



Updated:

9/26/17 @ 5:00pm

Updated the Revised Code Sections for Item 1A - Text Amendment, MU District

Updated the Site Plan for Item 1C - Special Use Permit, 401 Elm St

9/22/17 @ 2:15pm

Added Staff Memo Regarding Landmark Nomination

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
SEPTEMBER 25 & 27, 2017 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of August 23, 2017.

COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
 - Letter from Douglas County Public Works regarding Vinland Alley Vacation.
 - Staff Memo regarding Landmark Nominations.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
 - Staff Memo regarding 2515 W 6th Street.
- 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 (SEPTEMBER 27, 2017) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1A TEXT AMENDMENT TO LAND DEVELOPMENT CODE (BJP)

TA-17-00495: Consider a Text Amendment to the City of Lawrence Land Development Code, to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District. *Initiated by Planning Commission on 8/23/2017.*

ITEM NO. 1B REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

Z-17-00322: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record. *Deferred by Planning Commission on 8/23/17.*

ITEM NO. 1C SPECIAL USE PERMIT; 401 ELM ST (BJP)

SUP-17-00496: Consider a Special Use Permit for Manufacturing & Production, Limited, and Retail, General and Non-Ground Floor Dwelling uses at 401 Elm Street. Submitted by Margretta O. Farrar-de Vries, property owner of record.

ITEM NO. 2A REZONING FROM RSO TO RMO; 3705 CLINTON PKWY (BJP)

Z-17-00386: Consider a request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

ITEM NO. 2B SPECIAL USE PERMIT FOR ACTIVE RECREATION; 3705 CLINTON PKWY (BJP)

SUP-17-00383: Consider a Special Use Permit for *Active Recreation* at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

ITEM NO. 3 FINAL PLAT FOR SOUTHLAND MEADOWS NO. 4; N 1200 & E 2100 RD (MKM)

PF-17-00372: Consider a Final Plat for Southland Meadows No. 4, a one-lot subdivision on approximately 15 acres located in the northeast corner of the intersection of N 1200 and E 2100 Roads. Submitted by Derrick Bradstreet, property owner of record. *Joint Planning Commission meeting with Eudora City Planning Commission.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MINOR SUBDIVISION VARIANCE FOR SUNSET HILL ESTATE SUBDIVISION NO. 2; 2515 W 6TH ST (BJP)

Consider a variance request for the reduction of right-of-way width for W. 6th Street from 150' to 144' and for Crestline Drive from 60' to 50' for the Minor Subdivision, MS-17-00390, proposed at 2515 W 6th Street, for Sunset Hill Estate Subdivision No. 2. Submitted by Paul Werner Architects, for D & D Properties of Lawrence Inc, property owner of record.

ADJOURN

CALENDAR

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

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

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

PCCM Meeting:

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

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

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

Revised 8/30/17

2017 PLANNING COMMISSION ATTENDANCE

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

2017 MID-MONTH ATTENDANCE

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



PLANNING COMMISSION MEETING
August 23, 2017
Meeting Action Summary

August 23, 2017 – 6:30 p.m.

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

Staff present: McCullough, Stogsdill, Larkin, M. Miller, Pepper, Ewert

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of July 26, 2017.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the June 26, 2017 Planning Commission action summary minutes.

Unanimously approved 7-0-3, with Commissioners Butler, Kelly, and Paden abstaining.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) received an update from staff on Transportation 2040. He said they finished up the public engagement phase I and staff was getting feedback from the committee. He said the committee would meet again in August and discuss financial aspects of the plan. He said staff and consultants continue to work on the Lawrence Loop and missing sections. He said staff and the consultants were also working on the transit center analysis. He said the MPO was working on a safety analysis for safety hotspots for all modes of transportation.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Struckhoff said he spoke with one neighbor regarding Misc 1. expressing concern about the density of the project. He said he also spoke with the applicant regarding Item 2 and her wishes.
- No abstentions.

PC Minutes 8/23/17

ITEM NO. 1 CONDITIONAL USE PERMIT FOR RICHARDSON JUMPSTARTERS; 2138 N 1000 RD (MKM)

CUP-17-00316: Consider a Conditional Use Permit for *Small Scale Industrial Uses*, Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. *Joint meeting with Eudora Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if this was the same location as the cell tower that Planning Commission approved last month.

Ms. Miller said yes, and that County Commission approved it last week.

Commissioner Willey asked if the recommendations regarding acres and number of employees were fixed or a moving target.

Ms. Miller said it was a known number and would be included in the plan.

Commissioner Sinclair inquired about the 6.5 acres around the buildings.

Ms. Miller said the plan only included the 6.5 acres not the entire 94 acres.

Commissioner Kelly said he remembered when the text amendment came before the Planning Commission and they discussed making use of the industrial land available. He felt the Conditional Use Permit provided that middle step between large scale industrial and home business. He said they should encourage businesses to grow and stay in Lawrence.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Willey, to approve the Conditional Use Permit for a *Small Scale Industrial Use* subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. Provision of a revised CUP plan with the following changes:
 - a. Addition of the following notes:
 - i. *"If any new exterior lighting is proposed, a lighting plan shall be submitted to the Planning Office for review and approval prior to installation."*

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

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

- ii. *"Up to 10,000 sq ft of building is permitted. Additional building area will require approval of the Board of County Commissioners."*
- iii. *"Business may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65. Parking is required at the rate of one space per two employees."*
- iv. *"All business activity shall be conducted within the structure with no outdoor storage of materials or product."*
- v. *"Parking spaces for all employees and loading areas must be provided on the site. No Loading activity or parking is to occur on the adjacent roadway."*
- vi. *"No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours."*
- vii. *"The use does not require Federal air quality discharge permits."*
- viii. *"The addition of a restroom to any of the buildings may require installation of an additional septic system. The Health Department shall be contacted with any building permit application for a restroom."*
- b. Note the current number of employees.
- c. Show the parking area boundaries, with dimensions.
- d. Identify the approximate number of acres to be used for the CUP.

Unanimously approved 10-0.

PC Minutes 8/23/17

ITEM NO. 2 REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

Z-17-00322: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Ms. Margretta Farrer-de Vries provided a PowerPoint presentation with historic photos, current photos, and additional information about the property.

PUBLIC HEARING

Ms. Pricilla Howe, 415 Elm, said she was never bothered by the activities at the property and was in support of the text amendment.

Mr. Ted Boyle, North Lawrence Improvement Association, said neighbors had never complained about noise or traffic from the property. He would like to see the building kept in original use with one residential upstairs and small business space in the front downstairs with a workshop for artists in the back. He was in favor of the text amendment.

Mr. Mike Rundle said he was in the process of buying property to the east of this location. He was in support of the rezoning.

APPLICANT CLOSING COMMENTS

Ms. de Vries said she appreciated the neighborhood support.

COMMISSION DISCUSSION

Commissioner Kelly asked if the site could be a makerspace.

Mr. McCullough said the City had site planned a few makerspaces. He said makerspace was the assembly of people for education and training versus straight production of products. He said one of the challenges was the text amendment would be built for the entire city not just one property. He said a Special Use Permit for some of the non-residential uses would have to be a declared use at that time. He said it would require a complete review of the Code, not just these uses.

Commissioner Willey said the comparison of the East Lawrence rezonings was appropriate since current uses were looked at. She felt it was an important process as a community in looking at how the Code suits or does not suit the community. She thought this was a great property.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Weaver, to defer the rezoning.

Commissioner Carpenter said this was different then the East Lawrence rezonings because the use did not exist in the Code. He said they were asking staff to take into account something citywide. He felt it would be tricky to come up with something that did what they wanted to see without opening a can of worms.

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

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

Mr. McCullough said the Special Use Permit process gave protection to the neighborhoods. He said it would not be a permitted use by right. He said the MU District was pretty restrictive and there may be ways to fit into neighborhoods. He said it was worth talking about and bringing draft language to the Commission.

Commissioner Culver asked if there were applications with these types of uses that were denied because they weren't allowed in the MU District.

Mr. McCullough said there were only about 4-5 properties with MU zoning and staff had not run into this Code standard yet.

Commissioner Kelly said Special Use Permits were a great way to solve problems but they were tricky because some of the potential problems, such as sights, smells, sounds, were outside of their scope. He felt makerspace may be an option.

Motion carried 10-0.

Motioned by Commissioner Carter, seconded by Commissioner Sands, to initiate a text amendment to the City of Lawrence Land Development Code, Article 11, to permit non-residential uses in the Tertiary Zone of the MU District.

Motion carried 10-0.

PC Minutes 8/23/17 MISCELLANEOUS NEW OR OLD BUSINESS
Consideration of any other business to come before the Commission.

MISC NO. 1 CERTIFICATE OF SURVEY VARIANCE; 976 N 1050 RD AND 902 N 1000 RD (BJP)

CSU-17-00314: Consider a variance request to reduce the minimum frontage and entrance spacing requirements established in the County's Access Management Standards of the property and to permit a second access drive, located at 976 N 1050 Rd and 902 N 1000 Rd. Submitted by Grob Engineering Services, LLC, for Luke and Sheri Oehlert and Andrew J. and Mary F. Flory, property owners of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, said he tried to address neighborhood concerns, such as buffering and drainage easements. He said the notification letter was verbatim per Code and he apologized if it came off as being harsh to the neighbors. He said the closest neighbor to the proposed development would be about 400'.

PUBLIC HEARING

Mr. Phillip Struble said a significant amount of the proposed property would abut his. He said the Subdivision Regulations state that residential development parcels are eligible for a Certificate of Survey approval only one time within the urban growth areas. He said the area they were looking at already had two plats of survey recorded and that the platted survey allowed him to buy his property. He said the existing platted survey had become an important tool. He said he knew there was the ability for five houses to be built north and one house built to the west. He said this proposal doubles that. He said he did not understand how an administrative approval process could require a variance request and that it seemed like variances would be a red flag. He stated there were codes and regulations for a reason. He said Planning Commission's involvement was to just barely get involved and he felt that was a problem. He did not feel the project had an unnecessary hardship because the developer created the circumstance.

Mr. Hank Willems said he had always complied with regulations and developers should too. He was opposed to the variance. He expressed concern about increased traffic and wear on the roads.

Mr. Pat Beard, 902 N 1050 Rd, felt that cluster development did not fit the character of the area. He said that 1050 Road was poorly maintained and had deep ruts and could not support the increased traffic. He felt the process could have been handled better and wished the developer had made more of an effort to reach out to neighbors.

Mr. Kelly Bradford, 920 N 1050 Rd, opposed the cluster development and variances. He felt the number of houses went against the existing character of the neighborhood.

Ms. Joelle Holt encouraged Planning Commission to decline the variances. She felt rules were put into effect for a reason and they should be kept. She stated the entire development was out of line with the character of the neighborhood.

Complete audio & video from this meeting can be found online:
<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Mr. Dean Dunlap provided a slideshow on the overhead that was included in packet. He discussed concerns regarding entrance and egress, sight line safety for school buses, and drainage.

Mr. Robert Hickerson objected to the variance. He said this type of development would negatively affect the quality of life he invested in. He said he did not object to development but wanted the character and quality of the neighborhood to be considered. He said the road was not safe for more traffic and that it needed to be blacktop.

Mr. Russ McDonald, 1053 E 900 Rd, asked that the variances be denied. He said the development did not fit the character of the surrounding area. He said 1050 Road could not handle more traffic. He said drainage was also an issue.

Ms. Judith Emde, 1055 E 900 Rd, felt the development would place an additional burden on the poorly maintained road. She stated the development did not fit the character of the neighborhood.

Mr. David McPherson, 1070 E 850 Rd, said the road could not handle more traffic. He felt larger tracts would fit better and that five houses versus ten would be better suited for the area.

Mr. Carlos Castillo, 1069 E 850 Rd, said he had to follow the rules and buy a larger piece of property than he wanted. He felt the developer should follow the same rules. He said this was simply two homeowners who joined forces to make money. He did not believe the road could handle five driveways but would at least comply with the rules. He opposed the variances and felt the applicant needed to play by the rules.

Mr. Jim McDonald opposed the variances. He said it didn't seem right that the applicant could double the development. He asked Planning Commission not to approve the variances.

APPLICANT CLOSING COMMENTS

Mr. Grob said the township needed to be called upon to maintain the road. He said the letter notification for ¼ mile included 22 different landowners. He said if Mr. Flory's property wasn't involved the regulations would still allow the cluster development to the north without any variances. He said the hardship was the existing property not having frontage. He felt it was a good design.

COMMISSION DISCUSSION

Commissioner Sands asked staff about the one time certificate of survey for this land.

Mr. McCullough said Certificate of Survey was a defined term in the Subdivision Regulations. He said there were plats of survey recorded at the County but they haven't been Certificates of Survey which are methods of dividing land. He said only one Certificate of Survey was allowed and this would be it for this land. He said County Council agreed with staff's interpretation.

Commissioner Sinclair asked if that was an issue for Planning Commission to look at.

Mr. McCullough said no, Planning Commission was not judging the legal issue raised by Mr. Struble. He said staff was bringing forward an interpretation of a legal application.

Commissioner Kelly said it was important to focus on the three criteria in the staff memo. He said he struggled with the hardship created since the Certificate of Survey was still pending. He said without the Certificate of Survey there wouldn't be a variance request.

Commissioner Sinclair said they needed to focus on the three factors and analyze them assuming the Certificate of Survey would be approved.

Mr. McCullough said the City processes allow for variances on different levels. Planning Commission sees certain variances associated with platting and land divisions in the county. The Board of Zoning Appeals sees other types of variances related to property standards. He stated the house and driveway exist today but was only out of compliance with the Certificate of Survey but the same standard is applied. He said any variance had a project associated with it so they should look at it in the eyes of that project.

Commissioner Sands asked if the intent was to ask for a variance for more than one access point.

Mr. McCullough said if the variance was denied then one opportunity was to put the driveway from the house up to the north on the proposed access road. He said instead of 10 homes to that road there would be 11 and would not take any variances. He stated Certificates of Survey were administrative and approved if they met the Code.

Commissioner Carpenter asked if the proposed development was only possible with some sort of variance.

Commissioner Pepper said yes, as proposed, but it could be revised.

Mr. McCullough said they may have to drop one of the houses.

Commissioner Carpenter wondered if this was a hardship created by the Code or by the proposed development. He said currently the developer could build five homes on the north side but was requesting to double that number. He struggled with that since it wasn't a pre-existing hardship.

Mr. McCullough said if the proposal was for four homes to the north there would still be a variance issue because it was for two access points on the Certificate of Survey. He said the issue had to do with two access points, one at the existing house and one serving new units. He said when looking at hardship or self-created variances, if there were no house and they wanted to create an RDP to the south and put in a driveway then that would be, from staff's perspective, a self-created hardship. He said an existing condition was that it had been in that form for a while.

Commissioner Carpenter asked if these were two different properties.

Mr. McCullough said it was two properties that would be combined. He said combining them allowed use of the acreage on the south property.

Commissioner Kelly said he would be more compelled by the argument that there needed to be two entrances if the drive went from 1050 Road all the way to 2000 Road. He said this seemed like an opportunity to use the variance process to get more land for a few more houses but still function as two separate lots. He did think that was in the spirit of why a variance would be granted.

Commissioner Willey said the hardship of the variance was the two lots but it didn't necessarily need to be that way.

Commissioner Sands said the variance was not just shared access, it was also for frontage. He asked if the two variances should be taken together.

Mr. McCullough said they were two separate variances and that if the access variance was not granted then they would not need the frontage variance.

Commissioner Willey said by denying the variance another driveway could be put on the road. She said they could potentially be making it worse by denying the variance.

Commissioner Kelly felt the intended purpose of the regulations were not being used.

Commissioner Sands said it was undeniable the developer was trying to maximize properties on the land. He said it was a conflict of the wants and desires of the neighborhood versus the wants and desires of individual property owners.

Commissioner Struckhoff inquired about the orientation of the five lots that could be there today.

Mr. Chad Voigt, Douglas County Public Works, showed the five "piano key" shaped lots on the overhead. He said as it sits now there would be one shared driveway, not five driveways.

Mr. Grob showed on the overhead the concept plan of what could happen if the variances weren't approved. He said the applicant would still proceed with the Certificate of Survey but shorten the cul-de-sac with only eight lots.

Commissioner Culver said he had a difficult time looking at variances requested to increase density in an area where it was rural by nature. He said he could probably live with what Mr. Grob described because it fit the regulations. He stated that N 1050 Road appeared to have maintenance issues that needed to be addressed with the township. He stated the area was going to develop and grow in some form or fashion and safety concerns of the road needed to be met.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to deny the variance for access.

Commissioner Sands thanked the neighbors who came to the meeting.

Commissioner Struckhoff echoed Commissioner Culver's comments about the purpose of the variance. He did not feel the hardship was sufficient to approve the variance request. He said the road condition at the top of the hill was dangerous in its current state. He felt it was a self-inflicted hardship.

Commissioner Sinclair said he was hung up on the unnecessary hardship and felt there were viable alternatives that do not constitute an unnecessary hardship.

Motion carried 10-0.

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to deny the variance regarding road frontage.

Motion carried 10-0.

Mr. McCullough said the topic for their September Mid-Month meeting would be the Draft Comprehensive Plan.

Mr. McCullough said that Commissioner Willey would host a social for Planning Commissioners on Friday, November 3rd. He said the Planning Commission orientation training would be on November 17 in the City Commission room.

Mr. McCullough said the Kansas State American Planning Association conference was in Salina in October.

ADJOURN 9:18pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

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

Development Regulations

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

Online Mapping

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

Planning Commission

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



DOUGLAS COUNTY PUBLIC WORKS

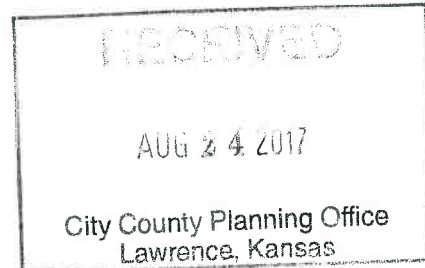
3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

Keith A. Browning, P.E.
Director of Public Works/County Engineer

August 23, 2017

City Hall
Attn: Eric Struckhoff, Chair
PO Box 708
Lawrence, KS 66044

RE: Notice of Public Hearing; Alley Vacation
Vinland Town site



Dear Mr. Struckhoff:

Enclosed is a copy of a Road Notice published in the official Douglas County newspaper (Lawrence Journal World) on August 9, 2017 concerning the possible vacation of an alley, located within the town site of Vinland, approximately three (3) miles north of Baldwin City.

This information has been sent to you because of a statutory requirement (KSA 58-2613) to notify the governing body and planning commission of any city having planning authority over the area in question.

The purpose of the hearing is to accept public comment by Douglas County Commission concerning whether or not to vacate the alley in question. The landowners requesting vacation of the alley are creating an access easement to provide for the access lost due to the proposed vacation.

Your attendance at the proceedings is not necessary. If you desire to make comment about the proposed vacation you may appear at the hearing described in the notice or submit written comment to this department prior to the hearing.

Should you have any questions, please contact Michael Kelly, Dg. Co. Public Works Department, at 785-832-5297.

Sincerely,

A handwritten signature in blue ink that reads "Michael D. Kelly".

Michael D. Kelly, P.S.
County Surveyor

--ROAD NOTICE--

State of Kansas, Douglas County, ss.

TO WHOM IT MAY CONCERN:

TAKE NOTICE, That the Board of County Commissioners of Douglas County has initiated the process to vacate a portion of an alley in the town site of Vinland lying between lots 3 and 4, as shown on the plat of Vinland recorded in Plat Book 2 Page 15 lying in the Northwest Quarter (NW 1/4) of Section 15, Township 14 South, Range 20 East of the Sixth Principal Meridian in Douglas County, Kansas, and is more particularly described as follows:

beginning at the northeast corner of Lot 4, Vinland, thence north along the west line of Summit Street a distance of 16 feet to the southeast corner of Lot 3, Vinland, thence west along the south line of said Lot 3 a distance of 117 feet, thence south a distance of 16 feet to the northwest corner of said Lot 4, thence east a distance of 117 feet along the north line of said Lot 4 to the point of beginning and terminating at said point.

A public hearing will take place to determine if said alley shall be vacated during the regularly scheduled Board of County Commissioners meeting at 6:00 p.m. on Wednesday, the 30th day of August, 2017, in the Commission meeting room at the Douglas County Courthouse, 11th and Massachusetts Street, Lawrence, Kansas. An on-site alley viewing may or may not take place as part of the hearing.

WITNESS my hand and the official seal of said County, this 3rd day of August 2017.



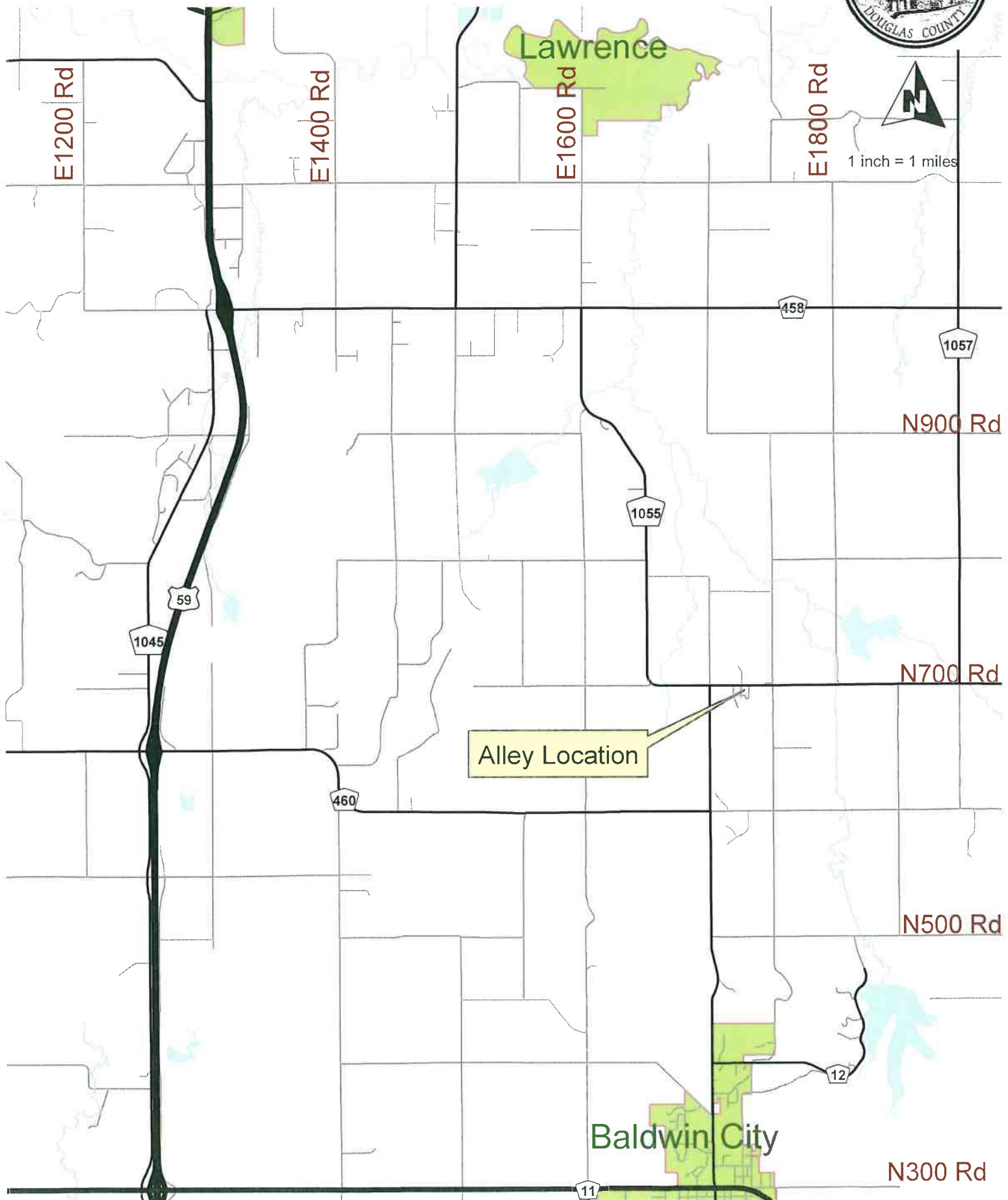
Jamie Shew, County Clerk

To be published once in the Journal World Legal Section on Wednesday, August 9, 2017

Send 2 affidavits to Dg. Co. Public Works, 3755 E. 25th Street, Lawrence, KS 66046

Vinland - Proposed Alley Vacation

Location Map



Proposed Alley Relocation



1 inch = 50 feet

25 12.5 0 25 Feet



May 31, 2017

copied
BCCC

Mike Gaughan, Chairman
Nancy Thellman, Vice-Chair
Michelle Derusseau, Member
Board of County Commissioners
of Douglas County, Kansas
1100 Massachusetts St.
Lawrence, KS 66044



Dear Commissioners:

Vinland Preservation LLC has worked since 2000 to preserve the former Vinland Presbyterian church building, which was built in 1879, on Lot 3 in Vinland. This group of 17 Vinland-area neighbors has collaborated to list this iconic building on the National Register of Historic Places (2003) and preserve the exterior of the building.

The Sunday-school addition (1910) to the building was converted to a residence in 1982, a use that continues today. This adaptive reuse is important to ensuring the continued preservation of the building. We asked to downzone the property to single-family residential (from B-1 to R-1) to ensure continued use as a residence, which is compatible with the other properties in the unincorporated town of Vinland. This rezoning of Lot 3 was approved by the Douglas County Board of County Commissioners on March 15, 2017.

We now seek your support for a change in the location of the alley that is on the South side of Lot 3 and next to the building. (See map.) We would like to exchange access from the East (16-foot alley) for access from the West (16-foot alley) and allow adjoining property owners to use the West access. Lot 3 owners would give the property owners an easement for the access from the West in exchange for eliminating access from the East.

In fact, adjoining property owners have used primarily the West access since at least 1982. Formalizing this use would avoid traffic right next to the Lot 3 residence and allow the residents of Lot 3 to have a convenient driveway and increased setback from the South property line. This change would not reduce alley access by adjoining property owners. We believe this change would avoid potential conflicts over alley use in the future.

All of the affected property owners (who also are members of Vinland Preservation LLC) support the change. Vinland Preservation LLC plans to sell Lot 3 in 2017 and it might be more difficult to make a change in the future. We have discussed this proposed change with County staff members Keith Browning and Michael Kelly and would work with them and other County employees on the details to complete the change and record it with the Register of Deeds.

We would appreciate your support.

Sincerely,

Denny Johnson
Co-Manager

Ray Wilber
Co-Manager

Vinland Preservation LLC, 502 E 1600 Road, Baldwin City, KS 66006

cc: Craig Weinaug, County Administrator
Keith Browning, Director of Public Works and County Engineer
Michael Kelly, County Surveyor



GIS MAP DISCLAIMER: Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, Douglas County cannot assume liability for any damages caused by any errors or omissions in the data, nor as a result of the failure of the data to function on a particular system.

Legend

 Published Parcels



60
Feet

Map produced 10/12/2016, GIS
© Douglas County, Kansas 2016

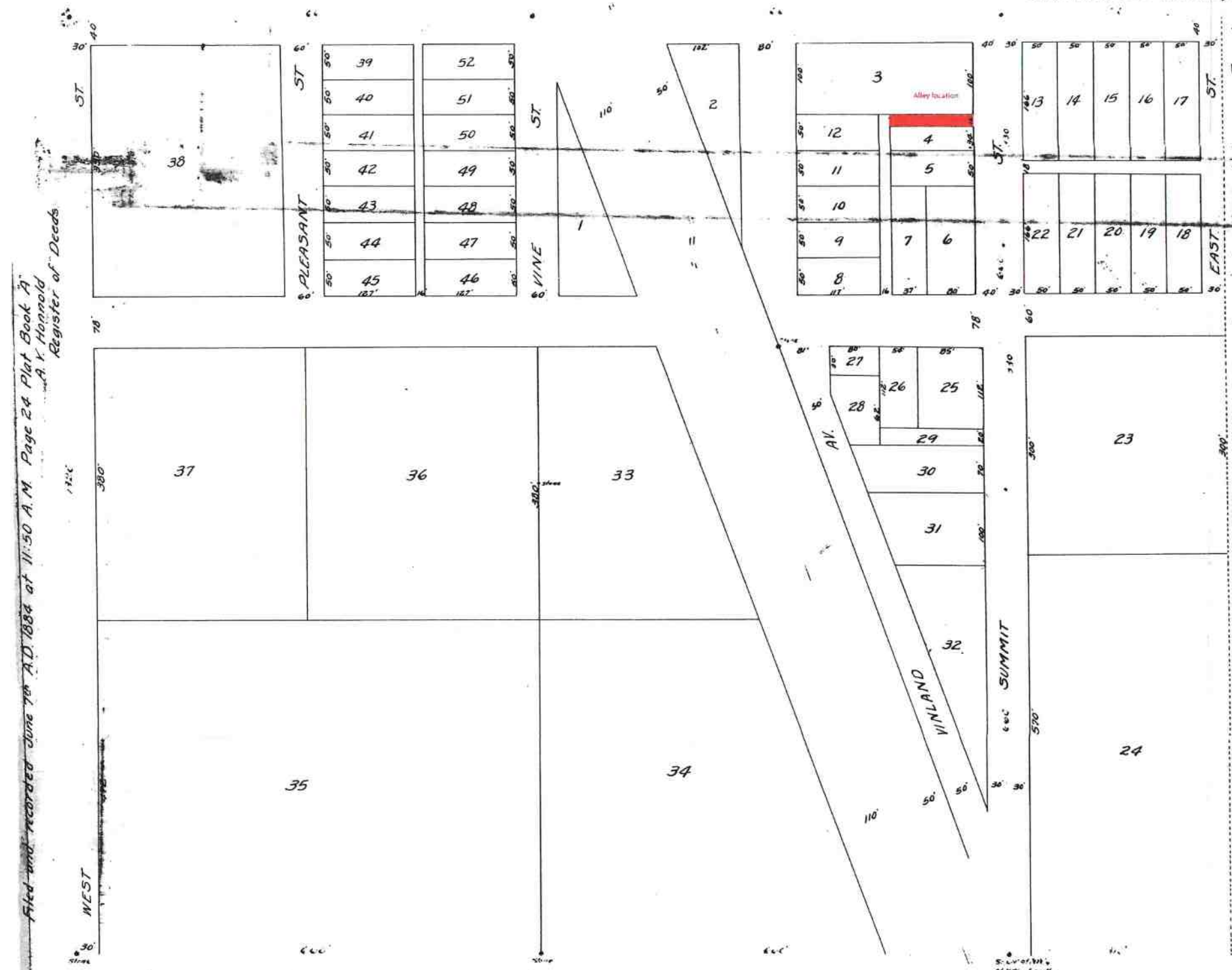
Oak Street, Pleasant Street, Vine Street and the Alley between Pleasant Street and Vine Street in that part of Vinland lying West of the Atchison, Topeka and Santa Fe Railroad are hereby vacated by order of the Board of County Commissioners of Douglas County, Kansas.
 Recorded Feb. 11, 1949, Book 159, Page 318. *Donald D. Cook, Register of Deeds*

VINLAND

Scale 100 ft to one inch

I hereby certify that this is a correct plat of the Town of Vinland being the NW 1/4 and 310 feet off the West side of the NE 1/4 of the NW 1/4 of Sec. 15, Township 14, Range 20 East of the 6th P.M. As surveyed by me on the 29th day of April 1884.

