st Street - Request for Variance

Dear Sandy,

On behalf of Menard, Inc., I am requesting a variance from Sec. 20-810(e)(5)(i) of the Subdivision Regulations which specifies a 150-foot right-of-way for all principal arterial streets. The below comments address the criteria for variances as outlined in Sec. 20-813(g)(2):

- i. *Strict application of these regulations will create an unnecessary hardship upon the Subdivider.*
The existing right-of-way for 31st Street in this location is 50 feet wide north of centerline. This regulation would require that the right-of-way be widened to 75 feet. Generally, the right-of-way for 31st Street in this vicinity is 100 feet wide. The existing right-of-way in this location adequately accommodates a 4-lane street with a center turn lane at the intersection with Ousdahl Road. As a measure to accommodate an extension of the 10-foot wide shared-use path on the north side of 31st Street, this subdivision proposes to dedicate a 20-foot wide pedestrian and utility easement adjacent to the right-of-way. Strict application of this section of the Subdivision Regulations would unnecessarily remove over half an acre of land from this subdivision for improvements that can be installed within the right-of-way that presently exists.
- ii. *The proposed variance is in harmony with the intended purpose of these regulations.*
The subject property is located adjacent to a stretch of 31st Street that is already fully improved to four lanes, with a center turn lane. Combined with the proposed 20-foot pedestrian and utility easement, all existing and proposed improvements can be easily accommodated within this space. It is unlikely that this street will need to be widened significantly in the future.
- iii. *The public health, safety and welfare will be protected.*
Maintaining the 31st Street right-of-way as it exists will not jeopardize the public health, safety or welfare, nor would increasing its width serve to improve them. 31st Street functions adequately and there are no plans for future improvements on the north side of the roadway which would require additional rights-of-way.

Please let me know if you have any questions and thank you very much for your consideration.

Sincerely,

Brian Sturm, RLA, ASLA, LEED AP



September 26, 2013

Daniel Watkins
901 New Hampshire St Suite 200
Lawrence, KS 66044

RE: September 25th Letter to the Planning Commission

Dear Mr. Watkins,

After reviewing your 9/25 letter to the Planning Commissioners the simple answer to your request is no Menards will not accommodate your requests. To be quite honest your requests are outlandish and unreasonable.

Menard, Inc. has gone through the public process that every applicant goes through and in several cases gone beyond what is required of applicants to ensure that the process progressed smoothly. It seems that you are implying the City of Lawrence gave Menards some special treatment in our application and development because of what we are allowed to build. Times in Lawrence may have changed but one thing is certain, Menards went through the exact same public process every applicant is legally required to go through and the decisions were made by elected members of the Planning Commission and City Commission.

You are certainly welcome to submit an application to the city to expand the buildings on your property, that is your right as a property owner. However you are responsible for accommodating your own onsite stormwater treatment per city code. Several means of onsite and underground stormwater treatment are available and I encourage you to investigate those further. Your request that Menards take on the burden of your expansion is unacceptable. Menards fully intends to comply with the rules and regulations the City of Lawrence has established in regards to stormwater on our own property. At the present time two drainage channels flow through the property that we are purchasing. We are required to continue to accommodate that drainage and we have planned accordingly. We have also agreed that the flooding problem that occasionally affects the neighbors to the north and the property we are purchasing can be addressed in our site development plans. This arrangement benefits our property as well as the neighbors to the north. Our stormwater tract is not intended to be a new dumping area for the whole neighborhood.

Just as Menards has properly addressed the city laws, rules, and regulations in a legal manner on its own property you too are expected to do the same. You retain the right as a property owner to go through the legal channels and develop your property as you see fit however it should not be expected that Menards will share in your burden developing your property. As for the conditions suggested at the end of your letter, I cannot believe



as a group with experience developing commercial property you would make them and expect a positive result. You essentially asked that not only does Menards handle your entire stormwater burden but we also pay for the whole engineering operation and put money and effort into your physical site development as well.

Anyone involved in the project will tell you we have been very accommodating so far but this request overreaches what is reasonable and we are not willing to allow it.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read 'Tyler Edwards', is written over the printed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

September 25, 2013

Lawrence-Douglas County Metropolitan Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Menard Addition

Dear Commissioners,

On behalf of First National Development, Ltd., I am writing to request certain conditions be placed on approval of the Preliminary Plat and Rezoning Request associated with the proposed Menard store at 1900 W. 31st Street. First National Development developed and owns the property immediately west of the proposed Menard site. That property, collectively known as First National Addition, includes among other businesses, The Home Depot and Best Buy. The site was planned and developed between 1999 and 2003, a time when the City desired to limit commercial development on 31st Street to an area west of Ousdahl.

In addition to bringing Lawrence its first large home improvement store, the development of First National Addition provided other benefits to the South Iowa commercial corridor. The improvements paid for by First National, included:

- Reconstruction and widening of 31st Street from Iowa Street to Ousdahl
- Installation of traffic signals at the primary entrance to Home Depot at 31st Street entrance and at the intersection of 31st Street and Ousdahl Road
- Redevelopment of the parking lot and entrance to the U.S. Post Office

It took about four years for First National Development to work out a plan with City staff, across multiple departments, to ultimately achieve approval for the development that exists today. That planning process, following the recommendations of City staff and desires of Planning and City Commissioners, resulted in the following:

- A 15% reduction in the size of The Home Depot building between the initial proposal and the building which was approved. While the size of the initially proposed store was consistent with other nearby commercial developments, such as Super Target and the former K-Mart, The Home Depot building was downsized from roughly 118,000 S.F. to 99,000 S.F.
- The creation of a 3.2-acre buffer zone, platted as Tract "A," First National Addition. Tract "A" sits between The Home Depot and the former Gaslight Village Mobile Home Park, now the Menard development. Tract "A" was intended, in accordance with Horizon 2020, as a transition between the community commercial center and the existing residential use of the neighboring mobile home park. Tract "A" was Zoned PRD-1 and viewed by

Planning staff and Commissioners as the eastern boundary of commercial zoning along 31st Street.

- The installation of two stormwater detention ponds within the aforementioned Tract “A.” Despite the fact that the City’s Stormwater Engineer approved a drainage study for First National Addition which discharged all runoff directly to the adjacent floodplain, two detention ponds were ultimately required.

Ten years later, the City Commission, with Planning Commission recommendation, has now approved an amendment to the comprehensive plan and a rezoning request submitted by Menard, Inc., which facilitate the development of a new commercial center that will compete aggressively with First National Addition. This approval allows for the construction of a Menard store with nearly double the retail square footage of the neighboring Home Depot and the development of six additional pad sites totaling over 120,000 SF of retail.

This dramatic shift in planning policy and allowed development has direct bearing on First National Addition. There is no longer a need for a transitional buffer zone on the eastern edge of the Addition. With all adjacent property to the First National Addition—north, south, east and west—now zoned Regional Commercial (CR) and PCD-2, there is no longer any purpose for zoning Tract “A” PRD-1. Moreover, considering the fact the Menard preliminary plat proposes conveying the runoff from First National’s Tract “A” into its own large stormwater management pond, the elimination of First National Addition detention ponds is warranted.

First National Development would like to convert the 3.2 acres of obsolete PRD-1 buffer space into viable commercial space which would entail rezoning and replatting this property.

I called Tyler Edwards at Menard on behalf of First National to discuss issues related to complementary zoning of Tract “A” and left a voice message about First National’s desire to work cooperatively on the matter. The indirect response from Menard and Mr. Edwards was made to Planning Staff that Menard was not interested in any adjustments or cooperation which would provide competition to their site.

Given the size of the Menard development, as opposed to the severe limitations on the First National Addition, First National Development believes that certain conditions are warranted on the Menard’s Preliminary Plat which would allow for efficient redevelopment of First National Development Tract “A”¹. Those conditions are:

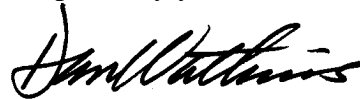
1. Menard amend its Hydraulic and Hydrologic Study to certify that the stormwater management pond proposed with their preliminary plat is sized to accommodate the stormwater runoff generated by a redeveloped First National Addition. Menard is accommodating the City and adjacent neighborhood stormwater detention and can easily do the same for Tract “A” which is also planned to flow into this detention area;

¹ The nearly 50 acre size of the Menard development dwarfs not only the FND development but three other incremental commercial expansions allowed on South Iowa from 31st to 35th Street over the past two decades including Target, Penneys/Southwind and Kohls/Old Navy. (See attached drawings).

