



**Updated:**

**10/20/14 @ 11:30am**

**Added communications for Item 1 - Rezoning 345 Florida St**

**Added Misc. Item No. 2 - Consider Initiating Text Amendment**

**10/17/14 @ 3:00pm**

**Added the following items:**

**Draft September Planning Commission Minutes**

**Misc. Item No. 1 - Draft 2015 Planning Commission Meeting Calendar**

**10/14/14 @ 4:45pm**

**The Draft September Planning Commission Minutes will be added when available.**

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION  
CITY HALL, 6 EAST 6<sup>TH</sup> STREET, CITY COMMISSION MEETING ROOM  
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS  
OCTOBER 20 & 22, 2014 6:30PM - 10:30PM**

**GENERAL BUSINESS:**

**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of September 22, 2014.

**COMMITTEE REPORTS**

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

**COMMUNICATIONS**

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

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

**REGULAR AGENDA (OCTOBER 20, 2014) MEETING  
PUBLIC HEARING ITEMS:**

**ITEM NO. 1 RSO to RM24; 1.1 ACRES; 345 FLORIDA (SLD)**

**Z-14-00369:** Consider a request to rezone approximately 1.1 acres from RSO (Single-Dwelling Residential-Office) District to RM24 (Multi-Dwelling Residential) District located at 345 Florida St. Submitted by Grob Engineering Services LLC on behalf of DCCCA Inc., property owner of record.

**ITEM NO. 2 RSO TO CN2; 0.8 ACRES; 4101 W 6<sup>TH</sup> ST (MKM)**

**Z-14-00300:** Consider a request to rezone approximately 0.8 acre from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W 6<sup>th</sup> St. Submitted by Doug and Berniece Garber, property owners of record.

### **ITEM NO. 3      DOUGLAS COUNTY NATURAL RESOURCES INVENTORY**

Presentation of Douglas County Natural Resources Inventory.

### **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

### **MISC NO. 1      2015 PLANNING COMMISSION MEETING CALENDAR**

Review and consider adopting the 2015 Planning Commission meeting calendar.

### **MISC NO. 2      CONSIDER INITIATING TEXT AMENDMENT; MAKERSPACE**

Request to initiate drafting potential text amendment.

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## **ADJOURN**

### **CALENDAR**

September 2014						
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 2014						
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 2014						
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 2<sup>nd</sup> Wednesday of each month, 7:30am-9:00am)

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## **PLANNING COMMISSION MEETING**

**September 22, 2014**

**Meeting Minutes DRAFT**

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September 22, 2014 – 6:30 p.m.

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

Staff present: McCullough, Day, Larkin, M. Miller, Ewert

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## **PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of July 21, 2014.

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the July 21, 2014 Planning Commission minutes.

Approved 7-0-3, with Commissioners Britton, Graham, and Kelly abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of August 25, 2014.

Motioned by Commissioner Britton, seconded by Commissioner Kelly, to approve the August 25, 2014 Planning Commission minutes.

Unanimously approved 10-0.

## **COMMITTEE REPORTS**

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

Commissioner Britton said the Horizon 2020 heard a presentation on demographics. He said they were still in the information gathering phase.

## **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- Abstentions:  
Commissioner Kelly said he would abstain from item 4.  
Commissioner Rasmussen said he would abstain from item 2.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 1      CONDITIONAL USE PERMIT FOR CREEKWOOD LAWN; 1753 N 700 RD  
(SLD)**

**CUP-14-00295:** Consider a Conditional Use Permit to allow a Truck Storage Facility for Creekwood Lawn, located at 1753 N 700 Rd. Submitted by Shelby Franklin, property owner of record. *Joint meeting with Baldwin Planning Commission.*

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

*No members from Baldwin Planning Commission were present.*

**APPLICANT PRESENTATION**

Mr. Shelby Franklin was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Josserand asked why the original Conditional Use Permit was not complied with.

Ms. Day said there were some conditions of approval that the applicant failed to meet. She said there were some communication gaps for the applicant. She said there was a requirement that that the applicant obtain a permit from the County after this process and the applicant had some confusion and failed to get the permit.

Commissioner von Achen asked about the building improvements.

Ms. Day said Mr. Jim Sherman, Director of County Zoning & Codes, could answer that.

Mr. Jim Sherman, Director of County Zoning & Codes, said previous staff processed it as an ag-exempt and they were not required to meet set standards. He said with the Conditional Use Permit process they needed to confirm design standards.

Commissioner von Achen asked if trucks would be parked inside and outside the building.

Ms. Day said the building would be used for the storage of rucks and related equipment.

Commissioner Denney asked if the current building on the site met the County Code.

Mr. Sherman said yes but it needed to have a final walk through after the Conditional Use Permit was issued.

Commissioner Culver asked if the applicant resided on the property the Conditional Use Permit would not be required.

Ms. Day said that was correct, there was potential that the applicant could qualify as a Home Occupation.

Commissioner Liese asked what would happen when the Conditional Use Permit expires on December 31<sup>st</sup> in five years.

Ms. Day said the applicant would need to have constructed a residence by that time and pursue the continued use as a home occupation, renew the Conditional Use Permit, or rezone the property for some other kind of district that would allow the use by right.

Commissioner Liese asked how five years was determined.

Ms. Day said that was a number that had come through previous County Commission items. She said it allowed businesses to establish and also allowed staff time to evaluate the uses.

Commissioner Denney asked what would happen if Planning Commission did not approve the Conditional Use Permit.

Ms. Day said Planning Commission was a recommending body to County Commission and that County Commission would have the ultimate decision on the use. She said if the request was denied the applicant would need to relocate the business activity from the site and work with the County to resolve having a building on the property without a primary use.

#### **ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Graham, to approve a Conditional Use Permit, CUP-14-00295, for a Truck Storage Facility and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report, and subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit shall expire on December 31, 2019."
2. The applicant shall obtain from Douglas County a building permit as a condition of continued operation.
3. The applicant shall work with the Douglas County Public Works Office to widen the driveway per County specifications.
4. The applicant shall obtain from Douglas County a local floodplain development permit.

Unanimously approved 10-0.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 2 SPECIAL USE PERMIT FOR WWTP; 2300 W 41<sup>ST</sup> ST (MKM)**

**SUP-14-00262:** Consider a Special Use Permit for the Wakarusa Wastewater Treatment Plant, a Major Utility, located on approximately 531 acres at 2300 E 41<sup>st</sup> St. Submitted by City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Dave Wagner, Utility Director, showed slides on the overhead and gave a history of the site and overview of the project.

**PUBLIC HEARING**

Ms. Rebecca Manley expressed concern about increased biowaste and distribution of it. She inquired about the timeline for improvements along 41<sup>st</sup> Street. She also wondered how the plant would be powered.

Mr. Wagner said there was a beneficial reuse program for biosolids since 1993. He said they would continue to have a successful program with biosolids. He said the application of biosolids was significantly more regulated from an environmental perspective than chemical fertilizers. He said the amount of sludge would not change until Lawrence grows. He said they expected to have the facility in operation by the end of 2017. He said there would be road improvements along 41<sup>st</sup> Street and O'Connell Road. He said the main access to the site would be off O'Connell Road. He said they were working with Westar Energy to improve the power delivery to the site. He said the Kansas Department on Health and Environment required two sources of power. He said there was no expectation that the area would develop soon so sidewalks would not be installed until future development of the area.

Ms. Manley inquired about public access to the site and security.

Mr. Wagner said there would be a 7' sturdy chain link fence around it.

Mr. Mike Manley inquired about chemicals and blue green algae. He expressed concern about controlled access and security.

Mr. Wagner said the biosolids program was highly regulated. He said blue green algae was a natural occurring condition and highly influenced by agricultural conditions. He said the facility would have gates and cameras.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Denney, to approve the Special Use Permit, SUP-14-00262, for a wastewater treatment plant located at 2300 E 41st Street, a *Major Utility*, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Applicant shall provide a photometric plan to the Planning Office for review and approval prior to the release of the SUP plan for building permits.
2. Applicant shall provide a revised site plan with the following changes:
  - a) Location and height of all exterior lighting shown on the plan.
  - b) Revision of landscaping sheet per City Horticulture Manager's approval.

- c) Dimensions of the solar array pad noted on Sheet 3.
- d) Provision of the 75 ft Type 3 Bufferyard along the perimeter of the site that is not within the protected riparian area, with the exception of 41<sup>st</sup> Street interior to the site.
- e) Addition of the following note: *"The Bufferyard Landscaping and Perimeter Parking Lot Landscaping requirement along 41<sup>st</sup> Street interior to the site has been waived due to the fact that the subject property is located on both sides of the street."*

Approved 9-0-1, with Commissioner Rasmussen abstaining.

Commissioner von Achen said she was excited about the solar power aspect of the project.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 3      CONDITIONAL USE PERMIT FOR CENTRAL SOYFOODS LLC; 1168 E 1500 RD (MKM)**

**CUP-14-00304:** Consider a Conditional Use Permit for Central Soyfoods LLC, a Value Added Agriculture use, at 1168 E 1500 Rd. Submitted by David Millstein, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. David Millstein said Central Soyfoods had been around since 1978 producing tofu for the Lawrence and Kansas City area and had never had any complaints from the neighbors or employees regarding the operation. He said the operation had very little waste. He said there would be no odor since it was essentially tap water that would go into the lagoon. He said the neighbor's concern about employees being transient was not based on fact. He said the FDA inspection letter was a warning and that the business complied with the problems.

**PUBLIC HEARING**

Mr. Terry Liebold, attorney representing Willis and Linda Long, showed where the Long's property was in proximity to the site. He said the primary reason for their opposition was included in the letter that he sent, which included the location. He said the site was only being a 5 acre lot and surrounded by a lot of residences. He did not feel the application complied with the requirements of a value added business. He expressed concern about the commercial building codes being met.

Mr. Mike Manley expressed concern about the property not being maintained.

Mr. Quinn Miller expressed concern about the size of business being on less than 5 acres. He felt there were other sites that would be more suitable. He also expressed concern about water runoff.

Ms. Rebecca Manley wondered why the applicant chose this particular location and felt there were other sites better suited.

Mr. Roy Chaney said he could not see how this was an agricultural use since nothing was grown on site. He felt it was food manufacturing. He expressed concern about potential odor from the business. He said the area was more like a subdivision with other houses.

Mr. Manley asked Ms. Violet Walker about her opinion on the condition of the property.

Ms. Violet Walker said the property was not well taken care of.

**APPLICANT CLOSING COMMENTS**

Mr. Millstein said the property had been mowed numerous times but that they chose to mow a yard size area around the house. He said the property had been hayed on a yearly basis. He said he moved to this location because it was reasonably priced. He said his current location was between two other businesses and he could not control pests. He said the scale of the business was a micro business. He stated the house would be completely rehabbed and that he would probably only use the basement of the house. He said he had looked in Lawrence for over a year for a suitable location that was affordable. He said it was an agriculturally based business. He said they use local beans grown on his farm and other Douglas County farms. He said they use 700 bushes a year, which was hardly two grain trucks a year. He said it was a micro business with no odor. He said he had never



had any problems with neighbors. He said the lagoon would be designed by an engineer and would follow Kansas health guidelines. He said the greywater lagoon would only contain tap water and a little bit of dishwashing detergent. He said the blackwater would be separated from the greywater so there would be no possibility of contamination.