Alva H. Pearson Co. Surveyor



Filed and recorded June 7th A.D. 1884 at 11:50 A.M. Page 24 Plat Book A
A. V. Honnold, Register of Deeds

State of Kansas Douglas ss. - Be it remembered that on this 6th day of June A.D. 1884 before me a Notary Public in and for said County and State came Joseph Iliff to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same. In witness whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

A. V. Honnold, Register of Deeds

We hereby agree to the above Plat and dedicate the above Streets of the same to the use of Vinland as hereby indicated by above Plat.

W.E. Barnes, Joseph Iliff, A.F. Allen, C.C. Roberts, Fred E. Brooks, Amos B. Iliff, H.E. Campbell, and R.C. Bradshaw
 State of Kansas

Douglas County ss. Be it remembered that on this Third day of June A.D. 1884 before me a Notary Public in and for said County and State came W.E. Barnes, A.F. Allen, C.C. Roberts, Fred E. Brooks, A.B. Iliff, H.E. Campbell, & R.C. Bradshaw to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same. In witness whereof I have hereunto subscribed my name and affixed my official seal on the day and year last written.

Joseph Iliff, Notary Public

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence Douglas County Planning Commission

FROM: Lynne Braddock Zollner, Historic Resources Administrator

CC: Scott McCullough, Director PDS
Amy Miller, Assistant Director Planning
Sheila Stogsdill, Planning Administrator

DATE: September 22, 2017

RE: Nomination for listing in the Lawrence Register of Historic Places

The following properties have been nominated for inclusion in the Lawrence Register of Historic Places.

- 801 Alabama Street
- 1645 Kentucky Street
- 1655 Mississippi Street
- 2127 Barker Avenue

Chapter 22 of the City Code states the Historic Resources Administrator shall notify the Planning Commission of nominations to the Lawrence Register of Historic Places and shall transmit to them copies of the application and report, copies of any associated correspondence, and any other material deemed pertinent by the Administrator. All of this material for each of the above proposed properties may be found here <http://www.lawrenceks.org/boards/historic-resources-commission/agendas-and-minutes>. The Planning Commission may comment on the nominations; however, **no action is required by the Planning Commission.**

Action Request. No action is required.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner

Date: September 27, 2017

RE: Communication Item C: Written action of waiver request and determination made by the City Engineer for access associated with a site plan for 2515 W 6th Street (SP-17-00361)

A site plan application was submitted for a Major Development Project at 2515 W 6th Street. Access to the property is currently provided via one curb cut on W 6th Street and two curb cuts on Crestline Drive. The Major Thoroughfares Map classifies W 6th Street as a principal arterial and Crestline Drive as a local street.

Section 20-915(e)(1) of the Land Development Code states that "Direct access to an arterial street is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City Engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated."

The proposed site plan included the existing access to W 6th street. Staff interpreted the site plan application as a request to waive the access management standards for this access point.

Section 20-915(e)(3) states that waivers from these access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the street or roadway and only for infill or redevelopment projects where no other feasible option exists.

The City Engineer denied the requested waiver based on the fact that the property has reasonable access to Crestline Drive.

Per Section 20-915(e)(3)(iv), the action of the City Engineer in granting or denying a waiver shall be reported on the agenda of the next meeting of the Planning Commission after the action. The Planning Commission does not hear or take action on the waiver requests. Any party aggrieved may appeal the grant or denial of a waiver to the City Commission in writing within 14 days of the Planning Commission meeting at which the item appears on the agenda. The waiver shall not become effective until the expiration of the 14 days appeal period or, in the case of an appeal, until the City Commission has

acted on the appeal. The City Engineer granted the waiver on August 23, 2017; therefore, the action is being reported on the September Planning Commission agenda.

Action: Receive notification of City Engineer's denial of the requested waiver.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 1A TEXT AMENDMENT TO LAND DEVELOPMENT CODE; (BJP)

TA-17-00495: Consider a Text Amendment to the City of Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District. *Initiated by Planning Commission on 8/23/2017.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-17-00495, amending sections of Article 4 and Article 11 of the Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District to the City Commission with a recommendation for approval.

Reason for Request: The Planning Commission initiated a text amendment to the Development Code at their August 23, 2017 meeting to permit nonresidential uses in the Tertiary Zone of the MU District.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received

ATTACHMENTS

- Attachment A – Use Comparison Table
- Attachment B – Revised Code Sections

BACKGROUND

A Mixed Use Development is defined in the Land Development Code as one that includes a “mixture of residential and nonresidential uses together in one structure or in separate structures, designed to form a pedestrian-scale environment.” MU zoning also includes the designation of Development Zones as a means to govern development intensity and scale in order to ensure compatibility with adjacent development. The Development Code offers the applicant three options for development zones; Primary, Secondary, and Tertiary with the Primary Development Zone permitting the greatest scale and development intensity.

While the intent of the MU District is to permit a mix of uses throughout each of the development zones, the MU standards lack flexibility in permitting nonresidential uses in the Tertiary Development Zone. The Development Code requires that the Tertiary Development Zone be designated in cases where the MU District is proposed for a site which is surrounded by existing detached residential development. The standards then dictate that nonresidential uses are only permitted within this zone if those nonresidential uses exist within the surrounding area. While this standard is well intentioned to protect residential uses, it ignores the fact that single-family residential zoning districts allow some nonresidential uses.

Analyzing the MU standards leads staff to believe that the MU standards may benefit from more flexibility in permitting nonresidential uses in the Tertiary Zone outright or with approval of a Special Use Permit (SUP). Proposed uses would be considered in the context of their surroundings and conditions could be used to mitigate detrimental impacts. Attachment A provides a comparison of the uses permitted in the RS5, RSO, RMO, and MU Districts. The table shows the recommended uses permitted outright and with

approval of a SUP in the Tertiary Development Zone. The recommendation is based on substantially aligning the Tertiary Development Zone with the residential districts and other uses currently permitted in the MU District that could be compatible with residential districts with approval of a SUP.

The MU standards also restrict the type of structure permitted within a Development Zone. Currently, the standards do not permit vertical mixed use structures in the Tertiary Development Zone. The intent is to ensure compatibility of building form with the surrounding area; however, the standard limits the type of development that can occur in an existing structure. Based on this, staff recommends that the language of the MU standard be amended to permit vertical mixed use structures in the Tertiary Development Zone for existing multi-story structures while maintaining language that structures respect the character of the surrounding uses.

OVERVIEW OF PROPOSED AMENDMENT

The following is a summary listing of the proposed changes:

1. Section 20-403 Nonresidential District Use Table
2. Section 20-1108 General Development Standards for Mixed Use (MU) Districts

The portions of the Code being revised are attached to this staff report (Attachment B).

Changes to the nonresidential use table include the creation of a new column for the Tertiary Development Zone of the MU District that shows the uses permitted outright and with approval of a SUP.

Based on the review of the MU uses, and comparison with the RSO and RMO Districts, staff also believes that there are some uses not currently permitted in the MU District that would be appropriate in that district. These uses include *Extended Care Facility*, *General*, *Private Dining Establishment*, and *Research Service*. Staff recommends that these uses be permitted in the Primary and Secondary zone of the MU District, and allowed with approval of a SUP in the Tertiary zone.

Updates to Section 20-1108 include revisions to the language to provide a better balance between the compatible uses and design standards. Section 20-601(c) provides the Density and Dimensional Standards for the MU District (Table 1). The section provides standards for each of the Development Zones. Staff believes that the language provided in Section 20-1108 regarding the type of structure that is permitted in the Tertiary Development Zone is not needed. The Density and Dimensional Standards provide a mechanism to determine if a structure is appropriate. This, along with approval of a SUP, can facilitate compatible development in the Tertiary Zone with surrounding residential districts.

Standard	Primary	Secondary	Tertiary
Min. Site Area	20,000 sq ft		
Max. Site Area	20 acres		
Min. Lot Area	3,000 sq ft		
Min. Lot Width	25 ft		
Max. Dwelling Units (per acre)	32 DU	15 DU	12 DU
Front Setback	0-10 ft	0-20 ft	0-25 ft
Side (exterior) Setback	0-10 ft	0-20 ft	0-25 ft
Side (interior) Setback	0-5 ft	0-5 ft	0 (attached structure) 5 (detached structure)
Rear (abutting alley)	0-10 ft	0-20 ft	10-30 ft
Rear (no alley)	20/0 – 10 ft	20/0 -10 ft	20/10 – 30 ft
Max. Building Coverage	100%	85%	75%
Max. Impervious Coverage	100%	95%	85%
Max. Height	45 ft	36 ft	24 ft
Table 1. Density and Dimensional Standards in the MU District			

CRITERIA FOR REVIEW AND DECISION-MAKING

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

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

The intent of the MU District is to permit a mix of uses throughout each of the development zones. However, the standards restrict nonresidential uses in the Tertiary Development Zone unless the nonresidential uses existing in the surrounding area. Properties surrounded by detached residential uses must be designated Tertiary Development Zone which thereby reduces the opportunity for nonresidential mixed-use development even as the surrounding RS districts allow such uses. The proposed text amendment corrects this inconsistency in the Development Code by providing more flexibility in permitting nonresidential uses in the Tertiary Development Zone outright or with approval of a Special Use Permit.

The proposed amendment also corrects an inconsistency in the Development Code that restricts the development of an existing multi-story structure with mixed-uses in the Tertiary Development Zone.

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

The Comprehensive Plan recommends "Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities are encouraged." The compatibility of nonresidential land uses and the impacts to the neighborhood will be reviewed through the Special Use Permit (SUP) approval process. The SUP process provides an opportunity to review proposed developments for compatibility with the surrounding area. The impacts of the proposed use would be evaluated and conditions could be placed on the SUP to help alleviate the perceived impacts.

Conclusion

The current MU standards intend to protect residential uses; however, they restrict all nonresidential uses in areas surrounded by detached dwellings. This restriction includes the nonresidential uses permitted in certain single-family residential zoning districts. The proposed text amendment provides flexibility for development of nonresidential uses in the Tertiary Development Zone of the MU District.

Attachment A: Use Comparison Table

The table below shows the uses currently permitted in the RS5, RSO, RMO, and MU zoning districts (shown in black). Proposed changes to the Use Table are shown in red. These include the addition of the MU – Tertiary column and changes to the MU – Primary/Secondary column.

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts					
		RS5	RSO	RMO	MU Primary/Secondary	MU Tertiary	
Household Living	Accessory Dwelling Unit	-	-	-	P*	P*	534
	Attached Dwelling	S*	S*	P*	P*	P*	503
	Cluster Dwelling	P*	P*	P*	--	--	702
	Detached Dwelling	P*	P*	S*	P	P	508
	Duplex	-	P*	P*	P*	P*	503
	Manufactured Home	-	-	-	--	--	
	Manufactured Home, Residential-Design	P*	P*	S*	--	P	513
	Mobile Home	-	-	-	--	--	
	Mobile Home Park	-	-	-	--	--	514
	Multi-Dwelling Structure	-	-	P*	P*	P*	517
	Non-Ground Floor Dwelling	--	P*	P*	P*	P*	517/542
	Work/Live Unit	--	P*	P*	P*	P*	517/542
	Zero Lot Line Dwelling	P*	P*	P*	P	P	531
	Home Occupation, Type A or B	A*	A*	A*	P*-A*	A*	537
Group Living	Assisted Living	S	P	P	P	P	
	Congregate Living	-	-	P*	P*	S*	546
	Dormitory	-	-	-	--	--	
	Fraternity or Sorority House	-	-	-	--	--	
	Group Home, General [11 or more]	S	S	S	S	S	
	Group Home, Limited [10 or fewer]	P	P	P	P	P	
PUBLIC AND CIVIC USE GROUP							
	College/University	S	S	S	P	S	
	School	S	S	S	P	S	
	Cultural Center/ Library	S	S	S	P	S	
	Day Care Center	S*	S*	S*	S*	S*	507
	Day Care Home, Class A	A*	A*	A*	P*-A*	A*	507

Attachment A: Use Comparison Table

<div>Key:</div> <div>A = Accessory</div> <div>P = Permitted</div> <div>S = Special Use</div> <div>* = Standard Applies</div> <div>- = Use not allowed</div>		Base Zoning Districts					
		RS5	RS0	RMO	MU Primary/Secondary	MU Tertiary	
	Day Care Home, Class B	S*	S*	S*	S*	S*	507
	Detention Facilities	–	–	–	--	--	
	Event Center, Small		S	S	P	S	
	Event Center, Large		S	S	S	--	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	S*	512
	Postal Service	–	–	–	P	--	
	Public Safety	S	S	S	P	S	
	Active Funeral and Interment	–	P*	P*	--	--	505
	Passive Funeral and Interment	A*	A*	A*	A*	A*	505
	Temporary Shelter	A*	S*/A*	S*/A*	S*/A*	S*/A*	544/522
	Social Service Agency	--	P	P	P	P	
	Community Meal Program	A*	S/A*	S/A*	S*/A*	A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530
	Utilities and Service, Major	S	S	S	S	S	
Medical Facilities	Community Mental Health Facility	--	--	--	--	--	
	Extended Care Facility, General	–	S	P	--P	S	
	Extended Care Facility, Limited	P	P	P	P	P	
	Health Care Office, Health Care Clinic	–	P	P	P	P	
	Hospital	–	–	–	--	--	
	Outpatient Care Facility	–	P*	P*	P*	P*	519
Recreation Facilities	Active Recreation	S	S	S	P	S	
	Entertainment & Spectator Sports, General	–	–	–	--	--	
	Entertainment & Spectator Sports, Limited	–	–	–	P	--	
	Passive Recreation	P	P	P	P	P	
	Nature Preserve/Undeveloped	P	P	P	P	P	
	Private Recreation	P	P	P	P	P	
	Participant Sports & Recreation, Indoor	–	–	–	P	--	
	Participant Sports & Recreation, Outdoor	–	–	–	S	--	

Attachment A: Use Comparison Table

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts					
		RS5	RSO	RMO	MU Primary/Secondary	MU Tertiary	
Religious Assembly	Campus or Community Institution	-	-	P*	P*	S*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	522
COMMERCIAL USE GROUP							
Animal Services	Kennel	-	-	-	--	--	
	Livestock Sale	-	-	-	--	--	
	Sales and Grooming	-	-	-	P	S	
	Veterinary	-	P	P	P	P	
Eating and Drinking Establishment	Accessory Bar	-	-	-	A*	A*	
	Accessory Restaurant	Not Listed	Not Listed	Not Listed	--	--	
	Bar or Lounge	-	-	-	S*	--	509
	Brewpub	-	-	-	S*	--	509
	Fast Order Food	-	-	-	P	--	511/509
	Fast Order Food, Drive-in	-	-	-	--	--	
	Nightclub	-	-	-	--	--	
	Private Dining Establishments	S*	S*	S*	--P	S	539
	Restaurant, Quality	-	-	-	P*	S*	524
Office	Administrative and Professional	-	P*	P*	P*	P*	518
	Financial, Insurance & Real Estate	-	P*	P*	P	P	510
	Payday Advance, Car Title Loan Business	-	P*	P*	P	P	510
	Other	-	P	P	P*	P*	543
Parking Facilities	Accessory	-	A*	A*	A*	A*	535
	Commercial	-	S	-	S	--	
Retail Sales & Service	Agricultural Sales	-	-	-	--	--	
	Building Maintenance	-	-	-	S	--	
	Business Equipment	-	-	-	P	S	
	Business Support	-	-	-	P	S	
	Construction Sales and Service	-	-	-	--	--	

Attachment A: Use Comparison Table

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts					
		RS5	RS0	RMO	MU Primary/Secondary	MU Tertiary	
	Food and Beverage	-	-	-	P*	S*	
	Mixed Media Store	-	-	-	P*	-	
	Personal Convenience Services	-	P*	P*	P	P	520
	Personal Improvement Services	-	P*	P*	P	P	521
	Repair Service, Consumer	-	-	-	P*	S*	523
	Retail Sales, General	-	-	-	P*	S*	525
	Retail Establishment, Large	-	-	-	-	-	
	Retail Establishment, Medium	-	-	-	P*	-	526
	Retail Establishment, Specialty	-	-	-	P*	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	-	P*	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	
	Sex Shop	-	-	-	-	-	
	Sexually Oriented Theater	-	-	-	-	-	
Transient Accom.	Bed and Breakfast	S*	S*	P*	P*	S*	504
	Campground	-	-	-	-	-	
	Hotel, Motel, Extended Stay	-	-	-	P	-	
Vehicle Sales & Service	Cleaning (e.g., car wash)	-	-	-	-	-	
	Fleet Storage	-	-	-	-	-	
	Gas and Fuel Sales	-	-	-	S	-	
	Heavy Equipment Repair	-	-	-	-	-	
	Heavy Equipment Sales	-	-	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	
	Light Equipment Repair	-	-	-	-	-	
	Light Equipment Sales/Rental	-	-	-	-	-	
	RV and Boats Storage	-	-	-	-	-	
INDUSTRIAL USE GROUP							
	Explosive Storage	-	-	-	-	-	
	Industrial, General	-	-	-	-	-	

Attachment A: Use Comparison Table

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts					
		RS5	RS0	RMO	MU Primary/Secondary	MU Tertiary	
Industrial Facilities	Industrial, Intensive	-	-	-	-	-	
	Maker Space, Limited	-	-	-	P	S*	
	Maker Space, Intensive	-	-	-	S	-	
	Laundry Service	-	-	-	-	-	
	Manufacturing & Production, Limited	-	-	-	P	S*	
	Manufacturing & Production, Technological	-	-	-	-	-	
	Research Service	-	-	-	--P*	S*	
	Salvage Operation	-	-	-	-	-	
Wholesale, Storage & Distribution	Heavy	-	-	-	-	-	
	Light	-	-	-	-	-	
	Mini-Warehouse	-	-	-	-	-	
OTHER USES GROUP							
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	501
Urban Agriculture	Agriculture, Crop	P*	P*	P*	P	P	533, 548
	Agriculture, Large Animal	-	-	-	-	-	502
	Agriculture, Small Animal	A*	A*	A*	A*	A*	533, 547
	Farmers Market	A*	A*	A*	P	S	549
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	550
	Urban Farm	-	-	-	-	-	533, 551
Communication Facilities	Amateur and Receive-Only Antennas	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	-	
	Communications Service Establishment	-	P	P	P	P	
	Wireless Facilities - Antenna	A*	A*	A*	A*	A*	529
	Wireless Support Structure	S*	S*	S*	S*	S*	529
	Satellite Dish	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	

Attachment A: Use Comparison Table

<div>Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed</div>		Base Zoning Districts					
		RS5	RS0	RMO	MU Primary/Secondary	MU Tertiary	
Recycling Facilities	Large Collection	-	-	-	-	-	
	Small Collection	-	-	-	P*	S*	540
	Processing Center	-	-	-	-	-	

Attachment B: Revised Code Sections

Proposed Article Changes

Changes to the text are shown on the following pages and are noted in **red**. Additions are underlined; and deleted text is ~~struckthrough~~.

Amend Section 20-403:

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed			Base Zoning Districts															Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU (PRIMARY/ SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H		
	RESIDENTIAL USE GROUP																		
Household Living	Accessory Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	534	
	Attached Dwelling	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503	
	Cluster Dwelling	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-	-	702	
	Detached Dwelling	P*	-	P*	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508	
	Duplex	P*	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	503	
	Manufactured Home	-	-	-	--	-	-	-	-	-	-	-	-	-	-	P	A		
	Manufactured Home, Residential-Design	P*	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	513	
	Mobile Home	-	-	-	--	-	-	-	-	-	-	P	-	P	-	P	A		
	Mobile Home Park	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-	-		
	Multi-Dwelling Structure	-	P*	P*	P*	-	P*/S*	P*		P*	-	-	-	-	-	S	A	517	
	Non-Ground Floor Dwelling	P*	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542	
	Work/Live Unit	P*	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541	
	Zero Lot Line Dwelling	P*	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	531	
	Home Occupation, Type A or B	-	-	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	537	
Group Living	Assisted Living	-	-	P	P	-	-	-	-	-	-	-	-	-	-	S	S		
	Congregate Living	-	-	P*	S*	-	-	-	-	-	-	-	-	-	-	-	-	546	
	Dormitory	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-	A		
	Fraternity or Sorority House	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-	-		
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A		
	Group Home, Limited (10 or less)	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-		
	PUBLIC AND CIVIC USE GROUP																		
	College/University	S	P	P	S	P	P	P	P	P	P	P	-	P	-	P	A		
	Cultural Center/ Library	S	P	P	S	S	P	P	-	-	P	-	-	-	S	P	A		
	Day Care Center	S*	P*	S*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507	

Attachment B: Revised Code Sections

[illegible]

Attachment B: Revised Code Sections

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed			Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU (PRIMARY/ SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Undeveloped Private Recreation	P	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	S*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
	COMMERCIAL USE GROUP																	
Animal Services	Kennel	-	-	-	--	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	--	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	S	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating and Drinking Establishment	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	--	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar or Lounge	-	P/S*	S*	--	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	--	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	--	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	--	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	--	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-P	S	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	S	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P	P*	P*	P	P	P	P	P	P	P	A	P	-	P	A	518
	Financial, Insurance & Real Estate	P*	P	P	P	P	P	P	P	P	P	P	-	-	-	-	A	510
	Payday Advance, Car Title Loan Business	P*	P	P	P	P	P	P	P	P	P	P	--	--	--	--	A	510
	Other	P	P	P*	P*	P	P	P	P	P	P	P	A	P	-	-	-	543
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	--	S	S	P	P	P	P	P	P	P	-	P	A	

Attachment B: Revised Code Sections

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed			Base Zoning Districts															Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU (PRIMARY/ SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H		
Retail Sales & Service	Agricultural Sales	-	-	-	--	-	-	P	P	P	-	P	-	P	-	-	-		
	Building Maintenance	-	P	S	--	-	P	P	P	P	-	P	P	P	-	A	A		
	Business Equipment	-	P	P	S	-	P	P	P	P	P	P	P	-	-	-	-		
	Business Support	-	P	P	S	P	P	P	P	P	P	P	P	P	-	-	A		
	Construction Sales and Service	-	-	-	--	-	-	P	P	P	-	P	-	P	-	-	A		
	Food and Beverage	P*	P*	P*	--	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511	
	Mixed Media Store	P*	P*	P*	--	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528	
	Personal Convenience Services	P*	P	P	P	-	P	P	P	P	-	P	-	-	-	-	A	520	
	Personal Improvement Services	P*	P	P	P	-	P	P	P	P	-	P	-	-	-	-	A	521	
	Repair Service, Consumer	P*	P*	P*	S*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523	
	Retail Sales, General	P*	P*	P*	S*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	--	-	-	P*	P*	S*	-	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	--	-	P*	P*	P*	P*	-	-	-	-	-	-	-	-	526
Retail Establishment, Specialty	-	P*	P*	--	-	P*	P*	P*	P*	-	-	-	-	-	-	-	-	526	
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	--	-	-	-	-	-	-	-	-	-	-	-	-	528	
	Physical Sexually Oriented Business	-	-	-	--	-	-	-	-	-	-	-	-	-	-	-	-	528	
	Sex Shop	-	-	-	--	-	-	P*	P*	P*	-	-	-	-	-	-	-	528	
	Sexually Oriented Theater	-	-	-	--	-	-	P*	P*	P*	-	-	-	-	-	-	-	528	
Transient Accom.	Bed and Breakfast	P*	-	P*	S*	-	-	-	-	-	-	-	-	-	-	-	-	504	
	Campground	-	-	-	--	-	-	P	P	P	-	-	-	-	S	-	-		
	Hotel, Motel, Extended Stay	-	-	P	--	-	P	P	P	P	-	P	-	-	-	-	A		
	Cleaning (Car Wash)	-	S	-	--	-	-	P	P	P	-	P	A	P	-	-	-		

Attachment B: Revised Code Sections

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

Base Zoning Districts

Vehicle Sales & Service

	CN1	CN2	MU (PRIMARY/ SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	Use-Specific Standards (Sec. 20-)
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	-	-	-	
Maker Space, Limited	P	P	P	S	P	P	P	P	P	P	P	P	P	-	A/S	-	
Maker Space, Intensive	--	S	S	--	S	S	S	S	S	P	P	P	P	-	A/S	-	
Manufacturing & Production, Ltd.	-	-	P	S	-	S	S	S	S	P	P	P	P	-	-	-	
Manufacturing & Production, Tech.	-	-	-	--	-	S	P	P	P	P	P	P	P	-	-	-	
Research Service	-	-	-P	S	S	S	P	P	P	P	P	P	P	-	-	-	
Scrap and Salvage Operation	-	-	-	--	-	-	-	-	-	-	S*	-	S*	-	-	-	527

Wholesale, Storage & Distribution

Exterior Storage	-	-	-	--	-	-	A*	A*	A*	A*	A*	A*	A*	-	A*	A*	538
Heavy	-	-	-	--	-	-	S	S	S	-	S	-	P	-	-	-	
Light	-	-	-	--	-	-	P	P	P	P	P	P	P	-	S	-	
Mini-Warehouse	-	-	-	--	-	-	P	P	P	-	P	-	P	-	-	-	

Attachment B: Revised Code Sections

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed			Base Zoning Districts															Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU (PRIMARY/ SECONDARY)	MU (TERTIARY)	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H		
	OTHER USES GROUP																		
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501	
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Urban Agriculture	Agriculture, Crop	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	533, 548	
	Agriculture, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Agriculture, Small Animal	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	533, 547	
	Farmers Market	P	P	P	S	P	P	P	P	P	P	P	S	S	S	A	-	549	
	On-Site Agricultural Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	550	
	Urban Farm	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	533, 554	
Communication Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536	
	Broadcasting Tower	-	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A		
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A		
	Wireless Facility - Antenna	A*	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529	
	Wireless Support Structure	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529	
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536	
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540	
	Small Collection	P	P	P*	S*	P	P	P	P	P	P	P	-	P	-	A	A	540	
	Processing Center	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-		

Amend Section 20-1108(c):

(c) Compatibility

Mixed Use developments shall be compatible with existing development which surrounds the proposed Mixed-Use development. Compatibility is best achieved through a transition in Building form, Scale and intensity rather than ~~as well as~~ through uses, peripheral buffers or Landscaping. In furtherance of this purpose, development zones shall be designated on the property proposed for the Mixed Use development. Such zones shall be designated to govern the permitted Density, Building Height and Building Scale and to assure compatibility between the proposed development and surrounding existing development.

Amend Section 20-1108(f):

Development zones govern permitted Density on the site as well as Building Height, Scale and form. The three development zones are hierarchical in terms of development intensity permitted. A proposal to rezone to the MU District need not designate all three development zones. Development zones shall be designated to ensure compatibility with surrounding existing development. In cases where a rezoning to the MU District is proposed for a site which ~~has adjacent RS zoning is surrounded by existing detached residential development~~, a Tertiary Development Zone shall be required to be designated adjacent to such ~~zoning existing development~~ in order to ensure compatibility of height, scale, ~~use~~ and form.

Amend Section 20-1108(f)(3):

(3) Tertiary Development Zone

The Tertiary Development Zone is that area of land within a Mixed Use development which is designated for the least-intense development, relative to that permitted in the other zones ~~per the Density and Dimensional standards of Article 6. Tertiary Development Zones shall permit a development intensity which is no greater than that of surrounding existing development. Such zones shall permit a development form which is consistent with that of surrounding existing development (i.e. two Story detached residential Dwellings across the street from existing Structures which are of the same form, etc.). Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development.~~

Amend Section 20-1108(j)(1)(i):

(1) Vertical Mixed Use Structures

Such Structures shall be a minimum of two stories in Height above Grade and shall contain both nonresidential uses and residential uses distributed vertically throughout the Structure.

(i) Where Permitted

~~New construction of~~ Vertical Mixed Use Structures shall only be permitted in the Primary Development Zone and Secondary Development Zone. ~~Development of existing multi-story buildings as Vertical Mixed Use Structures is permitted in the~~

Attachment B: Revised Code Sections

Tertiary Development Zone. The Density and dimensional standards of Article 6 for each development zone shall apply.

Amend Section 20-1108(j)(4)(i):

(4) Detached Structures

Such Structures are designed to contain either a single nonresidential or a single residential use. Such Structures are designed to contain a single use.

(i) Where Permitted

Detached Structures shall only be permitted in the Tertiary Development Zone. ~~Detached residential Structures (i.e. Detached Dwellings) shall be required in Tertiary Development Zones when surrounding existing Structures are of the same form.~~

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 1B REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

Z-17-00322: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record. *Deferred by Planning Commission on 8/23/17.*

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) 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: *"The building at 401 Elm Street needs to be rezoned to match its existing and historical uses, to retain both the existing upstairs apartment and downstairs woodworking shop, and to explore options for non-residential uses of the downstairs storefront space, reflecting the building's 19th century character. See Attachment B: Historical Profile."*

KEY POINTS

- This staff report assumes approval of the corresponding Text Amendment to permit limited nonresidential uses in the Tertiary Development Zone through the Special Use Permit approval process.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are also being considered by the Planning Commission at their September 27, 2017 meeting:

- **TA-17-00495:** A Text Amendment to the City of Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District. *Initiated by Planning Commission on 8/23/2017.*
- **SUP-17-00496:** A Special Use Permit for *Manufacturing & Production, Limited, and Retail, General and Non-Ground Floor Dwelling* uses at 401 Elm Street.

OTHER ACTION REQUIRED:

- City Commission approval of the Text Amendment and adoption/publication of ordinance.
- City Commission approval of the Rezoning and adoption/publication of ordinance.
- City Commission approval of the Special Use Permit and adoption/publication of ordinance.