2. Menard amend its Traffic Study to include the additional traffic which could be generated by a redeveloped Tract "A," First National Addition. The infrastructure and signals paid for by First National Development are already in place provide sufficient capacity for additional traffic and provide benefit to the Menard property;
3. Menard amend its Downstream Sanitary Sewer Capacity Analysis to include the additional wastewater generated by a redeveloped Tract "A," First National Addition. Again, the capacity is in place and can be confirmed with minimal engineering expense;
4. Menard incorporate into its preliminary plat the necessary stormwater infrastructure to divert First National Addition stormwater runoff to the large detention pond located within Menard Addition;
5. Menard provide the City with a written agreement to not protest future rezoning request for Tract "A," First National Addition; and,
6. Menard incorporate into their preliminary plat a driveway curb cut on the west side of Ousdahl Road opposite the planned entrance to the Menard store or such other access location recommended by City staff.

We would be glad to discuss the basis for these proposed conditions and their minimal cost and impact on the Menard development as you consider the Menard Addition Preliminary Plat. Drawings with First National Addition's Final Plat identifying Tract "A" in relation to the proposed Menard Preliminary Plat are attached to this letter for your reference. FND Tract "A" is in yellow. Thank you very much for your consideration of this equitable request.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dan Watkins", written in a cursive style.

Dan Watkins

cc: P. Dellaportas, P. Watkins

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF COMMERCE PLAZA ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DODDAS COUNTY, KANSAS, PLAT 100, 101 AND 102, AND PROCEEDING NORTHEAST ALONG THE EAST LINE OF SAID COMMERCE PLAZA ADDITION, 823.00 FEET TO THE SOUTH LINE OF LOT 5, IN SAID COMMERCE PLAZA ADDITION, THENCE NORTH 79°22' EAST, ALONG THE SOUTH LINE OF SAID LOT 5, 120.00 FEET TO THE EAST LINE OF SAID LOT 5, THENCE SOUTH 1°00' EAST, ALONG THE EAST LINE OF SAID LOT 5, 120.00 FEET TO THE POINT OF BEGINNING, THE ABOVE CONTAINS 23.618 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DODDAS COUNTY, KANSAS.

BE IT KNOWN TO ALL MEN THAT I (MC, THE UNDERSIGNED OWNERS) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE MADE CAUSE FOR THE SAME TO BE LAYED OUT AND DIVIDED INTO SEVERAL LOTS, AND HAVE CAUSED THE SAME TO BE SURVEYED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HEREIN BEFORE DESIGNATED AS PUBLIC USE, ARE HEREBY DEDICATED TO THE PUBLIC USE OF THE CITY OF LOS ANGELES, AND SAID CITY COMES TO THIS PLAT FOR THE PURPOSE OF ACCEPTING AND MAINTAINING SAID LOTS, CORNERS AND LINES AND THOSE THEREON OUTLINED ON THIS PLAT AS "UNITY EASEMENT" ON "A" AND "THANKS EASEMENT" ON "B".

STATE OF TEXAS, HARRIS COUNTY, SHERIFF'S OFFICE

DATE: 08/01/2007

TIME: 08:00 AM

LOCATION: 10000

OFFICIAL SEAL

SHERIFF'S OFFICE

STATE OF TEXAS

ACKNOWLEDGEMENT

STATE OF TEXAS

ACKNOWLEDGEMENT
STATE OF ILL. COUNTY OF COCKE
BE IT REMEMBERED THAT ON THIS 12 DAY OF July, 2022, BEFORE ME, the undersigned, a Notary Public in and for said County and State, appeared _____

OFFICIAL SEAL
SHELBA L. JAMES
NOTARY PUBLIC, STATE OF MISSISSIPPI
MY COMMISSION EXPIRES: 10/1/2025

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

36160

ENDORSEMENTS

APPROVED BY
LAWRENCE-KOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

FILING RECORD
STATE OF KANSAS
COUNTY OF DOUGLAS

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWS HEREON ARE THE TRUE AND ACCURATE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION IN THE MONTH OF APRIL, 2005 AND THAT THE PLAT IS A CLOSED TRAVERSE.



PROJECT LOCATION

20th Ave

20th St

MONUMENTATION

● 1/2" BAR FOUND

○ 1/2" x 24" BAR W/CLIP "PLS. 0107" SET

NOTE: 1/2" x 24" BAR W/CLIP "PLS. 0107" TO BE INSTALLED IN EXPOSED LOT CORNERS WITHIN 12 MONTHS OF THIS PLAN AND ACCORDING TO SET.

NOTES

☐ 1/2 STUDY EXEMPT
☐ 1/2 ACCESS EXEMPT
☐ 3/4 POSTSTRAIN EXEMPT
☐ 3/4 BRANDED EXEMPT
☐ NO ACCESS
☐ PRIVATE ACCESS EXEMPT
☐ PUBLIC ACCESS EXEMPT

SW 1/4, SEC. 12-T13S-R19E

THE **WORLD'S** **TOP** **100** **DESIGN** **FIRMS**

A RANKING OF THE WORLD'S TOP 100 DESIGN FIRMS, BASED ON REVENUE IN 2007. THE FIRMS ARE RANKED BY REVENUE IN 2007, WITH THE TOP 10 FIRMS LISTED IN THE TOP 100. THE FIRMS ARE RANKED BY REVENUE IN 2007, WITH THE TOP 10 FIRMS LISTED IN THE TOP 100. THE FIRMS ARE RANKED BY REVENUE IN 2007, WITH THE TOP 10 FIRMS LISTED IN THE TOP 100.

SN 01	<p>1 CUT ON INGRADE CONCRETE AND PAINT, 1' N/W OF E. SECTION OF 1ST FLOOR OF 1ST STREET</p> <p>1'00" X 1'00"</p>
SN 02	<p>1 CUT ON CONCRETE FRONT FACE OF CURB-NEST LOCATED AT THE CORNER OF THE INTERSECTION, CORNER OF STREET & 2ND STREET</p> <p>1'00" X 1'00"</p>
SN 03	<p>1 CUT IN THE CENTER FRONT FACE OF CURB-NEST LOCATED ON INGRADE CONCRETE, 1' N/W OF 2ND STREET</p> <p>1'00" X 1'00"</p>
SN 04	<p>1 CUT ON BACK OF CURB-NEST CUT OF CURB-NEST AT INTER. STREETS</p> <p>1'00" X 1'00"</p>

[illegible]