### **COMMISSION DISCUSSION**

Commissioner Liese asked staff to remind Planning Commissioners what they should focus on.

Mr. McCullough said staff had not received any complaints and that there was no record or history of compliance issues. He said Planning Commission should look at land use elements, traffic, business operations and Code compliance. He said they could also discuss the typical impacts, such as lights, noise, traffic, and odors.

Commissioner Liese asked staff if they felt like they had adequate time to review the letter from Mr. Liebold.

Mr. McCullough said staff reviewed it and responded appropriately.

Commissioner Josserand said he was still struggling with questions that Mr. Liebold brought up in his letter. He asked staff to discuss altering the use of a building and why the objection made by Mr. Liebold was not legitimate with this application.

Mr. McCullough said staff had not consulted County council on the issues. He said it was staff's perspective on how they understood the Code to be interpreted. He said the lot was non-conforming but was not a use issue.

Commissioner Josserand asked if it would be a change of use for the building.

Mr. McCullough said yes.

Commissioner Josserand asked if staff's interpretation was that there was no need to make the building, as a new use, comply with commercial County Codes.

Ms. Miller said it was required to comply with County Codes. She said it was listed as an additional step in the staff report. She said when the applicant goes to Zoning & Codes for the Conditional Use Permit they would also have to get building permits.

Mr. Jim Sherman, Director of County Zoning & Codes, said the structure would be designed and reviewed under the 2012 International Commercial Building Code.

Commissioner Denney asked if the owner of the business was also the property owner.

Ms. Miller said yes.

Mr. Millstein said the company was an LLC and he was the managing partner. He said the property was owned by himself and his wife.

Commissioner Rasmussen said he would vote in favor of the Conditional Use Permit. He said the community, City, and County have indicated they want to support value added agricultural activities. He said they want to maintain the rural and agricultural character surrounding Lawrence with these

types of uses. He did not feel this was any different than the example used in the County Code; making strawberries into jam. He said he could not see a reason for not approving it.

### **ACTION TAKEN**

Motioned by Commissioner Rasmussen, seconded by Commissioner Culver, to approve Conditional Use Permit, CUP-14-00304, for *Value Added Agriculture* subject to the following conditions:

1. The following standards shall apply to the use:
  - a. A maximum of 4 full-time equivalent employees are permitted.
  - b. The structure in which the use is conducted may be up to 3,600 sq ft.
  - c. No equipment that creates noise, vibration, electrical interference, smoke or particulate matter emission perceptible beyond the property lines or in excess of EPA standards is allowed.
  - d. All equipment and materials used in the business must be stored indoors.
  - e. No retail sales of products shall occur on the site.
  - f. Deliveries from trucks with a GVWR (Gross Vehicle Weight Rating) of more than 5 tons are limited to no more than 2 per week. This does not apply to incidental deliveries such as Fed Ex and UPS.
2. Provision of a revised CUP plan with the following changes:
  - a. General CUP notes added per Planning approval.
  - b. Parking area expanded to 5 parking spaces, with one being ADA accessible, and dimensions of the parking area noted on the plan.
  - c. Evergreen trees added to screen the south side of the parking area.
  - d. Location of holding pond/lagoon shown on the plan.
  - e. Standards listed in Condition No. 1 noted on the plan.
  - f. Addition of the following note: *"The Conditional Use Permit will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan unless an extension is approved by the County Commission prior to that date."*

Commissioner Culver said he agreed with Commissioner Rasmussen about value added agricultural business. He felt it fit the description and criteria set forth in the standards. He said it also had regulations and conditions in which the applicant must comply, which was part of the structure in which it could proceed. He said it was a micro-business and an acceptable use under the Conditional Use Permit.

Commissioner Kelly said he appreciated the concern shared by the neighbors about it becoming a factory. He said when he read the Code regarding value added agricultural businesses it specifically said a commodity not grown onsite. He said he looked for other food processing in Douglas County and the County Food Policy Council had a list that they created a few years ago. He said it included quite a few businesses that were rural and small in nature that bring in products from elsewhere. He felt it did seem to be an appropriate land use.

Commissioner Josserand said this kind use was exactly what was anticipated by the value added agricultural section of the Code. He did not feel it would be a noxious industrial use. He said his principal issue was the nature of the structure but that Mr. Jim Sherman had made that issue disappear from his mind with his earlier response. He said he would support the request.

Commissioner Britton said he initially had concerns about legal requirements for a change in use being met but that it sounded like it would meet the Commercial Building Code. He stated that any

time a neighborhood came out to weigh in on something like this he put a lot of stock in that. He did not feel the concerns rose to the level of overriding the staff report. He said he would support the motion.

Commissioner Struckhoff said he would support the motion. He said his concern was the scale and scope of the operation, the stewardship of the waste product, and traffic generate. He felt that most of those have or would be mitigated and that the Code requirements would be complied with. He believed this value added agricultural use was exactly what was envisioned.

Commissioner von Achen said she was sensitive to the concerns of county residents but that she would hate to deny the use based on fears that she did not think would materialize. She said she would support the motion.

Commissioner Denney said the concerns raised by the neighbors should be dealt with through the Code and building permit process.

Commissioner Graham echoed the comments from other Planning Commission members.

Ms. Manley spoke from the audience about the FDA violations.

Commissioner Liese said that Planning Commission was a land use committee and that the County Commission could listen to their additional concerns.

Unanimously approved 10-0.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 4      PRELIMINARY PLAT FOR SCHWEGLER ADDITION; 2201 OUSDAHL RD  
(SLD)**

**PP-14-00303:** Consider a Preliminary Plat for Schwegler Addition located at 2201 Ousdahl Rd. Consider variance request from section 20-810 (e)(5)(i) regarding minimum right-of-way for a collector street. Submitted by Grob Engineering Services LLC on behalf of USD #497, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Dean Grob, Grob Engineering Services, agreed with the staff report.

**PUBLIC HEARING on Variance Only**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the Preliminary Plat, PP-14-00303, for Schwegler Addition, located at 2201 Ousdahl Rd.

Approved 9-0-1, with Commissioner Kelly abstaining.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 5A RM12 TO RMO; .269 ACRES; 1106 RHODE ISLAND ST (LBZ)**

**Z-14-00314:** Consider a request to rezone approximately .269 acres from RM12 (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential-Office) District located at 1106 Rhode Island St. Submitted by Hernly Associates on behalf of the City of Lawrence, property owner of record.

**ITEM NO. 5B SPECIAL USE PERMIT FOR RHODY DELAHUNTY COMPLEX; 1106 RHODE ISLAND ST (LBZ)**

**SUP-14-00326:** Consider a Special Use Permit for Rhody Delahunty Complex for the development of two detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is located at 1106 Rhode Island. Submitted by Hernly Associates on behalf of the City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Lynne Braddock Zollner presented items 5A and 5B together.

**APPLICANT PRESENTATION**

Mr. Mike Myers, Hernly Associates, agreed with the staff report.

**PUBLIC HEARING**

Ms. Cille King, League of Women Voters, expressed concern about access to both dwellings. She said if the dwellings were on a single lot they should stay with a single owner. She was concerned about access and maintenance of two driveways on one lot.

Mr. Myers said they had not discussed the property having more than one owner. He said there could be separate parking for each.

Mr. McCullough said it would take a replat to divide the property and it would be a challenge for the site. He said the Code did not prohibit the multi-building nature of an RM District.

**COMMISSION DISCUSSION**

Commissioner Josserand thanked the applicant for their work on the project.

Commissioner Rasmussen asked why there were three parking places needed off of Rhode Island Street.

Mr. Myers said the parking requirement was met for the uses on the lot. He said it was the most efficient way to do it and approached the historic access points on the lot.

Commissioner Denney thanked the applicant for their work.

**ACTION TAKEN on Item 5A**

Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to approve the request to rezone approximately .269 acres, from RM12 (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Josserand said he would support the motion but thought the issue raised by the League of Women Voters relative to partitioning lots for multiple attached dwelling units should be examined in the future.

Unanimously approved 10-0.

**ACTION TAKEN on Item 5B**

Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to approve Special Use Permit, SUP-14-00326, for two detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code based upon the findings presented in the body of the staff report and subject to the following condition:

1. Execution of a Site Plan Performance Agreement.

Unanimously approved 10-0.

PC Minutes 9/22/14 **DRAFT**

**ITEM NO. 6      RSO TO CN2; 0.8 ACRES; 4101 W 6<sup>th</sup> ST (MKM)**

**Z-14-00300:** Consider a request to rezone approximately 0.8 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W 6<sup>th</sup> St. Submitted by Doug and Berniece Garber, property owners of record.

*Item 6 was deferred prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**ADJOURN 8:50pm**

**2014**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MID-MONTH & REGULAR MEETING DATES**

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 24*	Planning Commission Retreat - half day Friday		Jan 27	Jan 29
Feb 12	HERE @ KU	Topics for 2014	Feb 24	Feb 26
Mar 12	Small Business Facilitator	Continue H2020 Discussion from Jan Retreat	Mar 24	Mar 26
Apr 9	Apartment Trends – Tim Keller, Keller & Associates		Apr 21	Apr 23
May 14	Comp Plan Update Exercises		May 19	May 21
Jun 11	MPO Multi-Modal Studies <a href="http://lawrenceks.org/mpo/study">http://lawrenceks.org/mpo/study</a>	APA Conference updates	Jun 23	Jun 25
Jul 9	Preview presentation from development team of Annexation & Rezoning applications for proposed commercial & open space development containing approximately 167 acres located south of K-10 & east of US59		Jul 21	Jul 23
Aug 15*	PC Orientation – all day Friday		Aug 25	Aug 27
Sep 10	Demographics Presentation by Planning Staff		Sep 22	Sep 24
Oct 8	CANCELLED		Oct 20	Oct 22
Nov 5	TBD		Nov 17	Nov 19
Dec 3	TBD		Dec 15	Dec 17
	Suggested topics for future meetings: How City/County Depts interact on planning issues Stormwater Stds Update – Stream Setbacks Overview of different Advisory Groups – potential overlap on planning issues Joint meeting with other Cities’ Planning Commissions Joint meeting with other Cities and Townships – UGA potential revisions		New County Zoning Codes Tour City/County Facilities Oread Overlay Districts Comprehensive Plan – Goals & Policies Utilities Master Plan Water Resources	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 <sup>st</sup> floor of City Hall, 6 <sup>th</sup> & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services   Lawrence-Douglas County Planning Division   785-832-3150   <a href="http://www.lawrenceks.org/pds">www.lawrenceks.org/pds</a>				