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

- The following attachments were provided by the applicant with the application:
 - Attachment A: Proposed Zoning District
 - Attachment B: Historical Profile
 - Attachment C: Horizon 2020
 - Attachment D: Neighborhood Support Letter

- Attachment E: Gain to Public Health, Safety, and Welfare Compared to Hardship to Landowner
- Attachment F: Concept Plan
- Attachment G: Location Map
- Attachment H: Images
- Attachment I: Communications received by staff

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff received a letter of support from the North Lawrence Improvement Association and a letter from a neighbor expressing concerns regarding future potential noise and parking issues. (Attachment I)

Project Summary:

The proposed request is for rezoning approximately 2,500 square feet from RS5 to MU (Mixed Use) District. The subject property contains a two-story structure, in which the first level contains a woodworking shop and a vacant non-building code compliant dwelling, and the second level contains an occupied dwelling. The RS5 District does not permit the *Manufacturing & Production, Limited* use (woodworking shop) or the *Duplex* use.

The woodworking shop was established in 1974 by the property owner's father, Mr. Devries, who also lived in the building. Because the woodworking shop was used solely by Mr. Devries, it was considered a Home Occupation. The shop is no longer used as a Home Occupation and therefore does not comply with the Code. The rezoning request was submitted by the property owner as a means to bring the woodworking shop into compliance.

The property owner is requesting the MU District because it is the only zoning district that would permit the *Manufacturing & Production, Limited* and the *Non-Ground Floor Dwelling* uses. The MU zoning would also permit the conversion of the first floor residential area into a nonresidential use.

Analysis of the Code revealed that rezoning the property to the MU District requires the property to be designated with a Tertiary Zone and, based on the surrounding residential uses, the Tertiary Zone would not accommodate the *Manufacturing & Production, Limited*, or retail uses. Given this information, at their August 23, 2017 meeting, the Planning Commission deferred the rezoning request, as well as, initiated a text amendment to the Development Code to permit nonresidential uses in the Tertiary Development Zone of the MU District. These two items, as well as a Special Use Permit application, will be considered by the Planning Commission at their September 27, 2017 meeting. This staff report assumes the approval of the text amendment to permit some nonresidential uses in the Tertiary Development Zone.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: "[See Attachment C](#)".

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

Goal 3: Neighborhood Conservation

Policy 3.6: Promote Neighborhood Identity

"Preserve and enhance the visual and environmental character of existing neighborhoods." (Page 5-16)

Chapter 5 of Horizon 2020 (Residential Land Use) includes policies that encourage maintaining the existing character of neighborhoods and neighborhood identities. The subject property has contained several nonresidential uses since it was constructed in 1872 (per the Douglas County Appraiser's records). The woodworking shop was established on the property in 1974. The structure and the nonresidential uses that it has contained have been contributing factors to the character of the neighborhood for many decades. Furthermore, the North Lawrence neighborhood has a unique character due to the variety of land uses found within its boundaries. The neighborhood is an eclectic mix of land uses including low-density residential areas, small commercial businesses, and railroad and industrial uses that bisect the neighborhood. Maintaining a mixture of nonresidential and residential uses on the property preserves the character and identity of the neighborhood.

Policy 3.5: Minimize Encroachment of Nonresidential Uses

"Carefully consider and evaluate transition areas between different land uses with differing densities, building types and intensities of use to ensure compatibility of uses." (Page 5-16)

Properties zoned MU that are classified as a Tertiary Development Zone, as is the case with the subject property, require approval of a Special Use Permit (SUP) for development of nonresidential uses. The SUP can include conditions to help mitigate potential negative impacts to the surrounding area. For example, a SUP could dictate the hours of operation for nonresidential uses.

Goal 3: Criteria for Commercial Development

Policy 3.5: Criteria for Mixed-Use Districts

"Encourage preservation of areas that are mixed-use in nature" (Page 6-32)

Chapter 6 of the Comprehensive Plan includes policies for Mixed Use Districts and states that areas that are currently mixed use in nature should be preserved. The property has contained a mix of nonresidential and residential uses since 1920 when the 2nd floor was converted into an apartment.

Staff Finding – With approval of the related text amendment, the proposed request for MU zoning is consistent with Chapters 3 and 6 of the Comprehensive Plan.

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

Current Zoning and Land Use:

RS5 (Single-Dwelling Residential) District; *Non-Ground Floor Dwelling*, Home Occupation (woodworking shop), and unoccupied non-building code compliant dwelling on the first floor.

Proposed use: *Manufacturing & Production, Limited* (woodworking shop), and *Non-Ground Floor Dwelling*. The applicant indicated that the unoccupied residential area on the ground floor may potentially be developed with a *Retail, General* use (such as a grocery store) in the future.

Surrounding Zoning and Land Use:

RS5 (Single-Dwelling Residential) District to the south, east, and west; *Detached Dwellings* and *Neighborhood Institution* (Centenary United Methodist Church).

IG (General Industrial) District to the north; *Detached Dwellings*.

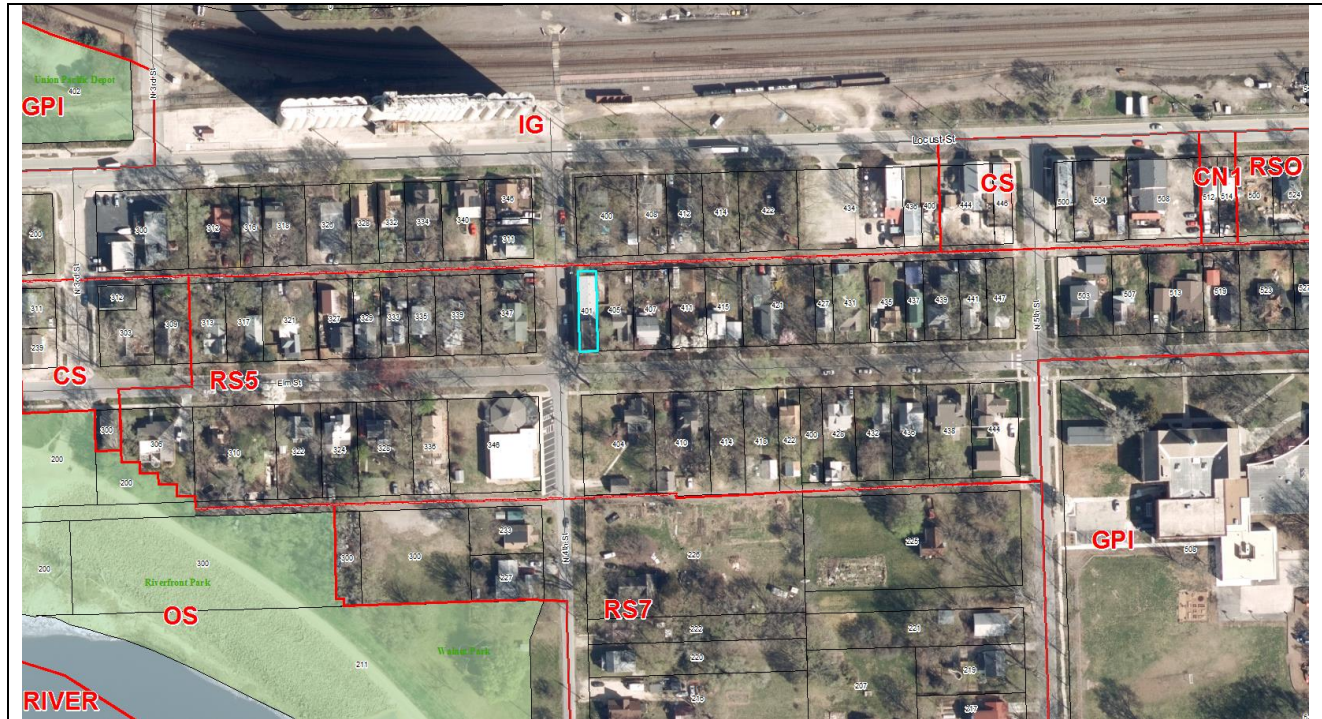


Figure 1a: The zoning of the surrounding area.



Figure 1b: The land use of the surrounding area. (Legend: =single-family, =multi-family, =duplex, =commercial, =Institutional)

Staff Finding – The properties west, east and south of the subject property are zoned RS5 and contain single-family residences. A neighborhood church is located at the southwest corner of N 4th Street and Elm Street. The zoning north of the subject property is IG District and it includes primarily single-family residences. One block from the property, on the north side of Locust Street, there is an active railroad and large agricultural silos.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"North Lawrence is one of the oldest parts of town, with a mix of residential, commercial, and industrial areas. These areas are blended together, having grown organically over the last 150+ years. North Lawrence has a more "small town" atmosphere where neighbors watch out for each other, than other parts of Lawrence. Structurally, North Lawrence has very diverse architectural styles and land uses, almost a patchwork quilt of historic and modern homes and businesses."*

The immediate character of the area is most recognizable as residential with single-family homes on individual lots. The subject property is surrounded by detached dwellings and a neighborhood church is located southwest of the property. There are also industrial uses located one block north of the subject property that include an active railroad and agricultural silos. Other nonresidential land uses in the area include eating and drinking establishments along Locust Street (northeast of the property).

Staff Finding – The neighborhood contains a mixture of residential and nonresidential uses, but the area immediately surrounding the subject property is primarily single-family residential uses.

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

A neighborhood plan was completed for North Lawrence in 1981.

In Chapter 3 of the North Lawrence Neighborhood Plan, under Non-Residential Objectives, it states, "Provide for diverse and convenient non-residential facilities to serve neighborhood needs in such a way that low density residential areas of the neighborhood are not adversely affected." The rezoning request will accommodate the continued use of a woodworking shop that has existed on the site since 1974. The rezoning will also facilitate the redevelopment of the first floor dwelling unit with a retail use. The retail component will be a small, neighborhood-scale development with the intent of serving the needs of the area.

Under Land Use Objectives in Chapter 3, the plan also states, "lessen the impact of high and medium intensity land uses (primarily industrial and commercial) on low density residential areas." Through the Special Use Permit approval process, nonresidential uses permitted in the Tertiary Development Zone of the MU District would include conditions to mitigate potential negative impacts to the surrounding. This process will lessen the impact of the more intense uses.

Staff Finding – The proposed Mixed Use District is consistent with the North Lawrence Neighborhood Plan.

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

Applicant's Response: *"Currently, 25% (1000 sq ft) of the building is suited to "single family residence" which is the upstairs apartment. Of the remainder, 45% (1500 sq ft) of the building is currently an artisan workspace, with woodworking equipment. The additional 20% (750 sq ft)*

makes up the downstairs "store front" space, which faces Elm Street, and was originally built as a broom factory. These figures do not include the unfinished basement space.

The store front could contribute to the neighborhood in a variety of ways. It is typical for visitors to make independent recommendations for uses, especially of the downstairs store front space. Suggestions include a gallery or artist's studio in addition to the maker space, small scale or specialty retail, coffee shop, and office."

While the RS5 District does not permit the woodworking shop, the use has been in existence on the property for over 40 years. The use was considered a Home Occupation at that time because the property owner lived in the building and used the shop for his business. The use is no longer considered a Home Occupation because the shop is not used by an occupant of the building. Approval of the rezoning request would permit the woodworking shop to be utilized into compliance with the Development Code.

Approval of the rezoning request will also facilitate the reinvestment in the structure through the development of a retail use in the front of the building. The retail use will be small, neighborhood-scale size with the purpose of the serving the surrounding area.

The subject property has contained retail and manufacturing uses in the past. The first nonresidential use that the property contained was a broom manufacturing facility. This was established when the building was constructed in 1872, prior to the City's adoption of zoning regulations. Another example of a nonresidential use that the property contained includes a neighborhood grocery store that existed on the site from 1920 to 1960.

Staff Finding – Given the retail and manufacturing history of the property, and the proposed development, the subject property is better suited for the MU District than the existing RS5 District.

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

Applicant's Response: *"The entire property has been vacant for 7 months, and is only vacant now because the zoning does not match/allow the existing uses of the building. If the zoning is not corrected, 70% of the building could remain vacant indefinitely. The upstairs apartment is available to rent as the Planning Commission reviews this application, but the rest remains unoccupied until zoning allows appropriate use of the space and the space can be brought up to code for its proposed uses."*

Staff Finding – According to the Douglas County Appraiser's records, the building was constructed in 1872. Since its creation, the building has contained nonresidential uses. In 1920, the 2nd floor was converted to residential, and the building has been mixed use since that time.

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

Applicant's Response: *"There will be no detrimental effect to nearby properties. Changing the zoning to match existing and historic uses of the building will have no impact, whereas denying this zoning change will result in the loss of a useful space and/or services that would benefit the neighborhood. See Attachment D: a letter of support from more than half of the owner-occupied homes within 200 feet of the building."*

Staff received a few inquiries into the proposed rezoning and development of the property. The comments received were mostly positive, although concerns were provided in regards to potential noise and parking issues (Attachment I). Those comments were not specifically related to the uses proposed with the current Special Use Permit application (SUP-17-00496), but related to future concerns if/when the uses changed. MU zoning would permit a variety of other nonresidential uses that may have impacts to the surrounding property owners. The requirement of SUP approval for the nonresidential land uses permitted in the Tertiary Development Zone of the MU District will help to mitigate these potential impacts. Any new proposed nonresidential use would require approval of a SUP and public notice. The impacts of the proposed new use would be evaluated at that time, and conditions could be placed on the SUP to help alleviate the perceived impacts.

Staff Finding – Rezoning the property to the MU District will not detrimentally affect the surrounding 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

Applicant's Response: *"See Attachment E."*

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

Under the existing RS5 zoning, the woodworking shop would only be permitted as a Home Occupation. This would require the property owner to sell or rent to individuals interested in both living in the building and using the woodworking shop. The property owner indicated that this would be a difficult scenario to achieve. More likely, if the rezoning request were denied, the equipment in the woodworking would need to be relocated to another site with appropriate zoning in order to be used. Moving the equipment could be difficult due to the size and height, and given the age, the equipment could be detrimentally affected if moved.

Currently under the RS5 zoning, only the 2nd floor living area is occupied. The ground level residence and woodworking shop have not been occupied since staff became aware of the land use violations. Because the *Duplex* use is not permitted in the RS5 District, the building would need to be converted to one dwelling unit in order for the entire structure to be occupied. The property owner may choose to maintain only the 2nd floor living area and keep the other spaces unoccupied. This could lead to a deterioration of the building. Approval of the rezoning request will allow continued use of the woodworking shop, as well as facilitate redevelopment of the street level building front with nonresidential uses. Along with the rezoning request, the property owner has also submitted a Special Use Permit application for retail in this space (the SUP also includes the woodworking shop; SUP-17-00496). Examples of the type of retail that may occupy the space include a small, neighborhood-scale grocery store, or an art studio. The addition of a retail use of this size could be a benefit to the neighborhood.

Staff Finding – If the rezoning request were denied, there would be little gain to the public and there would be a hardship to the property owner.

9. PROFESSIONAL STAFF RECOMMENDATION

In addition to the Findings of Fact required per Section 20-1303 regarding Zoning Map Amendments, specific location criteria must be considered when considering a request for the MU district.

Section 20-1108 states *"...To be eligible for rezoning to the Mixed Use District a site proposed for Mixed-Use Development shall be:*

- 1. Within one-quarter mile of a Designated Transit Route at the time the rezoning is initiated; and*
- 2. Near or adjacent to the intersection of Arterial streets as per the adopted Major Thoroughfares Map; or*
- 3. Within one-quarter of a mile of university campuses; or*
- 4. Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or*
- 5. Immediately adjacent to public parks or open space; or*
- 6. An existing nonresidential development proposed for redevelopment."*

There is a designated transit route located along Locust Street, which is within .25 mile of the subject property. Also, *Horizon 2020* defines the north boundary of downtown Lawrence as being the Kansas River. The subject property is within .25 mile of the river. Given that the subject property meets Criteria 1 and 4 listed above, it is eligible for MU zoning.

CONCLUSION

Staff recommends approval of the request to rezone approximately 2,500 square feet from RS5 District to MU District and to designate the entire property as a Tertiary Development Zone.

Attachment A

Proposed Zoning District

I propose a Limited Mixed Use (MU) zoning district for the property at 401 Elm Street, allowing only the following uses:

- Household Living – no Multi-Dwelling
- General Public and Civic – Cultural Center/Library, Small Event Center, or School
- Eating & Drinking Establishments – only Fast Order Food (i.e. coffee shop)
- Office – except Payday Advance, Car Title Loan Business
- Retail Sales & Service – as listed
- Industrial Facilities – as listed
- Adaptive Reuse – as listed

Other zoning districts that I considered requesting were IL, CN1, and RSO. While each of these districts allow one or two of the three existing or historic uses, none of them allow all three, as MU does:

Use	RS5	RSO	CN1	MU	IL
Non-Ground Floor Dwelling	--	P	P	P	--
Work/Live Unit	--	--	P	P	P
Office	--	P	P	P	P
Retail Sales, General	--	--	P	P	P
Retail Establishment, Specialty	--	--	--	P	--
Maker Space, Limited	--	--	P	P	P
Manufacturing & Production, Limited	--	--	--	P	P

Attachment B

Historical Profile

The original structure was built by James L. Canavan between 1869-1872 as a broom factory. It was one open space on each of three levels: basement, ground floor, and second floor, on a footprint of 1,000 square feet, filling the width of the 25' lot. Between 1912, when Canavan stopped producing brooms, and 1920, the building contained an unknown number of other businesses, such as a telephone switchboard repair company depicted on the 1918 Sanborn Fire Map (Image 1).

In 1920, the building became one of several corner grocery stores in North Lawrence. This store was owned by the Pine Brothers, and then by the Wiley family until 1960. The Wileys converted the upstairs into an apartment in the 1920s (Image 2). The 1,500 sq. ft. addition, identified as a "workshop", was also added between 1918 and 1927 (Sanborn Fire Map, Image 3), extending the building to within five feet of the north property line. Many older North Lawrence residents still remember going into Wiley Bros. for penny candy as children.

In 1927, the building was originally zoned single family residential while primarily a retail space. City planners may have simply drawn straight lines on the grid streets layout without much regard for the actual uses of the land (Image 4). For example, neighboring houses facing Locust Street are zoned Light Industrial (because of the proximity to the railroad tracks).

In 1960, the building was purchased by Huxtable Heating & Air Conditioning Inc, which used the full 2,500 sq. ft. ground floor for light manufacturing, specifically a sheet metal shop. The upstairs apartment was converted into two efficiency apartments, where some of their employees lived. In 1966, during a city-wide rezoning effort, the building was again zoned as a single family residence, though most of the building was being used for this light manufacturing purpose.

In 1974, my parents purchased the building for my dad Gunter de Vries' carpenter's shop, known as Woodcrafter's Guild (Image 5), which filled the entire ground floor front to back. The two efficiency apartments upstairs were recombined into a single apartment in 1979. In 1992, the downstairs storefront space was converted to residential use, downsizing the workshop to its current size and configuration.

In 2000, the residence was split back into two separate spaces, one upstairs and one on the ground floor, and rented as two apartments until November 2016. Although I was aware that my ultimate long term goal of having a Artisian makerspace or a small corner grocery store in the building would require a rezoning request. Changing the , I did not know until after the building was condemned that it could not, in fact, continue to be used for anything other than one residence under the current zoning of this property to limited MU reflects both its historic and intended uses.

Image 6 shows the building in 2017.

Attachment C

Horizon 2020

Horizon 2020 states that community planning should “provide [...] for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community” and “achieve a maximum of individual freedom” balanced against the public welfare. Correcting the zoning of my property at 401 Elm Street to match the historic and recent uses of the building conforms with the goals of Horizon 2020 in a number of specific ways that benefit the local and broader community while also maximizing my personal freedom as the property owner:

- quality affordable housing with close connections by walking, biking, car, or public transportation to downtown, schools, and Interstate 70;
- support Downtown Lawrence, especially related to planned future expansion of the downtown district into North Lawrence;
- enhance neighborhood-oriented business opportunities within close proximity to established commercial areas along both N 2nd Street and N 7th & Locust, as well as an elementary school and recreational facilities;
- develop businesses that provide local job opportunities
- maintain and restore a historic resource through adaptive reuse – a building almost as old as North Lawrence

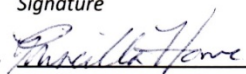
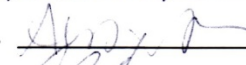

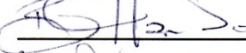
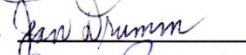

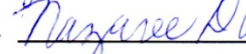
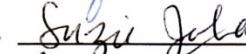


My goals for the building also support at least 6 of the 19 issues identified in the 2015 Issue Action Report for the Comprehensive Plan Update:

- Address Quality Housing for All Incomes
- Preserve Historic Buildings and Structures
- Create Quality Neighborhoods for All Ages
- Create Employment Opportunities
- Provide Opportunities for Small Neighborhood Retail
- Encourage/Support Local Food System Development

Attachment D

Neighbor Support Letter

We, the undersigned neighbors living adjacent to or nearby 401 Elm Street, fully support Margretta de Vries' efforts to restore the building on that property to a useful condition, including her request to change the zoning of said property to match its existing and historical uses, as outlined in her rezoning application: a mixed use of residential, workshop, and office/studio/small event space with a potential future use as a retail space.

Signature	Printed Name	Address	Date
1. 	Priscilla Howe	415 Elm St, Lawrence	4/24/17
2. 	Ashley Pickard	414 Elm St. 66044	4/24/17
3. 	Schmittman	227 N. 4th St 66044	4/24/17
4. 	J. Brooks	226 N. 4th St	4/24/17
5. 	Jean Drumm	233 N 4th St. 66044	4/24/17
6. 	Jean Palmateer	404 Elm St. 66044	5-1-17
7. 	Nazaree Paleman	400 Locust St. Lawrence	5-1/17
8. 	Suzanna Johannes	347 ELM	5/8/17
9. 	Marie E. Wheeler	407 Elm St. Lawrence KS	5/8/17
10. 	L. Jasper Teet	421 Elm St. Lawrence KS	5/8/17
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Attachment E

Gain to Public Health, Safety, and Welfare Compared to Hardship to Landowner

Gain

Rezoning provides significant gains to the public health, safety, and welfare of the North Lawrence neighborhood and the community in general. Both the building itself and the surrounding community benefit from:

- Investment in the general upkeep and appearance increase the value of the building and those around it, instead of being a vacant eyesore.
- Encouraging local arts and artists with a workshop space that is fully stocked and optimized for individual use, requiring little or no capital investment on the part of the artist.
- Increase retail opportunity in North Lawrence along well-used pedestrian and bicycle corridors near public transit, not just drivers.
- Increased property value and retail sales revenue contributes greater property and sales tax revenue for Lawrence.
- Daily activity in the ground floor spaces also contributes to the safety of the neighborhood, compared to a vacant space that is hidden from view.
- Potential location for a North Lawrence history-related mural, visible from several directions

Hardship

At the same time, not correcting the zoning to match the existing and historical uses will cause significant hardship to myself and my brother (owner of all equipment, inventory, and furniture) in multiple ways:

- Renting only 25% of the space significantly limits funding for significant deferred maintenance and upgrades.
- Removing all the elements that are non-conforming in each space requires significant investment and would result in a residence that does not conform to the neighborhood, three or four times the size of any other home nearby.
- Removing the commercial electricity, currently running 3-phase (240) power via a 50kva transformer next to the northeast corner of the building. to downgrade to a residential account would have a significant cost.
- The leasing of the workshop a joint venture between my brother and I; we are committed to doing everything possible to keep the woodworking shop running as our dad had it for the past 43 years. Limiting the workshop to a "Home Occupation" permit or a Work/Live Unit severely limits the pool of potential tenants. I have had serious inquiries from more than a half dozen

parties about possibly leasing the workshop, two since the zoning issues came to light. Neither of those two parties are interested in an apartment; one recently purchased a house.

- The significant value of the machines comes from their careful arrangement and proximity to each other in this workshop. The actual cost of moving the machines, as well as the cost of buying or leasing new space would essentially force my brother to liquidate the most significant portion of his inheritance and permanently prevent him from ever using this equipment himself.
- Recent business planning indicates it is financially feasible to phase in upgrades to mechanical systems for modernization and energy efficiency if at least two of the three spaces are leased. Buyers also desire to utilize the space for commercial and light industrial uses, and would also require the zoning change. None of those buyers are still interested in the building if it cannot be rezoned.
- Historic preservation funds are not available due to the application of stucco over the soft brick (around 35 years ago); the building will not be eligible for listing in the local historic register for at least 15 years. Unfortunately, the established age and history of the building is not sufficient to outweigh the measures that were taken to preserve the building in the most cost effective manner.

Attachment F

Concept Plan

I have spent decades imagining all the possibilities for the building located at 401 Elm Street. My relationship with the building and love of history both inform that dreaming, along with the structure itself.

Neighborhood Landmark

Together, Elm and Locust streets between the levee and the railroad tracks, from N 2nd to N 7th Street form one of the core hubs of North Lawrence, containing multiple businesses, bars, and restaurants; churches, a school, and social services; and two parks, city facilities and public transportation. Centenary United Methodist Church is on the corner opposite the building at the intersection at N 4th and Elm streets, making this intersection a destination for public activities, including annual and monthly events with an audience much broader than just the church membership.

North Lawrence has historically been an industrial Mixed Use community, as this building's long history illustrates. It is almost as old as North Lawrence itself, appearing in city bird's eye view map drawings beginning in 1872, and its preservation will help preserve the original character of the neighborhood. In fact, the location and orientation of the building are closely related to the North Lawrence ferry landing on "North New York Street" (as N. 4th was originally known) connecting to businesses and the railroad along Locust Street. The ferry ran from 1854 through the 1880s (Image 7).

Although it is just outside the ¼ mile radius of Downtown Lawrence, the building's earliest history was as a significant commercial link to downtown. Thick brick walls and exterior brick ornamentation, high ceilinged open space inside, and large windows facing the street are typical architectural features other vintage buildings in the cultural and historical center of the town. Today, Locust has businesses between 5th and 7th streets, and 401 Elm is within one block of the businesses at 5th. Allowing commercial uses in the building would simply be an enhancement of the existing connection to the commercial center at N 7th & Locust since it dates back to the same era and styles as several of the buildings along Locust and has already been used historically for commercial purposes.

I have had many opportunities to speak to neighbors— many of whom I know well and consider friends — through two estate sales, an open house, online via Facebook posts, at North Lawrence Improvement Association meetings, and simply interacting with people walking by. They have given me a lot of positive feedback about our ongoing cleanup and plans for the future.

Working to preserve and improve the building inside and out is already resulting in a building that I, my neighbors, and passers-by are increasingly proud of. However, renovations and repairs can't be kept up without the building having adequate cash flow from being effectively utilized.

My Plan

Anyone seeing this building for the first time assumes it is a business; therefore any business located here remains “an integrated part of the surrounding neighborhood so that the appearance [...] does not detract from the character of the neighborhood” (Horizon 2020, 6-20). It is my intention to (re)create businesses in the building that are a true enhancement to North Lawrence. It is well located on Elm Street, which functions as an “artery” for the area, including pedestrians and bicycles, and a bus stop on Locust, just 100 feet away.

Upstairs

It has always been my intention to maintain the residential space as affordable housing. This is only possible if at least one of the other spaces can be leased as well. If the apartment remains the only usable, rentable space, the rent will need to be increased to cover expenses for the entire building, putting it out of the range of “affordable”.

Recent renovations include a new kitchen, new or refinished floors in the entry, bathroom, and living room, and a significant number of small repairs and cosmetic updates, especially new paint in every room. (Images 8 and 9)

Artisan Woodworking Workshop

The 1,500 sq. ft. addition to the building was constructed in the 1920s, and is ideally suited to be a studio and workshop for one artist creating one or two pieces at a time. Its layout and function were optimized over 40 years of my dad working there, maximizing the efficiency and usefulness of the equipment, including a fully integrated dust collections system. (Images 10-13)

I have spoken with more than half a dozen artists who have expressed interest in leasing the artisan woodworking shop over the past two years, many of whom I would be thrilled to see creating their art here. More recently, I have advanced to the stage of negotiation with one of those artists. The most significant hurdle is the need for the zoning to be corrected to allow the use of the workshop as a workshop without his living on site or having a Home Occupation or Work/Live arrangement; he and his family recently purchased their home. Proper zoning is also necessary for business and insurance requirements for the party utilizing the workshop.

The workshop has been a workshop continuously since it was constructed in the 1920s; the original industrial construction and use make it impossible to imagine it being anything other than a space to create functional works of art. It would be cost prohibitive to convert the workshop into a residential space, and would result in a dwelling three or four times the size of any of the near-by residential properties, with no yard whatsoever.

The arrangement of tools, machines, and work space in the woodworking shop allows only 1-2 people to work at the same time, not a large crew. On the other hand, it is an artisan woodworkers’ dream, containing one of every type of woodworking equipment imaginable. The limited size means that the scale of business operating here can only remain compatible with its neighborhood location.

Store Front

A small corner grocery store is my highest “ideal” of potential uses for the downstairs storefront space. I envision this as a place with locally sourced basics (produce, meats, bulk staples, etc), providing an easy stop for neighbors to grab something on their way to or from school (Woodlawn, Ballard), recreation (the levee, several parks), or work. Informal focus groups with neighbors indicate significant enthusiasm for this idea. Not only would employment be provided at the corner grocery, but it would also support local farmers by providing another outlet for their products. The idea is to meet the needs of the North Lawrence community by providing space for small, locally-owned businesses.

Even with the new grocery store planned for the Borders location at 9th & New Hampshire – which is wonderful! –, most of North Lawrence will remain a food desert, by definition (one mile or ten minutes walk). Having a place to quickly stop in to grab essential items, or potentially providing delivery service to housebound neighbors, would be huge benefits to the neighborhood.