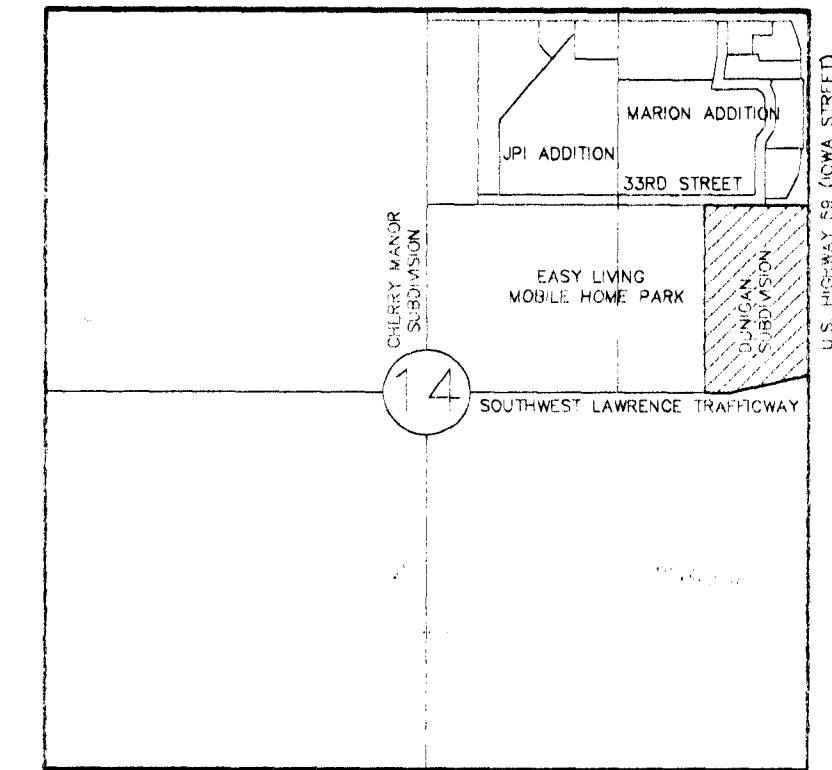
SITE SUMMARY:	
OWNER AREA	2,599,244 SF / 49,577 AC
STATE CORRIDOR	15,949 SF / 0.300 AC
TRACT	394,142 SF / 7.247 AC
NET AREA	1,141,905 SF / 20.846 AC
TOTAL LOTS	2
AVERAGE LOT SIZE	299,703 SF / 5.470 AC
SPREAD LOT AREA	85,006 SF / 1.564 AC
MAXIMUM LOT AREA	1,016,923 SF / 18.766 AC

1. THE CALIFORNIA AIR RESOURCES BOARD (CARB) HAS ACHIEVED A MAJOR MILESTONE IN THE DEVELOPMENT OF A PROPOSED REGULATORY FRAMEWORK FOR THE CONTROL OF AIR QUALITY IN THE SAN JOAQUIN VALLEY. CARB HAS COMPLETED THE FIRST PHASE OF A TWO-PHASE STUDY OF THE VALLEY'S AIR QUALITY PROBLEMS. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD.
2. THE CALIFORNIA AIR RESOURCES BOARD (CARB) HAS ACHIEVED A MAJOR MILESTONE IN THE DEVELOPMENT OF A PROPOSED REGULATORY FRAMEWORK FOR THE CONTROL OF AIR QUALITY IN THE SAN JOAQUIN VALLEY. CARB HAS COMPLETED THE FIRST PHASE OF A TWO-PHASE STUDY OF THE VALLEY'S AIR QUALITY PROBLEMS. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD.
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4. THE CALIFORNIA AIR RESOURCES BOARD (CARB) HAS ACHIEVED A MAJOR MILESTONE IN THE DEVELOPMENT OF A PROPOSED REGULATORY FRAMEWORK FOR THE CONTROL OF AIR QUALITY IN THE SAN JOAQUIN VALLEY. CARB HAS COMPLETED THE FIRST PHASE OF A TWO-PHASE STUDY OF THE VALLEY'S AIR QUALITY PROBLEMS. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD.
5. THE CALIFORNIA AIR RESOURCES BOARD (CARB) HAS ACHIEVED A MAJOR MILESTONE IN THE DEVELOPMENT OF A PROPOSED REGULATORY FRAMEWORK FOR THE CONTROL OF AIR QUALITY IN THE SAN JOAQUIN VALLEY. CARB HAS COMPLETED THE FIRST PHASE OF A TWO-PHASE STUDY OF THE VALLEY'S AIR QUALITY PROBLEMS. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD.
6. THE CALIFORNIA AIR RESOURCES BOARD (CARB) HAS ACHIEVED A MAJOR MILESTONE IN THE DEVELOPMENT OF A PROPOSED REGULATORY FRAMEWORK FOR THE CONTROL OF AIR QUALITY IN THE SAN JOAQUIN VALLEY. CARB HAS COMPLETED THE FIRST PHASE OF A TWO-PHASE STUDY OF THE VALLEY'S AIR QUALITY PROBLEMS. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD. THE STUDY IS A JOINT EFFORT OF CARB AND THE CALIFORNIA AIR RESOURCES BOARD.

[illegible]

900 WEST 31st STREET
LAURENCE, KS 66046
MENARDS ADDITION
PRELIMINARY PLAT

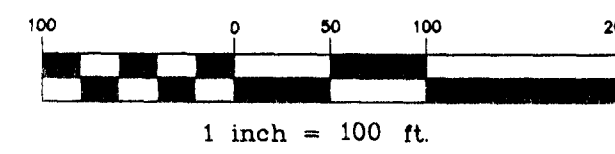
FINAL PLAT OF:
"DUNIGAN SUBDIVISION"
SEC. 14-13-19, LAWRENCE, DOUGLAS COUNTY, KANSAS



LOCATION MAP:
NE 1/4, SEC. 14-13-19
NOT TO SCALE

DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13, RANGE 19, LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE N 89°56'43" W ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 525.74 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE N 89°56'43" W CONTINUING ALONG SAID SOUTH LINE A DISTANCE OF 333.02 FEET; THENCE N 00°20'29" W A DISTANCE OF 543.49 FEET; THENCE N 89°39'31" E A DISTANCE OF 75.52 FEET; THENCE N 00°20'29" W A DISTANCE OF 572.95 FEET; THENCE ON A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 70.00 FEET AND AN ARC DISTANCE OF 32.45 FEET; THENCE N 26°54'02" W A DISTANCE OF 98.59 FEET; THENCE ON A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 130.00 FEET AND AN ARC DISTANCE OF 61.04 FEET; THENCE N 00°00'00" E A DISTANCE OF 29.48 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID NORTHEAST QUARTER; THENCE S 89°57'31" E ALONG SAID NORTH LINE A DISTANCE OF 716.77 FEET; THENCE S 00°19'19" E A DISTANCE OF 330.00 FEET; THENCE S 89°57'31" E A DISTANCE OF 72.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF US 59 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 303.42 FEET; THENCE S 89°40'41" W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE S 00°19'19" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET; THENCE N 89°40'41" E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 313.70 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT TANGENT TO THE LAST DESCRIBED COURSE HAVING A RADIUS OF 38,127.20 FEET AND AN ARC DISTANCE OF 211.26 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF K-10 HIGHWAY AS IT IS NOW ESTABLISHED; THENCE S 76°46'39" W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 467.01 FEET TO THE POINT OF BEGINNING. CONTAINS 949,767 SQUARE FEET OR 21.804 ACRES MORE OR LESS. END OF DESCRIPTION.



LEGEND:

- - 1/2" REBAR W/KVE CAP SET - LS 20
- - MONUMENT FOUND
- △ - R/W MARKER
- D.E. - DRAINAGE EASEMENT
- U.E. - UTILITY EASEMENT
- S.S.E. - SANITARY SEWER EASEMENT
- B/L - BUILDING LINE

BASIS OF BEARING:

EAST LINE OF THE NORTHEAST QUARTER SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST. ASSUMED S 00° 19' 19" E

SURVEY REFERENCE:

TRACT II:
TITLE INSURANCE COMMITMENT NO. 41065
EFFECTIVE DATE: JULY 11, 1995
DOUGLAS COUNTY TITLE COMPANY
700 MASSACHUSETTS
LAWRENCE, KANSAS 66044

PREPARED FOR:

EASY LIVING INVESTMENTS, LTD.
3323 IOWA STREET
LOT #1
LAWRENCE, KANSAS 66046

34TH STREET INVESTORS L.C.
110 McDONALD, SUITE 190
LAWRENCE, KANSAS 66044

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRACT.

DEED BOOK 363, PAGE 681
KANSAS ENGINEERING, INC.
122 W. 12TH STREET
RIVERSIDE, MISSOURI 64150
(816) 587-5033

NOTES:

- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK 357 AT PAGE 191.
- LOTS 3 AND 4 SHALL NOT HAVE DIRECT ACCESS TO SOUTH IOWA STREET/US HIGHWAY 59.
- LOTS 4 AND 5 SHALL NOT HAVE DIRECT ACCESS TO THE SOUTH-WEST LAWRENCE TRAFFICWAY/K-10 HIGHWAY.
- A CROSS ACCESS EASEMENT SHALL BE PROVIDED FROM THE EXCEPTED TRACT BOOK 363, PAGE 681 TO 33RD STREET AT A LOCATION TO BE DETERMINED BY THE CITY OF LAWRENCE.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "DUNIGAN SUBDIVISION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS AND ROADS, EXCEPT PRIVATE ACCESS EASEMENTS SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN STORM DRAINAGE STRUCTURES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN SANITARY SEWERS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "SANITARY SEWER EASEMENT" OR "S.S.E."