Revised 09/29/14



### 2014 PLANNING COMMISSION ATTENDANCE

	Jan 27 2014	Feb 24 2014	Feb 26 2014	Mar 24 2014	Apr 21 2014	Apr 23 2014	May 19 2014	May 21 2014	June 23 2014	July 21 2014	Aug 25, 2014	Sept 22, 2014	Oct 20 2014
Britton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Denney	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Graham	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Josserand	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Liese	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Rasmussen	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

### 2014 MID-MONTH ATTENDANCE

	Jan 24 2014	Feb 12 2014	Mar 12 2014	April 9 2014	May 14 2014	June 11 2014	July 9 2014	Aug 15 2014	Sept 10 2014	Oct 8 2014			
Britton	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	--			
Culver	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	--			
Denney	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	--			
Graham	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	--			
Josserand	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	--			
Kelly	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	--			
Liese	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	--			
Rasmussen	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	--			
Struckhoff	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	--			
von Achen	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	--			

# Planning Commission

## Key Links

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City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES



### Plans & Documents

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

### Development Regulations

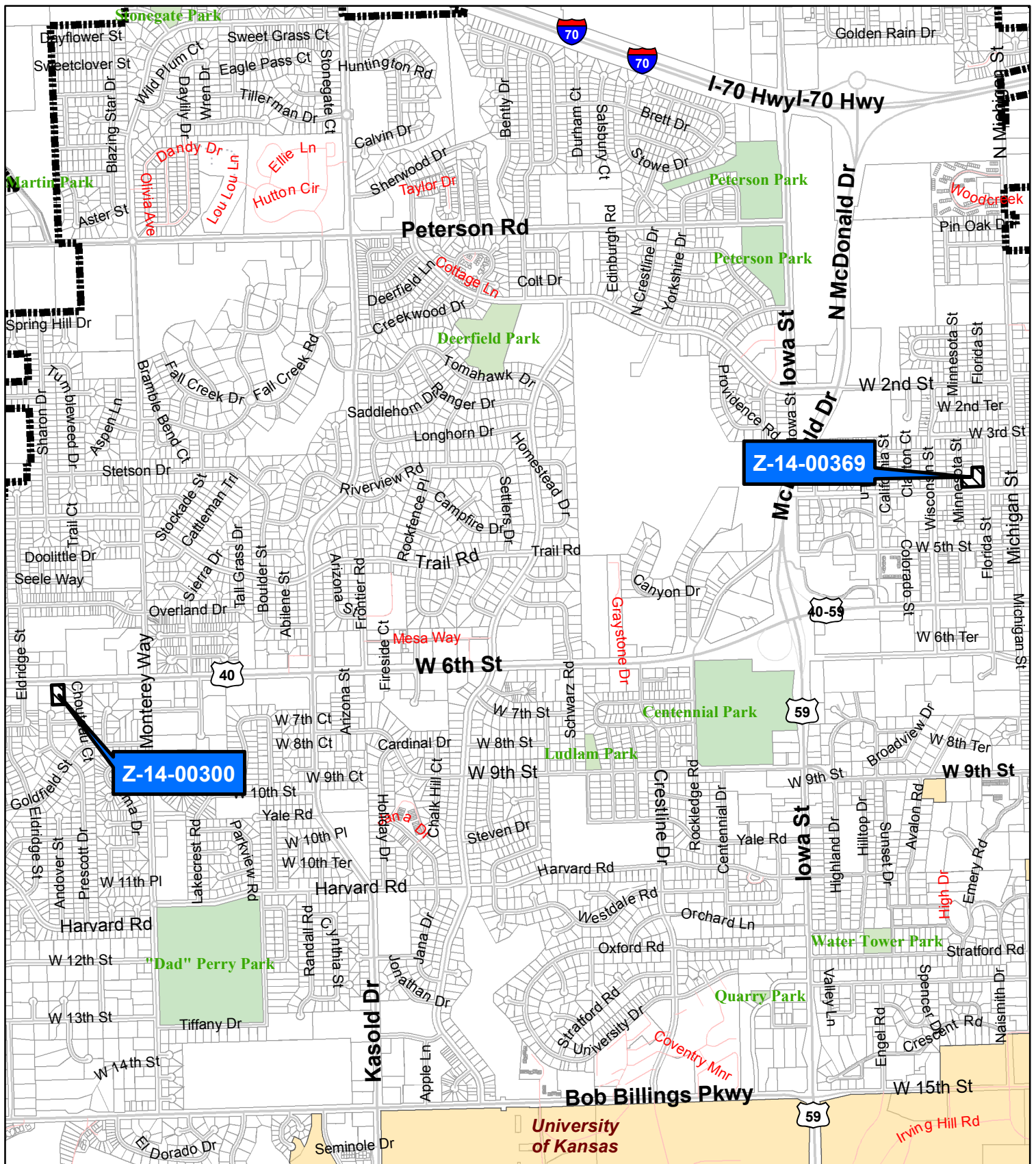
- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

### Online Mapping

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

### Planning Commission

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



## Lawrence-Douglas County Planning Commission October 2014 Agenda Items

Lawrence-Douglas County Planning Office  
October 2014



**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
10/20/14

**ITEM NO. 1: Z-14-00369 RSO (Single-Dwelling Residential Office) District TO RM24 (Multi-Dwelling Residential) District; 46,395 SF (SLD)**

**Z-14-00369:** Consider a request to rezone approximately 1.1 acres from RSO (Single-Dwelling Residential-Office) District to RM24 (Multi-Dwelling Residential) District located at 345 Florida St. Submitted by Grob Engineering Services LLC on behalf of DCCCA Inc., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 46,395 SF, from RSO (Single-Dwelling Residential Office) District to RM24 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *Property has been vacant for some time and redevelopment as RSO zoned property is not conducive to the surrounding neighborhood zoning. Nearly all property adjacent to this property is zoned RM24.*

**KEY POINTS**

- Existing underutilized property.
- Property located in predominantly RM24 zoned area.
- Intent of rezoning to facilitate redevelopment of this property.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- UPR-8-12-85; First Step House
- MS-11-8-10; Minor subdivision for Petey Cerf Early Education Center (Approved, but not recorded)
- SUP-10-07-10; Child Care Facility

**PLANS AND STUDIES REQUIRED**

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

**ATTACHMENTS**

- Location map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

Residents in area have contacted staff regarding application, concern that future development will alter the character of the neighborhood and requesting information about development of the property.

**Project Summary:**

Proposed request is for rezoning the property to accommodate redevelopment of the site as a single use multi-dwelling residential development. There are no specific development concepts for this property available at this time.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *While the comprehensive plan calls for Low Density Residential with higher density nearer to 6<sup>th</sup> Street, the area is generally more higher-density the site being completely encompassed with high density zoning.*

Key features of the plan are stated in Chapter 3 – General Plan Overview. One of these key features expresses the *"support for infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas."* With regard to neighborhoods, the plan *"encourages the development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features of the area."*

The subject property is located in an established neighborhood. The property has historically been used for residential purposes. Rezoning the property facilitates redevelopment of the site to accommodate housing similar to the surrounding land use pattern of multi-dwelling units.

The Land Use Map 3-2 indicates a large area within the Pinckney neighborhood as suitable low-density residential development. Medium and higher density residential development is located adjacent to the W. 6<sup>th</sup> Street commercial corridor and in areas on the west and north boundary of the neighborhood.

Staff review of the actual density of the area concluded that much of the neighborhood west of Michigan Street is currently developed with medium and high-density residential uses. The housing form in this area includes attached duplex units, triplex, quad-plex, and multi-unit apartment buildings as well as some detached residences. The intensity of institutional uses are not calculated based on dwelling units as are other types of residential units.

Given the surrounding land use pattern and historic use of the property, the proposed request does not create an entirely new high-density residential area. This request seeks to change the zoning to a district consistent to the surrounding area. If approved, one parcel located on the northwest side of the subject property will remain RSO within the larger RM24 District shown in figure 1.

The Comprehensive Plan includes other goals and policies that address building orientation and physical design compatibility that will be included in the review of a specific development application for this site. A key factor will be encouraging building setbacks, yard areas and off-street parking requirements consistent with the surrounding area.

**Staff Finding** – The proposed request is consistent with the purpose and intent of the comprehensive plan as it pertains to infill development and neighborhood conservation.



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

Current Zoning and Land Use:	RSO (Single-Dwelling Residential Office) District; existing building currently vacant.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north, east and south. Existing residential uses in all directions.  RSO (Single-Dwelling Residential Office) District to the northwest. Existing four-plex.

**Staff Finding** – This property is located in an existing RM24 District surrounded by residential development.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *There is a general mix of single-family rentals and owner occupied, duplex rentals, and multi-dwelling units.*

This property is located within the Pinckney Neighborhood. This portion of the neighborhood is dominated by a variety of residential densities and housing types. The neighborhood includes commercial uses located along W. 6<sup>th</sup> Street, Lawrence Memorial Hospital and associated uses located in the central part of the neighborhood. In addition, lower density residential uses generally located north of 3<sup>rd</sup> Street and east of Michigan Street. However, high density residential development, while generally located west of Michigan, is located throughout the neighborhood and includes multiple residential forms such as duplexes, 4 and 6 unit apartments, larger apartment developments and a condominium development located at the north end of N. Michigan Street. The neighborhood also includes an elementary school, public properties and designated green space and parks. These elements combine to provide a vibrant mixed-use neighborhood.

**Staff Finding** – This neighborhood includes a mix of housing types and densities throughout the neighborhood.

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

The Pinckney Neighborhood plan was adopted in the early 1970's. The plan has not been updated since the adoption of the plan. Major land uses changes within the boundary of the neighborhood include the addition of parkland in the northeast corner of the site and expansion of medical and medical related uses around the hospital. A portion of the Pinckney Neighborhood is included in the HOP District Plan [Hillcrest, Old West Lawrence and Pinckney Neighborhoods]. See Figure 2. The plan is intended to address redevelopment of specific portions of each of the three neighborhoods but predominantly the W. 6<sup>th</sup> Street Corridor. The plan supports a medial entryway to the Pinckney Neighborhood for Maine and Michigan Streets to the Lawrence Memorial Hospital. The boundary of the plan area does not include the subject property. Policies regarding development and redevelopment of the area are included in *Horizon 2020* discussed above.

**Staff Finding** – Other than the Pinckney Neighborhood Plan there are no adopted area or sector plans 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: *With RSO zoning and the proximity to LMH, office use may be viable but restrictions of 3,000 maximum square feet of office greatly restricts it. RSO zoning is also used as a transitional zoning between heavy commercial and single family residential. Since the property is completely surrounded by RM24 zoning, transitional zoning is not really applicable.*

This property was originally developed as a nursing home. It later served as a residence for a women's recovery/transitional housing facility for women. In 2008, a Special Use Permit was approved for a daycare center that would have reused the existing improvements. A new Special Use Permit was approved in 2010 and extended in 2013 for site redevelopment for a childcare facility, new parking lot and outdoor play area. That project is technically approved and includes an approved extension. The applicant has indicated that project has been abandon. The current state of the building requires substantial rehabilitation or demolition to accommodate a more efficient use of the property. If the proposed zoning is approved the current Special Use Permit for a daycare center will be withdrawn.