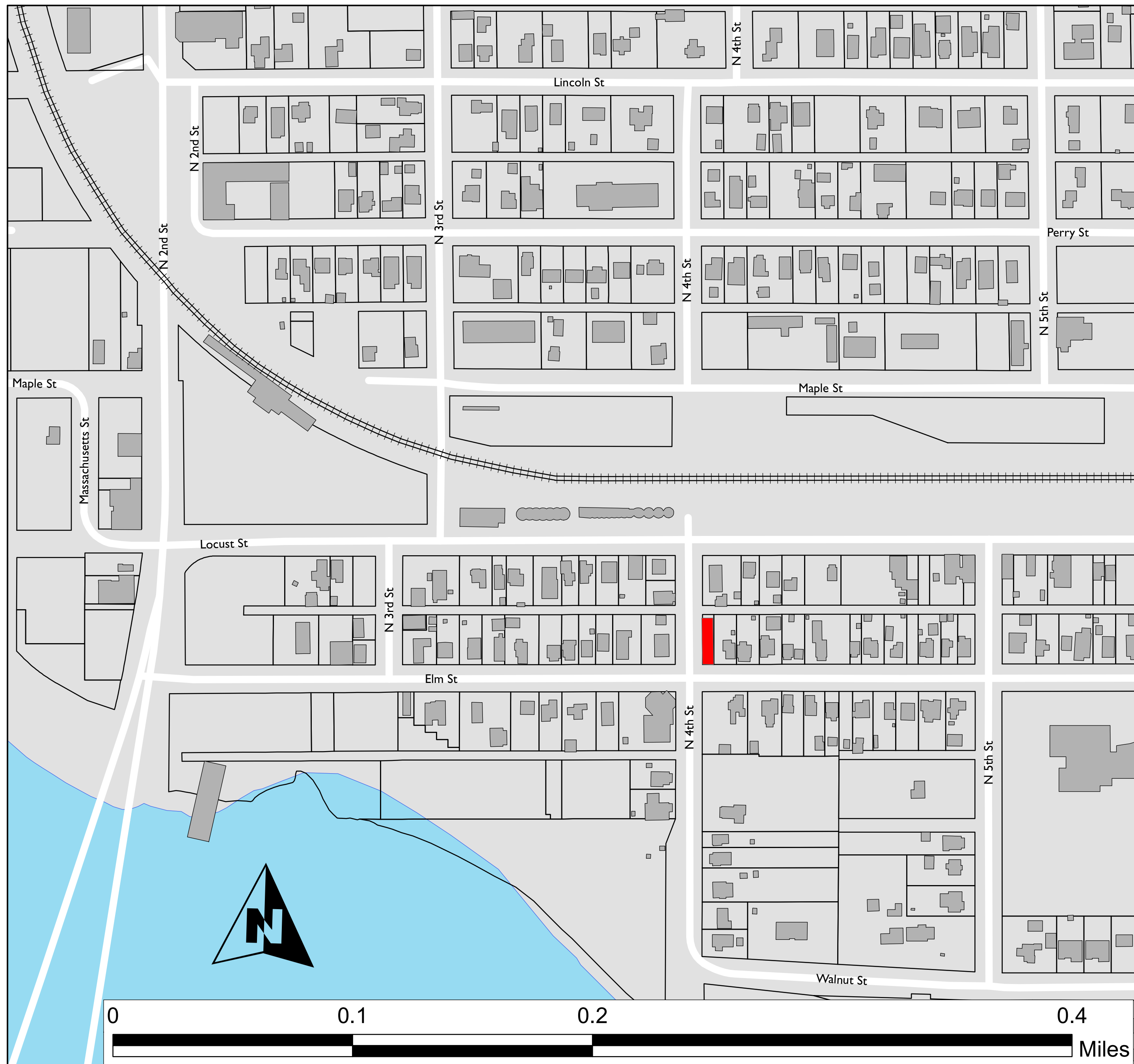
This will require a significant amount of additional research and planning. Along with the basic question of initial funding and rebuilding the space to suit, issues that need to be planned for and resolved before the store comes to fruition include parking, accessibility, and commercial building code. I continue to brainstorm with professionals and neighbors about these issues.

In the meantime, this part of the building will remain “empty”, retaining the kitchen and living area that my dad constructed in 1992. The space is still useful, and could be an artist’s studio, a place for yoga, an office, or something similar that requires minimal reconstruction. (Image 14).

Preservation

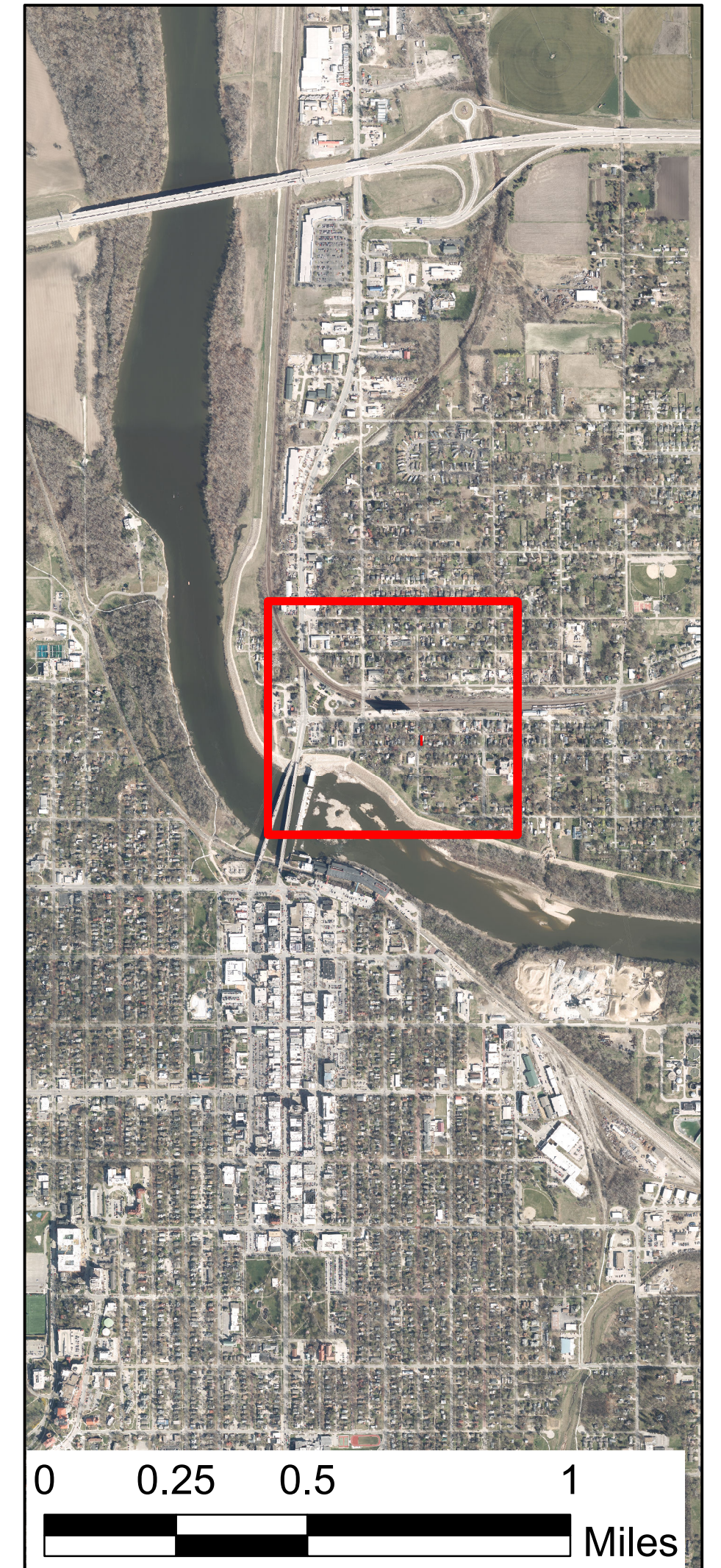
It is my goal to meet city codes and to make all updates to the building with an eye toward historic preservation of the structure, regardless of whether the building currently meets local historical listing requirements. Assuming the highest and best use of the ground floor spaces in the building is to return to the historical commercial (retail) and light industrial uses, future income will help fund the preservation of the structure since historic preservation resources are not a possibility.

401 Elm: General Location Map



Legend

- Building Footprints
- 401 Elm Street
- Parcels
- Streets



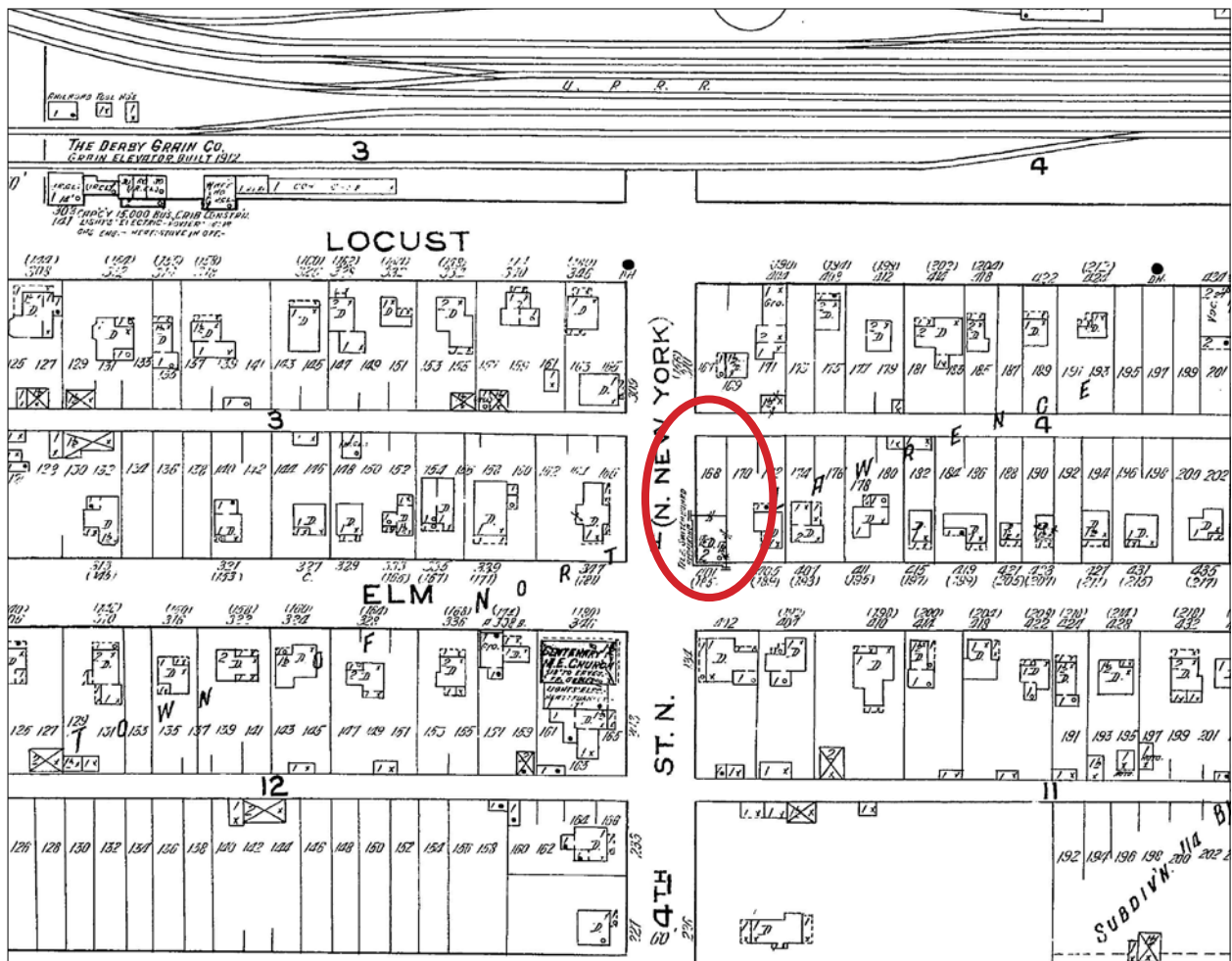




Image 2: 401 Elm, circa early 1920s

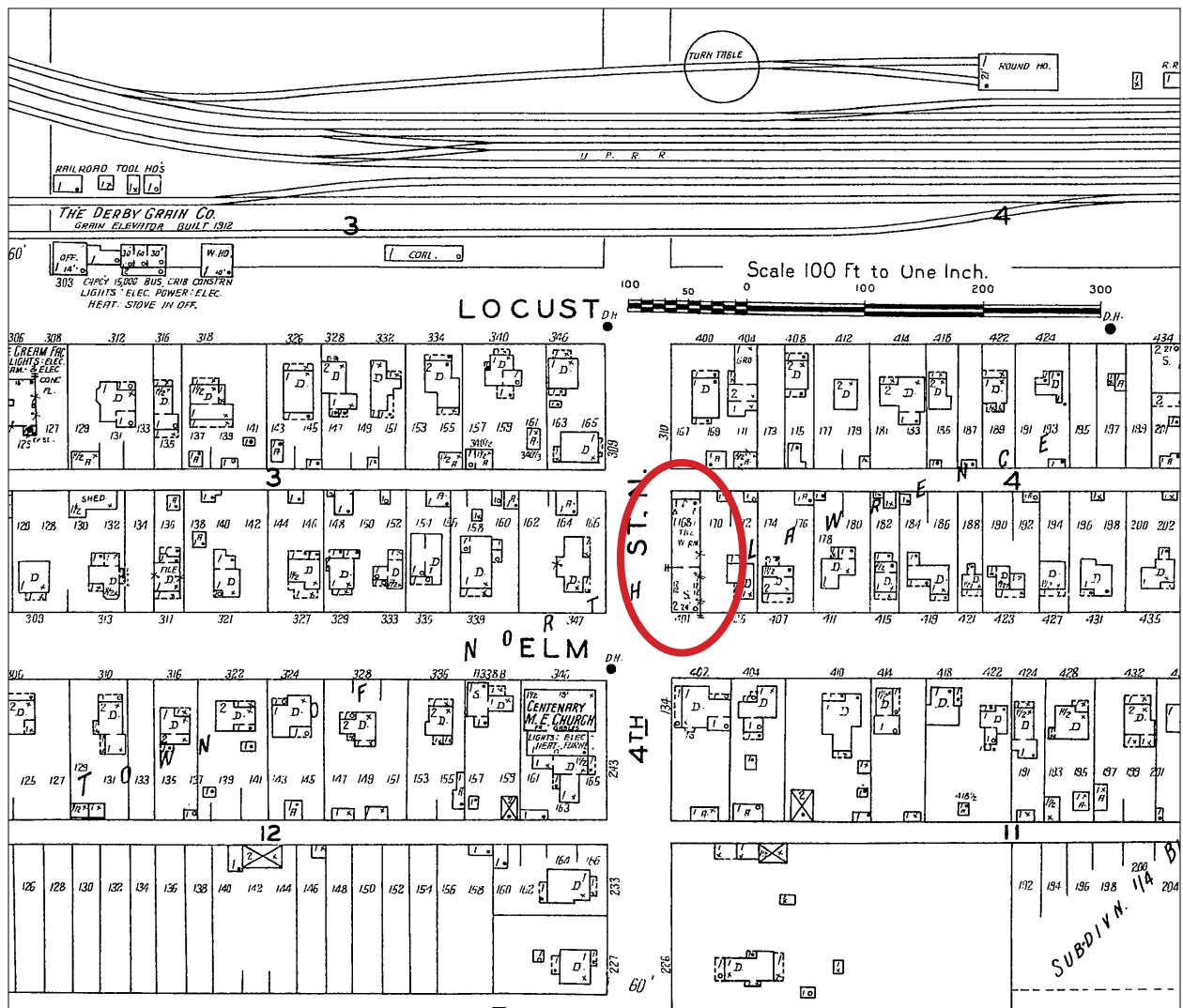


Image 3: 1927 Sanborn Fire Map (Detail)

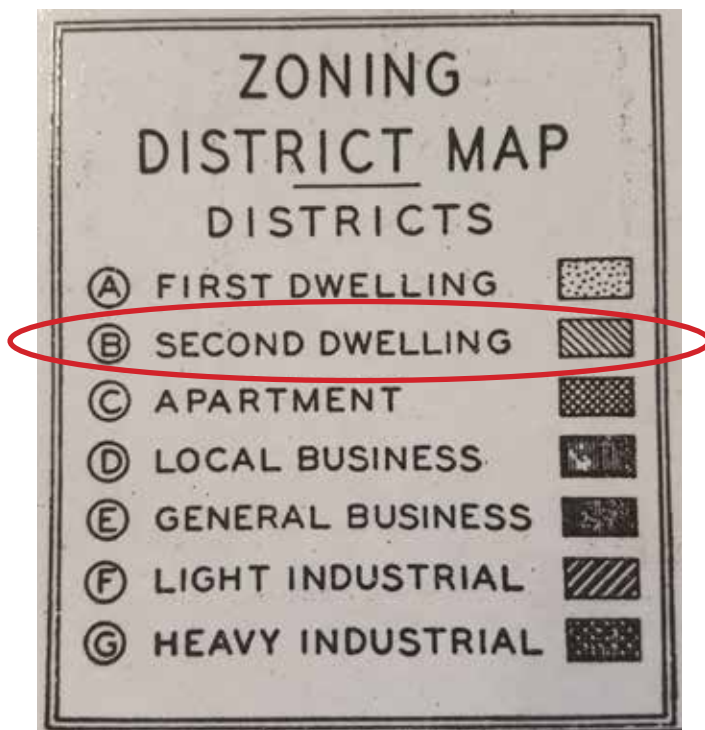


Image 4: 1927 City of Lawrence Zoning Map (Detail)

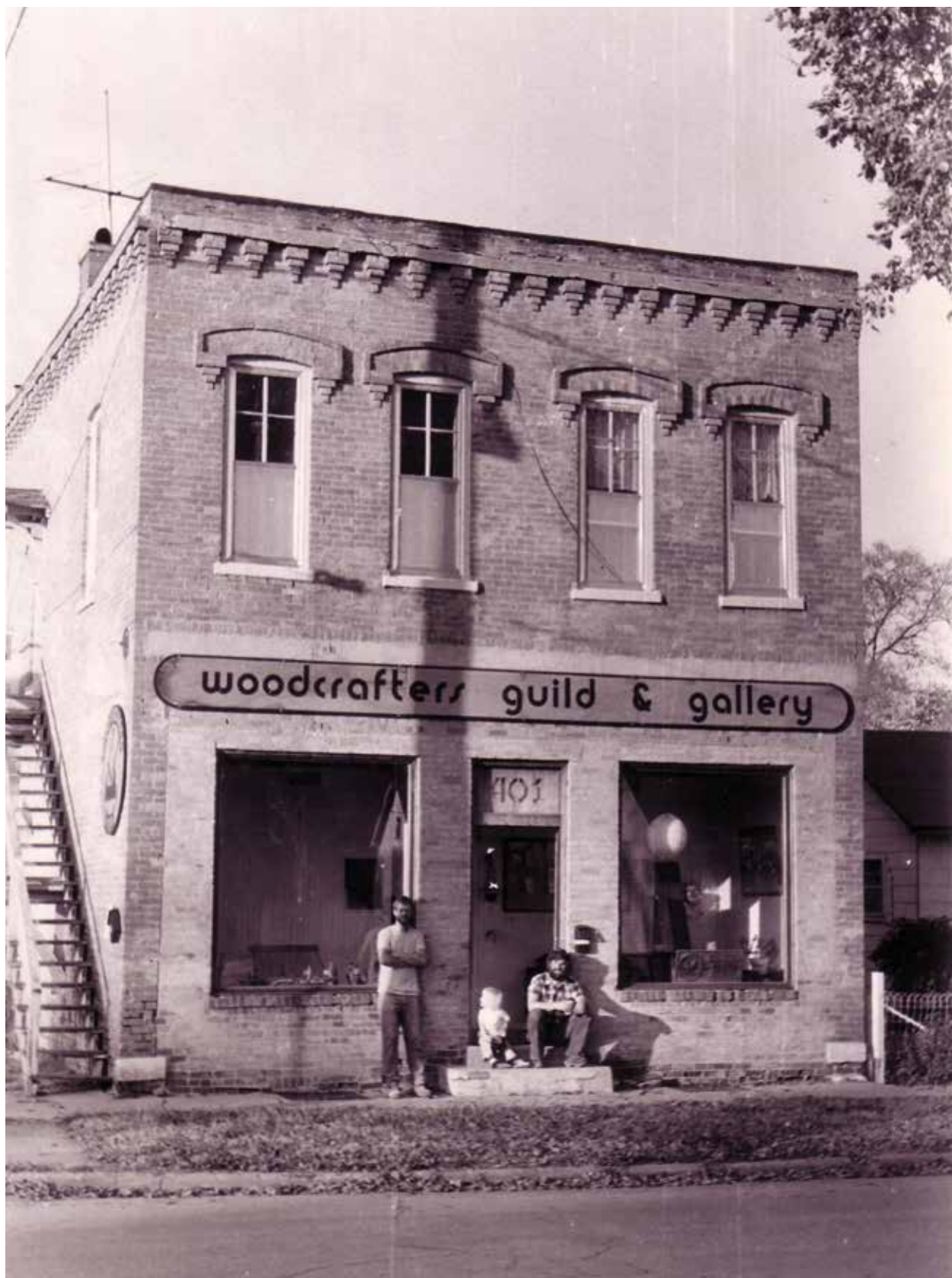


Image 5: Woodcrafter's Guild, circa 1979



Image 6: 401 Elm, 2017.



Image 7: 401 Elm on 1880 Bird's Eye View of Lawrence.



Image 8: Kitchen in upstairs apartment.



Image 9: Living room in upstairs apartment, with south view.



Image 10: Workshop exterior, facing N 4th Street (west).



Image 11: Workshop interior, just inside garage door..



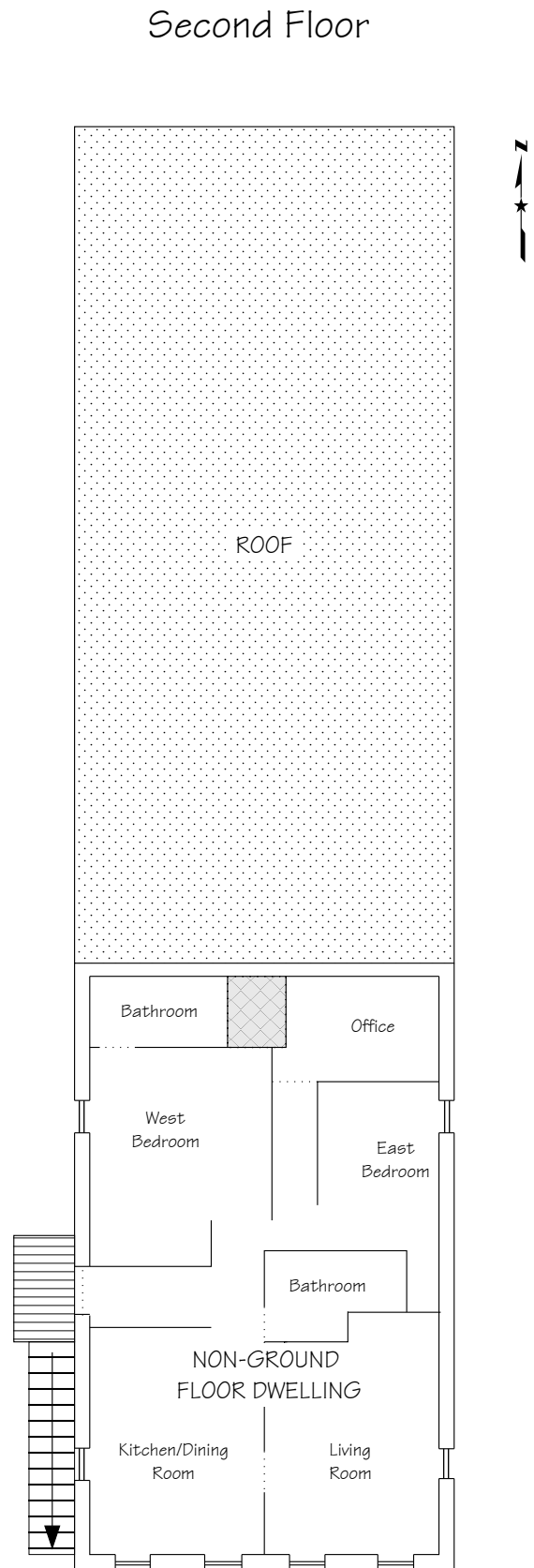
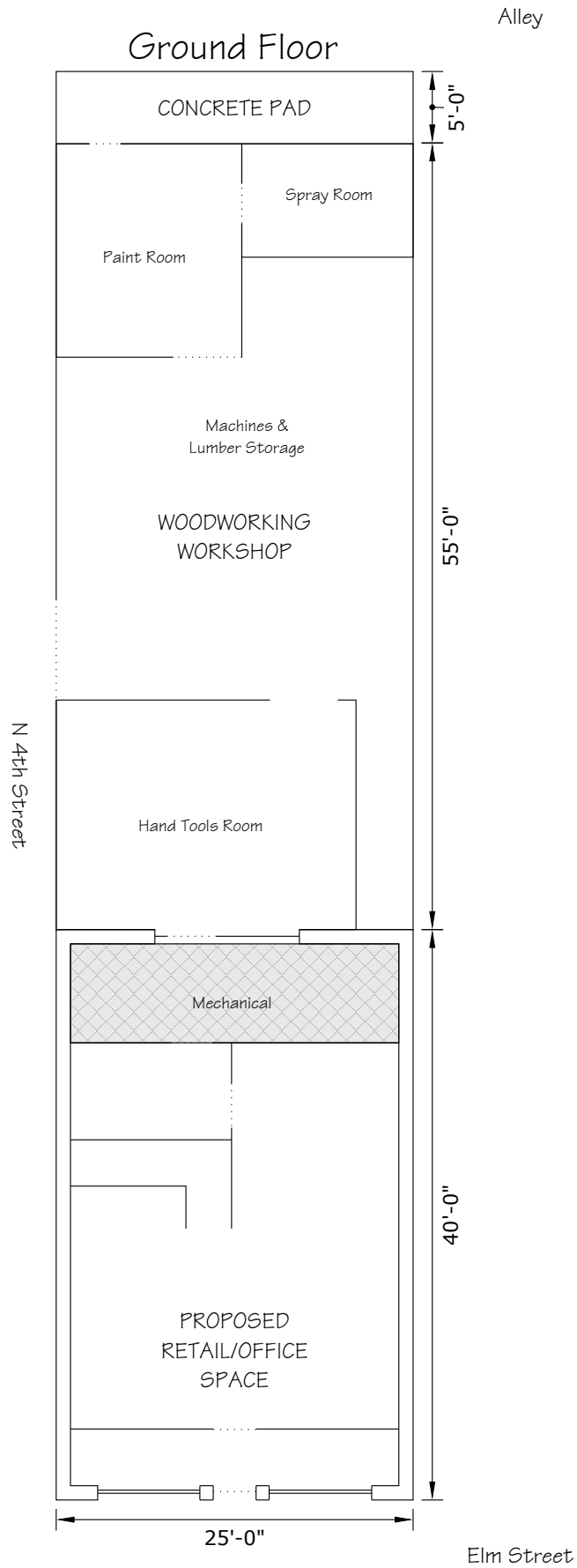
Image 12: Workshop interior, left (north) of garage door space.



Image 13: View into workshop from north end.

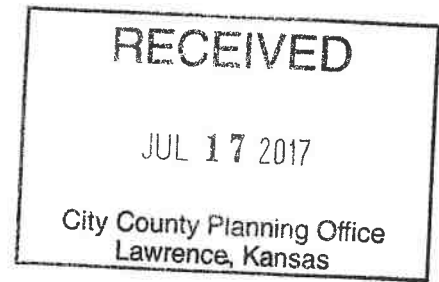


Image 14: Store front windows facing south.



NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS



July 17, 2017

To Whom it May Concern:

The North Lawrence Improvement Association is supportive of the zoning changes being requested by the owner of property at 401 Elm Street. This includes use of the second floor as a single family residential apartment and work space on the ground floor with a storefront on the South end. There is no off-street parking so the uses for the ground floor should be low impact and not create traffic issues for the surrounding neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Boyle".

**Ted Boyle, President
North Lawrence Improvement Association**

Monday, August 21, 2017

City of Lawrence, Kansas
Planning and Development
Riverfront Plaza
Lawrence, KS 66044

RE: Mixed use rezoning application of 401 Elm Street

Dear Zoning Board of Appeals Members:

My husband and I currently own the property at 347 Elm Street that faces Margretta de Vries's property at the corner of 4th and Elm. We bought our house in 2010, and love it and the quiet neighborhood. We'd like to think we are the type of people who don't tell others what to do. So when Margretta asked us to sign the petition to rezone her property, we complied—not necessarily because we wanted to see the property rezoned but because we felt that it should come up for a hearing.

We understand that the historic property was once used as commercial when the neighborhood had less automotive traffic. We are sympathetic to Margretta's position in that she inherited a building that doesn't comply with its current zoning status.

That said, we are concerned with the lack of parking on the street and with the possibility of more noise from the property. We know Margretta and have some faith that she wouldn't lease it to a business or businesses that would increase the traffic, parking, and noise in our small neighborhood. Our biggest concern is that whomever owns the building next would not have the same consideration.

Because we are unable to attend the hearing on Wednesday, Aug. 23, you can reach me at suziejohannes@gmail.com or 785-218-0306 if you have questions.

Thank you,

Suzie Johannes
Owner of 347 Elm Street

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner

Date: August 23, 2017

RE: ITEM NO. 2 REZONING FROM RS5 TO MU; 401 ELM ST (BJP)

Z-17-00322: Consider a request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. Submitted by Margretta O. Farrar-de Vries, property owner of record.

Attachment A: Existing Zoning Map

Attachment B: Existing Land Use Map

Attachment C: Zoning Application Materials

A request to rezone the property at 401 Elm Street from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District was submitted by the property owner, Margretta Farrar-de Vries.

The intent of the request was to bring noncompliant land uses into compliance with the Land Development Code. The property contains a two-story structure with nonresidential and residential uses. The first floor of the structure contains a woodworking shop and a vacant residential unit. The second floor contains an occupied residential unit. The RS5 District does not permit the *Manufacturing & Production, Limited* use (woodworking shop), and *Duplex* use. The property owner has indicated a desire to maintain the woodworking shop, the second floor dwelling, and convert the first floor residential area to retail or some other nonresidential use.

Prior to making application, staff advised the owner that the use tables of the Land Development Code indicated that the *Manufacturing & Production, Limited* use, certain retail uses, and residential uses were permitted in the MU District. Further analysis of the Code, however, revealed that rezoning the property to the MU District requires the property to be designated with a Tertiary Zone and, based on the surrounding residential uses, the Tertiary Zone would not accommodate the *Manufacturing & Production, Limited*, or retail uses. This will not accommodate the applicant's desire to zone the property to accommodate all of the uses noted above. The code analysis is provided below.

1. The standards of the Land Development Code allow for three Development Zones in the MU District, which include Primary, Secondary, and Tertiary. These zones are designated to ensure compatibility with the surrounding existing development and determine the intensity of development that can occur. Section 20-1108(f) of the Code states that "in cases where a rezoning to the MU District is proposed for a site which is surrounded by existing detached residential development, a Tertiary Development Zone shall be required to be designated". The subject property is surrounded by single-family residential development, therefore the applicable development zone for the subject property is the Tertiary Zone.
2. Section 20-1108(f)(3) states, "Nonresidential uses shall only be permitted in a Tertiary Development Zone if the existing surrounding development contains such nonresidential uses. A Tertiary Development Zone shall only permit a residential use type which exists in surrounding development." Given the surrounding residential development, and the lack of nonresidential development, the MU standards will not permit the *Manufacturing & Production, Limited* use on the property even if the rezoning to the MU District were approved. An amendment to the Code would be necessary in order to permit this use on the subject property under the MU zoning.
3. Per Section 20-1108(j)(i), vertical mixed-use structures (structures with nonresidential uses on the ground level, and residential uses above or below) are permitted in the Primary and Secondary Development Zones; however, they are not permitted in the Tertiary Zone. An amendment to the Code would be necessary to permit a vertical mixed-use structure in the Tertiary Zone.