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN WATERMAINS UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "WATER EASEMENT."

Martin W. Moore MANAGER
SIGNATURE
MARTIN W. MOORE, MEMBER
PRINT NAME AND TITLE
34TH STREET INVESTORS, L.C.

Alice Honger
SIGNATURE
ALICE HONGER, V.P.
PRINT NAME AND TITLE
EASY LIVING INVESTMENTS, LTD.

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS 24th DAY OF JUNE, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARTIN W. MOORE, ALICE HONGER, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON (S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Linda Watson
NOTARY PUBLIC
NOTARY PUBLIC

Linda Watson
NOTARY PUBLIC
NOTARY PUBLIC

ENDORSEMENTS:

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

David B. Brady
CHAIRMAN
DATE

John Hollander
MAYOR
DATE

Raymond H. H. H. H.
CITY CLERK
DATE

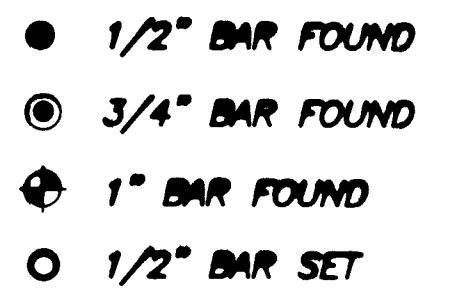
FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 24th DAY OF JUNE, 1996, AND IS DULY RECORDED AT 10:00 AM PLAT BOOK 357 AT PAGE 182.

Shirley A. H. H. H.
REGISTER OF DEEDS

FINAL PLAT OF: "DUNIGAN SUBDIVISION"			
14611 W. 95TH STREET LENEXA, KANSAS 66150 (913) 894-1150 FAX (913) 894-5077	KAW VALLEY ENGINEERING 122 W. 12TH STREET RIVERSIDE, MISSOURI 64150 (816) 587-5033	RIVERSIDE, MISSOURI (816) 587-5033 FAX (816) 587-5077	PROJ. NO.: 40,044 DATE: 6-21-96 CVD BY: WJR CHECKED BY: [Signature] CEN: 044/182 SHEET 1



NOTES

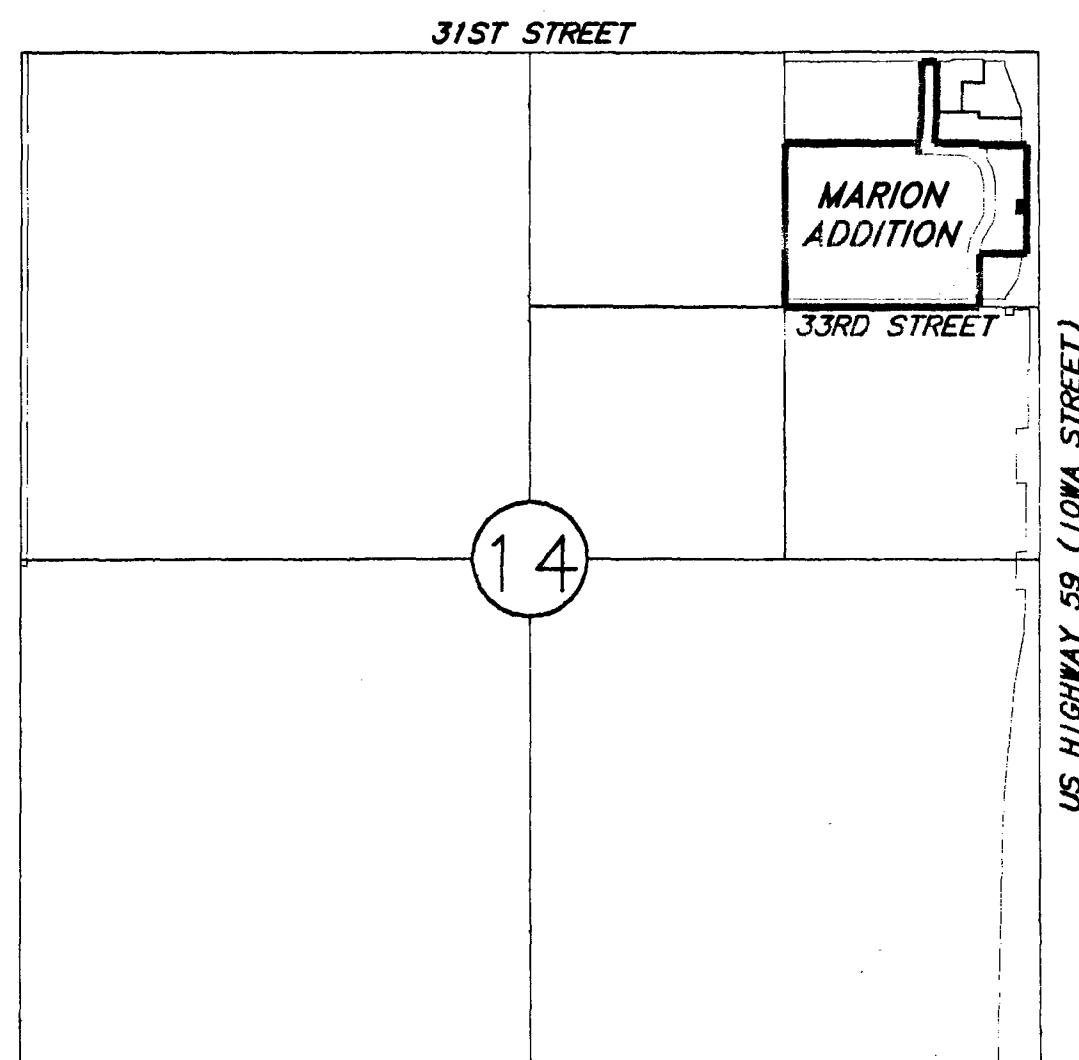
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 526, PAGE 7069.
- THIS PLAT IS SUBJECT TO THE STORM DRAINAGE EASEMENT AND AGREEMENT WITH THE ADJOINING COTTONWOOD PROPERTY AND IS RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS AS FOUND IN BOOK , PAGE .
- THIS PLAT IS SUBJECT TO THE PUBLIC ACCESS TO MARKS TRACT AND NIEDER ROAD (REVERSE FRONTAGE ROAD) AGREEMENT RECORDED AT THE DOUGLAS COUNTY REGISTER OF DEEDS, AS FOUND IN BOOK , PAGE .
- TRACT 'A' IS SUBJECT TO SIGN VARIANCE AGREEMENT DATED APRIL 13, 1994.
- WILLIAMS NATURAL GAS EASEMENT IN SOUTHWEST CORNER OF LOT 1, BLOCK 2 TO BE RELOCATED PER AGREEMENT WITH WILLIAMS NATURAL GAS COMPANY.
- THERE SHALL BE NO ACCESS TO US 59 HIGHWAY (IOWA STREET) FROM LOT 1, BLOCK 1, OR TRACT 'A'.