The purpose of the RSO zoning *"is to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods. The District is also intended to be used as a transitional zoning district between higher intensity commercial areas and residential neighborhoods. This district allows detached dwellings, duplexes, attached dwellings and administrative and professional Office uses which may be combined in the same structure."*

Within this neighborhood, buildings are generally single purpose such as an apartment or dwelling or a commercial or public building. Mixed-use buildings are not typical in this area. Office and commercial uses are primarily located along W. 6<sup>th</sup> Street, Maine Street, and McDonald Drive in the Pinckney Neighborhood. This site is not suitable for an office use.

The character of the immediately surrounding area is single use residential buildings. The requirements to redevelop the property necessitate the demolition of the existing structure. The current zoning represents a "spot" of RSO zoning within an established high-density residential zoning district within the neighborhood. The current site is not suitable as a mixed residential-office use.

This property is located interior to the neighborhood and does not function as a transitional use between commercial and residential parts of the neighborhood. Historically, this property has been used for group housing type uses as a nursing home. The existing zoning is a function of the adoption of the 2006 Development Code that converted the prior RO-2 District to RSO. There was no deliberate attempt to zone this property to RSO.

**Staff Finding** – These factors support a position that rezoning the property to a comparable or same district as the surrounding area is suitable. The zoning is not suitable to facilitate redevelopment of this site.

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

This property is not vacant. Improvements include a one story 8,400SF building, surface parking lot and fenced yard area. The building was constructed in 1963. The property was zoned "C" Apartment prior to the 1966 Zoning Code. The property was rezoned to RM-2 with the adoption of the 1966 Zoning Code. The RM-2 district was a high-density residential district that allowed up to 21 dwelling units per acre.

The property was rezoned from RM-2 (Multiple-Family Residential) District to RO-2 (Residential-Office) District in 1973 in anticipation of future medical office spaces but that the existing nursing home could remain (Z-11-18-73). The RO-2 district allowed a maximum residential density of 12 dwelling units per acre. The district limited the residential use to single-family or duplex type units. The property was rezoned to RSO (Single-Dwelling Residential-Office) in 2006 with the adoption of the Land Development Code. The current RSO district allows mixed use with a maximum density of 15 dwelling units per acre.

**Staff Finding** – This property is not vacant. This property has previously been zoned for both high-density and medium density residential development.

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

Applicant's Response: *The property is directly adjacent to a collector street so increased traffic on local streets through single-family neighborhoods should be minimal. Because the adjacent properties are already RM24, rezoning this property to RM24 should have no detrimental affects on the nearby properties.*

Nearby uses, include detached housing and apartment uses in the immediate vicinity. The surrounding density includes low, medium and high-density development within an established RM24 zoning district. Rezoning the property to RM24 will not result in a detrimental affect for nearby properties. Development of the site that includes reduced parking or building setbacks would be inconsistent with the surrounding development pattern. Redevelopment of this property should anticipate full compliance with the required density and dimensional standards, off-street parking and landscape requirements of the Development Code to mitigate any impacts to nearby properties.

**Staff Finding** – Rezoning the property to the same RM24 district as the surrounding properties will not detrimentally affect the surrounding area. Redevelopment of the site consistent with building setbacks, off-street parking, screening and other applicable density and dimensional standards must be implemented to assure there are no detrimental impacts.

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

Applicant's Response: *the owner has had no success selling the property or finding a rental tenant for the existing structure. Rezoning would allow redevelopment and removal of existing degraded structure. Rezoning would allow for in-fill development which is greatly desired.*



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

The property is currently developed with a building and a surface parking lot. Previous plans to reuse the existing improvements have been abandoned and the building has deteriorated. This building is currently vacant. Approval of the request will facilitate redevelopment of the site and reinvestment of the property.

If denied, the property could be redeveloped with detached housing or office uses including medical offices.

**Staff Finding** – Approval of the request will facilitate redevelopment of the property for residential purposes and exclude office and medical office uses.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

There is no active redevelopment plan for this site. In reviewing this application, staff analyzed the density and development pattern in the immediate area of the surrounding RM24 zoning district. Structure type and density vary throughout the district. Generally, higher density is located closer to W. 6<sup>th</sup> Street. Density reduces in intensity northward from W. 6<sup>th</sup> Street. Densities are generally medium to high in this area. The highest density of 27.5 dwelling units per acre is located on the southwest corner of Colorado Street and W. 57<sup>th</sup> Street. The lowest density in the area, 5.7 dwelling units per acre is located on the northwest corner of Wisconsin Street and W. 4<sup>th</sup> Street. Density between W. 5<sup>th</sup> Street and W. 4<sup>th</sup> Street ranges from 23.7 dwelling units per acre to 7.9 dwelling units per acre. While the RM24 district conveys a specific maximum density, achieving that density requires other considerations such as provision of off-street parking, open space and landscape buffers to meet current design standards. The location and size of the property are likely to self-limit the achievable density for the site resulting in a density consistent with the surrounding development pattern. This is especially true if the required off-street parking, building setback, density, and dimensional standards are upheld in a future development application.

### **Conclusion**

The proposed rezoning request is consistent with the surrounding zoning and land use pattern as well as the historic use of the property. Staff recommends approval of the zoning.

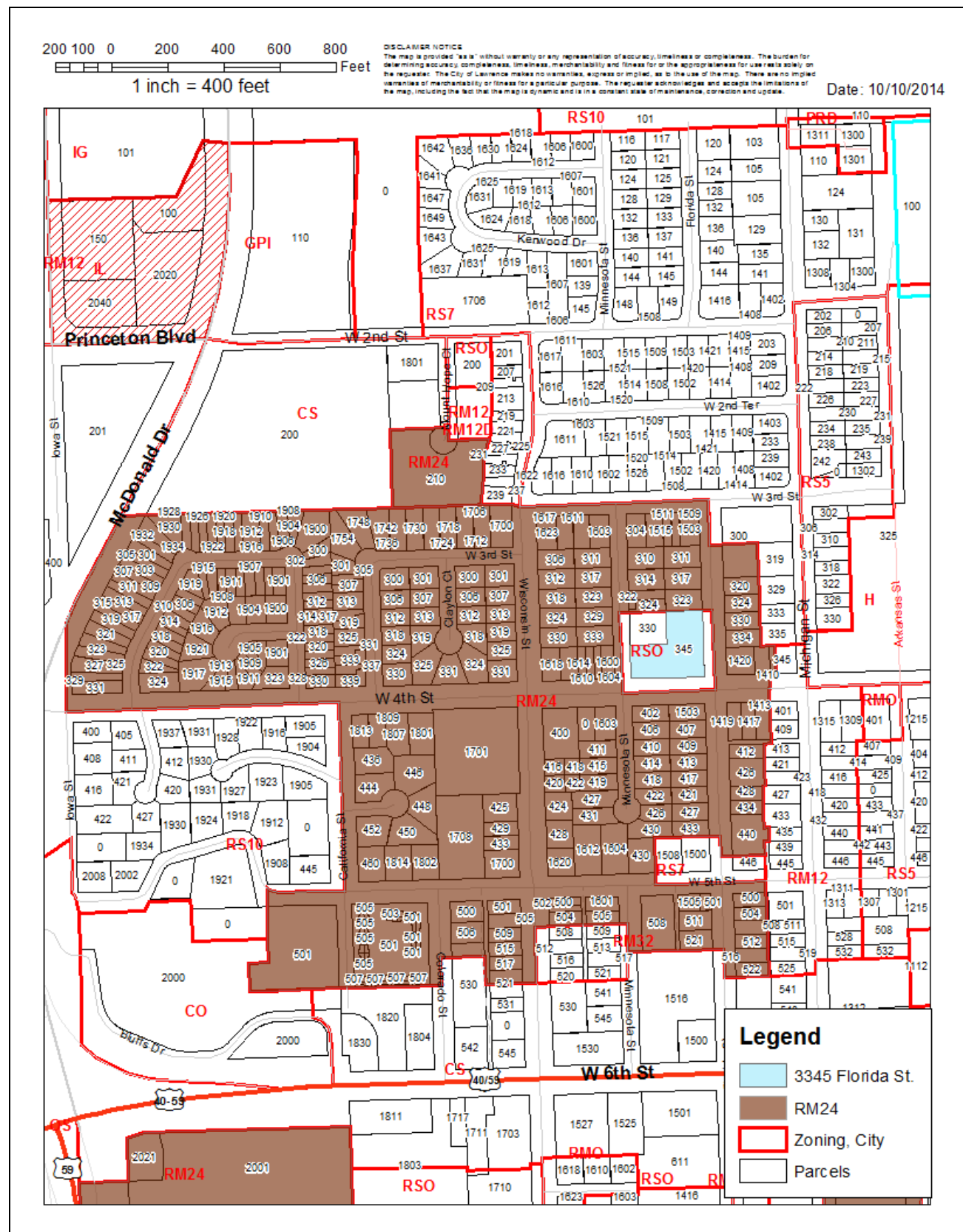
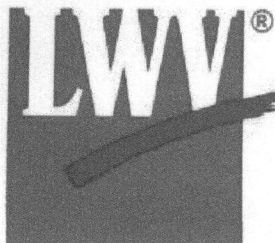


Figure 1: Surrounding Zoning

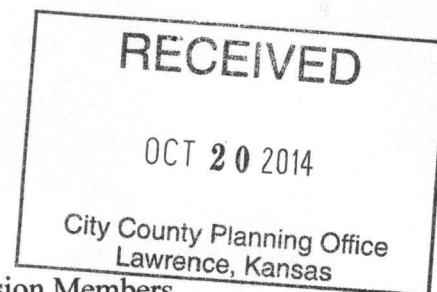








LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY



October 19, 2014

Mr. Bruce Liese, Chairman, and Planning Commission Members  
Lawrence-Douglas County Metropolitan Planning Commission

RE. ITEM NO. 1: Z-14-00369 RSO (SINGLE-DWELLING RESIDENTIAL OFFICE) DISTRICT TO  
RM24 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 46,395 SF (SLD)

Dear Chairman Liese and Planning Commissioners:

After research and discussion, the Land Use Committee agreed that this rezoning request is much more serious and problematic than it would initially seem to be. We request that you not rezone this 1.1-acre lot to RM24 at this time. Our reasons are as follows:

1. Although the current zoning reflects the surrounding zoning district, the RM24 zoning is inappropriate for the existing residential land use on the north side of West 4<sup>th</sup> Street from McDonald Drive almost to Michigan Street. This is the larger general area surrounding the subject one-acre tract.
2. The history of the RM24 zoning is that it was initially vacant land at the time it was rezoned and remained vacant for some time thereafter. This high-density zoning was actually on the land before the Ordinance 3500 was adopted in 1965, and although the land remained vacant, it was given the high-density apartment zoning in Zoning Ordinance 3500. Apparently *not until later* was it developed for low-density residential use, in spite of the high-density zoning on it.
3. The existing residential use in this area was reviewed in 1977 (source: planning staff) and at that time *was mostly single family and duplexes*, with some four-plexes, but *no* apartments. In no way did the density of the land use approach the high density of 24 units an acre existing now on this above-described area. The use has remained this way to this day, with the exception of the small area between Minnesota and Florida Streets immediately north of 4<sup>th</sup>, that appears to have a more varied housing mix giving the area slightly higher density. One acre of this block is the subject of the current RM24 rezoning request.