Staff Discussion

Under the current code, and the circumstances of this specific property to only be eligible for the Tertiary Zone of the MU District, there is no zoning district that would accommodate the owner's desired uses. The MU District would accommodate only the existing single-residential unit given the requirement for the Tertiary Zone. The RSO (Single-Dwelling Residential – Office) District, a supportable district in staff's opinion, permits the single-family unit and some nonresidential uses but not the *Manufacturing & Production, Limited* use.

Analyzing the request leads staff to believe that the MU standards may benefit from more flexibility in permitting nonresidential uses in the Tertiary Zone with approval of a Special Use Permit. Proposed uses would be considered in the context of their surroundings and conditions could be used to mitigate detrimental impacts.

For this particular property, the process to accommodate the desired uses would require that the Planning Commission initiate a text amendment to the code to allow nonresidential uses in the Tertiary Zone by way of a special use permit. If a code amendment is initiated, a Special Use Permit application for the nonresidential uses desired by the property owner could be considered at the same time that the code amendment is processed but the special use permit cannot be approved prior to the code amendments being approved.

Staff has discussed these issues with the applicant and the applicant desires staff to pursue amendments to the MU district that would support the desired uses, understanding that the code may not ultimately be amended.

Staff Recommendation:

Planning Staff recommends that the rezoning request (Z-17-00322) be deferred to the September Planning Commission meeting and that the Planning Commission initiate a text amendment to the City of Lawrence Land Development Code, Article 11, to permit nonresidential uses in the Tertiary Zone of the MU District.



Attachment A: Existing zoning of the surrounding Area. Subject property outlined in blue.



Attachment B: Existing land use of the surrounding Area. Subject property outlined in blue.



REZONING (MAP AMENDMENT)

Application Requirements

Application materials must be submitted in both print and electronic formats, on disc. If you are unable to provide the materials in electronic format please contact the Planning Office at 785-832-3150.

This checklist has been provided to assist you, the applicant, as you prepare your application. Submission of less information than necessary to adequately review and process your application will delay the review process.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the application.

Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) working days of submission. Incomplete applications will be returned to the applicant.

Pre-Application Meeting

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the application.

Pre-submittal Date June 6, **2017.**

Planner's Name Mary Miller

Target Submission Date June 19, **2017.**

Fee _____

During the meeting Planning Staff will assist the applicant to determine **if** the following items are Required or Not Applicable:

- | R | NA | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Traffic Impact Study, in print (3 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Drainage Study, in print (2 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Market Study, in print (2 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Downstream Sanitary Sewer Analysis (DSSA), in print (2 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Plan: Area, Corridor, Nodal, etc. |



General Rezoning (Map Amendment) Submittal Requirements

❖ Application Form

- ☐ A complete Application Form, in both print and electronic formats, on disc.
 - Page 1 – Owner, Applicant, and Property information
 - Page 2 – Description and details of proposal
 - Page 3 – Description and details/signature page

❖ Attachments Required

- ☐ Owner Authorization Form **if** applicant is not the legal owner of the property.
- ☐ Legal description of property in print and electronic format (MS Word).
- ☐ **Conceptual Plan** and data necessary to determine if proposed rezoning is in conformance with the Comprehensive Plan.
- ☐ **General Location Map** that shows the location of the property in relation to at least one intersection of two streets shown as collector or arterial streets on the City's Major Thoroughfares Map.
- ☐ **Property Owner List** certified by the County Clerk of all property owners within the notification area of the subject property.
- ☐ **Property Ownership List Certification**
- ☐ **Sign Posting Affidavit** submitted at least 7 days before the public hearing, sign must be posted at least 20 days before public hearing Page 13 of this packet)

❖ Other

- ☐ **Payment of review fee.** (Make check payable to the City of Lawrence.)
- ☐ **Drawings and data necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.**
- ☐ PD, Planned Development Overlay Districts shall only be processed concurrently with a Preliminary Development Plan application. Therefore, in the case of a Planned District rezoning, a Preliminary Development Plan application is required.



ZONING MAP AMENDMENT APPLICATION

Pre-Application Meeting
required minimum 7 days
before submission

Planner _____

Date _____

Fee _____

*Fees vary, contact office

OWNER INFORMATION

Name(s) Margretta O. Farrar-de Vries

Contact _____

Address P.O. Box 202

City Lawrence State KS ZIP 66044

Phone (785) 424-3752 Fax (____) _____

E-mail mdevries@rocketmail.com Mobile/Pager (____) _____

APPLICANT/AGENT INFORMATION

Contact Same as above

Company _____

Address _____

City _____ State _____ ZIP _____

Phone (____) _____ Fax (____) _____

E-mail _____ Mobile/Pager (____) _____

Pre-Application Meeting Date June 6, 2017 Planner Mary Miller

PROPERTY INFORMATION

Present Zoning District RS-5 Proposed Zoning District MU (Limited) – Attachment A

Present Land Use non-conforming multi-family & not grandfathered woodworking shop

Proposed Land Use 1 non-ground floor dwelling, artisan woodworking shop, and "to be determined" commercial space

Legal Description (*may be attached*) North Lawrence Lot 168

Address of Property 401 Elm Street, Lawrence, KS 66044

Total Site Area 2,500 sq ft

Number and Description of Existing Improvements or Structures One building fills the entire site, built between 1869-1872 with a one-story addition constructed between 1918-1927.

Are you also submitting any of the following applications?			
• Building Permit	• Subdivision Plat	• Special Use Permit	• Zoning Change
• Variance	• Other (specify)		

Please indicate the reason for requesting rezoning. (Attach additional sheets if needed.)

The building at 401 Elm Street needs to be rezoned to match its existing and historical uses, to retain both the existing upstairs apartment and downstairs woodworking shop, and to explore options for non-residential uses of the downstairs storefront space, reflecting the building's 19th century character. *See Attachment B: Historical Profile.*

In reviewing and making decisions on proposed zoning map amendments, the Planning Commission and the City Commission are required consider the following criteria. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to the following criteria to the best of your knowledge. (Attach additional sheets if needed.)

1. How does the request conform with the Comprehensive Plan, Horizon 2020?

See Attachment C.

2. To what extent will approving the rezoning detrimentally affect nearby properties?

There will be no detrimental effect to nearby properties. Changing the zoning to match existing and historic uses of the building will have no impact, whereas denying this zoning change will result in loss of a useful space and/or services that would benefit the neighborhood. *See Attachment D: a letter of support from more than half of the owner-occupied homes within 200 feet of the building.*

3. Describe the character of the neighborhood.

North Lawrence is one of the oldest parts of town, with a mix of residential, commercial, and industrial areas. These areas are blended together, having grown organically over the last 150+ years. North Lawrence has a more "small town" atmosphere where neighbors watch out for each other, than other parts of Lawrence,

Structurally, North Lawrence has very diverse architectural styles and land uses, almost a patchwork quilt of historic and modern homes and businesses.



4. What is the suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations?

Currently, 25% (1000 sq. ft.) of the building is suited to "single family residence" which is the upstairs apartment. Of the remainder, 45% (1500 sq. ft.) of the building is currently an artisan workspace, with woodworking equipment. The additional 20% (750sq ft) makes up the downstairs "store front" space, which faces Elm Street, and was originally built as a broom factory. *These figures do not include the unfinished basement space.*

The store front could contribute to the neighborhood in a variety of ways. It is typical for visitors to make independent recommendations for uses, especially of the downstairs store front space. Suggestions include a gallery or artist's studio in addition to the maker space, small scale or specialty retail, coffee shop, office,

5. What is the length of time the subject property has remained vacant as zoned.

The entire property has been vacant for 7 months, and is only vacant now because the zoning does not match / allow the existing uses of the building. If the zoning is not corrected, 70% of the building could remain vacant indefinitely. The upstairs apartment is available to rent as the Planning Commission reviews this application, but the rest remains unoccupied until zoning allows appropriate use of the space and the space can be brought up to code for its proposed uses.

6. What is the gain, if any, to the public health, safety, and welfare if this application were approved as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application?

See Attachment E.

SIGNATURE

I, the undersigned, am the owner of the aforementioned property. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature(s): _____ Date _____



PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was obtained from and certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

Signature

Date

Margretta O. Farrar-de Vries

Printed Name



SIGN POSTING PROCEDURES AND AFFIDAVIT

Sign Posting Procedures

The applicant is required to post one or more notification sign(s) on the property. The applicant is responsible for obtaining the sign(s) from the Planning Office of Lawrence/Douglas County, Kansas and for posting and maintaining the sign(s) as prescribed below:

1. When the provisions of the Development Code require that "Posted Notice" be provided, the applicant shall ensure that notice is posted on the subject property.
2. Posted notice shall be in the form of official signs provided by the Planning Office.
3. Posted notice shall be clearly visible to neighboring residents and passers-by from each public street bordering the subject property. At least one sign shall be posted on each street frontage. The Planning Director is authorized to require the posting of additional signs when deemed necessary for effective public notice, but not more than one sign per 300 feet of Street Frontage may be required.
4. Posted notice shall remain in place for **at least 20 days** before the public hearing, meeting, or date of action that is the subject of the notice.
5. During the required notice period, the applicant shall periodically check the condition of the sign and shall replace it if it is no longer legible for any reason, whether through act of God, vandalism, defect in installation or vegetative growth.
6. For any application requiring posted notice, the applicant shall supplement the application with an affidavit of posting and notice **at least seven days** before the scheduled hearing. **Failure to make timely delivery of such affidavit to the Planning Director shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the Planning Commission.**
7. The applicant shall remove notice signs required by this section within 10 days of the date that the decision-making body takes action or the date that the application is withdrawn.
8. Failure to properly post or maintain such signs is grounds for deferral or denial of the application
9. For applications that do not abut public streets, the Planning Director is authorized to approve an alternative form of posted notice that will be visible to passers-by.



Sign Posting Affidavit

THE FOLLOWING AFFIDAVIT SHALL BE RETURNED TO THE PLANNING OFFICE. Failure to make timely delivery of such affidavit to the Planning Director shall render the application incomplete and subject it to removal from the agenda on the hearing date, at the discretion of the Planning Commission.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

I, **Margretta O. Farrar-de Vries** (printed name), hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

Signature

Date

Application No. _____

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____,

by _____.

My Commission Expires:

Notary Public



REZONING (MAP AMENDMENT)

DETERMINATION OF COMPLETENESS, ACCURACY, AND SUFFICIENCY (Completed by Staff)

The following items apply to rezoning applications. Submission of less information than necessary to adequately review and process your application may delay the review process. The following submittal requirements will be deemed either fully completed and Provided (P) or Not Provided (NP) by the applicant. (Circled items have not been reviewed due to time constraints.)

Pre-Application Meeting

P NP

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application. During the meeting Planning Staff will assist the applicant to determine if the following items are required: |
| <input type="checkbox"/> | <input type="checkbox"/> | Traffic Impact Study, in print (3 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Drainage Study, in print (2 copies) and electronic format |
| <input type="checkbox"/> | <input type="checkbox"/> | Market Study, in print (2 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Downstream Sanitary Sewer Analysis, in print (2 copies) and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Plan: Area, Nodal, Corridor, other. |

General Submittal Requirements

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A complete application form, in print and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Payment of review fee. |
| <input type="checkbox"/> | <input type="checkbox"/> | Owner Authorization Form if applicant is not the legal owner of the property, in print and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Conceptual Plan, in print and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | A General Location Map showing the location of the property in relation to at least one intersection of two Streets shown as Collector or Arterial Streets on the City's Major Thoroughfares Map of the Comprehensive Plan (at a scale no less than 1:50 or a size no less than 8.5" X 11"), in print and electronic format. |
| <input type="checkbox"/> | <input type="checkbox"/> | Legal description of the property in print and electronic (Microsoft Word) formats. |
| <input type="checkbox"/> | <input type="checkbox"/> | A list certified by the County Clerk of all property owners within the notification area of the subject property. |
| <input type="checkbox"/> | <input type="checkbox"/> | Ownership List Certification form, in print and electronic format. |



Requirements for Public Notification of the Public Hearing

- ☐ ☐ Post a sign (supplied by the Planning Office) at least twenty days before the public hearing.
- ☐ ☐ Submit Sign Posting Procedures and Affidavit form.

Other Requirements

- ☐ ☐ Drawings and data necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan and that the public necessity and convenience; and general welfare require the adoption of the proposed amendment.
- ☐ ☐ PD, Planned Development Overlay Districts shall only be processed concurrently with a Preliminary Development Plan application. Therefore, in the case of Planned District rezoning, a Preliminary Development Plan application is required.
- ☐ ☐ Request Verification of existing and proposed zoning district.
- ☐ ☐ Verify the existence of and notify all registered Neighborhood Associations whose boundaries include or are contiguous to the subject property. (To be completed by staff)

Attachment A

Proposed Zoning District

I propose a Limited Mixed Use (MU) zoning district for the property at 401 Elm Street, allowing only the following uses:

- Household Living – no Multi-Dwelling
- General Public and Civic – Cultural Center/Library, Small Event Center, or School
- Eating & Drinking Establishments – only Fast Order Food (i.e. coffee shop)
- Office – except Payday Advance, Car Title Loan Business
- Retail Sales & Service – as listed
- Industrial Facilities – as listed
- Adaptive Reuse – as listed

Other zoning districts that I considered requesting were IL, CN1, and RSO. While each of these districts allow one or two of the three existing or historic uses, none of them allow all three, as MU does:

Use	RS5	RSO	CN1	MU	IL
Non-Ground Floor Dwelling	--	P	P	P	--
Work/Live Unit	--	--	P	P	P
Office	--	P	P	P	P
Retail Sales, General	--	--	P	P	P
Retail Establishment, Specialty	--	--	--	P	--
Maker Space, Limited	--	--	P	P	P
Manufacturing & Production, Limited	--	--	--	P	P

Attachment B

Historical Profile

The original structure was built by James L. Canavan between 1869-1872 as a broom factory. It was one open space on each of three levels: basement, ground floor, and second floor, on a footprint of 1,000 square feet, filling the width of the 25' lot. Between 1912, when Canavan stopped producing brooms, and 1920, the building contained an unknown number of other businesses, such as a telephone switchboard repair company depicted on the 1918 Sanborn Fire Map (Image 1).

In 1920, the building became one of several corner grocery stores in North Lawrence. This store was owned by the Pine Brothers, and then by the Wiley family until 1960. The Wileys converted the upstairs into an apartment in the 1920s (Image 2). The 1,500 sq. ft. addition, identified as a "workshop", was also added between 1918 and 1927 (Sanborn Fire Map, Image 3), extending the building to within five feet of the north property line. Many older North Lawrence residents still remember going into Wiley Bros. for penny candy as children.

In 1927, the building was originally zoned single family residential while primarily a retail space. City planners may have simply drawn straight lines on the grid streets layout without much regard for the actual uses of the land (Image 4). For example, neighboring houses facing Locust Street are zoned Light Industrial (because of the proximity to the railroad tracks).

In 1960, the building was purchased by Huxtable Heating & Air Conditioning Inc, which used the full 2,500 sq. ft. ground floor for light manufacturing, specifically a sheet metal shop. The upstairs apartment was converted into two efficiency apartments, where some of their employees lived. In 1966, during a city-wide rezoning effort, the building was again zoned as a single family residence, though most of the building was being used for this light manufacturing purpose.

In 1974, my parents purchased the building for my dad Gunter de Vries' carpenter's shop, known as Woodcrafter's Guild (Image 5), which filled the entire ground floor front to back. The two efficiency apartments upstairs were recombined into a single apartment in 1979. In 1992, the downstairs storefront space was converted to residential use, downsizing the workshop to its current size and configuration.

In 2000, the residence was split back into two separate spaces, one upstairs and one on the ground floor, and rented as two apartments until November 2016. Although I was aware that my ultimate long term goal of having a Artisan makerspace or a small corner grocery store in the building would require a rezoning request. Changing the , I did not know until after the building was condemned that it could not, in fact, continue to be used for anything other than one residence under the current zoning of this property to limited MU reflects both its historic and intended uses.

Image 6 shows the building in 2017.

Attachment C

Horizon 2020

Horizon 2020 states that community planning should “provide [...] for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community” and “achieve a maximum of individual freedom” balanced against the public welfare. Correcting the zoning of my property at 401 Elm Street to match the historic and recent uses of the building conforms with the goals of Horizon 2020 in a number of specific ways that benefit the local and broader community while also maximizing my personal freedom as the property owner:

- quality affordable housing with close connections by walking, biking, car, or public transportation to downtown, schools, and Interstate 70;
- support Downtown Lawrence, especially related to planned future expansion of the downtown district into North Lawrence;
- enhance neighborhood-oriented business opportunities within close proximity to established commercial areas along both N 2nd Street and N 7th & Locust, as well as an elementary school and recreational facilities;
- develop businesses that provide local job opportunities
- maintain and restore a historic resource through adaptive reuse – a building almost as old as North Lawrence

My goals for the building also support at least 6 of the 19 issues identified in the 2015 Issue Action Report for the Comprehensive Plan Update:

- Address Quality Housing for All Incomes
- Preserve Historic Buildings and Structures
- Create Quality Neighborhoods for All Ages
- Create Employment Opportunities
- Provide Opportunities for Small Neighborhood Retail
- Encourage/Support Local Food System Development

Attachment D

Neighbor Support Letter

We, the undersigned neighbors living adjacent to or nearby 401 Elm Street, fully support Margretta de Vries' efforts to restore the building on that property to a useful condition, including her request to change the zoning of said property to match its existing and historical uses, as outlined in her rezoning application: a mixed use of residential, workshop, and office/studio/small event space with a potential future use as a retail space.

Signature	Printed Name	Address	Date
1. <u>Priscilla Howe</u>	Priscilla Howe	415 Elm St, Lawrence	4/24/17
2. <u>Ashley Pickard</u>	Ashley Pickard	414 Elm St. 66044	4/24/17
3. <u>Schmittman</u>	Schmittman	227 N. 4th St 66044	4/24/17
4. <u>Brooks</u>	Brooks	226 N. 4th St	4/24/17
5. <u>Jean Drumm</u>	Jean Drumm	233 N 4th St. 66044	4/24/17
6. <u>Jean Palmateer</u>	Jean Palmateer	404 Elm St. 66044	5-1-17
7. <u>Nazaree Paleman</u>	Nazaree Paleman	400 Locust St. Lawrence	5-1/17
8. <u>Suzanne Johannes</u>	Suzanne Johannes	347 ELM	5/8/17
9. <u>Marie Wheeler</u>	Marie E. Wheeler	407 Elm St. Lawrence KS	5/8/17
10. <u>L. Jasper Teet</u>	L. Jasper Teet	421 Elm St. Lawrence KS	5/8/17
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Attachment E

Gain to Public Health, Safety, and Welfare Compared to Hardship to Landowner

Gain

Rezoning provides significant gains to the public health, safety, and welfare of the North Lawrence neighborhood and the community in general. Both the building itself and the surrounding community benefit from:

- Investment in the general upkeep and appearance increase the value of the building and those around it, instead of being a vacant eyesore.
- Encouraging local arts and artists with a workshop space that is fully stocked and optimized for individual use, requiring little or no capital investment on the part of the artist.
- Increase retail opportunity in North Lawrence along well-used pedestrian and bicycle corridors near public transit, not just drivers.
- Increased property value and retail sales revenue contributes greater property and sales tax revenue for Lawrence.
- Daily activity in the ground floor spaces also contributes to the safety of the neighborhood, compared to a vacant space that is hidden from view.
- Potential location for a North Lawrence history-related mural, visible from several directions

Hardship

At the same time, not correcting the zoning to match the existing and historical uses will cause significant hardship to myself and my brother (owner of all equipment, inventory, and furniture) in multiple ways:

- Renting only 25% of the space significantly limits funding for significant deferred maintenance and upgrades.
- Removing all the elements that are non-conforming in each space requires significant investment and would result in a residence that does not conform to the neighborhood, three or four times the size of any other home nearby.
- Removing the commercial electricity, currently running 3-phase (240) power via a 50kva transformer next to the northeast corner of the building. to downgrade to a residential account would have a significant cost.
- The leasing of the workshop a joint venture between my brother and I; we are committed to doing everything possible to keep the woodworking shop running as our dad had it for the past 43 years. Limiting the workshop to a "Home Occupation" permit or a Work/Live Unit severely limits the pool of potential tenants. I have had serious inquiries from more than a half dozen

parties about possibly leasing the workshop, two since the zoning issues came to light. Neither of those two parties are interested in an apartment; one recently purchased a house.

- The significant value of the machines comes from their careful arrangement and proximity to each other in this workshop. The actual cost of moving the machines, as well as the cost of buying or leasing new space would essentially force my brother to liquidate the most significant portion of his inheritance and permanently prevent him from ever using this equipment himself.
- Recent business planning indicates it is financially feasible to phase in upgrades to mechanical systems for modernization and energy efficiency if at least two of the three spaces are leased. Buyers also desire to utilize the space for commercial and light industrial uses, and would also require the zoning change. None of those buyers are still interested in the building if it cannot be rezoned.
- Historic preservation funds are not available due to the application of stucco over the soft brick (around 35 years ago); the building will not be eligible for listing in the local historic register for at least 15 years. Unfortunately, the established age and history of the building is not sufficient to outweigh the measures that were taken to preserve the building in the most cost effective manner.

Attachment F

Concept Plan

I have spent decades imagining all the possibilities for the building located at 401 Elm Street. My relationship with the building and love of history both inform that dreaming, along with the structure itself.

Neighborhood Landmark

Together, Elm and Locust streets between the levee and the railroad tracks, from N 2nd to N 7th Street form one of the core hubs of North Lawrence, containing multiple businesses, bars, and restaurants; churches, a school, and social services; and two parks, city facilities and public transportation. Centenary United Methodist Church is on the corner opposite the building at the intersection at N 4th and Elm streets, making this intersection a destination for public activities, including annual and monthly events with an audience much broader than just the church membership.

North Lawrence has historically been an industrial Mixed Use community, as this building's long history illustrates. It is almost as old as North Lawrence itself, appearing in city bird's eye view map drawings beginning in 1872, and its preservation will help preserve the original character of the neighborhood. In fact, the location and orientation of the building are closely related to the North Lawrence ferry landing on "North New York Street" (as N. 4th was originally known) connecting to businesses and the railroad along Locust Street. The ferry ran from 1854 through the 1880s (Image 7).

Although it is just outside the ¼ mile radius of Downtown Lawrence, the building's earliest history was as a significant commercial link to downtown. Thick brick walls and exterior brick ornamentation, high ceilinged open space inside, and large windows facing the street are typical architectural features other vintage buildings in the cultural and historical center of the town. Today, Locust has businesses between 5th and 7th streets, and 401 Elm is within one block of the businesses at 5th. Allowing commercial uses in the building would simply be an enhancement of the existing connection to the commercial center at N 7th & Locust since it dates back to the same era and styles as several of the buildings along Locust and has already been used historically for commercial purposes.

I have had many opportunities to speak to neighbors— many of whom I know well and consider friends — through two estate sales, an open house, online via Facebook posts, at North Lawrence Improvement Association meetings, and simply interacting with people walking by. They have given me a lot of positive feedback about our ongoing cleanup and plans for the future.

Working to preserve and improve the building inside and out is already resulting in a building that I, my neighbors, and passers-by are increasingly proud of. However, renovations and repairs can't be kept up without the building having adequate cash flow from being effectively utilized.

My Plan

Anyone seeing this building for the first time assumes it is a business; therefore any business located here remains “an integrated part of the surrounding neighborhood so that the appearance [...] does not detract from the character of the neighborhood” (Horizon 2020, 6-20). It is my intention to (re)create businesses in the building that are a true enhancement to North Lawrence. It is well located on Elm Street, which functions as an “artery” for the area, including pedestrians and bicycles, and a bus stop on Locust, just 100 feet away.

Upstairs

It has always been my intention to maintain the residential space as affordable housing. This is only possible if at least one of the other spaces can be leased as well. If the apartment remains the only usable, rentable space, the rent will need to be increased to cover expenses for the entire building, putting it out of the range of “affordable”.

Recent renovations include a new kitchen, new or refinished floors in the entry, bathroom, and living room, and a significant number of small repairs and cosmetic updates, especially new paint in every room. (Images 8 and 9)

Artisan Woodworking Workshop

The 1,500 sq. ft. addition to the building was constructed in the 1920s, and is ideally suited to be a studio and workshop for one artist creating one or two pieces at a time. Its layout and function were optimized over 40 years of my dad working there, maximizing the efficiency and usefulness of the equipment, including a fully integrated dust collections system. (Images 10-13)

I have spoken with more than half a dozen artists who have expressed interest in leasing the artisan woodworking shop over the past two years, many of whom I would be thrilled to see creating their art here. More recently, I have advanced to the stage of negotiation with one of those artists. The most significant hurdle is the need for the zoning to be corrected to allow the use of the workshop as a workshop without his living on site or having a Home Occupation or Work/Live arrangement; he and his family recently purchased their home. Proper zoning is also necessary for business and insurance requirements for the party utilizing the workshop.

The workshop has been a workshop continuously since it was constructed in the 1920s; the original industrial construction and use make it impossible to imagine it being anything other than a space to create functional works of art. It would be cost prohibitive to convert the workshop into a residential space, and would result in a dwelling three or four times the size of any of the near-by residential properties, with no yard whatsoever.

The arrangement of tools, machines, and work space in the woodworking shop allows only 1-2 people to work at the same time, not a large crew. On the other hand, it is an artisan woodworkers’ dream, containing one of every type of woodworking equipment imaginable. The limited size means that the scale of business operating here can only remain compatible with its neighborhood location.

Store Front

A small corner grocery store is my highest “ideal” of potential uses for the downstairs storefront space. I envision this as a place with locally sourced basics (produce, meats, bulk staples, etc), providing an easy stop for neighbors to grab something on their way to or from school (Woodlawn, Ballard), recreation (the levee, several parks), or work. Informal focus groups with neighbors indicate significant enthusiasm for this idea. Not only would employment be provided at the corner grocery, but it would also support local farmers by providing another outlet for their products. The idea is to meet the needs of the North Lawrence community by providing space for small, locally-owned businesses.

Even with the new grocery store planned for the Borders location at 9th & New Hampshire – which is wonderful! –, most of North Lawrence will remain a food desert, by definition (one mile or ten minutes walk). Having a place to quickly stop in to grab essential items, or potentially providing delivery service to housebound neighbors, would be huge benefits to the neighborhood.

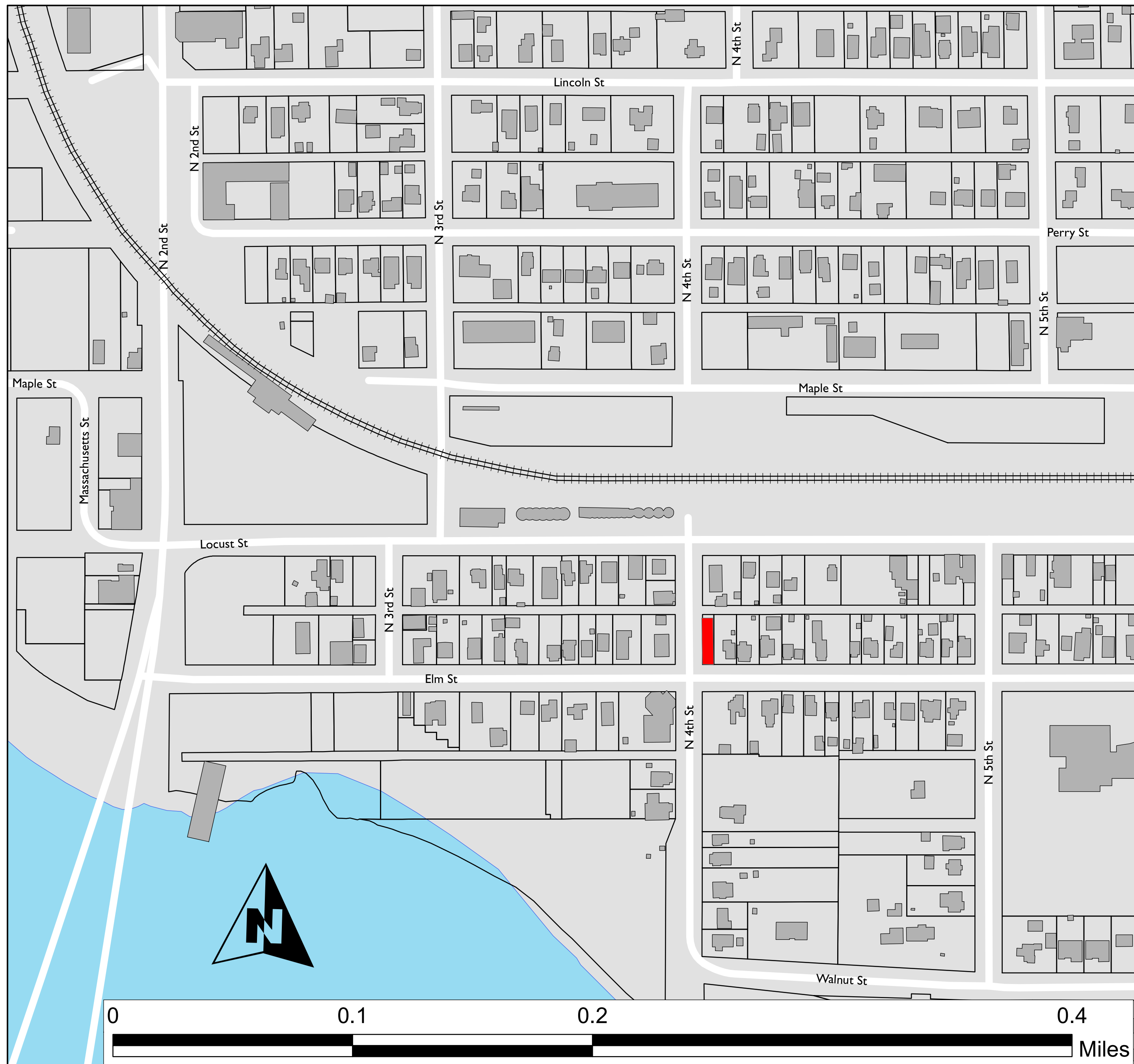
This will require a significant amount of additional research and planning. Along with the basic question of initial funding and rebuilding the space to suit, issues that need to be planned for and resolved before the store comes to fruition include parking, accessibility, and commercial building code. I continue to brainstorm with professionals and neighbors about these issues.