LINE TABLE

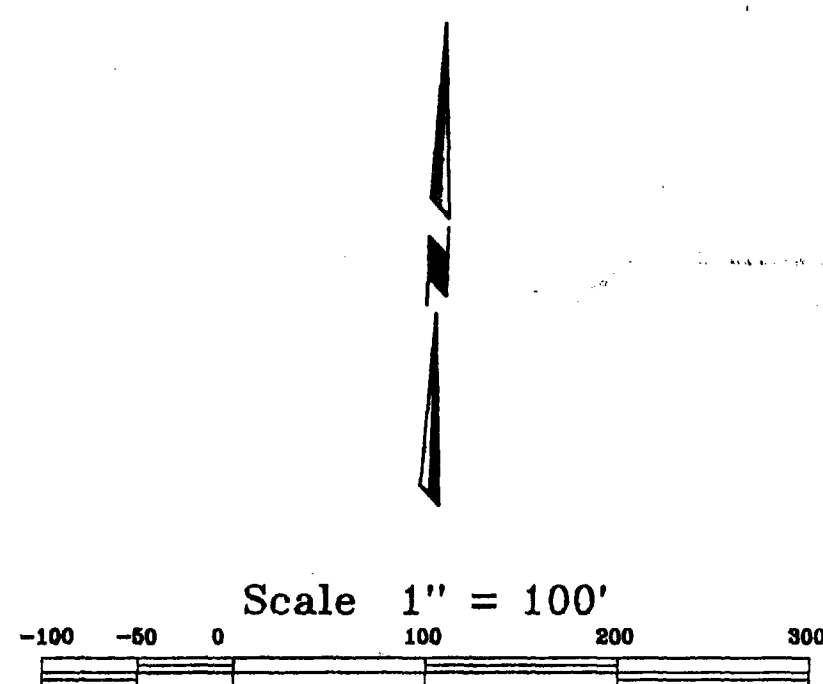
NAME	BEARING	DISTANCE
L1	N 87°58'56" E	40.00
L2	N 02°01'04" W	40.00
L3	N 87°58'56" E	40.00
L4	N 02°01'04" W	40.00

CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD	TANGENT
C1	89°49'37"	175.00	274.36	S 46°55'52" E	247.11	174.47
C2	40°53'54"	174.09	124.27	N 18°25'53" E	121.65	64.91
C3	40°53'54"	174.09	124.27	S 18°25'53" W	121.65	64.91
C4	89°49'37"	145.00	227.33	S 46°55'52" E	204.75	144.56
C5	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73
C6	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C7	38°41'47"	205.00	138.45	S 21°21'57" E	135.84	71.98
C8	40°53'54"	204.09	145.68	S 18°25'53" W	142.61	76.10
C9	40°53'54"	144.09	102.85	N 18°25'53" E	100.68	53.73



LOCATION MAP
NE 1/4, SEC. 14-T13S-R19E
SCALE: 1" = 1000'



ACKNOWLEDGEMENT

STATE OF Minnesota
COUNTY OF Hennepin

BE IT REMEMBERED THAT ON THIS 18th DAY OF October, 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME ~~MARY F. RUSCHA~~ William E. Harter and William P. Hise WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Kenneth Miller
NOTARY PUBLIC

12-15-94
MY COMMISSION EXPIRES

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 OF HARWOOD ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 02°01'04" EAST ALONG THE WEST LINE OF SAID LOT 2, 262.00 FEET; THENCE SOUTH 03°12'35" WEST, 184.54 FEET; THENCE NORTH 88°09'19" EAST, 235.00 FEET; THENCE SOUTH 02°01'04" EAST, 9.00 FEET; THENCE NORTH 88°09'19" EAST, 247.00 FEET; THENCE SOUTH 02°01'04" EAST, 560.79 FEET TO THE EASTERN EXTENSION OF THE NORTH LINE OF LANDMARK ADDITION, AN ADDITION IN THE CITY OF LAWRENCE, KANSAS; THENCE SOUTH 88°15'03" WEST ALONG THE NORTH LINE AND ITS EASTERN EXTENSION OF SAID LANDMARK ADDITION, 247.00 FEET TO THE NORTHWEST CORNER OF SAID LANDMARK ADDITION; THENCE SOUTH 02°01'06" EAST ALONG THE WEST LINE OF SAID LANDMARK ADDITION, 279.93 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°15'10" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 1014.58 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 01°58'27" WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID QUARTER SECTION, 847.58 FEET; THENCE NORTH 88°09'19" EAST, 698.12 FEET; THENCE NORTH 03°12'35" EAST, 188.06 FEET; THENCE NORTH 02°01'04" WEST, 258.59 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 31ST STREET; THENCE NORTH 88°09'19" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 31ST STREET, 80.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 23.713 ACRES, MORE OR LESS, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "MARION ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E."

DAYTON HUDSON CORPORATION

BY *William E. Harter*
William E. Harter, Vice President
Attest: *William P. Hise*
William P. Hise, Asst. Secretary

Mary F. Ruscha
MARY F. RUSCHA, TRUSTEE
OF THE MARY F. RUSCHA REVOCABLE
TRUST DATED DECEMBER 19, 1991

ACKNOWLEDGEMENT

STATE OF
COUNTY OF

BE IT REMEMBERED THAT ON THIS 21st DAY OF Sept., 1994, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARY F. RUSCHA WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Patricia H. Stewart
NOTARY PUBLIC

June 7, 1997
MY COMMISSION EXPIRES

ENDORSEMENTS

APPROVED BY
LAWRENCE-DOUGLAS COUNTY
PLANNING COMMISSION
DOUGLAS COUNTY, KANSAS

RIGHTS-OF-WAY AND EASEMENTS
ACCEPTED BY
CITY COMMISSION
LAWRENCE, KANSAS

Barbara Flory
CHAIRMAN
BARBARA FLORY

F. Joleene Andersen
MAYOR
F. JOLEENE ANDERSEN

FILING RECORD
NO. 75638
INDEX
NUMERICAL INDEX

Raymond J. Hummert
CITY CLERK
RAYMOND J. HUMMERT

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 25th DAY OF December, 1994 AND IS DULY RECORDED AT 2:51 PM; PLAT BOOK P.15 PAGE 657.

Sue Neustifter
REGISTER OF DEEDS
SUE NEUSTIFTER

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY AND THAT THE PLAT IS A CLOSED TRAVERSE.

John E. Seely
JOHN E. SEELY, C.E., L.S. #610
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(913) 843-7530

PLAT PREPARED APRIL 18, 1994

A FINAL PLAT OF MARION ADDITION A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS NE 1/4, SEC. 14-T13S-R19E

THE LAW OFFICES OF
DANIEL L. WATKINS
901 NEW HAMPSHIRE STREET, SUITE 200
LAWRENCE, KANSAS 66044

TELEPHONE:
(785) 843-0181

DANWATKINS@SUNFLOWER.COM

FACSIMILE:
(785) 749-5652

October 16, 2013

Lawrence-Douglas County Planning Commission
ATTN: Bryan Culver, Chair
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Re: Conditions of Menard's Preliminary Plat

Dear Commissioners,

On behalf of First National Development, Ltd.,(FND) with this letter I would like to revise the requested conditions to the Menard's Inc. Preliminary Plat, as proposed in my September 25, 2013 letter to the Commissioners. After reviewing the proposed conditions and discussing planning policy with City staff, FND has agreed to withdrawal requested conditions numbered 1, 2, 3, 5, and 6. However, FND respectfully requests that the Planning Commission consider proposed condition No. 4. That condition would ensure that Menard's Inc. consider and incorporate sufficient stormwater infrastructure for the development of Tract "A".

Stormwater on the FND property is currently collected in the detention ponds located on Tract "A" and channeled by City easement to the creek situated in lower elevations to the north and west of the FND site. The stormwater plan in the Menard Inc. Preliminary Plat diverts this channeled water into Menard's new detention pond, located immediately to the north of Tract "A". Accordingly, the Menard Inc. Preliminary Plat already plans to accommodate the stormwater from the FND property by diverting it through the stormwater pipes it must install in any event. The proposed condition would simply require Menard, Inc. to properly size the pipe to accommodate FND's stormwater, without detention on the FND site. Because FND is otherwise limited in its stormwater options due to the location of the Menard, Inc. site, this proposed condition is the most efficient process for avoiding future undue hardship to either Menard Inc. or FND.

While FND respects the recommendation and policies of the planning staff, it also acknowledges that the competitive advantage to be gained by Menard's is the result of a change in these policies. This equitable resolution would simply allow FND the same opportunity for development that Menard's would receive with the approval of its preliminary plat.