4. The Comprehensive Plan Future Land Use Map of Horizon 2020 shows this area as low density (yellow). Therefore, the existing overall zoning is not in conformance with the Comprehensive Plan.

5. The extensive high-density zoning apparently is the primary justification for the current rezoning request to the RM24 District. *Because this high density is so inappropriate for the actual land use of this larger portion of the neighborhood, the whole area from east of McDonald Drive, north of West Fourth Street to the Holidome and immediately east of Florida Street to the RS7 District really needs to be reviewed for its actual existing land use, and then rezoned for that.*

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OF LAWRENCE/DOUGLAS COUNTY  
Page 2

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We believe that this large area is important for the health of the neighborhood, not only for the continued general well-being of the City, but especially important because of its location near the Lawrence Memorial Hospital. It is vitally important to us in Lawrence to maintain the stability of our existing neighborhoods. The appropriate zoning is a vitally important factor in contributing to this stability.

*Therefore, these are our requests:*

- A. In order to encourage continuing high maintenance of the housing in this area, we are asking the Planning Commission, ***before any further intensive zoning changes are approved for this area***, to review the land use and downzone it to conform to the existing land uses in the above-defined area; i.e., the area east of McDonald Drive, on the north side of West 4<sup>th</sup> Street extending north to the Holidome, and extending east to the existing RS7 District east of Florida Street.
- B. Then we ask that you reconsider this RM24 rezoning request on the 1.1-acre tract and zone it to an appropriate district that is in better conformance with the existing uses around it.
- C. We also ask that you request that the platting and site-planning of this one-acre property occur at the same time as the public hearing on your consideration of rezoning for this subject 1.1-acre tract takes place, and that any rezoning given this property be appropriate for the use or uses planned for it.

We hope that you will seriously consider our requests and take action on these important public issues.

Sincerely yours,



Cille King  
President



Alan Black, Chairman  
Land Use Committee



## PINCKNEY NEIGHBORHOOD ASSOCIATION

PO Box 125, Lawrence, Kansas 66044

[www.PinckneyNeighborhood.org](http://www.PinckneyNeighborhood.org)

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President: Pat Miller  
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Co-Secretaries:  
Kim Heck & Norma Pierce

Treasurer: Linda Bush  
[LCBush@gmail.com](mailto:LCBush@gmail.com)

October 20, 2014

*Via e-mail*

Lawrence/Douglas County Planning Commission  
c/o Sandra Day, AICP  
Planning Division  
First Floor, 6 E. 6th St.  
Lawrence, KS 66044

RE: Z-14-00369 – 345 Florida Street  
RSO (Single-Dwelling Res. Office) District to RM24 (Multi-Dwelling Res.) District

On behalf of the Pinckney Neighborhood Association, I am providing comments for your consideration regarding the request for rezoning the property at 345 Florida, as identified above. PNA understands from information provided by the City planning staff in its report for this proposed change that all or nearly all of the properties surrounding the property at 345 Florida are currently zoned as RM24, a high-density zoning that allows for up to 24 dwelling-units per acre. However, our understanding based on review of available information, is that none of the properties immediately surrounding the property in question actually attain this level of density.

Mr. J. Dean Grob, engineer for the prospective developer for this property and the person who submitted the rezoning request, has informed PNA that the conceptual plan for development of the property includes construction of 24 one-bedroom apartments for moderate-income active adult living (e.g., age 50 and older). We also understand that there has been no specific plan for development submitted with this rezoning request, and that a change in zoning could allow for development of the property in a manner different from the conceptual plan provided by Mr. Grob.

While PNA does not specifically oppose a change in the zoning for this property that aligns more closely with the zoning for immediately neighboring properties, we do have significant concerns regarding the redevelopment of this property. Our concerns include, but are not necessarily limited to, ensuring that redevelopment of the property fits in well with the aesthetics of this specific section of our neighborhood, will not interfere with or hamper enjoyment of the surrounding homes, and contributes to a stable, peaceful and family-friendly lifestyle in the neighborhood. In contrast to a fairly new apartment complex located on the south-west corner of 4<sup>th</sup> and Wisconsin Streets, the property

subject to this rezoning request has no barriers, such as tree rows or other large-lot multi-family dwellings, to separate it from the immediately surrounding single-family homes and a few duplexes.

PNA strongly recommends that the Planning Commission consider a medium level/less dense zoning designation and place restrictions on development of the property, as appropriate, to ensure any redevelopment blends well with the immediate surrounding properties. Such restrictions may include a limitation on the number of stories, the location of parking areas, preservation of existing mature trees and other natural features, and limitation on the number of independent dwelling units in any complex constructed. PNA further requests to receive specific notice and opportunity to comment regarding any site development plan for this property.

Thank you for consideration of the comments from PNA. Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Pat Miller', with a long horizontal flourish extending to the right.

Pat Miller  
President, Pinckney Neighborhood Association

cc: J. Dean Grob, Grob Engineering Services, LLC



## PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report  
10/20/14

**ITEM NO. 2: RSO TO CN2; 0.8 ACRES; 4101 W 6<sup>th</sup> ST (MKM)**

**Z-14-00300:** Consider a request to rezone approximately 0.8 acre from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W 6<sup>th</sup> St. Submitted by Doug and Berniece Garber, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends denial of the rezoning request from RSO (Single-Dwelling Residential) District to CN2 (Neighborhood Commercial Center) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

### REASON FOR REQUEST

Applicant's Response:

*"Have been approach by coffee shop and restaurant. With the finish of the Sports Center, I believe there is a need to supply the number of people."*

### KEY POINTS

- The property is not located within the boundaries of an adopted area plan.
- The rezoning request is not compliant with the recommendations of the Comprehensive Plan for Neighborhood Commercial Centers.

### OTHER ACTION REQUIRED

- If approved, City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of site plan.
- Application and release of building permits prior to development.

### ATTACHMENTS

Attachment A: Permitted Use Table

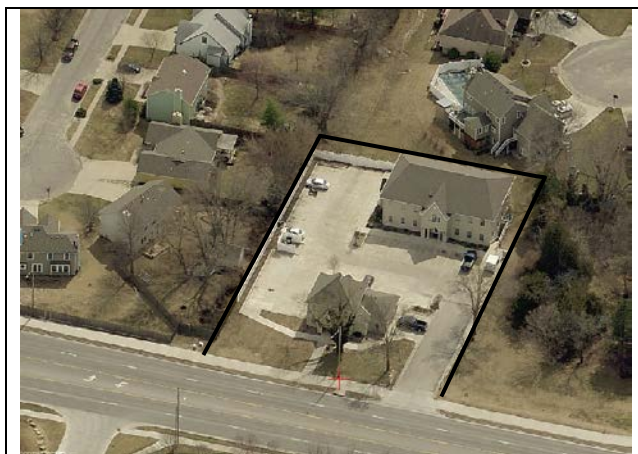
Attachment B: Communications

### PUBLIC COMMENT

Mary S Mozingo, a nearby property owner, called to discuss the proposal and provided an email expressing her opposition to the proposed rezoning.

### Project Summary

The property at 4101 W 6<sup>th</sup> Street was platted as Lot 1, Free State Veterinary Hospital in 1998. The property contains approximately 0.8 acres and is developed with two buildings. The building closest to



**Figure 1.** Subject property is outlined.

W 6<sup>th</sup> Street contains residential and office uses and the building to the rear of the lot contains office uses. The rezoning is being requested to expand the permitted uses to allow the development of a restaurant and/or coffee shop on the property. The uses being proposed may fit the classification of *Fast Order Food* and/or *Quality Restaurant*, depending on the nature of the establishments. Both uses are permitted within the CN2 District but are not allowed within the RSO District.

While these are the development proposals at this time, the rezoning would permit any of the uses allowed within the CN2 District to be developed on the lot pending site plan and building permit approval. The subject property and surrounding area are shown in Figures 1 and 3.

## REVIEW & DECISION-MAKING CRITERIA

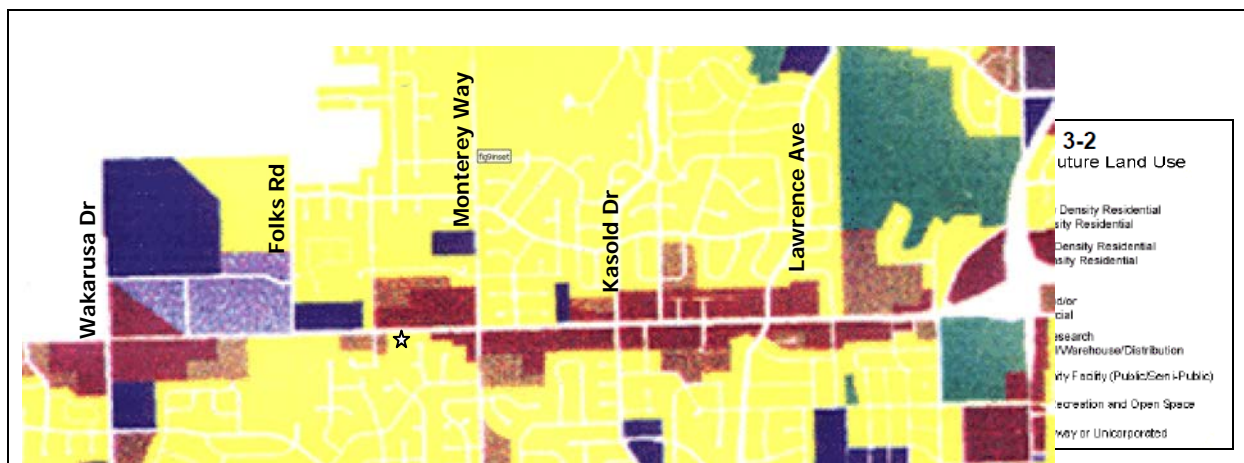
### 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

(Page 3-1, *Horizon 2020*) *"The Plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas."*

The office development is currently zoned RSO (Single-Dwelling Residential-Office) District. This district is intended to accommodate low to medium intensity office uses that are compatible with single dwelling residential uses. The proposed redevelopment would locate a restaurant use in the small office development which would increase the range of uses within the parcels; however, a restaurant is one of the more intense commercial uses and may not be compatible with the nearby residential uses. The established land use pattern in the surrounding area is low-density residential and office. In staff's opinion, the addition of the commercial use would not be consistent or compatible with the established land use pattern.