In the meantime, this part of the building will remain “empty”, retaining the kitchen and living area that my dad constructed in 1992. The space is still useful, and could be an artist’s studio, a place for yoga, an office, or something similar that requires minimal reconstruction. (Image 14).

Preservation

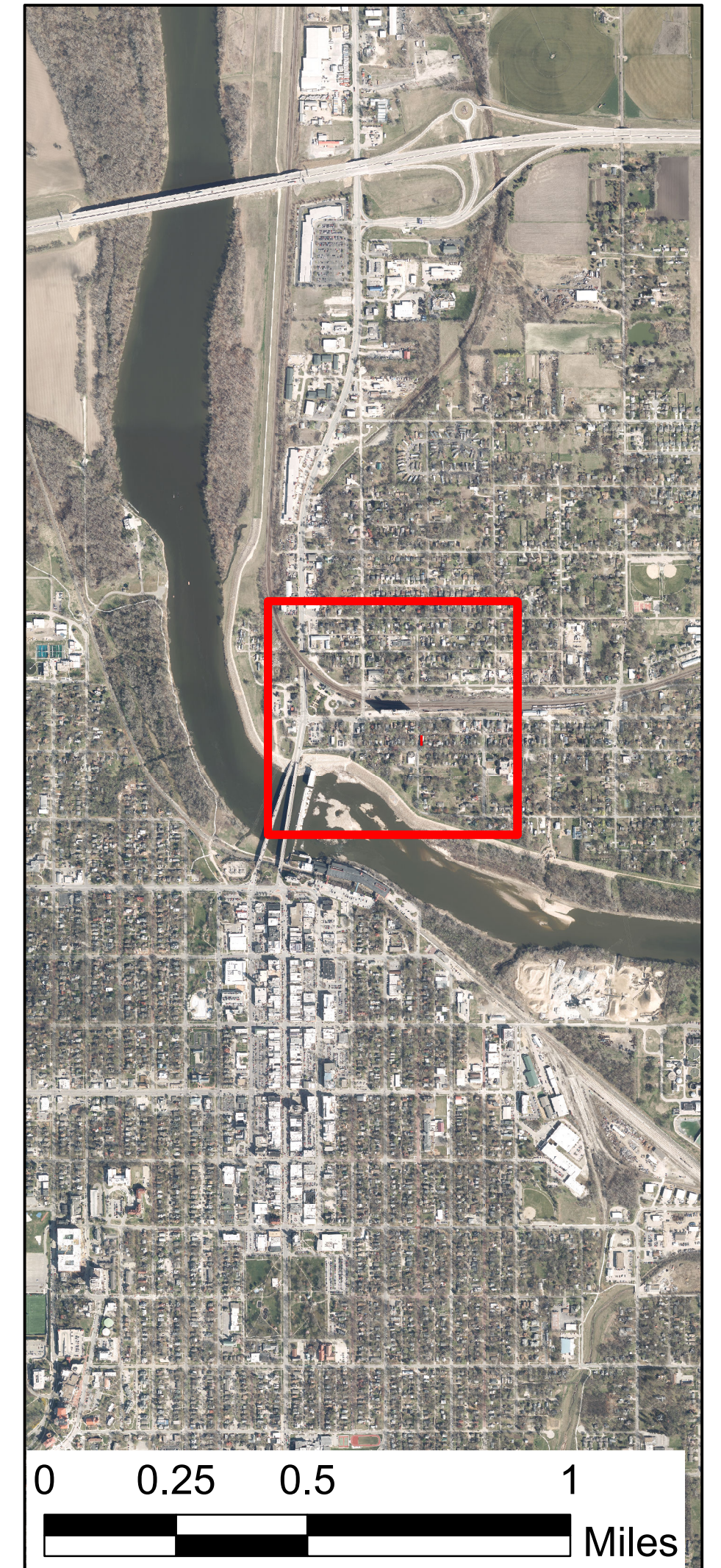
It is my goal to meet city codes and to make all updates to the building with an eye toward historic preservation of the structure, regardless of whether the building currently meets local historical listing requirements. Assuming the highest and best use of the ground floor spaces in the building is to return to the historical commercial (retail) and light industrial uses, future income will help fund the preservation of the structure since historic preservation resources are not a possibility.

401 Elm: General Location Map



Legend

- Building Footprints
- 401 Elm Street
- Parcels
- Streets



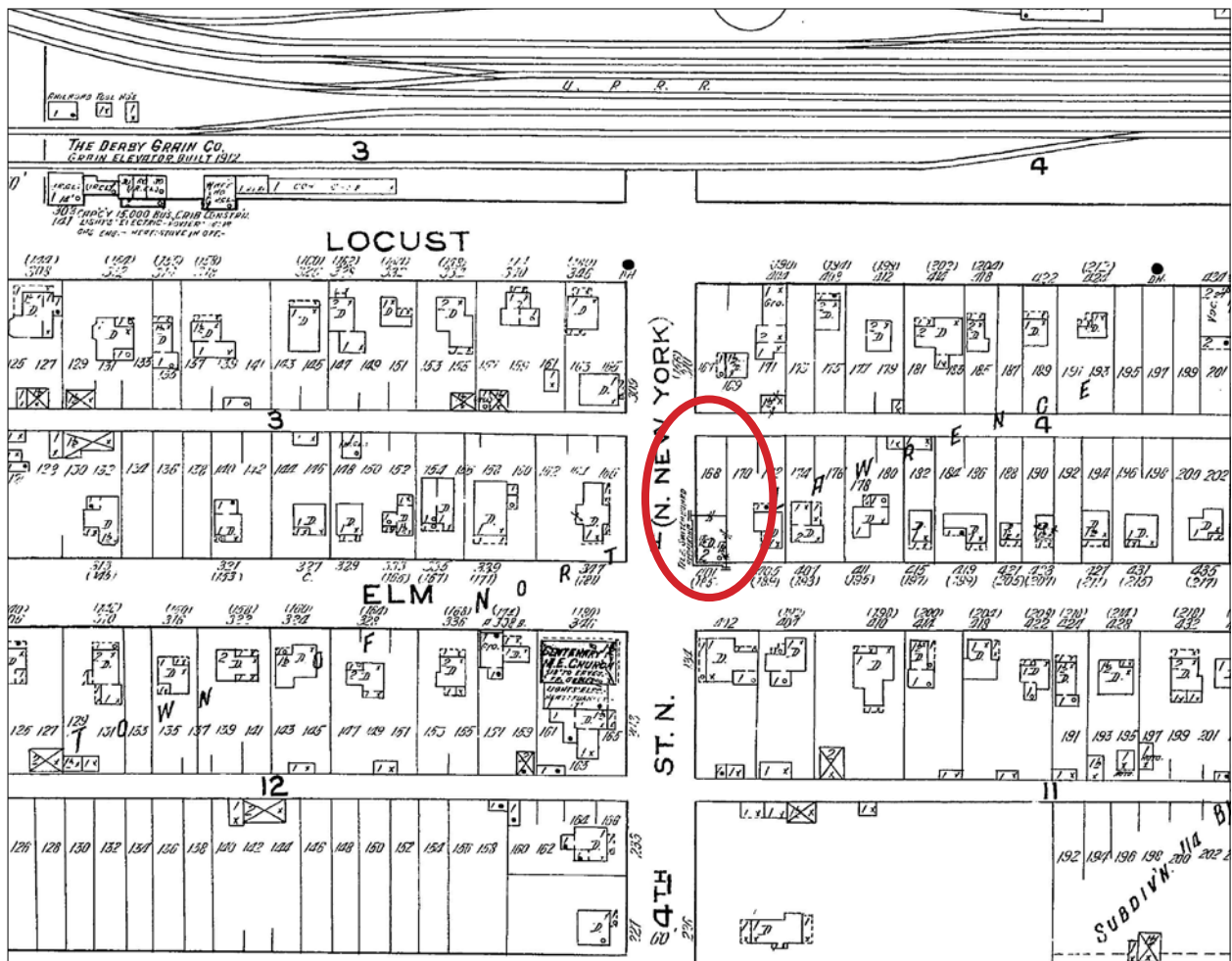


Image 1: 1918 Sanborn Fire Map (Detail)



Image 2: 401 Elm, circa early 1920s

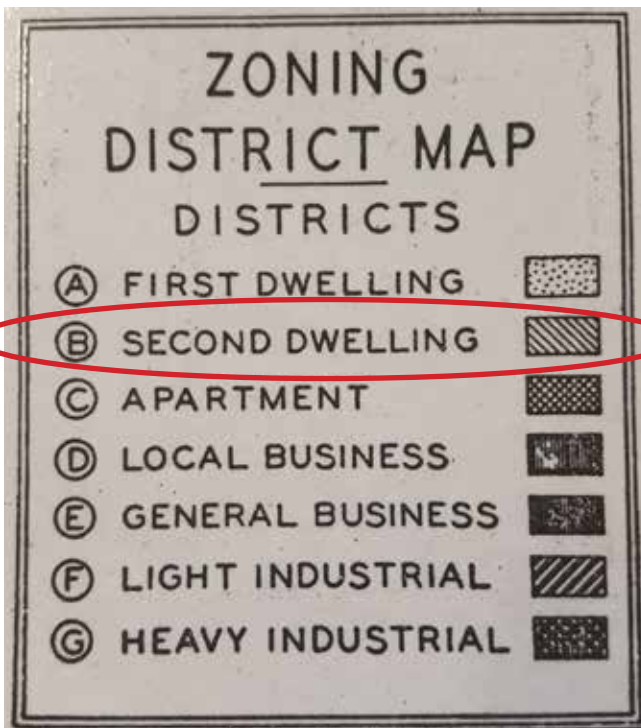


Image 4: 1927 City of Lawrence Zoning Map (Detail)

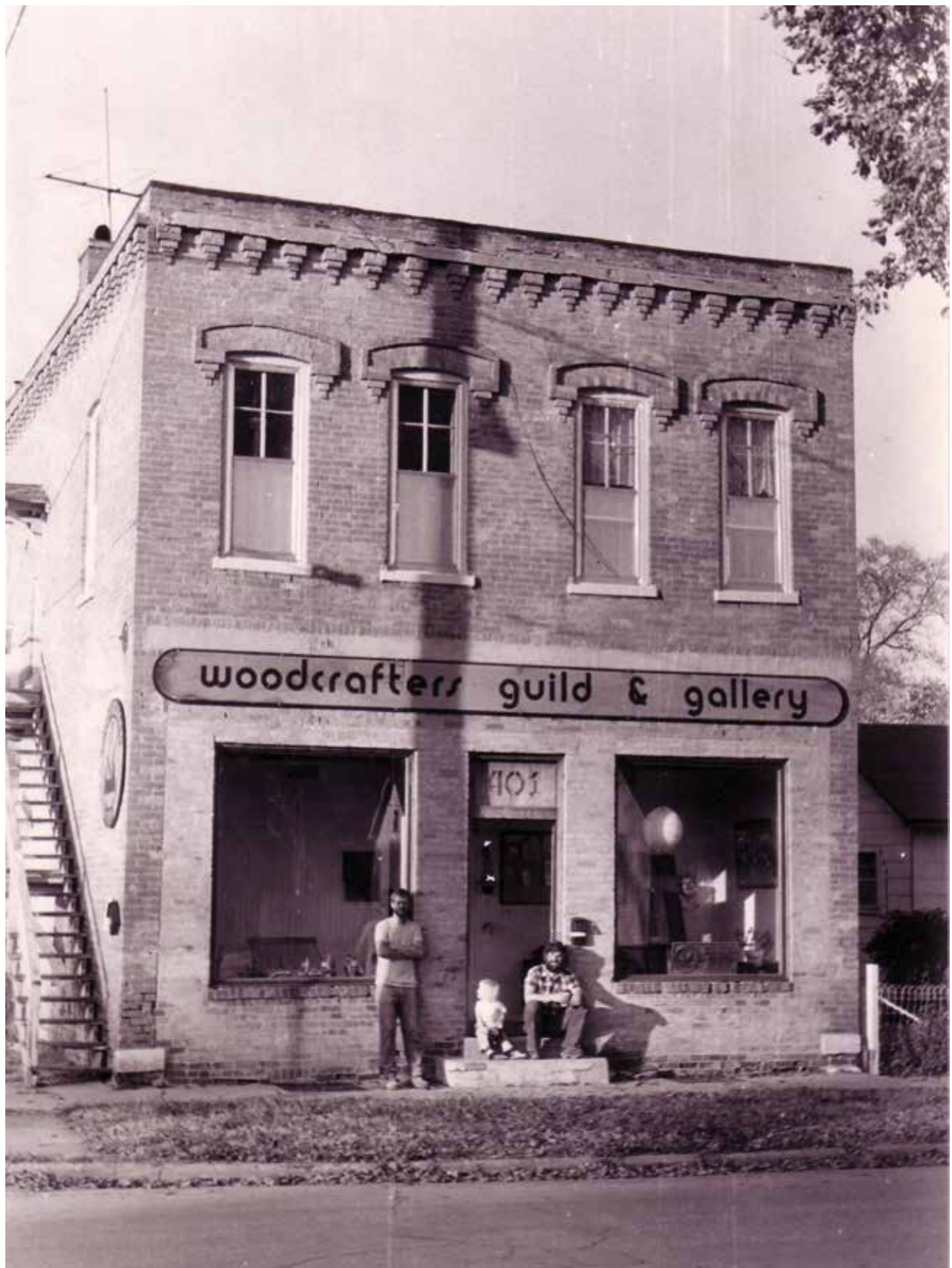


Image 5: Woodcrafter's Guild, circa 1979



Image 6: 401 Elm, 2017.



Image 7: 401 Elm on 1880 Bird's Eye View of Lawrence.



Image 8: Kitchen in upstairs apartment.



Image 9: Living room in upstairs apartment, with south view.



Image 10: Workshop exterior, facing N 4th Street (west).



Image 11: Workshop interior, just inside garage door..



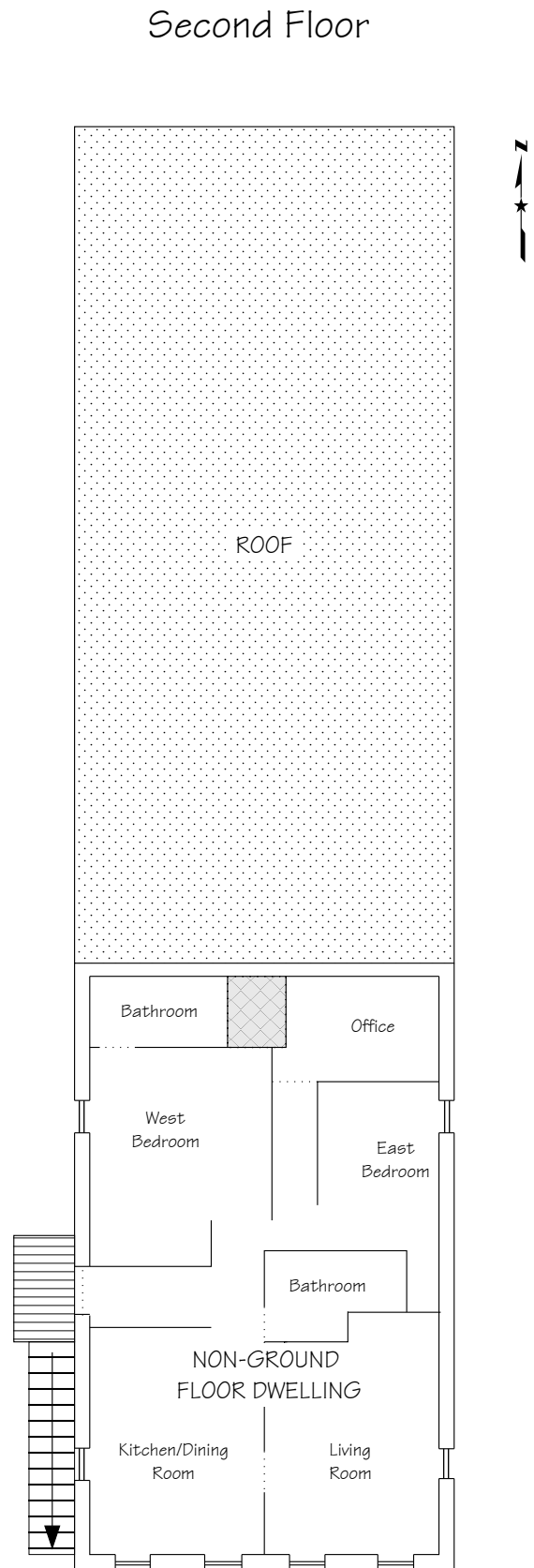
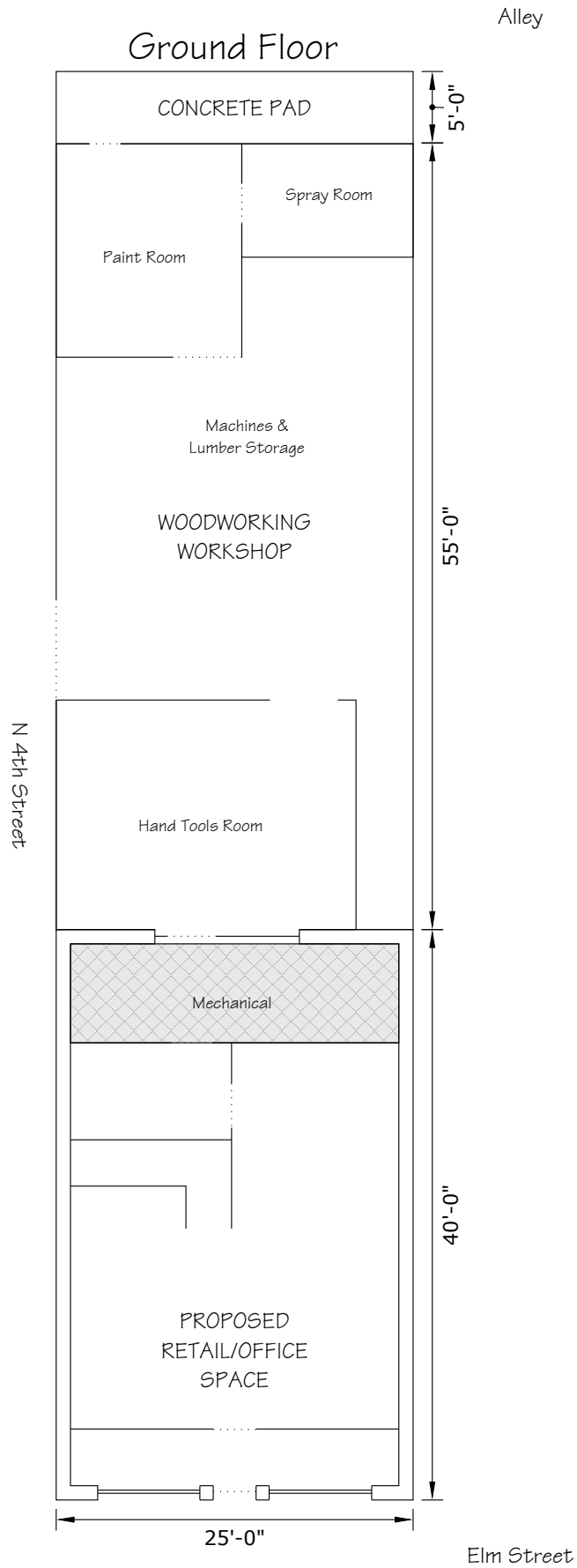
Image 12: Workshop interior, left (north) of garage door space.



Image 13: View into workshop from north end.



Image 14: Store front windows facing south.





Z-17-00322: Request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 1C SPECIAL USE PERMIT; 401 ELM ST (BJP)

SUP-17-00496: Consider a Special Use Permit for *Manufacturing & Production, Limited*, and *Retail, General* and *Non-Ground Floor Dwelling* uses at 401 Elm Street. Submitted by Margretta O. Farrar-de Vries, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit to allow *Manufacturing & Production, Limited*, and *Retail, General* uses, located at 401 Elm Street, and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Applicant shall provide a revised plan that includes the following notes and changes:
 - a. Dimension the length and width of the on-street parking spaces.
 - b. Show where the bicycle parking will be located and add the following note, "Bicycle parking that meets the APBP bicycle design recommendations will be provided for at least 2 bicycles with the development of the retail use."
 - c. Add the following notes:
 - i. "Exterior storage of materials, equipment or products is prohibited. Exterior fabrication of products is prohibited."
 - ii. "Truck deliveries or pick-ups of supplies or products, associated with the nonresidential uses are allowed only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods."
 - iii. "The hours of operations associated with the *Manufacturing & Production, Limited* use shall be during the hours of 7 a.m. and 7 p.m. Change in hours of operation to the *Manufacturing and Production, Limited* use would be subject to a new public hearing by the Planning Commission with approval by the City Commission"

Applicant's Reason for Request:

"The property at 401 Elm Street needs to be rezoned to match three existing and historical uses, reflecting the building's 19th century character: 1)retain the upstairs apartment (1,000 sq ft), and 2)approve a special use permit for two separate uses of the ground floor. The 1920s addition (1,500 sq ft) should be allowed to continue in use as an artisan woodworking shop, and the original ground floor storefront space (800 sq ft) should be allowed to be used for retail/office space, suitable for a small business, gallery, or meeting space. See Attachment B: Historical Profile from rezoning application.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are also being considered by the Planning Commission at their September 27, 2017 meeting:

- **TA-17-00495:** A Text Amendment to the City of Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District. *Initiated by Planning Commission on 8/23/2017.*
- **Z-17-00322:** A request to rezone approximately 2500 sq ft from RS5 (Single-Dwelling Residential) District to MU (Mixed Use) District, located at 401 Elm St. *Deferred by Planning Commission on 8/23/17.*

Other Action Required

- Submittal of 1 copy of the approved site plan for release to Development Services for building permits in a digital format.
- Change of Use Permit to review for compliance with Building and Fire Codes. Staff encourages the applicant to seek advice of an architect to determine what improvements will be necessary to accommodate the proposed mix of uses.

KEY POINTS

- This staff report assumes approval of the corresponding Text Amendment to permit limited nonresidential uses in the Tertiary Development Zone through the Special Use Permit approval process and the associated rezoning request to the MU District.
- The proposed Special Use Permit request would accommodate an existing woodworking shop (*Manufacturing & Production, Limited*) and facilitate the redevelopment of the front ground level area with a retail use.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff received a letter of support from the North Lawrence Improvement Association and a letter from a neighbor expressing concerns regarding future potential noise and parking issues. Please see Z-17-003322.

ATTACHMENTS

1. Site Plan

Current Zoning and Land Use:

RS5 (Single-Dwelling Residential) District; *Non-Ground Floor Dwelling*, Home Occupation (woodworking shop), and unoccupied non-building code compliant dwelling on the first floor.

Proposed use: *Manufacturing & Production, Limited*, and *Non-Ground Floor Dwelling*. The applicant indicated that the unoccupied residential area on the ground floor may potentially be developed with a *Retail, General* use (such as a grocery store) in the future.

Surrounding Zoning and Land Use:

RS5 (Single-Dwelling Residential) District to the south, east, and west; *Detached Dwellings* and *Neighborhood Institution* (Centenary United Methodist Church).

IG (General Industrial) District to the north; *Detached Dwellings*.

Summary of Request

The subject property contains a two-story structure, in which the first level contains a woodworking shop and a vacant non-building code compliant dwelling, and the second level contains an occupied dwelling.

At the time of this report, the property is zoned RS5 District, which does not permit the *Manufacturing & Production, Limited* use (woodworking shop) or the *Duplex* use. Concurrent with the SUP request, the Planning Commission is also considering a text amendment to permit nonresidential uses in the Tertiary Development Zone of the MU District, and a request to rezone the property to the MU District. This staff report assumes approval of the text amendment and the rezoning request.

With approval of the text amendment, the *Manufacturing & Production, Limited*, and *Retail, General* uses require approval of a SUP in the Tertiary Development Zone of the MU District. The SUP request includes the 1,628 square foot woodworking shop (*Manufacturing & Production, Limited*) located in the rear, and an 800 square foot retail use located in the front of the building on the first floor. The existing *Non-Ground Floor Dwelling* use is permitted in the MU District without approval of a SUP.

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *"All of the proposed uses would be allowed, contingent upon approval of a text amendment allowing Special Use Permits in a Mixed Use Tertiary Development Zone. This text amendment is being proposed concurrent with this application."*

With the approval of the text amendment, the proposed *Manufacturing & Production, Limited*, and *Retail, General* uses are allowed in the Tertiary Development Zone of the MU District with approval of a Special Use Permit. The following is a review of the change proposed with this project for compliance with the Development Code.

A. Site Summary

Site Summary:		
	Existing	Proposed
Lot Size:	2,750 sq ft	2,750 sq ft
Building:	2,625 sq ft	2,625 sq ft
Impervious Cover: %	2,715 sq ft 99%	2,715 sq ft 99%
Pervious Cover: %	35 sq ft 1%	35 sq ft 1%

Density and Dimensional Standards: (MU DISTRICT)		
	Required	Provided
Min. Site Area:	20,000 sq ft	2,750 sq ft
Min. Lot Area:	3,000 sq ft	2,750 sq ft
Min. Lot Width:	25 ft	25 ft
Front Setback:	0-25 ft	0 ft

Side (exterior) Setback:	0-25 ft	0 ft
Side (interior) Setback:	5 ft	0 ft
Rear Setback:	10-30 ft	8 ft
Max. Building Coverage	75%	95%
Max. Impervious Coverage	85%	99%

The original structure was constructed in 1872. Sanborn maps indicate that the 1,500 square foot addition (the area that contains the woodworking shop) was constructed between 1918 and 1920. The existing structure was built prior to the City's adoption of zoning regulations. Section 20-1108(d) states that structures that existed prior to being rezoned to the MU District are considered nonconforming with regard to the MU development standards. The Density and Dimensional Standards of Article 6 are referenced in Section 20-1108(o) of the MU standards. Staff's interpretation of the Code is that the structure comes in as a nonconforming structure and the Density and Dimensional Standards are not applicable.

B. Access and Parking

Access to the site is provided by N 4th Street and Elm Street. The property does not contain off-street parking. Section 20-1108(k)(1)(i) dictates that adjacent, perimeter on-street parking shall be counted toward the minimum off-street parking requirement. The required parking calculation is provided in the parking table below:

Use	Vehicle Parking Requirements	Vehicle Spaces Required		On-Street Spaces Provided
<i>Manufacturing & Production, Limited</i>	1 per 1,000 sq ft	1,625 sq ft/1,000 =	2	
<i>Retail, General</i>	1 per 300 sq ft	800 sq ft/300	3	
<i>Non-Ground Floor Dwelling</i>	1 per bedroom	2 bedrooms	2	
TOTAL			7	5

The site plan shows there are 5 on-street parking spaces available on the east side of N 4th Street. Vehicles are not permitted to park on the north side of Elm Street. The intent of the retail use is to serve the surrounding community, and lends itself to nonmotorized transportation. Given the small deviation in parking provided, staff recommends waiving the parking requirement applying Section 1305(b)(3)(v), with the provision that bicycle parking is provided when the retail use is established (the amount of vehicle parking required does not trigger the requirement for bicycle parking). A condition of approval is submittal of a revised SUP that shows where the bicycle parking will be located and notes that it will be provided with the development of the retail use.

The vehicle parking requirement will be evaluated again with any future change of use proposed for the subject property. If a more intense use is proposed, more parking may be required to be provided, or a variance from the parking requirements may be required from the Board of Zoning Appeals.

C. Design Standards

There are no changes proposed to the building exterior of the physical site.

D. Landscaping and Screening

The SUP does not propose changes to the existing landscaping and screening.

E. Lighting

A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting.

F. Floodplain

The subject property is located within 1000' of the levee. This property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

Staff Finding – This use complies with the applicable provisions of the Development Code.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *"Allowing the building to continue being used as it always has been, on a site that has not changed since the workshop was added almost 100 years ago, is consistent with the mixed use characteristics of its North Lawrence neighborhood. The proposed uses would be small scale, run by only a few people with standard hours of operation. The artisan woodworking shop has no (and does not need) exterior lighting, and contains a fully functional dust collection system. Machines and power tools used in the workshop generate some noise, but it is minimal compared to the noise of the nearby BNSF trains (around the clock) and trucks along the Locust Street truck route."*

The SUP approval process provides an opportunity to mitigate potential negative impacts on the surrounding area.

Staff's recommendation contains conditions that pertain to the hours of operation, noise, and external impacts *Manufacturing & Production, Limited* use. The permitted hours of operation for the woodworking shop is proposed by staff to be between 7 a.m. to 7 p.m. These hours are consistent with the Development Code Regulations for a Home Occupation Type B. A change in the hours of operation to the woodworking shop would be subject to a new public hearing by the Planning Commission and approval by the City Commission.

The SUP will address noise concerns through inclusion of a condition that the maximum noise level associated with the woodworking shop shall not exceed the City's noise ordinance, and that fabrication of products shall take place inside the building.

Staff recommends that traffic and noise be addressed through a condition that deliveries and pick-ups, associated with the nonresidential uses, are allowed from 7 a.m. to 9 p.m. and are limited to the types of vehicles that normally service residential neighborhoods. This condition is also consistent with regulations for a Home Occupation Type B.

Finally, staff recommends a condition be listed on the SUP to prohibit the exterior storage of materials.

A revised SUP must be submitted with the conditions listed prior to approval of the SUP.

Staff Finding – As conditioned, the proposed uses are compatible with the existing uses in the neighborhood.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *"Changing the zoning to match existing and historic uses of the building, built before the residences surrounding it, will have no negative impact to nearby properties, whereas retaining the existing zoning will result in loss of a useful space and/or services that would benefit the neighborhood. Rather than trying to 'convert' a business building to solely residential use per the current zoning, the Special Use Permit would help preserve a historical artifact of the neighborhood, i.e. the 'corner store' and an artisan woodworking shop."*

According to the Douglas County Appraiser's records, the building was constructed in 1872. The woodworking shop has been in existence on the property for over 40 years, either as a business or for accessory residential purposes. Approval of the SUP will also facilitate the redevelopment of the street level building front with a retail use. The purpose of the use is to allow a low impact neighborhood-oriented use to serve the surrounding area and could be a benefit to the neighborhood.

Staff received a few inquiries into the proposed development of the property. The comments received were mostly positive, although concerns were provided in regards to potential noise and parking issues. Those comments were not specifically related to the uses proposed with the current SUP application, but related to future concerns if/when the uses changed. MU zoning would permit a variety of other nonresidential uses that may have impacts to the surrounding property owners. The requirement of SUP approval for the nonresidential land uses permitted in the Tertiary Development Zone of the MU District will help to mitigate these potential impacts. Any new proposed nonresidential use would require approval of a SUP and public notice. The impacts of the proposed new use would be evaluated at that time, and conditions could be placed on the SUP to help alleviate the perceived impacts.