Respectfully yours,



Dan Watkins

cc: T. Edwards, P. Dellaportas

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; *BAR OR LOUNGE* AS PERMITTED USE IN CN2 (SMS)

TA-13-00336: Consider a Text Amendment to various articles in Chapter 20 of the City Code, the Land Development Code, to include *Bar or Lounge* as a permitted use in the CN2 (Neighborhood Commercial Center) District. *Initiated by City Commission on 9/3/13 on behalf of Dan and Chelsea Rose.*

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-13-00336, to add *Bar or Lounge* as a permitted use by-right (Option 1) amending Section 20-403 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

Reason for Request: The location of a neighborhood bar would be consistent with the purpose of the CN2 District by providing services at the neighborhood level.

RELEVANT GOLDEN FACTOR:

- Conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received prior to printing.

ATTACHMENTS

- Attachment A – Existing text of Sections 20-403 & 20-509 in entirety
- Attachment B – Map of existing CN2 District locations

RELEVANT DEVELOPMENT CODE DEFINITIONS

20-1701 Licensed Premises

A [Premises](#) where alcoholic liquor or cereal malt beverages, or both, by the individual drink as defined by K.S.A. Chapter 41, and amendments thereto, is served or provided for consumption or use on the [Premises](#) with or without charge. This term shall include drinking establishments, Class A Private Clubs, Class B Private Clubs, and cereal malt beverage retailers, all as defined by K.S.A. Chapter 41, and amendments thereto and [City Regulations](#).

20-1724 EATING AND DRINKING ESTABLISHMENTS

Sale of prepared food and beverages for on- and off-[Premises](#) consumption. The following are eating and drinking establishment use types:

(3) Bar or Lounge

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the [Premises](#). Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

OVERVIEW OF PROPOSED AMENDMENT

A request for initiation of a text amendment to the *Land Development Code* was submitted to the Planning Office to add *Bar or Lounge* as a permitted use in the CN2 District. The *Bar or Lounge* use is currently permitted in the CD, CC, CR & CS Districts and allowed with a Special Use Permit in the MU Districts.

Prior to the adoption of the *Land Development Code* in 2006, this use, identified under that code as a *Licensed Premises*, was permitted in the C-2, C-3, C-4 & C-5 Districts. The previous code did not include any specific restrictions on *Licensed Premises* in the C-2 District. Properties that previously were zoned C-2 converted to the CN2 District as part of the 2006 code adoption.

Staff has reviewed existing uses in the CN2 District to determine what businesses became nonconforming with this change. According to the most recent Retail Survey, it appears that there are four drinking establishments located in existing CN2 properties. These businesses are located in the Wakarusa Marketplace (Wakarusa & Bob Billings Parkway), Hillcrest Shopping Center (9th & Iowa), and the 19th & Haskell Shopping Center. The businesses occupy suites in these commercial buildings that range from 2,000 – 8,000 square feet.

The applicant has suggested that the location of a neighborhood bar would be consistent with the purpose of the CN2 District by providing services at the neighborhood level. The City Commission initiated this proposed amendment at their September 3, 2013 meeting.

Section 20-208(a) provides the purpose statement for the CN2 District: The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Options have been provided that would allow this use with either Development Standards or approval of a Special Use Permit if the Commission does not believe it is appropriate to permit this use by-right in the CN2 District. In Staff's opinion, it is reasonable to permit this use as a by-right use in all CN2 Districts.

Proposed Article Changes

Changes to the text are shown below and are noted in **red**. Additions are underlined and deletions are ~~struck through~~. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

Option 1: Add *Bar or Lounge* as a permitted use by-right in the CN2 District.

Amend Section 20-403:

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
COMMERCIAL USE GROUP																	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	P	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524

Option 2: Add Bar or Lounge as a permitted use with Use Standards similar to those required for Fast Order Food establishments in the CN2 District in Section 20-509(3) which limits the gross floor area of the use to no more than 3,000 square feet. [Several of the existing bars would remain legal, but nonconforming with this standard.]

Amend Section 20-403 and Section 20-509:

20-403NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
COMMERCIAL USE GROUP																	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	P	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a Licensed Premises use. The Fast Order Food establishments in 3(i) and 4 are not permitted to be a Licensed Premise:

(3) Standards that Apply in CN1 and CN2 Districts

~~Fast Order Food establishments shall be permitted in CN1 and CN2 Districts provided that the Gross Floor Area shall not exceed 3,000 square feet.~~

- (i) **Fast Order Food establishments shall be permitted in CN1 Districts provided the Gross Floor Area shall not exceed 3,000 square feet.**
- (ii) **Fast Order Food and Bar or Lounge establishments shall be permitted in CN2 provided the Gross Floor Area shall not exceed 3,000 square feet.**

Option 3: Add *Bar or Lounge* as a use permitted with a Special Use Permit in the CN2 District.

Amend Section 20-403 to require approval of a Special Use Permit in CN2:

20-403NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
COMMERCIAL USE GROUP																	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	<u>S</u>	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The characteristics of commercial centers are described in *Horizon 2020*, Chapter 5 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level.

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; and

The proposed text amendment corrects an inconsistency between the uses permitted in the *Development Code* and those uses allowed in the previous zoning regulations. The text amendment also eliminates nonconformities that were unintentionally created when the *Licensed Premises/Bar or Lounge* use was omitted from those uses allowed in the CN2 District.

The zoning diagnostic that was prepared before the *Development Code* was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The *Bar or Lounge* use may have been omitted from the CN2 District to provide more distinction in the various districts. That change obviously did not consider the creation of nonconformities for existing businesses in the previous C-2 District.

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

Horizon 2020 outlines criteria for the location of neighborhood commercial centers. These nodes should be located on one corner of either an arterial/collector street intersection or an arterial/arterial intersection. The plan also emphasizes the integration of neighborhood centers with the surrounding residential neighborhoods by including pedestrian access and appropriate transitional elements, such as back to back relationships, landscaping and screening.

Activity associated with a *Bar or Lounge* use is primarily confined to the interior building space in a development; however some establishments could have outdoor patios or occasional temporary parking lot events. Most CN2 centers have been oriented to the adjacent streets rather than opening out to the adjacent residential properties. When new outdoor activity areas are proposed, the potential impacts to nearby properties are evaluated and can be addressed at the site plan stage of development.

Permitting the *Bar or Lounge* use in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The Development Code provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties.

Attachment A - Existing Development Code Text (Section 20-403 in entirety)

20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*		P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home,	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Class B																
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	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	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Temporary Shelter	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	A	
	Community Meal Program	S/A*	S/A*	S/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*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	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

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Passive Recreation	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	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	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	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	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*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	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*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	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	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	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	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	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*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
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
	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	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	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	-	

Key: <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	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	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	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*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

Attachment A (continued) - Existing Development Code Text (Section 20-509 in entirety)

20-509 EATING AND DRINKING ESTABLISHMENTS

The restrictions in (1) and (2) shall apply to a [Licensed Premises](#) use. The [Fast Order Food](#) establishments in 3 and 4 are not permitted to be a Licensed Premise:

(1) Accessory Uses to Hotels

A hotel with 50 or more rooms may have a restaurant as an [Accessory Use](#); a restaurant may be permitted as a second [Principal Use](#) on the same property as a smaller hotel, subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 100 or more rooms may have a [Bar](#) as an [Accessory Use](#), subject to all of the other conditions applicable to the use and the district in which it is located, including separate Parking requirements.

A hotel with 150 or more rooms may have a [Nightclub](#) or other live entertainment as an [Accessory Use](#).

(2) Accessory Bars

In any [Zoning District](#) allowing a Restaurant as a permitted use and allowing an [Accessory Bar](#), the [Accessory Bar](#) shall be allowed only subject to the following standards:

- (i) the [Accessory Bar](#) shall not constitute more than 25% of the [Floor Area](#) of the eating & drinking establishment;
- (ii) the [Accessory Bar](#) shall not have a separate Street entrance; and
- (iii) if at any time the sales of alcoholic beverages in the eating & drinking establishment constitute more than 55% of gross sales for any two months or longer measuring period, the [Bar](#) shall be deemed to be a [Principal Use](#) and the operator shall be subject to penalties under this Development Code for operation of an unlawful use.