Future Land Use Map, Map 3-2, (Page 3-4, *Horizon 2020*) designates this area as 'very low density residential/low density residential' (Figure 2)



**Figure 2.** Future land use designations in *Horizon 2020*. Approximate location of subject property marked with star.

The proposed commercial use does not comply with the Future Land Use Designation.

(Page 6-1, *Horizon 2020*) *Require commercial development to occur in 'nodes', by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads."*

(Page 6-2 *Horizon 2020*) *"Strip Development' is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection's corner."*

(Page 6-20, *Horizon 2020*) *"New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance."*

The mid-block location of the property is not compatible with the recommendations of the Comprehensive Plan for nodal commercial development.

(Page 6-21, *Horizon 2020*) provides a list of recommended intersections as potential locations for new Neighborhood Commercial Centers. The subject property is not included in the list; the intersections recommended within the City limits are Franklin Road and E 28<sup>th</sup> Street (extended), Clinton Pkwy and K-10, and W 15<sup>th</sup> St and K-10. (Figure 3)

The subject property is not identified in the Comprehensive Plan as a potential location for commercial development.

(Page 6-33, *Horizon 2020*) *Policy 3.6: Criteria for Neighborhood Commercial Centers*

- A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections.*
- B. Limit the commercial uses in neighborhood centers to one corner of the intersection.*
- C. New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center.*

The proposed rezoning is not in conformance with the locational criteria for Commercial Neighborhood Centers.

(Page 6-45, Map 6-1 Existing and Potential commercial Land Use Locations, *Horizon 2020*) (Figure 3)



**Figure 3.** Detail of Map 6-1, *Existing and Potential Commercial Land Use Locations*. The approximate location of subject property is marked with star.

**Staff Finding** – The rezoning request for a Neighborhood Commercial Center does not comply with the Future Land Use Recommendations of the Comprehensive Plan shown in Map 3-2 or with the recommended locations for future Neighborhood Commercial Centers in Map 6-1. As the property is located within the middle of the block rather than at the corner it is not compliant with the recommendation for nodal commercial development to avoid the ‘commercial strip’ development, a shallow linear commercial development that lines the street and it does not comply with the locational criteria for Neighborhood Commercial Centers provided in Policy 3.6.

Rezoning the property to the CN2 District would not be in compliance with the recommendations of the Comprehensive Plan.

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

Current Zoning and Land Use: RSO (Single-Dwelling Residential and Office) District; *Duplex Residential and Office*.

Surrounding Zoning and Land Use: To the west:  
UR (Urban Reserve) District and RMO (Multi-Dwelling Residential Office); *Detached Dwelling* in the UR District and *Multi-Dwelling residences* in the RMO District.

To the north:  
PCD-[Monterey Center] (Planned Commercial Development) District; *Financial Institution, Office, Fuel and Gas Sales and General Retail Sales* (part of the Hy-Vee Shopping Center).

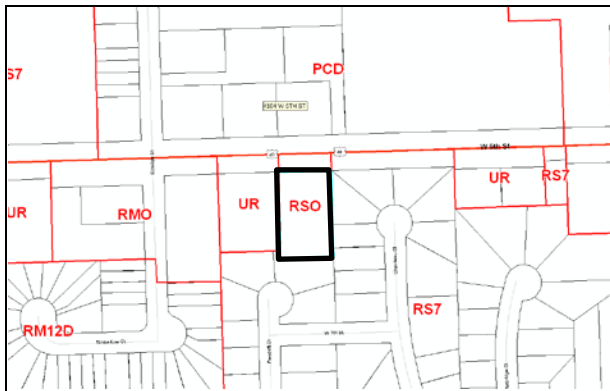
To the east and south:  
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

(Figure 3.)

**Staff Finding** – Zonings and land uses in the area are divided north and south by W 6<sup>th</sup> Street. Property to the north of W 6<sup>th</sup> Street in this area is zoned PCD (Planned Commercial



District) and is used for *Office* and *General Retail Sales* uses. Nearby properties to the south of W 6<sup>th</sup> Street have a mix of residential zonings including Single- and Multi-Dwelling Districts as well as Multi- and Single Dwelling Residential-Office Districts.



**Figure 3a.** Zoning in the area. (Subject property outlined.)



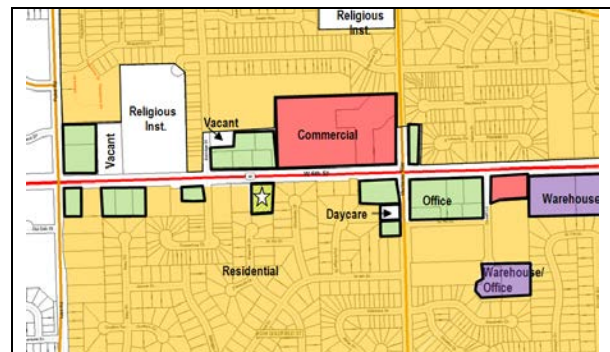
**Figure 3b.** Land use in the area.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

*"To the west, it is to be determined. The property is for sale at this time."*

The subject property is located on W 6<sup>th</sup> Street/Hwy 40 which is classified as a principal arterial in the Future Thoroughfares Map. Monterey Way and Folks Road, Major Collectors, pass through the area north to south. The area contains predominately residential, office, and commercial uses with the commercial uses at the intersection of W 6<sup>th</sup> Street and Monterey Way, primarily in the northwest corner of the intersection. The northwest and southeast corners of this intersection are zoned PCD (Planned Commercial District) which permits a mix of retail, office, and residential uses. The land use pattern is illustrated in Figure 4.



**Figure 4.** Land use pattern in the area, Subject property marked with a star.

**Staff Finding** – The area contains a mix of uses, with commercial uses in the northwest and southeast quadrant of the intersection of W 6<sup>th</sup> Street and Monterey Way. Office uses are located on both the north and south side of W 6<sup>th</sup> Street with residential uses being the predominate use on the south side.

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

**Staff Finding** – No area or neighborhood plans have been adopted for this area. The Comprehensive Plan is the guiding plan for this area.

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

The property is currently zoned RSO which permits detached, duplex, and attached dwellings in addition to low intensity uses which have been determined to be compatible with residential uses. These uses include *Assisted Living, Adult Day Care Home, Neighborhood Religious Institutions, Personal Improvement* and *Office* uses.

The uses which are permitted in the RSO (existing) and CN2 (proposed) Districts are included in Attachment B.

The subject property is currently developed with residential and office uses which are permitted in the RSO District. The property is suitable for the residential and low impact uses permitted in the RSO District due to the close proximity of residences, see Figure 4.

Per Section 20-208 of the Development Code, the CN2 District provides for the sale of goods and services at the neighborhood level. The District is intended to be located at Collector/Arterial or Arterial/Arterial Street intersections to insure an adequate transportation network for the higher intensity uses. As the subject property is not located at an intersection, it is not suited for the uses which would be permitted with the CN2 zoning.

**Staff Finding** – The subject property is currently developed with office and residential uses which are permitted in the RSO District. The property is well suited to the uses to which it is restricted with the RSO zoning due to the location of the subject property in the mid-block and the close proximity of single-dwelling residential uses. These same factors make the property unsuitable for many of the uses permitted in the CN2 District which would be better served with the access that could be provided at an intersection location.

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

Applicant's Response:

"None."

The property is not currently vacant. An existing residence was converted to a Veterinary Hospital in 1996. Additional office and residential uses have been developed on the site since that time.

**Staff Finding** – The property is not vacant. Rezoning is being requested to allow a change of use on a developed property.

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

Applicants Response:

"It has already been fenced off. It is already site planned and minor changes."

The removal of restrictions through the rezoning will allow a restaurant to be developed on the property and will also open up the property for other uses permitted in the CN2 District in the future. Uses permitted in the CN2 District are generally considered to be compatible with residential uses when located appropriately. The uses permitted in the CN2 District such as restaurants, general retail sales, and car sales could impact nearby properties with additional traffic, late night hours/activity, and exterior lighting which are typically associated

with a restaurant use. These impacts would need to be minimized through site planning of the use.

Installing a higher intensity use that is permitted in the CN2 District within the center of the block, rather than at the intersection, may create traffic issues on W 6<sup>th</sup> Street.

**Staff Finding** – Uses permitted within the CN2 District are typically considered to be compatible with residential uses when appropriately located; however, the mid-block location of the property may result in negative impacts to the traffic flow in the area due to the need to cross W 6<sup>th</sup> Street to access the property.

**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:

*"I want the city to look good by being able to supply good food in a timely manner."*

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

The applicant indicated that the Rock Chalk Park and City Sports Pavilion to the west would create a demand for more restaurant uses in the area and feels this property would be a suitable location for a restaurant and/or coffee shop. The public health, safety, and welfare may benefit from the denial of the CN2 zoning request as it would not allow the installation of high intensity uses in the middle of the block and possibly creating traffic issues on W 6<sup>th</sup> Street.

Denial of the request would not alter the suitability of the property, as it has been developed, for those uses which are permitted in the RSO District.

**Staff Finding** – Denial of the rezoning request may benefit the public health, safety, and welfare by removing the potential for high intensity uses in this location and possible traffic issues on W 6<sup>th</sup> Street resulting from the need for visitors to the site to make left-turns across W 6<sup>th</sup> Street in mid-block.

**PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is not compliant with recommendations for Neighborhood Commercial Centers in *Horizon 2020* or with the recommendations for commercial development to occur in nodes at intersections. The proposed uses may be compatible with nearby residential uses, but the mid-block location may impact the public health, safety, and welfare by creating traffic issues with the increase in left-turns across W 6<sup>th</sup> Street.