Staff Finding – As conditioned, substantial diminution of other property values in the area is not anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Staff Finding – This property will be served by existing municipal water and sanitary sewer. Adequate public facilities and transportation access exist for this development. This request is to bring an existing use into compliance and accommodate a change of use to an existing developed property. The uses do not preclude the ability to service the existing uses in respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, hours of operation, and parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *"There would be no adverse impacts on the natural environment, as the uses are contained within an existing structure already on the site. That building is maintained to be as energy efficient as possible considering its age. The proposed uses would not require an additional exterior lighting beyond what already exists. The dust collection system prevents sawdust emissions from the premise and reduces fire hazard. Future improvements to the building will further reduce its environmental impact, such as upgrades to all major mechanical systems (plumbing, heating and cooling, stormwater runoff, etc); these will only be possible if the building itself generates a steady income.*

The property is located within an existing urban area. The site is developed with a nonconforming building that encompasses the majority of the parcel. Only a small area of the property is pervious. There are no existing natural elements such as mature trees or floodplain that are affected by the change of use represented in this application.

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

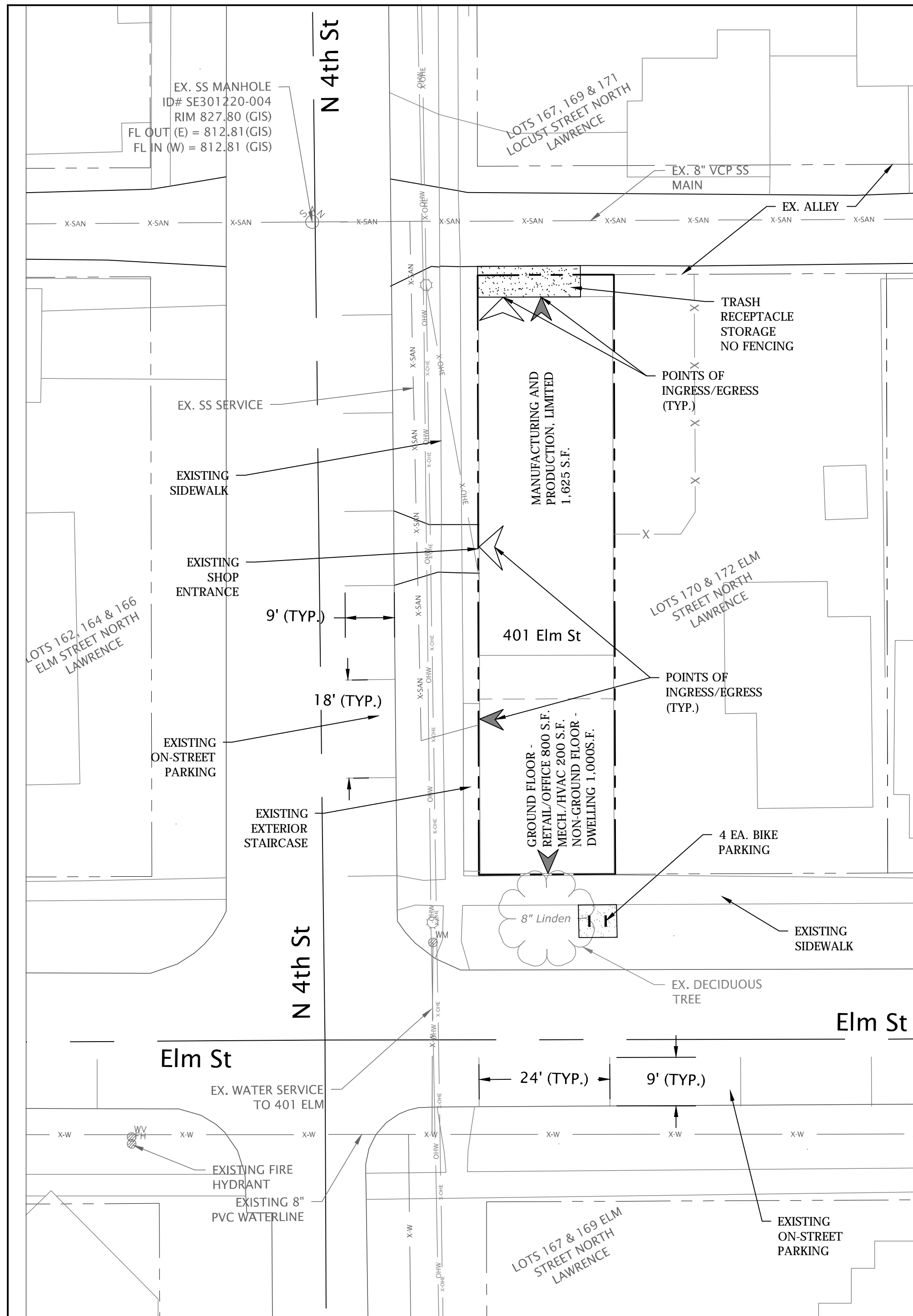
7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO,

The Development Code, Section 20-1305 (I), includes a process to revoke an approved Special Use Permit. Other than non-compliance with the scope or conditions of approval, reasons for revocation could include nuisance complaints from adjacent property owners or some future incompatibility with the neighborhood. This provision provides an opportunity to monitor the use as needed.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

CONCLUSION

With approval of the related text amendment, Section 20-402 of the Land Development Code requires a Special Use Permit for the *Manufacturing & Production, Limited*, and the *Retail, General* use in the MU District, Tertiary Development Zone. The uses, as conditioned, are compatible with this location. Staff recommends approval of the Special Use Permit as conditioned.

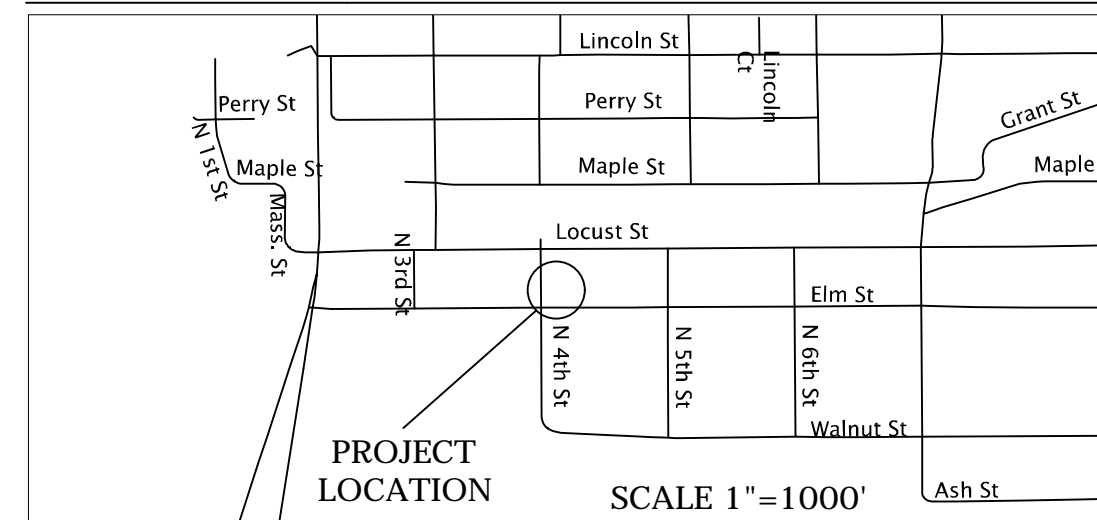


DEVELOPMENT SUMMARY

IMPERVIOUS SURFACE SUMMARY			
Existing Summary	Area (SQ. FT.)	Summary After Project Completion	Area (SQ. FT.)
Existing Building	2,625	Proposed Buildings	2,625
Existing Pavement	90	Proposed Pavement	90
Existing Impervious	2,715	Proposed Impervious	2,715
Existing Pervious	35	Proposed Pervious	35
Property Area	2,750		2,750
BUILDING COVERAGE 95.4%		BUILDING COVERAGE 95.4%	
IMPERVIOUS LOT COVERAGE 95.4%		IMPERVIOUS LOT COVERAGE 95.4%	

PARKING SUMMARY		
PARKING REQUIREMENT	S.F./# OF UNITS	PARKING REQUIRED
RETAIL - 1 PER 300 S.F.	800	3 SPACES
NON-GROUND FLOOR DWELLING - 1 PER BEDROOM	2	2 SPACES
MANUFACTURING AND PRODUCTION, LIMITED 1 PER 1000 SF PLUS 1 PER VEHICLE USED	1,625 S.F. 0 VEHICLE	2 SPACES
TOTAL		7 SPACES
NO OFF-STREET PARKING PRESENTLY EXISTS AND NONE CAN BE PROVIDED BASED ON NO NON-BUILDING AREAS		
PARKING PROVIDED		
ON-STREET PARKING DIRECTLY ADJACENT TO SITE	5	
ADDITIONAL ON-STREET PARKING WITHIN 150' OF SITE	15	
ADA HANDICAP SPACES	-0-	
BICYCLE PARKING	4	

LOCATION MAP



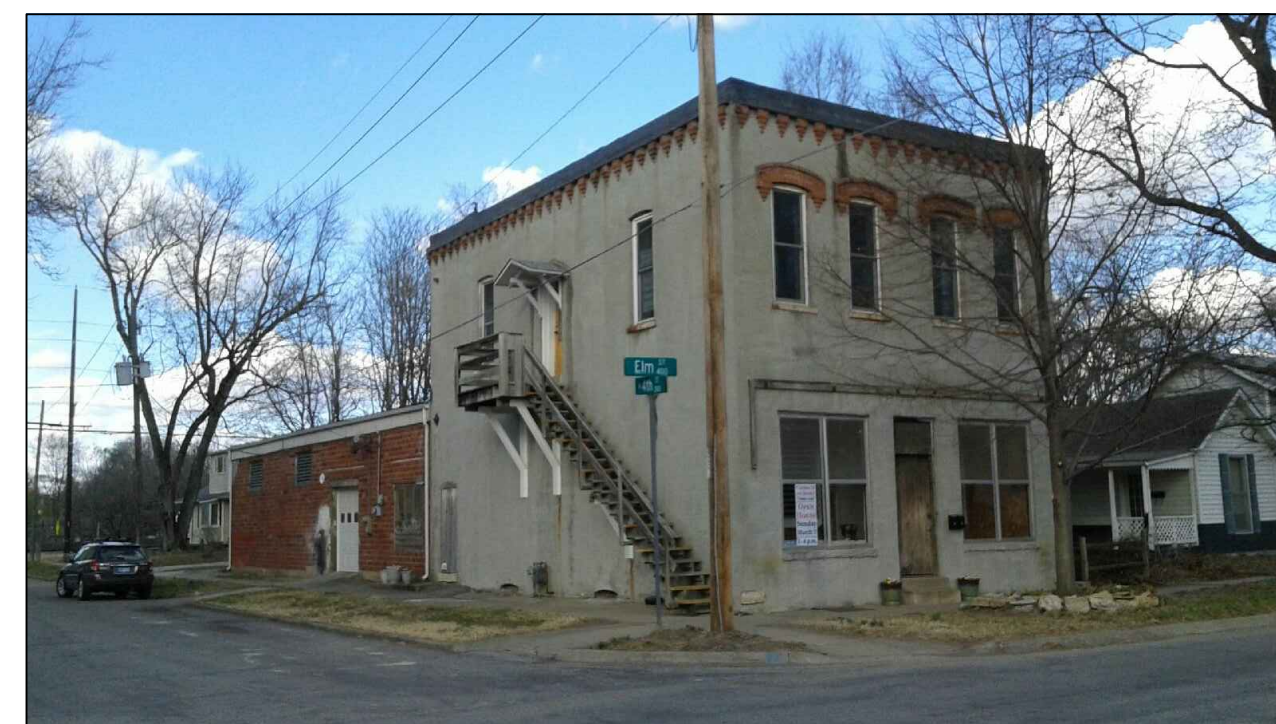
LEGAL DESCRIPTION

NORTH LAWRENCE ELM STREET LOT 168 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

Owner: Margretta de Vries
255 North Michigan Street, Unit 44
Lawrence, Kansas 66044

- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2015 & 2016.
- Existing Land Use: Non-Ground Floor Dwelling, Manufacturing and Production, Limited & Retail
- Proposed Land Use: Non-Ground Floor Dwelling, Manufacturing and Production, Limited & Retail
- Current Zoning: RS5 - Residential (Rezoning Pending)
- No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 176 of 460, Map # 20045C0176E, Map Revised September 2, 2015.
- Trash will be collected and stored in individual polycarts on existing concrete pad adjacent to alley. The City of Lawrence will not be responsible or pavement damage due to refuse collection.
- Exterior storage of materials, equipment or products is prohibited. Exterior fabrication of products is prohibited.
- The maximum noise level associated with the Manufacturing and Production, Limited use shall not violate the provisions of the City's noise ordinance.
- Truck deliveries or pick-ups of supplies or products, associated with the nonresidential uses are allowed only from 7 a.m. to 9 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.



SOUTHWEST ELEVATION VIEW (EXISTING)
NOT TO SCALE

ISSUE DATES

AUGUST 28, 2017
SEPTEMBER 15, 2017

SHEET 1 OF 1



SCALE: 1" = 16'
0 16' 32'

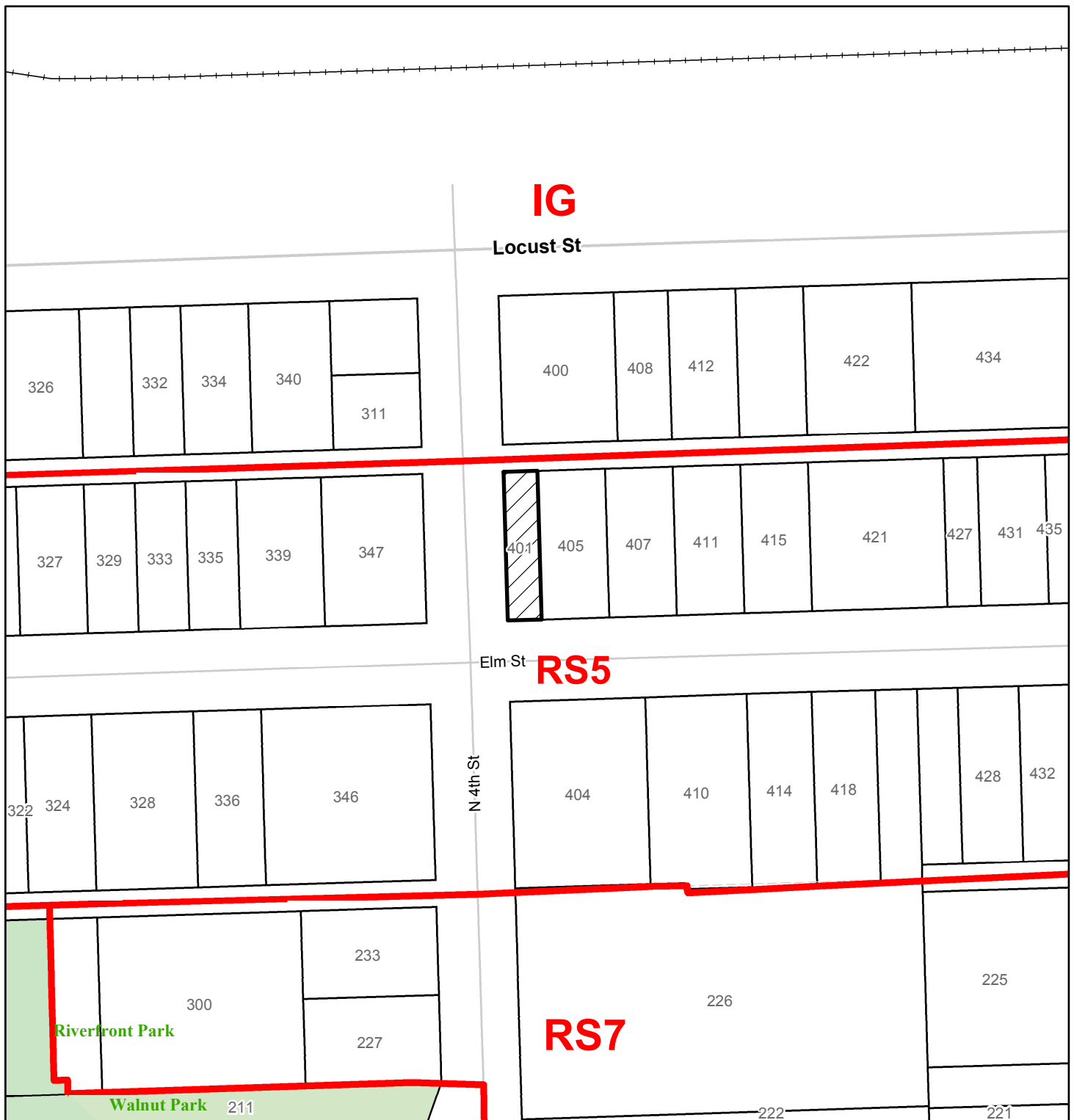
SPECIAL USE PERMIT SITE PLAN for 401 ELM STREET

Approved and Released



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No. _____
Approval Date: _____
Release Date: _____
Planner: _____
_____ of _____ Sheets
Asst./Director: _____



Z-17-00322: Request to rezone approximately 2500 sq ft from RS(Single-Dwelling Residential) District to MU (Mixed Use) District, Located at 401 Elm Street

SUP-17-00496: Request for a Special Use Permit for Manufacturing & Production, Limited, and Retail, General and Non-Ground Floor Dwelling uses at 401 Elm St.



PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 2A REZONING FROM RSO TO RMO; 3705 CLINTON PKWY (BJP)

Z-17-00386: Consider a request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential - Office) 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.

Reason for Request:

"The Connect Church has owned & occupied this facility since 2001 and has now outgrown this and has found a new location. They have a contract purchaser that desires to locate their IT business along with a similar business in this location. Professional offices of this size are an allowed use in the RSO zoning district but imposes a 5,000 sq ft limit on the amount of office space allowed. The existing building contains 15,315 sq ft in its current form. Changing the zoning to RMO would remove the square footage restrictions for professional offices and allow this building to legally exist as an office building in its current configuration."

KEY POINTS

- The rezoning request facilitates the change of use of the existing building from a church to office space. The current RSO zoning limits the amount of office space to 5,000 square feet. Rezoning to the RMO District would permit the entire building to contain the *Office* use.
- Staff has identified that this use standard is not applicable to many of the developed sites that were automatically rezoned from RO-2 to RSO. A future text amendment may be drafted to address the issue.
- The property is currently owned by the Kansas District of Wesleyan Church. The church is relocating and the property is under contact with a potential new buyer.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are also being considered by the Planning Commission at their September meeting.

- **SUP-17-00383:** A Special Use Permit for *Active Recreation* at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record. An additional building on the property is being proposed for an indoor Active Recreation use. This use requires approval of a SUP in both the RSO and RMO Districts.

OTHER ACTION REQUIRED:

- City Commission approval of the Rezoning and adoption/publication of ordinance.
- City Commission approval of the Special Use Permit and adoption/publication of ordinance.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

Project Summary:

The proposed request is to rezone approximately 3.4 acres from RSO to RMO to facilitate the redevelopment of the existing church building with offices. The RSO district permits the *Office* use; however, it limits the amount of office space to 5,000 square feet. The existing building is approximately 15,000 square feet. The intent of the rezoning request would allow the entire building to be converted to the *Office* use.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This property & the properties immediately surrounding are classified to be either Medium or High Density Residential. All of the surrounding properties have developed as Medium Density Residential and have existed as such since pre-1995."*

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

While the rezoning request has been submitted to accommodate a potential *Office* use, rezoning to the RMO district could allow for a multi-dwelling structure in the future. The use standards of the Development Code dictate that, in the RMO District, a multi-dwelling structure is permitted if it is part of a mixed-use project where at least 25% of the gross floor area is developed with nonresidential uses (Section 20-517). *Horizon 2020* states that the criteria for determining the proper location of medium-density residential development should include the consideration of land use relationships. The Plan states that development proposals shall be reviewed for compatibility with existing land uses. The subject property is located between RM24 zoning to the east and west. There are also *Multi-Dwelling Structures* located to the north.

The rezoning request aligns with the existing zoning and land uses to the east, west, and north.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: RSO (Single-Dwelling Residential – Office) District; Religious Assembly *Neighborhood Institution*.

Surrounding Zoning and Land Use: North: PUD-Alvamar (Planning Unit Development) District; *Multi-Dwelling Structures*.

East: RM24 (Multi-Dwelling Residential) District; *Duplexes*

West: RM24 (Multi-Dwelling Residential) District; *Multi-Dwelling Structures*.

South: RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.

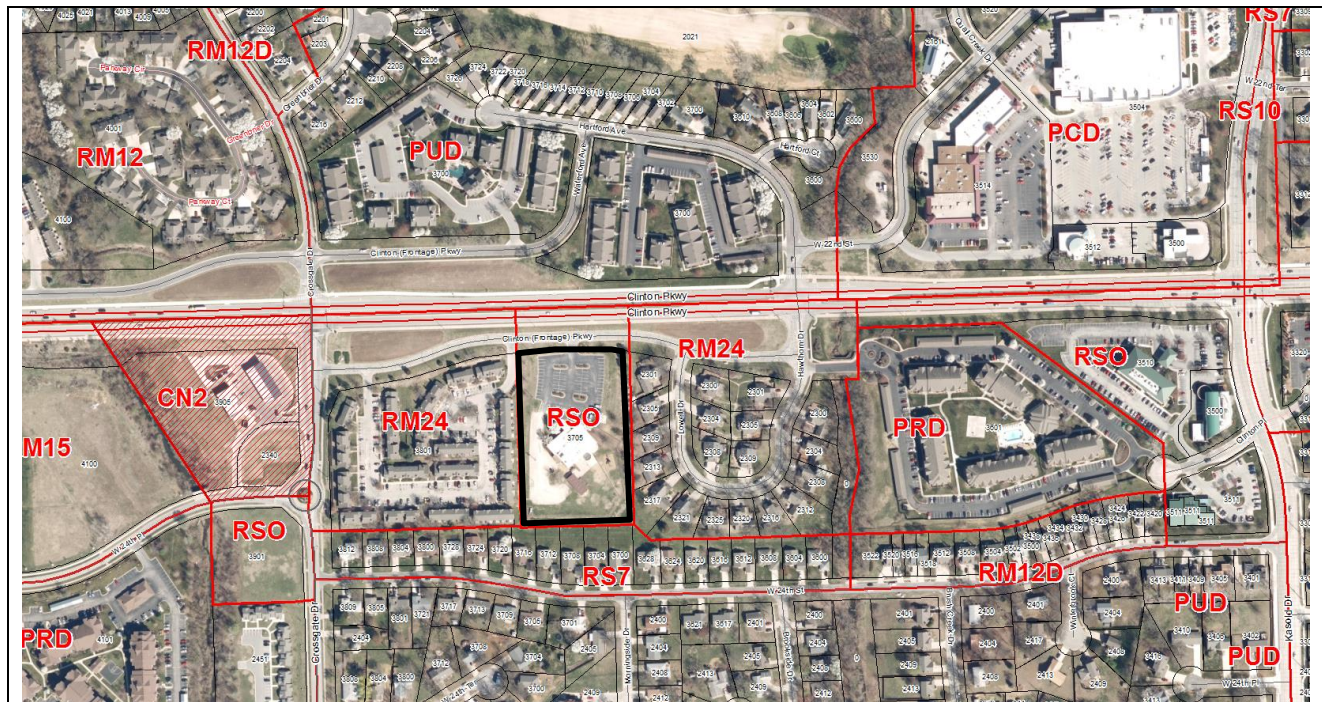


Figure 1a: The zoning of the surrounding area.

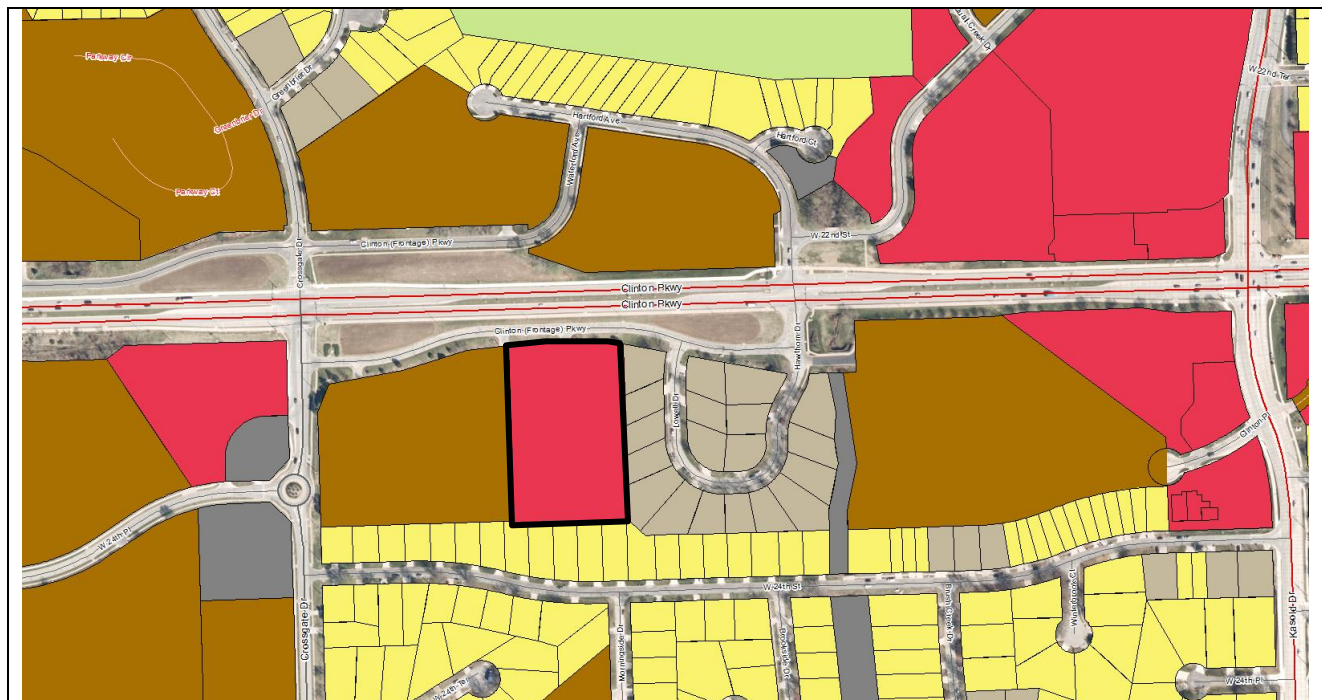


Figure 1b: The land use of the surrounding area. (Legend: =single-family, =multi-family, =duplex, =commercial) [The Douglas County Appraiser's Office classify the subject property as commercial with an occupancy of office.]

Staff Finding – The proposed zoning will conform with the existing multi-family zoning to the west and east. It also aligns with the multi-family land uses, zoned PUD, located to the north.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"North: PUD Multi-family townhomes attached; East: RM24 Duplexes; South: RS7 Single-family detached; West: RM24 Multi-family townhomes attached."*

Staff Finding – The area immediately surrounding the subject property has been developed with a mix of multi-family and single-family residences. There are also commercial and office uses located further to the east and west. The area near the intersection of Clinton Parkway and Kasold Drive contains retail and medical office uses. A convenience store is located to the west, at the southwest corner of Clinton Parkway and Crossgate Drive.

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. *Horizon 2020* 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

Applicant's Response: *"The surrounding properties and this property have co-existed for over 25 years. All properties have been well maintained and property values have continued to rise with the overall market over this time. What is being proposed is no different than what has occurred in the past 25 years."*

Currently, the subject property is used by the Lawrence Wesleyan Church. Prior to this, the property contained administrative offices for the Unified School District 497. The site was originally developed as a Fraternal Lodge and later remodeled for office uses. At that time, the property was zoned RO-2. The zoning of the property converted to RSO with the adoption of the Development Code in 2006. The previous zoning of RO-2 did not restrict the amount of office space permitted. The restrictions on office space did not become applicable until the current Code was adopted.

The uses permitted in the RSO and RMO are similarly aligned. The new uses that would be permitted on the subject property, if the zoning request were approved, include *Multi-Dwelling Structure, Congregate Living, Extended Care Facility, General, Campus or Community Institution Religious Assembly, and Bed and Breakfast*. Given the existing multi-family developments to the east and west, the subject property is suited for these uses if development of this kind were proposed in the future. The property is also suited for office uses.

Staff Finding – The existing zoning is not suitable given the intended redevelopment pattern for this property.

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

Applicant's Response: *"This property has been continuously occupied since its construction. First as a Fraternal Lodge, then as a school district's central administration office and now as a place of worship. The proposed future use is to convert this facility back into office uses."*

Staff Finding – The subject property is not vacant. According to the Douglas County Appraiser's records, the existing structure was built in 1968.

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

Applicant's Response: *"There will not be any detrimental affect as this zoning change will allow the full use of this building in its present form which would be a continuation of the same intensity of use when USD #497 owned & occupied this property for their central administrative offices from the early 90's to 2001 and was an allowed use under the previous RO-2 zoning in the 1968 Zoning Ordinance which had no square footage limits of any kind."*

According to the Douglas County Appraiser's records, the building was constructed in 1968. The subject property has contained nonresidential uses since that time, including offices for the USD 497. The rezoning request aligns with previous development of the property.

The RMO District permits a few uses that are not allowed in the RSO District, as previously discussed. Generally, however, the uses permitted in the RMO District are also permitted in the RSO District. Approval of the rezoning request would permit the development of multi-family residences as part of a mixed use development and larger community facilities. These uses area appropriate for the area and the existing land uses.

The site includes a large parking lot and has had active uses occupy it over the last 50 years. The neighborhood has developed around this site.

Staff Finding – There are no anticipated detrimental effects for 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

Applicant's Response: *"The building was first zoned as RO-2 under the previous zoning code which did not have any restrictions on the amount of office use allowed in the building. When the 2006 Land Development Code was adopted all RO-2 uses throughout the City were automatically swept into the RSO zoning district which restricts the amount of office space allowed in a development. This was not a problem at that time since the existing church use did not conflict with the new Development Code. Now that the church is moving on, this building is too large to conform with this existing zoning. The most efficient use for this building in order for it to continue to be maintained and retain its value is to convert it back into offices. If the zoning can't be changed to fit the existing building size, then it may be difficult to transfer the ownership for an underutilized building and will most likely deteriorate in repair and value which would be a remarkable departure for this neighborhood and its past."*

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

The property is currently use by the Lawrence Wesleyan Church. The church is relocating to another site and selling the property. The new buyer would like to redevelopment the property with an *Office* use. Approval of the request would facilitate this desired redevelopment.