(3) Standards that Apply in CN1 and CN2 Districts

[Fast Order Food](#) establishments shall be permitted in CN1 and CN2 Districts provided that the [Gross Floor Area](#) shall not exceed 3,000 square feet.

(4) Standards that Apply in CO District

[Fast Order Food](#) establishments are permitted in the CO District provided that the total [Floor Area](#) does not exceed 10 percent (10%) of the total [Gross Floor Area](#) of all floors of the office [Building](#) or of all [Buildings](#) in the office complex in which the use is located.

(5) Standards that Apply in CD District

The following restrictions apply to [Licensed Premises](#) in the CD district:

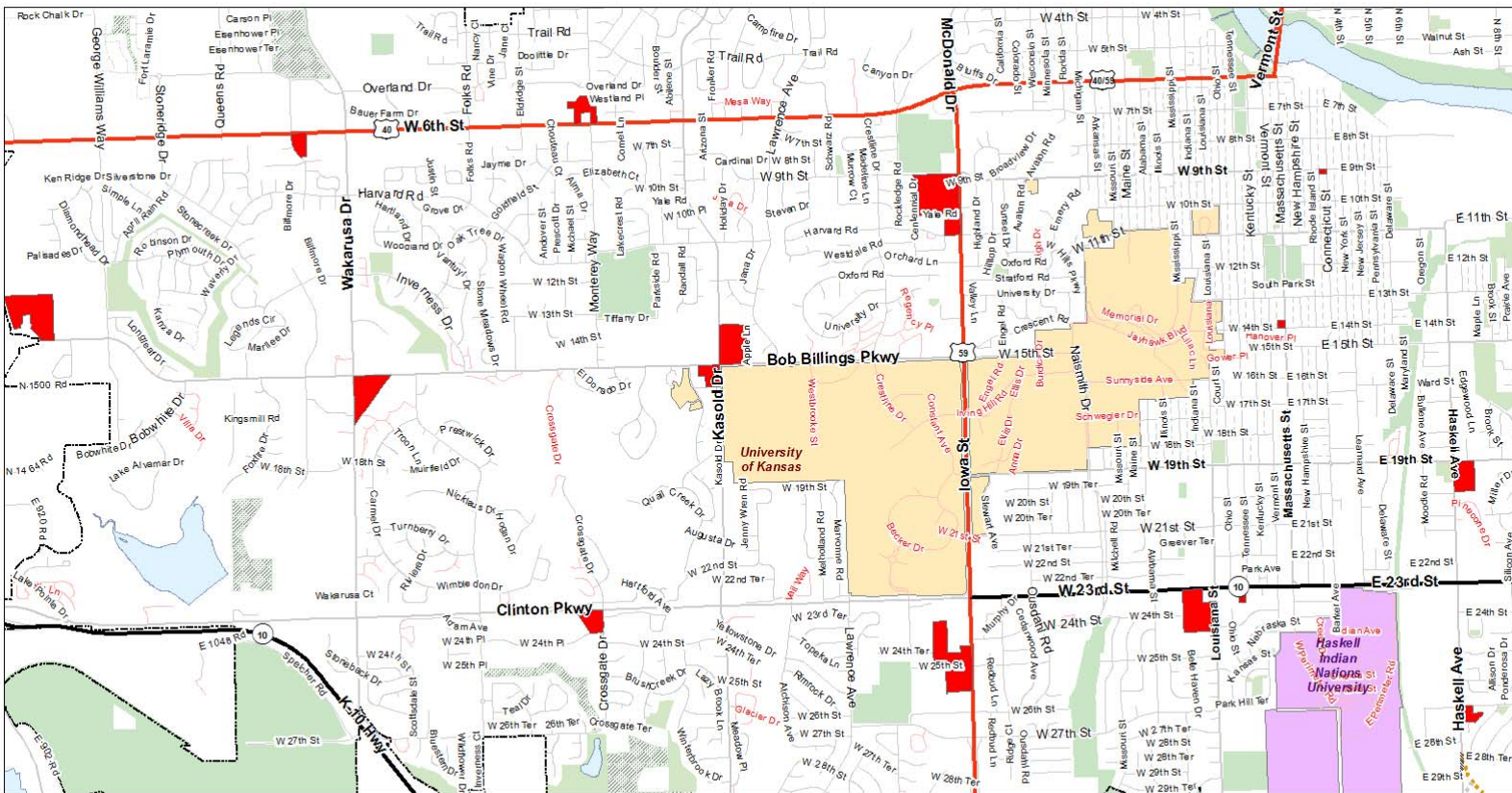
- (i) The [Licensed Premises](#) use in CD shall be required to derive from the sales of food for consumption on the [Premises](#) not less than 55% of all the [Licensed Premises'](#) gross receipts for a calendar year from sales of food and beverages on such [Premises](#).
- (ii) The City Manager or his/her designee shall establish an administrative procedure for the investigation and enforcement of this requirement that shall include the annual reporting of appropriate sales and receipt information from [Licensed Premises](#) governed by this Section.

- (iii) The expansion, extension, enlargement, or alteration of a non-conforming use created by these restrictions shall be governed by Article 15 of this Code.

(6) Standards that Apply in the MU District

A [Bar or Lounge](#) use shall only be allowed for property applying and approved for a zoning map amendment to the MU District after July 1, 2010. A [Bar or Lounge](#) use shall be prohibited for all property with MU District zoning granted prior to July 1, 2010.

Existing CN2 Zoned Areas in the City of Lawrence



Legend

CN2 District

1:000500 0 1,000 2,000 3,000 4,000 Feet
1 inch = 2,000 feet

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, completeness or timeliness. The user assumes all responsibility for the use of the map. The City of Lawrence makes no guarantee, 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 assumes all responsibility for the use of the map, including the fact that the map is dynamic and is in a constant state of change, correction and update.

Date: 10/15/2013



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 4: TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; BAR OR
LOUNGE AS PERMITTED USE IN CN2

Dear Chairman Culver and Planning Commissioners:

Based on our local League position of encouraging good neighborhood planning and supporting accountability in government, we have an urgent request regarding this text amendment.

Acknowledging that the CN2 District was adopted as a neighborhood-compatible commercial district to provide convenience and service to residential areas, we suggest that it needs to be treated differently from commercial areas in our previous code. We count a total of at least 16 CN2 Districts now existing. There are only four non-conforming bars or lounges, according to the Staff Report. **Each neighborhood and residential area is different.** Therefore, a change to the commercial code to include the uses of "bar or lounge" in all CN2 Districts, as this Text Amendment would do, we believe would create "unnecessary hardships" for the residents of neighborhoods or residential areas that would consider this use harmful to their area. Without distinction and choice, the Text Amendment would become automatic and would affect all areas of the City alike.

Therefore, we ask that the Planning Commission add the requirement that this Text Amendment allow this use only with a Special Use Permit (SUP) in those existing CN2 Districts where this use would be an addition, as well as in all new CN2 Districts. In those districts where these uses already exist but are non-conforming, the SUP would automatically apply, rendering them conforming. This is outlined as "Option 3" in the current Staff Report for this Agenda Item.

We sincerely hope that you will adopt the staff choice that requires a SUP for the use of "bar or lounge" in all CN2 Districts—Option 3 of the Staff Report—and not to add the use as one that is automatically permitted "by right."

Thank you.

Sincerely yours,

Cille King
Co-President

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

Memorandum

City of Lawrence / Douglas County

Planning and Development Services

TO: David L. Corliss, City Manager
Craig Weinaug, County Administrator

FROM: Scott McCullough, Director

Date: September 25, 2013

RE: *Horizon 2020* -Update Process

Horizon 2020 is the comprehensive plan for the city of Lawrence and unincorporated Douglas County. A comprehensive plan expresses a community's desires about the future image of the community. It provides the foundation and framework for making physical development and policy decisions. The planning process for *Horizon 2020* was initiated in 1991 and after years of public involvement, it was adopted in 1998. While the adoption of the plan was adopted 15 years ago, it has been continuously amended to address changing trends and beliefs about development in the community. Additionally, the plan undergoes an annual review.