Staff recommends denial of the rezoning request for approximately 0.8 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

RSO	CN2
<b>HOUSEHOLD LIVING</b>	
Attached Dwelling (SUP)	--
Cluster Dwelling	--
Detached Dwelling	--
Duplex	--
Mfg Home	--
--	Multi-Dwelling
Non-ground Floor Unit	Non-ground Floor Unit
Work/Live Unit	Work/Live Unit
Zero Lot Line Dwelling	--
<b>GROUP LIVING</b>	
Assisted living	--
Group Home (SUP)	Group Home (SUP)
Group Home Ltd.	--
<b>COMMUNITY FACILITIES</b>	
Adult Day Care Home	--
Cemeteries	Cemeteries
College/University(SUP)	College/University
School (SUP)	School
Cultural Center/Library (SUP)	Cultural Center/Library
Day Care Center (SUP)	Day Care Center (SUP)
Day Care Home	Day Care Home
Lodge Fraternal and Civic Assembly (SUP)	Lodge Fraternal and Civic Assembly (SUP)
--	Postal Service
Public Safety (SUP)	Public Safety
Funeral & Internment	Funeral & Internment
Temporary Shelter(SUP)	Temporary Shelter(SUP)
Social Service Agency	Social Service Agency
Community Meal Program (SUP)	Community Meal Program (SUP)
Utilities (Major -- SUP)	Utilities (Major -- SUP)
<b>MEDICAL FACILITIES</b>	
Extended Care (General requires SUP)	Extended Care (General requires SUP)
Health Care Office	Health Care Office(SUP)
Outpatient Facility	Outpatient Facility
<b>RECREATIONAL FACILITIES</b>	
Active Recreation (SUP)	Active Recreation
--	Entertainment & Spectator Sports (Ltd.)
--	Participant Sports & Recreation (Indoor)
Passive Recreation	Passive Recreation
Nature Preserve	Nature Preserve
Private Recreation	Private Recreation
<b>RELIGIOUS ASSEMBLY</b>	
--	Campus/Community Institution
Neighborhood Institution	Neighborhood Institution

RSO	CN2
<b>ANIMAL SERVICES</b>	
--	Animal Sales &Grooming
Veterinary	Veterinary
<b>EATING AND DRINKING ESTABLISHMENTS</b>	
--	Accessory Bar
--	Bar or Lounge
--	Brewpub
--	Fast Order Food
--	Fast Order Food w Drive In (SUP)
Private Dining Establishment (SUP)	Private Dining Establishment
--	Quality Restaurant
<b>OFFICES</b>	
Admin and Professional	Admin and Professional
Financial, Insurance & Real Estate	Financial, Insurance & Real Estate
Other	Other
<b>PARKING FACILITIES</b>	
Accessory	Accessory
--	Commercial (SUP)
<b>RETAIL SALES &amp; SERVICE</b>	
--	Building Maintenance
--	Business Equipment
--	Business Support
--	Food & Beverage
--	Mixed Media
--	Personal Convenience
Personal Improvement	Personal Improvement
--	Repair Service, Consumer
--	Retail Sales, General
--	Retail Establishment, Medium
--	Retail Establishment Specialty
<b>TRANSIENT ACCOMMODATIONS</b>	
Bed and Breakfast	
<b>VEHICLE SALES &amp; SERVICE</b>	
--	Cleaning/Car Wash (SUP)
--	Gas & Fuel Sales (SUP)
	Light Equipment Repair (SUP)
	Light Equipment Sales/Rental
<b>AGRICULTURE</b>	
Crop Agriculture	Crop Agriculture
<b>COMMUNICATIONS FACILITIES</b>	
No difference in permitted uses	
<b>RECYCLING FACILITIES</b>	
	Small Collection





## Mary Miller

---

**From:** Mary Mozingo [msmoz41@sunflower.com]  
**Sent:** Thursday, September 04, 2014 1:53 PM  
**To:** Mary Miller  
**Subject:** Proposed zoning change

Thanks for returning my phone call so promptly.

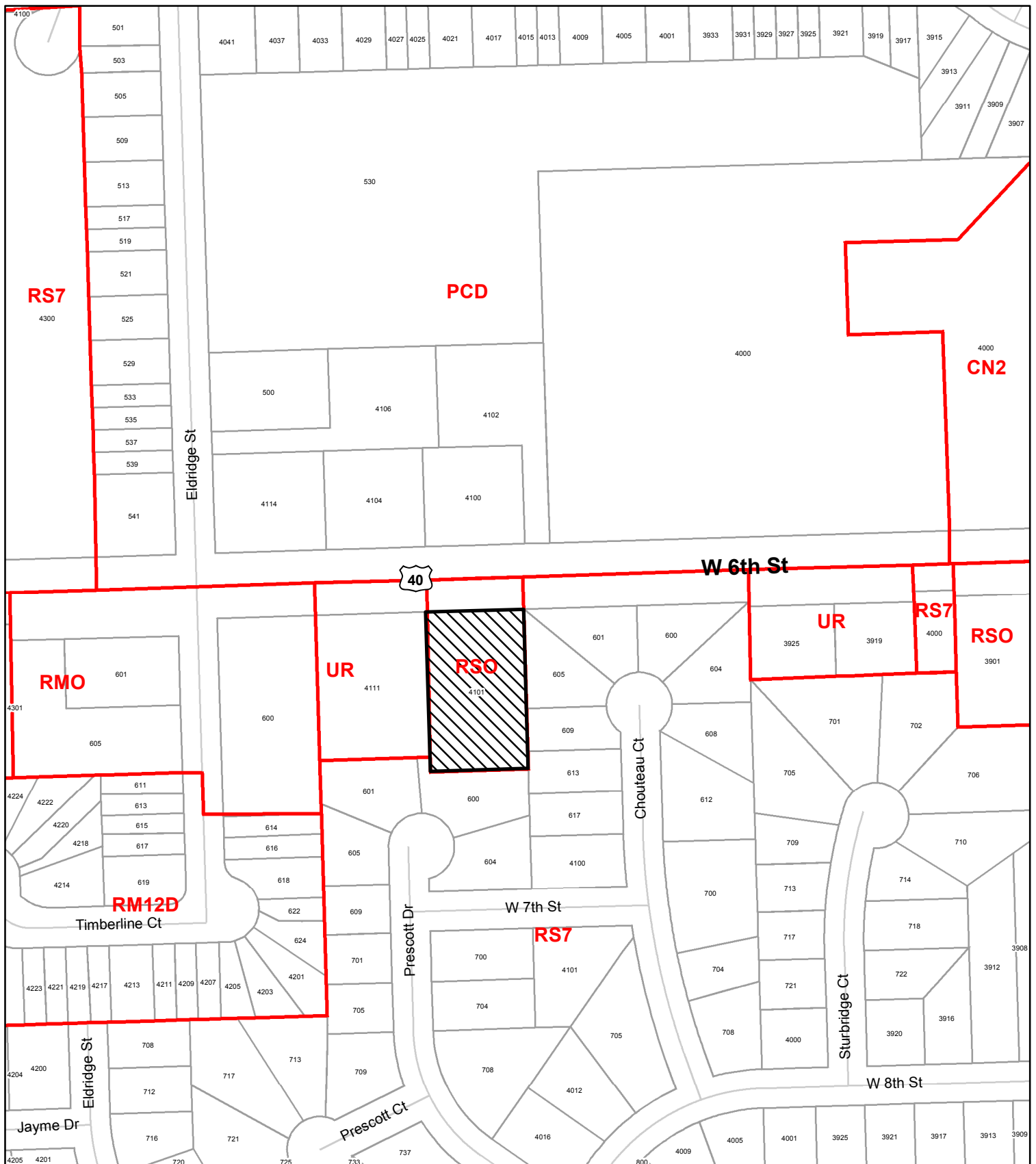
This is just to reinforce my statements to you that I am totally against the rezoning of the property behind my house from RSO to CN2.

Having the office building back there has not really been a problem, except for the couple of instances I mentioned to you, because most of the activity that goes on there happens during the work week, not at night or on weekends. Besides, it's not an unattractive structure that sort of looks like a house. All that would change if it were zoned Commercial, and not for the better – increased noise, increased lights, increased traffic, etc. It would have a deleterious effect on my property value, which is already struggling!

I certainly hope the Lawrence Planning Commission will not agree to this proposal.

Thank you for your attention.

Mary S Mozingo  
609 Chouteau Ct.



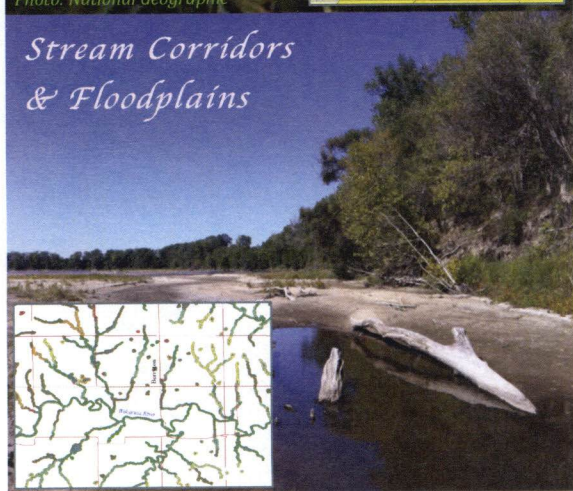
**Z-14-00300: Rezone 0.829 acres from RSO District to CN2 District  
Located at 4101 & 4105 West 6th Street**

*Wetland Areas*



Photo: National Geographic

*Stream Corridors  
& Floodplains*



## Credits & Contact Information

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Phone: 785-410-0040

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Restoration and Protection Strategy  
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**Project Analyst**  
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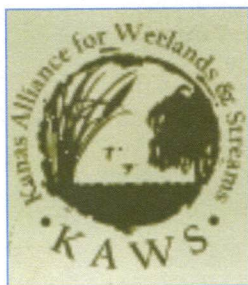
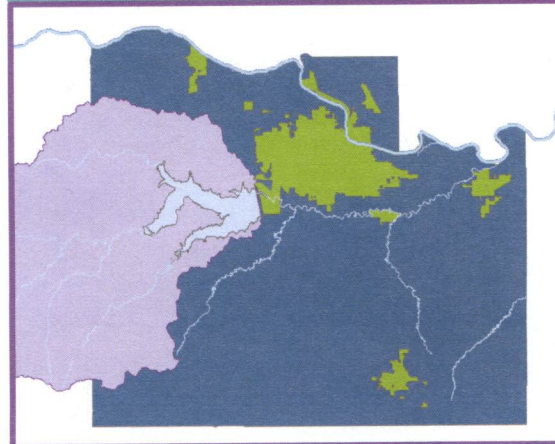


Photo Credits: Heidi Mehl, except where otherwise noted

## Douglas County Natural Resource Inventory and Assessment (NRIA)

**Prepared by:**  
**Heidi Mehl, Project Analyst**

**Sponsored by:**  
**Upper Wakarusa WRAPS**  
**Kansas Alliance for**  
**Wetlands and Streams**





# Purpose & Scope

The purpose of the Natural Resource Inventory and Assessment (NRIA) is to provide Douglas County, KS with a GIS-based resource to better inform planning and development strategies to protect local natural resources. It has become widely recognized that many development strategies of the past have depleted our natural resources, decreased biodiversity, and exacerbated natural disasters such as floods. Planning departments are poised in especially influential positions to begin implementing changes toward sustainable urban development and preservation of natural resources. It is our hope that this NRIA will put Douglas County on the cutting edge of natural resource conservation.

## Planning Process

The framework of the NRIA uses an environmental conservation lens and serves as a foundation for land use and/or development planning (fig. 1). The planning process consists of the following four pillars: I) Establish an organization structure; II) Delineate a planning area; III) Coordinate with other local plans; programs and regulatory agencies, and IV) Intergovernmental coordination. The NRIA will help the Douglas County planning office fulfill pillars (III) and (IV) to find the most effective ways to provide development opportunities and still protect crucial natural resources. The NRIA will also help to plan for open spaces uses, and create a comprehensive long-term plan for development.