Planned Community Review of *Horizon 2020*

Because *Horizon 2020* has been continuously amended to address changing conditions since its adoption, a major rewrite of the plan is not necessary, in staff's opinion. The recently added and amended chapters and sector plans of the plan were developed with significant public input and compromises. The basic tenets of the plan are sound, but there is opportunity to confirm certain concepts or discuss new trends and concepts for future growth and development.

To achieve this, and as identified on the 2013 Long-Range Planning Work Program, staff intends to complete a series of meetings to inform the public on the plan's concepts and also receive input as to what revisions should be pursued by the Planning Commission. Staff does not anticipate hiring a consultant to comprehensively overhaul the plan. Much of the technical and demographic data in the plan will be revised during this process so that the plan is able to serve the community in guiding future growth. This effort will produce an updated plan that is aligned with the wastewater and water master plans, T2040 (the metropolitan transportation plan), and other plans the city uses to guide growth and development.

Proposed Update Process

Staff is proposing a three phase plan for the update of *Horizon 2020*. Staff recommends that a steering committee, as outlined below, guide the development of the plan update and complete their charge by April 1, 2015.

- Suggested composition of the steering committee (10)
 - Co-chairs (City Commissioner and County Commissioner)
 - 1 Planning Commission representative – City appointee
 - 1 Planning Commission representative – County appointee
 - 1 USD 497 representative – USD 497 appointee
 - 1 Real estate/Development community representative – City/County shared appointee
 - 1 Neighborhood representative – City appointee
 - 1 Business community representative – County appointee
 - 1 At-large city representative – City appointee
 - 1 At-large county representative – County appointee

Phase 1 – Public Education and Issue Identification

- Conduct a series of public meetings to educate and to identify issues
- Known issues:
 - Update demographics to current data
 - Updated Urban Growth Areas (UGA) align with sector plans
 - Update the format of the document to be consistent throughout and user friendly
 - Commercial areas – compact, pedestrian friendly, mixed use, walkable, locations in unincorporated centers
 - Incorporate 2012 utilities master plans findings and recommendations
 - Change the name of the plan
- Review goals and strategies of the plan
- Tools to gather public input
 - Conduct a web survey to identify issues
 - Use social media to request comments
 - Use comment cards at public meetings
 - Provide contact and updates via listserv

Phase 2 – Issue Prioritization

- Steering committee
 - Determine the issues as identified in the public meetings to address in the plan

Phase 3 – Draft Plan

- Review and guide the processing of plan amendments through the Planning Commission, City Commission and Board of County Commission

Action Requested

Confirm process, adopt the joint City-County Resolution (Nos. 7045/____) and appoint steering committee members.

CITY RESOLUTION NO. 7045

COUNTY RESOLUTION NO. ____

A JOINT RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, AND DOUGLAS COUNTY, KANSAS, APPOINTING A STEERING COMMITTEE TO GUIDE THE PROCESS FOR AMENDING *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

SECTION 1. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, is in need of a comprehensive public review and an updating and that a Steering Committee is necessary to oversee and guide that process.

SECTION 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, do hereby establish a Steering Committee to oversee and guide the review and updating of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and the Steering Committee shall have the following composition (appointed by the noted authorities):

- Co-chairs (City Commissioner and County Commissioner)
- 1 Planning Commission representative – City appointee
- 1 Planning Commission representative – County appointee
- 1 USD 497 representative – USD 497 appointee
- 1 Real estate/Development community representative – City/County shared appointee
- 1 Neighborhood representative – City appointee
- 1 Business community representative – County appointee
- 1 At-large city representative – City appointee
- 1 At-large county representative – County appointee

SECTION 3. The Steering Committee, as appointed, shall be charged with overseeing and guiding the process, as generally described in the Phasing outline below, including public education and issue identification, prioritization of issues to submit to the Lawrence-Douglas County Metropolitan Planning Commission and the Governing Bodies of the City and County for review, and for reviewing the draft and final plan product. The Steering Committee shall remain intact until the plan update is completed and shall work to complete their charge by April 1, 2015. In the event that a member of the Steering Committee is unable or unwilling to complete his or her appointment, the original appointing authority shall appoint his or her replacement as soon as practicable.

SECTION 4. The process for reviewing and updating *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, shall follow generally, the following Phasing outline:

Phase 1 – Public Education and Issue Identification

- Conduct a series of public meetings to educate and to identify issues
- Known issues:
 - Update demographics to current data
 - Updated Urban Growth Areas (UGA) align with sector plans
 - Update the format of the document to be consistent throughout and user friendly
 - Commercial areas – compact, pedestrian friendly, mixed use, walkable, locations in unincorporated centers
 - Incorporate 2012 utilities master plans findings and recommendations
 - Change the name of the plan
- Review goals and strategies of the plan
- Tools to gather public input
 - Conduct a web survey to identify issues
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 - Use comment cards at public meetings
 - Provide contact and updates via listserv

Phase 2 – Issue Prioritization

- Steering committee
 - Determine the issues as identified in the public meetings to address in the plan

Phase 3 – Draft Plan

- Review and guide the processing of plan amendments through the Planning Commission, City Commission and Board of County Commission

SECTION 5. If any section, clause, sentence, or phrase of this joint resolution 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 6. This joint resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of October, 2013.

APPROVED:

Michael Dever
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

ADOPTED by the Board of County Commissioners of Douglas County, Kansas, this ____ day of October, 2013.

Mike Gaughan
Chair

Nancy Thellman
Commissioner

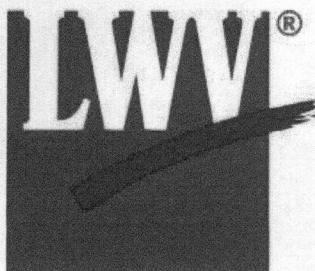
Jim Flory
Commissioner

ATTEST:

Jameson D. Shew
County Clerk

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney, and one to the County Clerk.



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

OCT 21 2013

City County Planning Office
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: MISCELLANEOUS ITEM NO. 1: HORIZON 2020 -UPDATE PROCESS

Dear Chairman Culver and Planning Commissioners:

After reviewing the scope and proposed areas that will be changed and the recommended method of determining this outcome of our Comprehensive Plan, we are concerned about several features that the Planning Commission is being asked to review and presumably approve in what seems to be a binding document. The changes recommended for review appear to us to involve not a minor updating of the Comprehensive Plan, but wholesale changes that could create an entirely new and different planning document.

1. We believe that there is not a sufficient method proposed to allow enough general public comment and input.

2. We believe that the advice provided will be too restricted to local experience, and will be insufficient. If major changes are to be made to our Comprehensive Plan, we need broad, unbiased advice.

3. In view of the two above insufficiencies, the scope of the proposed changes are so major that the outcome of the changed Comprehensive Plan could detrimentally affect our entire planning process. Our Land Development Code, for example, is intended to implement our Comprehensive Plan.

Because the scope of the changes that are recommended in the current document that the Planning Commission is being asked to approve are so broad, we ask that rather than restrict the critical advice on content and method for achieving it to our local staff, the City should hire a qualified consultant to guide the process in the same manner as was done for Horizon 2020.

Please consider alternatives such as we suggest before you recommend approving a binding document that would outline the scope, decision-making process, and source of advice as proposed.

Sincerely yours,

Cille King
Co-President

Alan Black, Chairman
Land Use Committee

Co-President
David Burress

Co-President
Cille King

President-Elect
Cille King

Vice President
marci francisco

Secretary
Caleb Morse

Treasurer
Marjorie Cole

Directors
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission
From: Planning Staff
Date: For October 21, 2013 Planning Commission Meeting
RE: Misc. Item 2 - MPO Appointment

Per the MPO Bylaws:

Two (2) Lawrence-Douglas County Metropolitan Planning Commission members (one appointed by the Lawrence City Commission and one appointed by the Douglas County Board of County Commissioners) as approved by a majority vote of the Lawrence-Douglas County Metropolitan Planning Commission at a regularly scheduled meeting, and;

Recommendation

Appoint a County Appointee from the Planning Commission, Jim Denney, Eric Struckhoff, Pennie von Achen, or Clay Britton to the MPO.