Figure 1. Planning framework

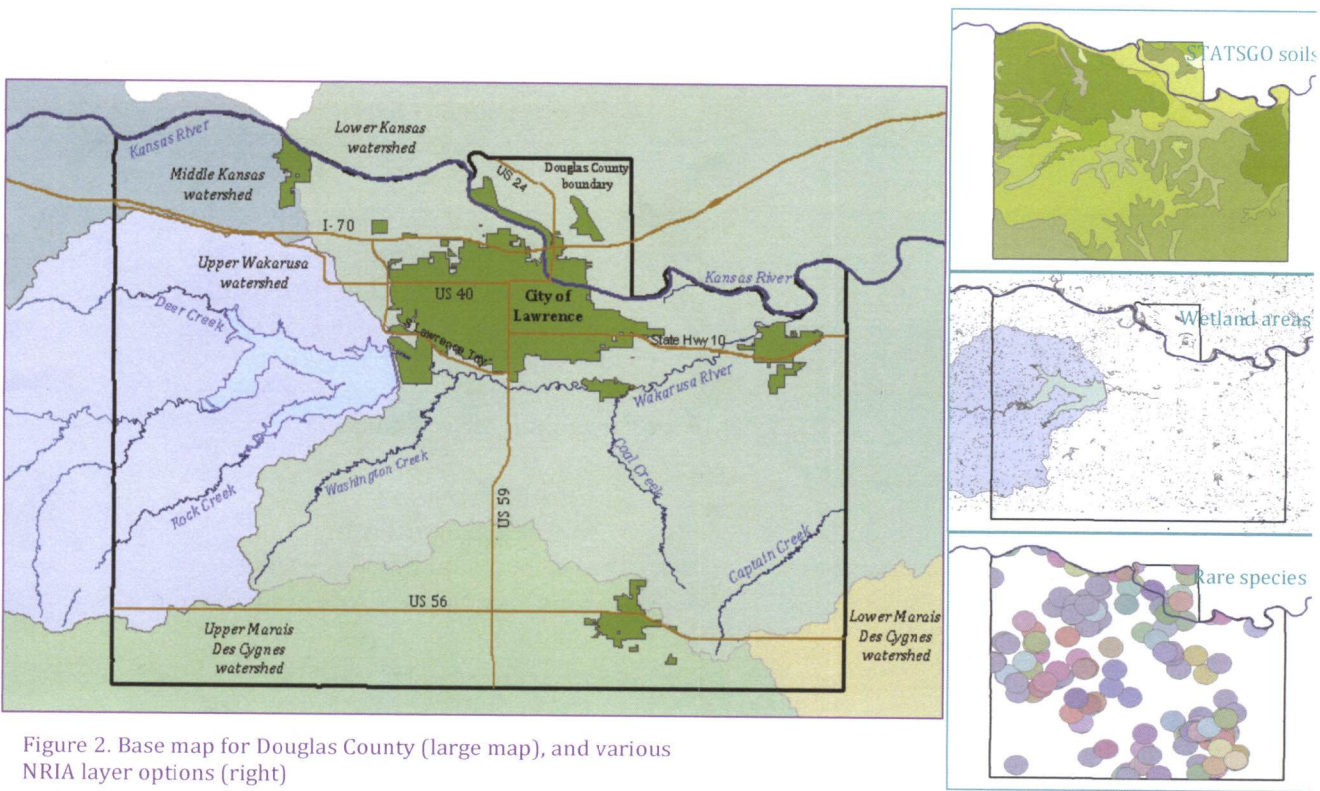
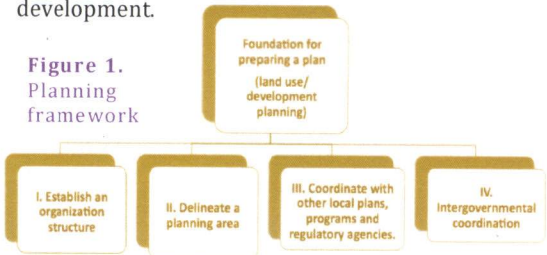


Figure 2. Base map for Douglas County (large map), and various NRIA layer options (right)

## The GIS Database

The GIS-based portion of the NRIA is completely customizable and may be used in any number of ways. Pre-assembled maps with the extension ".mxd" provide a quick reference for the user. Individual data sets may be assembled in any combination to address environmental planning concerns (fig. 2). The GIS document contains 4 groups of data: reference data sets, base map layers, environmental planning data, and demonstration areas. Figure 3 lists some example data sets that may be available in the Douglas County NRIA.

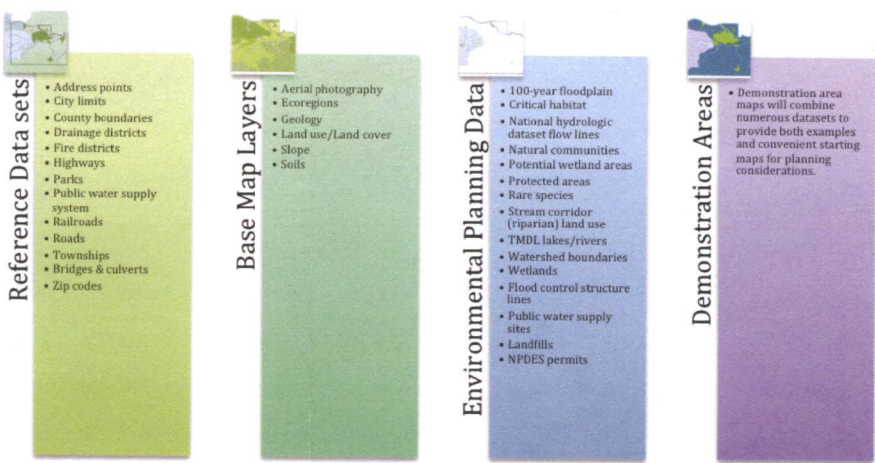


Figure 3. Examples of GIS data sets that may be included in the NRIA

**2015**  
**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION**  
**MEETINGS AND SUBMITTAL DEADLINES**

Submittal Deadline		Planning Commission Meetings		City Commission Meetings		County Commission Meetings	
		6:30 PM		Tuesdays **		Wednesdays **	
Monday 3PM *Tuesdays		Monday	& Wednesday				
Nov 24, 2014		Jan 26, 2015	Jan 28, 2015	Feb 10	Feb 17	Feb 5	Feb 12
Dec 22, 2014		Feb 23	Feb 25	Mar 10	Mar 17	Mar 11	Mar 18
Jan 20, 2015*		Mar 23	Mar 25	Apr 7	Apr 14	Apr 8	Apr 15
Feb 17*		Apr 20	Apr 22	May 5	May 12	May 6	May 13
Mar 16		May 18	May 20	Jun 2	Jun 9	Jun 3	Jun 10
Apr 20		Jun 22	Jun 24	Jul 7	Jul 14	Jul 8	Jul 15
May 18		Jul 20	Jul 22	Aug 4	Aug 11	Aug 5	Aug 12
Jun 22		Aug 24	Aug 26	Sep 8	Sep 15	Sep 9	Sep 16
Jul 20		Sep 21	Sep 23	Oct 6	Oct 13	Oct 7	Oct 14
Aug 17		Oct 19	Oct 21	Nov 3	Nov 10	Nov 4	Nov 11
Sep 14		Nov 16	Nov 18	Dec 1	Dec 8	Dec 2	Dec 9
Oct 12		Dec 14	Dec 16	---	Jan 5, 2016	---	Jan 6, 2016
Nov 23		Jan 25, 2016	Jan 27, 2016	Feb 9, 2016	Feb 16, 2016	Feb 3, 2016	Feb 10, 2016
Dec 21		Feb 22, 2016	Feb 24, 2016	Mar 8, 2016	Mar 15, 2016	Mar 9, 2016	Mar 16, 2016

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

## **MEMORANDUM**

**To: Members, Lawrence/Douglas County Metropolitan Planning Commission**  
**From: Jon Josserand**  
**Date: October 20, 2014**  
  
**Re: Request for planning commission to initiate drafting of a potential text amendment**

Some weeks ago, I was contacted by an acquaintance regarding his interest in leasing space to accommodate what I thought to be an interesting business concept of supporting and encouraging a collaborative community incubator space focused on for high technology and electronic interested individuals and entrepreneurs.

He was seeking to lease terribly underutilized space in a community neighborhood services (zoned CN-2). Specifically, a vacant portion of Hillcrest Shopping Center at 9<sup>th</sup> and Iowa.

I gave him the number for the DPS “planner of the day” and told him how to go about contacting DPS staff to resolve his questions.

Last Friday, I encountered him again and visited his proposed business location, and learned about some issues associated with his initiative which will significantly constrain and limit his ability to develop his concept. Although these issues have not been resolved, he has leased the space and is in the process of developing the concept to the degree allowed by the code.

### **Background**

The applicant describes this enterprise to me as a “Makerspace.”

I myself would describe it as a business incubator designed to foster a collaborative community of individuals, small business owners, entrepreneurs,



inventors, with a focus on high technology, communications, and electronic subjects.

The organization will be equipped to provide a wide range of services to its members, including traditional services like:

- Dedicated private office space, if needed.
- Telephone, fax, computers and printing facilities
- Conference meeting room facilities.
- Social collaboration space – common areas to promote members to mutually work and collaborate on their ideas, plans, and prototypes.

In addition, because of its focus on high tech, the organization would also include:

- Very high bandwidth internet connections
- IT servers
- High cost computer terminals and printing devices.
- High technology devices workspace for shared use (3D printers and/or other evolving high tech devices)
- Limited model fabrication workspace to accommodate shared use of common wood shop and machine tools.

It is this final item (a workspace to accommodate shared use of common wood shop and machine shop tools) which apparently has thrown a monkey wrench into his business plan. This shop would provide very important, of an ancillary nature, to its members, because the members otherwise cannot afford access to occasional use of these devices.

In his communications with DPS staff, these were deemed as industrial uses under the code, and hence not able to be included in his new organization.

His business layout includes 4,700 square feet of space, in the basement, under an exercise facility. The amount of space to be used to accommodate these power tools would be less than 400 square feet, and would be physically separated and ducted. The use of this shop is not intended to produce commercial devices, but to serve as a common set of tools to allow for experimenters/hobbyists/entrepreneurs to create prototypes.

## **Recommendation**

Although I understand the principal of keeping industrial uses out of non-industrial zoned areas, I see this as a type of organization which could easily be accommodated in underutilized CN space.

I believe such an organization could be accommodated by amending the code in a variety of ways. One such amendment could limit the size of ancillary industrial uses by type of tool, and size of space. For instance, a limit on this model fabrication workspace could be limited to no more than 15% of a business support organization/incubator space.

I do not write this memorandum to present a full discussion of the issues contained within, nor do I propose any particular solution.

The purpose of this memorandum is just to initiate planning staff's involvement in creating a text amendment to address this particular situation.

I propose we vote as a commission to "request planning staff recommend appropriate text amendment(s) or other methods to accommodate such a use, and report back to the planning commission at our November meeting."