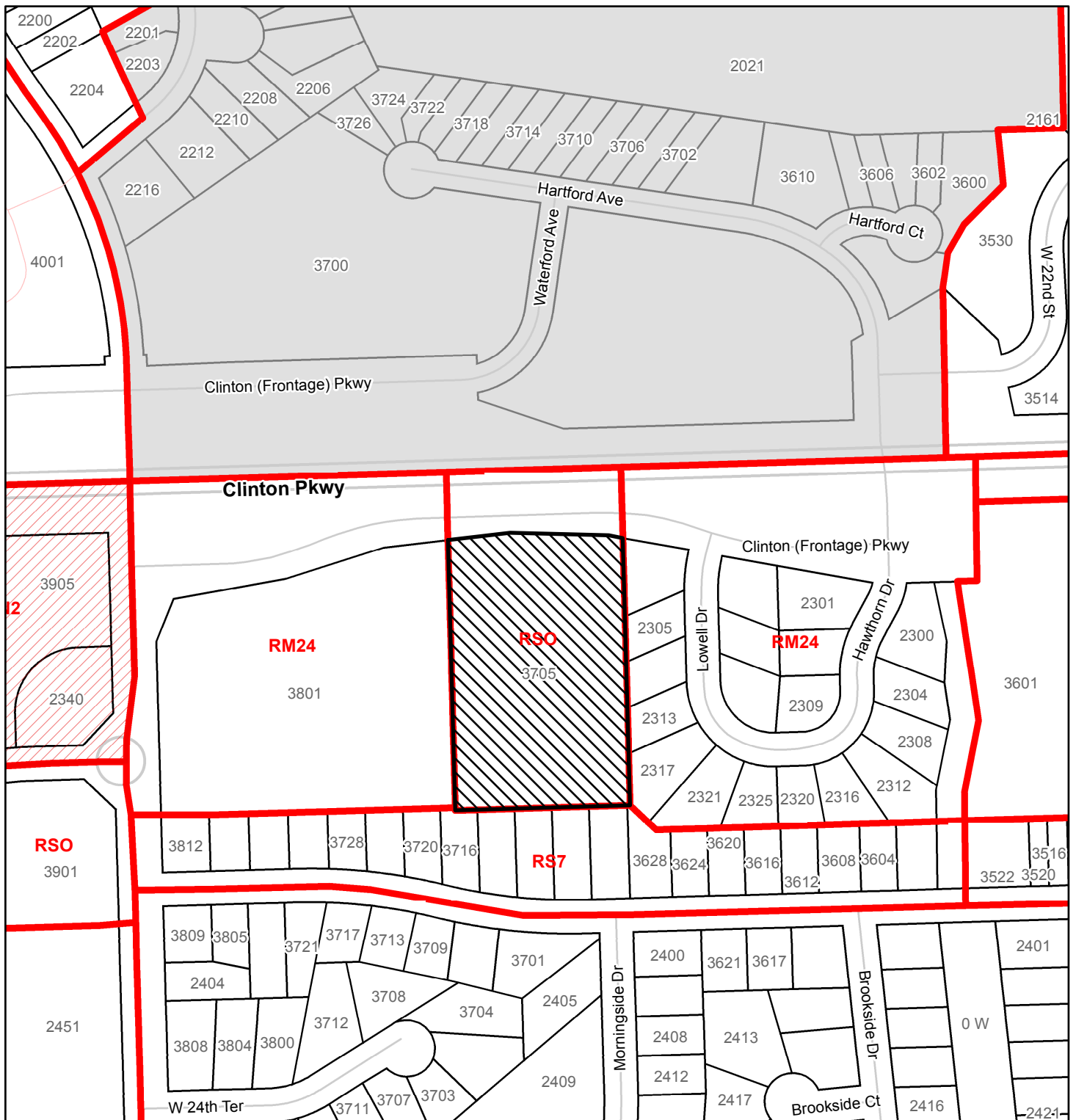
If the rezoning request were denied, only a portion of the structure could be developed with offices, which would be a hardship imposed on the buyer. This may prevent the buyer from developing on the subject property, and could leave the structure vacant until a more suitable

development is proposed. Denial of the request would not lead to a gain to the public health, safety and welfare.

Staff Finding – Approval of the proposed request facilitate redevelopment of the property with an *Office* use.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning of approximately 150,000 square feet from RSO District to RMO District as it is an appropriate zoning district for the subject property.



Z-17-00386: Request to rezone approx. 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy.

SUP-17-00383: Request for a Special Use Permit for Active Recreation, located at 3705 Clinton Pkwy.



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
09/27/2017

**ITEM NO. 2B SPECIAL USE PERMIT FOR ACTIVE RECREATION; 3705 CLINTON
PKWY (BJP)**

SUP-17-00383: Consider a Special Use Permit for *Active Recreation* at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit to allow a building addition for *Active Recreation* at 3705 Clinton Parkway, and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Submittal of building elevations for the new structure with the building permit for review for compliance with the Community Design Standards.
3. Submittal of a drainage study and approval by the City Stormwater Engineer.

**Applicant's Reason for
Request:**

"The Connect Church has owned & occupied this facility since 2001 and has now outgrown this and has found a new location. They have a contract purchaser that desires to locate their IT business along with other similar businesses in this location. Professional offices of this size are an allowed use in this zoning district but only through the SUP process due to square footage limits. Additionally, this contract purchaser would like to construct a 9,935 gsf indoor baseball practice/training facility on undeveloped land to the rear of the existing building and use some of the existing site improvements to serve this use. This would be an allowed use in this zoning district but again, only through the SUP process."

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are being considered by the Planning Commission at their September 27, 2017 meeting:

- **Z-17-00386:** A request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

Other Action Required

- Submittal of 1 copy of the approved site plan for release to Development Services for building permits in a digital format.
- Elevations for the new structure shall be submitted with the building permit for review.

KEY POINTS

- The property is currently zoned RSO (Single-Dwelling Residential – Office) District. A request to rezone the property to the RMO (Multi-Dwelling Residential – Office) District is being considered by the Planning Commission at their September 27, 2017 meeting. The rezoning would accommodate development of the existing building with office uses (Z-17-00386).
- The SUP application accommodates the construction of a second building on the property that would contain an *Active Recreation* use.
- The staff report assumes approval of the corresponding rezoning request; however, approval of this SUP request is not contingent on the approval of the RMO rezoning request. The *Active Recreation* use is permitted in the RSO and RMO zoning districts with approval of a Special Use Permit. Also, the Density and Dimensional Standards (Section 20-601) are the same for both districts, with the exception of the maximum building height permitted. The RSO district permits a 35' building and the RMO permits a 45' building. The new building is proposed to be 24' high. The proposed site plan complies with the Density and Dimensional Standards of both zoning districts.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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

ATTACHMENTS

1. Site Plan
2. Traffic Study

Current Zoning and Land Use:	RSO (Single-Dwelling Residential – Office) District; <i>Religious Assembly Neighborhood Institution.</i>
Surrounding Zoning and Land Use:	North: PUD-Alvamar (Planning Unit Development) District; <i>Multi-Dwelling Structures.</i> East: RM24 (Multi-Dwelling Residential) District; <i>Duplexes</i> West: RM24 (Multi-Dwelling Residential) District; <i>Multi-Dwelling Structures.</i> South: RS7 (Single-Dwelling Residential) District; <i>Detached Dwellings.</i>

Summary of Request

The subject property contains a building and surface parking. The proposed development includes conversion of the building from a church to offices. It also includes construction of an approximately 10,000 square foot one-story building in the southeast portion of the property. This building would contain Team Performance, a baseball and softball training facility. This is classified as an *Active Recreation* use which requires approval of a SUP in the RMO District.

While the redevelopment of the property includes the *Office* use, this SUP staff report pertains only to the *Active Recreation* use as the *Office* use is permitted by right in the RMO District. [The *Office* use is incorporated in the Site Summary below as the associated site plan contains both uses.]

Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response: *"Yes as evidenced by the attached site plan."*

The proposed use of *Active Recreation* is allowed in the RMO District with approval of a Special Use Permit.

The following is a review of the property for compliance with the Development Code. While this SUP is specially related to the *Active Recreation* use, the corresponding site plan includes the conversion of the existing building from a church to an *Office* use, as well as the construction of the new building for the *Active Recreation* use. Given this, the following is a site plan review for the entire site, including the *Active Recreation* and *Office* uses.

A. Site Summary

Site Summary:			
	Existing	Proposed	Change
Land Use:	<i>Neighborhood Institution</i>	<i>Active Recreation and Office</i>	
Land Area:	150,000 sq ft	150,000 sq ft	0
Building:	9,896 sq ft	18,176 sq ft	8,280 sq ft
Impervious Cover:	60,504 sq ft 40%	66,753 sq ft 45%	6,249 sq ft 5%
Pervious Cover:	89,496 sq ft 60%	83,247 sq ft 55%	-6,249 sq ft -5%

Density and Dimensional Standards:		
	Required	Provided
Min. Lot Area:	5,000 sq ft	150,000 sq ft
Min. Lot Width:	50 ft	308.67 ft
Front Setback:	25 ft	200 ft
Side (interior) Setback:	5 ft	77 ft (west), 44' (east)
Rear Setback:	20 ft	28 ft

B. Access and Parking

Use	Vehicle Parking Requirements	Vehicle Spaces Required	Spaces Provided
<i>Active Recreation</i>		Traffic Study - 22	23
<i>Office</i>	1 space per 300 sq ft	15,315 sq ft/300 = 51	54
Total Parking Provided:			77
ADA	Total Parking Spaces Provided: 76-100	3 autos and 1 van	2 auto and 3 van

Use	Bicycle Parking Requirements	Bicycle Spaces required	Spaces Provided
<i>Active Recreation</i>	1 per 4 auto spaces	23/10 = 3 spaces	6
<i>Office</i>	1 per 10 auto spaces	54/10 = 6 spaces	6

Per Article 9 of the Development Code, parking for the *Active Recreation* use is determined by the Planning Director based on results of a traffic study completed by the applicant. The study estimated the traffic that will be generated for the *Active Recreation* use by using the Batting Cages land use in the ITE Trip Generation Handbook. The study estimates that the use will generate 22 total weekly trips. The new structure will be used by Team Performance, which is relocating from their existing facility at 1811 W 31st Street. The study also indicates that the business generates the same amount of trips as that estimated by the traffic study. Using the traffic study to determine the required parking, 22 parking spaces would be needed.

The parking requirements for the *Active Recreation* use could also be calculated using the *Participant Sports & Recreation, Indoor* use requirement since the two uses are similar in nature. The parking requirement for the *Participant Sports & Recreation, Indoor* is 1 per 500 square feet of customer/activity area. This was the method used to determine the parking requirements for Team Performance at their current location. Using this method, 20 parking spaces would be required ($9,840/500=20$).

The provided parking for the *Active Recreation* use meets the requirement of either method used to determine parking. There is also an opportunity for more parking, if needed. The entire parking provided for both the *Active Recreation* and the *Office* uses combined is 77 spaces. The offices and Team Performance will operate at different times and days of the week. While the offices will be used during the weekdays, Team Performance will operate in the evenings during the week, and on the weekends.

C. Design Standards

There are no façade changes proposed to the existing building that will contain the office uses. The new structure will be located behind the existing building and screened from view by the bufferyard landscaping. Design of the new structure has not been completed. Elevation drawings of the new building will be subject to review with the building permit.

D. Landscaping and Screening

Street Trees

As shown in the calculations below, the street tree requirement per section 20-1002 is met.

Street	Requirement	Required	Provided
Clinton Parkway	1 shade tree per 40 ft of street frontage	311.25 ft / 40 = 8 Trees	8

Interior Parking Lot Landscaping

As shown in the calculations below, the interior landscaping requirements per section 20-1003 are met.

Required	Provided
Landscaping Area: 77 stalls X 40 sq ft = 3,080 sq ft	5,490 sq ft
Trees: 77 stalls / 10 = 8 X 1 = 8 trees	8 trees
Shrubs: 77 stalls / 10 = 8 X 3 = 24 shrubs	24 shrubs

Perimeter Parking Lot Landscaping

Section 20-1004 of the Development Code requires that parking lots be screened from view of street right-of-way with a minimum of one tree per 25 linear feet. The parking perimeter is 311.25 linear feet and requires 13 trees. This requirement is met.

Bufferyard Requirements

The subject property is surrounded by residential development on the east, west, and south. The zoning to the east and west is RM24 District, and RS7 zoning is located to the south. Assuming the request to rezone the property to RMO is approved, a bufferyard would not be required adjacent to the properties zoned RM24. However, the applicant is providing added landscaping to meet the bufferyard requirements along the west property line. The existing landscaping along the east property line provides more trees than is required by the bufferyard standards.

	Type	Requirement	Required	Provided
West Property Line (North)	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	240 ft = 5 Trees & 12 Shrubs	5 Trees & 12 Shrubs
West Property Line (South)	Type 1 – 15 ft	3 Trees & 8 Shrubs per 100 linear ft	240 ft = 8 Trees & 20 Shrubs	8 Trees & 20 Shrubs
East Property Line	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	474.87 ft = 10 Trees & 24 Shrubs	15 Trees & 0 Shrubs*
South Property Line	Type 1 – 25 ft	2 Trees & 5 Shrubs per 100 linear ft	310 ft = 7 Trees & 16 Shrubs	7 Trees & 16 Shrubs

*Assuming the rezoning request is approved, a bufferyard is not required along the east property line; however, there are more existing trees along the property line than would be required. The shrubs are not required to be planted.

The SUP also shows a 4 foot cedar fence between the drop off area and the south property line. This fence will provide additional screening for the residences from the headlights of the vehicles as they approach the area.

E. Lighting

A photometric plan is not required for this special use as no changes are proposed to the existing site or lighting. The new building will only have wall packs mounted near the entry doors.

F. Floodplain

The property is not located within the regulatory floodplain and is not subject to a local floodplain development permit.

Staff Finding – This use complies with the applicable provisions of the Development Code as an allowed use in the RMO districts subject to a Special Use Permit.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: *"The Church building previously housed the administrative offices for USD 497 from the early 90's until 2001. This use had definite similarities in intensity of use as the proposed offices during the day but had numerous night meetings during the week that proposed use would not have. Prior to that, this building was originally occupied by a fraternal organization that provided a full service dining room, private club and outdoor swimming pool. The proposed indoor baseball practice facility would have limited hours, due to the availability of its users, with weekday hours of*

operation between 4-8 p.m. & Saturdays from 8 a.m. to 2 p.m. Since both proposed uses hours would not overlap, it is anticipated that the baseball facility would share parking with the offices although there is enough parking on-site to meet the needs of both simultaneously."

The proposed *Active Recreation* use would be adjacent to duplexes to the east, and single-family residences to the south. The use will be screened from the single-family residences to the south by a 25' bufferyard. There are mature trees along the east property line that will provide screening for the duplexes to the east. There will also be a 25' bufferyard located along the west property line to provide screening to the multi-family residences located there.

There are no outdoor recreation areas proposed. The training facilities associated with Team Performance will all be located within the new structure.

Staff Finding – The proposed use is generally compatible with the adjacent uses in terms of size, massing, orientation, hours of operation and other external impacts.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response: *"Changing the zoning to match existing and historic uses of the building, built before the residences surrounding it, will have no negative impact to nearby properties, whereas retaining the existing zoning will result in loss of a useful space and/or services that would benefit the neighborhood. Rather than trying to 'convert' a business building to solely residential use per the current zoning, the Special Use Permit would help preserve a historical artifact of the neighborhood, i.e. the 'corner store' and an artisan woodworking shop."*

Approval of the request facilitates the development of an *Active Recreation* use. This will include construction of a new building that will contain baseball and softball training facilities (batting cages). There are no outdoor recreation areas proposed with this development. The site was originally developed as a Fraternal Lodge, which contained an outdoor swimming pool. The pool was removed with new developments, and the existing building was later remodeled for office uses and a neighborhood church.

The site has had active uses occupy it over the last 50 years. The neighborhood has developed around this site. The proposed development is similar to uses that have existed on the property in the past.

Staff Finding – Substantial diminution of other property values in the area is not anticipated.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Staff Finding – This property will be served by existing municipal water and sanitary sewer. The property is accessed from frontage road for Clinton Parkway and no changes to the access are proposed with this project. Adequate public facilities and transportation access is accommodated for this development.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking.

Staff Finding – Adequate assurances of continued maintenance are inherent in the use and the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response: *"The existing building will not have adverse impact as it will remain relatively unchanged. The proposed building in the rear will be designed to a scale & character as to be compatible with the existing building and the residential neighbors. Additionally, generous buffering & landscaping has been proposed, the total amount of impervious surfaces will be reduced by 3,000 sq ft and stormwater run-off will be contained on-site so as to not impose on the surrounding neighbors."*

The assessment of this factor is intended to address the "natural environment" or that area that is undisturbed by development and includes floodplains, jurisdictional wetlands, stream corridors and stands of mature trees as well as archaeological and historic sites. This property is developed with a building and surface parking lot. This project proposes the construction of an additional 9,995 square foot building that would be located near the southeast corner of the property.

The property is not located within the regulatory floodplain, nor does it contain other environmentally sensitive lands. The proposed development will increase the landscaping on-site through the addition of bufferyards and street trees.

Staff Finding – The proposed development is subject to regulatory controls to protect the significant natural features including the existing site drainage.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

The Development Code, Section 20-1305 (I), includes a process to revoke an approved Special Use Permit. Other than non-compliance with the scope or conditions of approval, reasons for revocation could include nuisance complaints from adjacent property owners or some future incompatibility with the neighborhood. This provision provides an opportunity to monitor the use as needed.

Staff Finding – Staff does not recommend a time limit on the Special Use Permit.

CONCLUSION

Section 20-402 of the Land Development Code requires a Special Use Permit for the *Active Recreation* use in the RMO District. The use, as planned, is compatible with this location. Staff recommends approval of the Special Use Permit, as conditioned.



July 19, 2017

RE: TRAFFIC IMPACT REVIEW

**MCUBE Technologies, Inc.
Performance Sports
3705 Clinton Parkway**

- 1. Identify the specific development plan under study and any existing development on and/or approved plans for the site (land use types and intensities and the arrangement of buildings, parking and access). Also, identify land uses (including types and the arrangement of buildings, parking and access) on property abutting the proposed development site, including property across public streets.**

An existing two story, 15,315 gsf, building with current occupant/owner being a church. The proposed uses are to repurpose the existing building to professional offices and to construct a one story, 9,995 gsf, indoor active recreation facility on undeveloped ground to the rear to the existing two story building

- 2. Identify the land uses shown in Horizon 2020 for the proposed development site under study, as well as the ultimate arterial and collector street network in the vicinity of the site (at least the first arterial or Collector Street in each direction around the site).**

The Future Land Use Map from Horizon 2020, April 2016 revision, identifies the area containing the development site as Medium to High Density Residential

Per the adopted T2040 Major Thoroughfares Map, the nearest defined principal arterial is Clinton Parkway on which this parcel fronts

The Collector street system in the vicinity:

North: None

South: West 27th Street

East: None

West: Crossgate Drive, Inverness Drive

- 3. Identify the functional classification of the public street(s) bordering the site and those streets on which access for the development is proposed. The functional classification is shown on the Major Thoroughfares Plan, adopted as a part of Transportation 2040 and Figure 14 in Horizon 2020.**

East: Clinton Parkway Frontage Road, East, to the intersection of Hawthorne Drive & Clinton Parkway a Principal Arterial, a controlled intersection

West: Clinton Parkway Frontage Road, West, to the intersection of Crossgate & Drive Clinton Parkway Principal Arterial, a controlled intersection

- 4. Identify allowable access to the development site as defined by criteria included in the adopted Access Management Plans for arterial and collector streets in Lawrence, specifically the W. 6th Street Corridor study.**

This project is not located within the boundaries of these Access Management Plans.

5. Document current public street characteristics adjacent to the site, including the nearest arterial and collector streets [number and type of lanes, speed limits or 85th percentile speeds, and sight distances along the public street(s) from the proposed access(es).

Collector Streets

Street Name	Distance	Direction	Travel Lanes	Center Lane	Parking	Shoulder	Speed Limit	Site Distance
Crossgate Drive	.13 mi	West	2	No	No	None	35 mph	Unobstructed
Inverness Drive	.70 mi	West	2	No	No	None	35 mph	Unobstructed
West 27th Street	.50 mi	South	2	No	No	None	35 mph	Unobstructed

Arterial Streets

Street Name	Distance	Direction	Travel Lanes	Center Lane	Parking	Shoulder	Speed Limit	Site Distance
Clinton Parkway	.00	North	4	Median	No	No	45 mph	Unobstructed
Kasold Drive	.25 mi	East	4	Median	No	No	40 mph	Unobstructed
Wakarusa Drive	1.10 mi	West	4	No	No	No	45 mph	Unobstructed

6. Compare proposed access with AASHTO established design criteria (driveway spacing, alignment with other streets and driveways, city driveway standards, and minimum sight distances.) Assess the feasibility of access connections to abutting properties, including shared access with the public street system.

The proposed site access shall remain as site planned and provides for a single lane in and a single lane out to Clinton Parkway Frontage Road. The site access from Clinton Parkway Frontage Road is approximately 1,400' from the centerline of Hawthorne Drive and the same to Crossgate Drive.

7. Estimate the number of trips generated by existing and proposed development on the site for a typical weekday and weekday peak hours using the latest edition of Trip Generation published by the Institute of Transportation Engineers. Local trip generation characteristics may be used if deemed to be properly collected and consistent with the subject development application. The Public Works Director shall make such determination. Calculate the net difference in trips between existing and proposed uses. If the development site already has an approved plan, also estimate the number of trips that would be generated by the approved land uses. If the development application is proposing a land use DIFFERENT THAN indicated in Horizon 2020 and Transportation 2025, also estimate the number of trips that would be generated by the land use indicated in Horizon 2020 or Transportation 2040.

The estimated traffic generated from the site is based on the closet approximate study,

Church land use code (560) based on seats

General Office land use code (710) based on per 1,000 square feet

Batting Cages land use code (433) base on per batting cage

found in the 9th Edition of ITE Trip Generation Handbook.

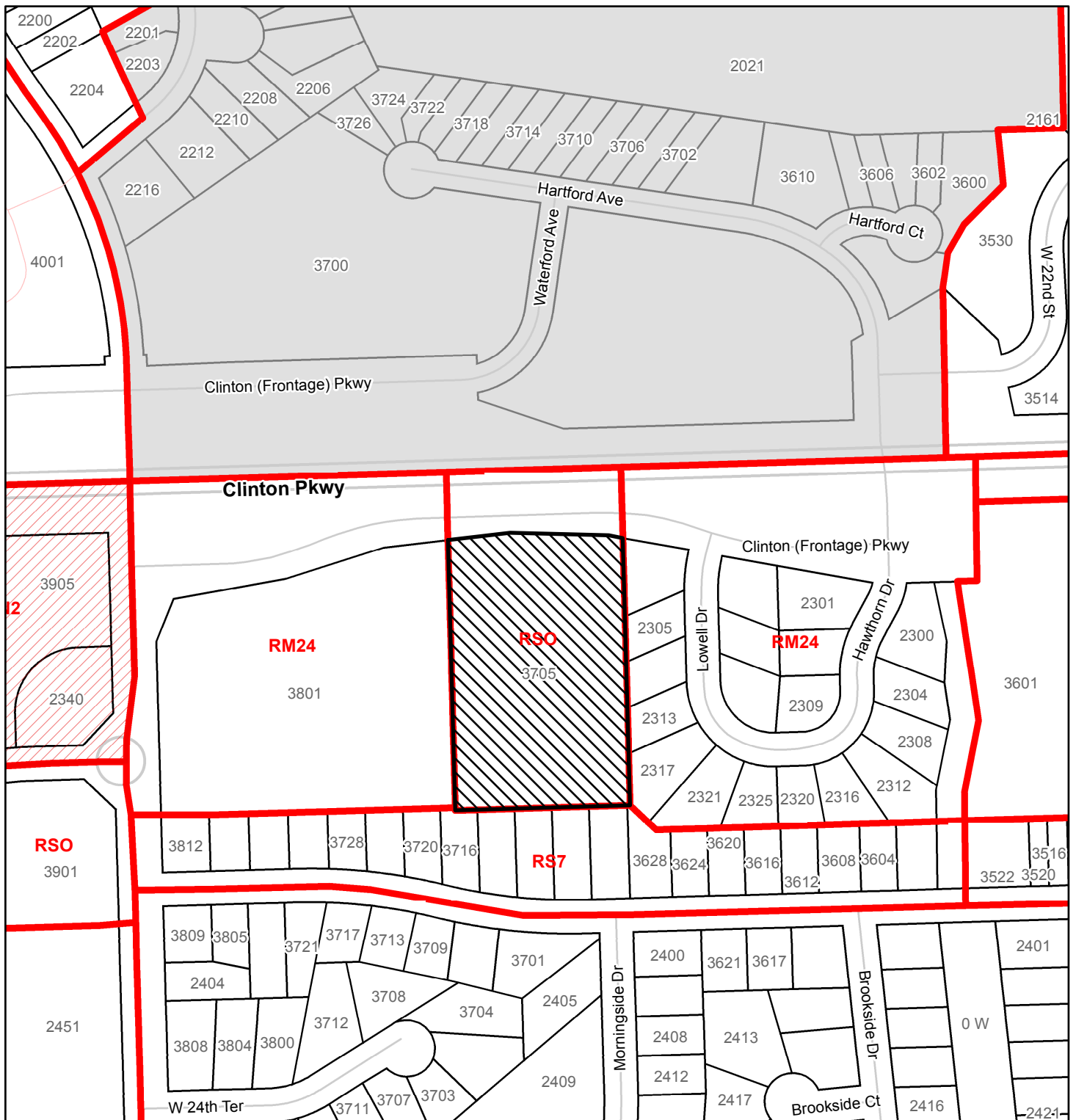
Empirical based on owners experience with identical 12,000 sf facility elsewhere

Time of Day/Week	Existing: Church					Proposed: General Office			
	Volume	Total	In	Out		Volume	Total	In	Out
Daily Average Rate Weekday	300 seats	182	91	91		15,300sf	94	46	46
A.M. Peak Hour Rate Weekday	300 seats	N/A	-	-		15,300sf	24	21	3
P.M. Peak Hour Rate Weekday	300 seats	N/A	-	-		15,300sf	22	4	18
Saturday Peak Hour Rate	300 seats	180	90	90		15,300sf	7	5	2
Sunday Peak Hour Rate	300 seats	554	277	277		15,300sf	6	4	2

Time of Day/Week	Proposed: Batting Cages					Proposed: Batting Cages Empirical			
	Volume	Total	In	Out		Volume	Total	In	Out
Daily Average Rate Weekday	10 cages	N/A	-	-		Owner operated an identical 12,000sf facility located at 1811 West 31st for 3 years. During that time they observed no parking demand during weekday hours, 20-22 in & out trips during Weekday Peak P.M. and 20-22 in & out trips during the Saturday Peak A.M. No trips on Sunday. Proposed facility is 20% smaller so trip loads should be factored down proportionally.			
A.M. Peak Hour Rate Weekday	10 cages	N/A	-	-					
P.M. Peak Hour Rate Weekday	10 cages	22	12	10					
Saturday Peak Hour Rate	10 cages	22	12	10					
Sunday Peak Hour Rate	10 cages	N/A	-	-					

8. Conclusion

Since the maximum peak hour trips generated do not exceed 100 trips with the proposed general office/active recreation use (combined or separate), no further traffic analysis is required.



Z-17-00386: Request to rezone approx. 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located and 3705 Clinton Pkwy.

SUP-17-00383: Request for a Special Use Permit for Active Recreation, located at 3705 Clinton Pkwy.



PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

09/27/2017

PC Staff Report

ITEM NO. 3: **FINAL PLAT FOR SOUTHLAND MEADOWS NO. 4; NE CORNER OF N 1200 AND E 2100 ROADS (MKM)**

PF-17-00372: Consider a Final Plat for Southland Meadows No. 4, a one-lot subdivision on approximately 15 acres located in the northeast corner of the intersection of N 1200 and E 2100 Roads. Submitted by Derrick Bradstreet, property owner of record. *(Joint Planning Commission meeting with Eudora City Planning Commission.)*

STAFF RECOMMENDATION:

Staff recommends approval of the Final Plat of Southland Meadows No. 4 and forwarding it to the Board of County Commissioners for acceptance of dedications of right-of-way and easements.

Reason for Request: Platting is required prior to development.

KEY POINTS

- The subject property was included in a rezoning to the A-1 (Suburban Home Residential) Zoning District and a Preliminary Plat for Southland Meadows in 1989. The rezoning was approved conditioned on the recording of a Final Plat with the Register of Deeds. The property within Southland Meadows was final platted in phases as development was proposed; therefore, the zoning map was updated to show the approved A-1 Zoning with the recording of each final plat. A Zoning Resolution will be published following recording of this final plat to update the zoning map.
- The City of Eudora's long range plan recommends future low-density residential land uses for this area. The subdivision is compliant with the long range plans.
- The property is located at the terminus of E 2114 Road. The City of Eudora noted that E 2114 Road would need to be extended to connect to Windmill Road if significant development were proposed in this area, but approved the dedication of right-of-way without road improvements with the proposed development of a single residence.
- The proposed Final Plat varies from the land division approved with the Preliminary Plat in that it proposes fewer lots and lower intensity development. The Planning Director determined that given the lower intensity of the Final Plat it would not be necessary to revise the Preliminary Plat.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASES

- Z-7-17-89; Rezoning request for 140 acres from A (Agricultural) to A-1 (Suburban Home Residential) District. Approved by Board of County Commissioners on September 20, 1989 subject to the condition that the zoning would be in effect following the platting of the property.

- Preliminary Plat for Southland Meadows, approved by the Planning Commission on November 15, 1989.
- PF-Southland Meadows No. 1, a nine lot subdivision approved by the Planning Commission on January 24, 1990,
- PF- Southland Meadows No. 2, a three lot subdivision approved by the Planning Commission on September 30, 1991, and
- PF-Southland Meadows No. 3, a two lot subdivision approved by the Planning Commission on July 24, 1996.

OTHER ACTION REQUIRED

- Board of County Commission acceptance of dedication of easements and right-of-way shown on the Final Plat.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Building Permit obtained prior to development.
- Driveway Permit obtained from Eudora Township, prior to installation of driveway.

ATTACHMENTS

Attachment A: Preliminary Plat

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District, with approval of A-1 (Suburban Home Residential) District pending platting of property; *Agriculture*

Surrounding Zoning and Land Use: To the east: RS (City of Eudora: Single-Family Residential); undeveloped property platted for residential development.

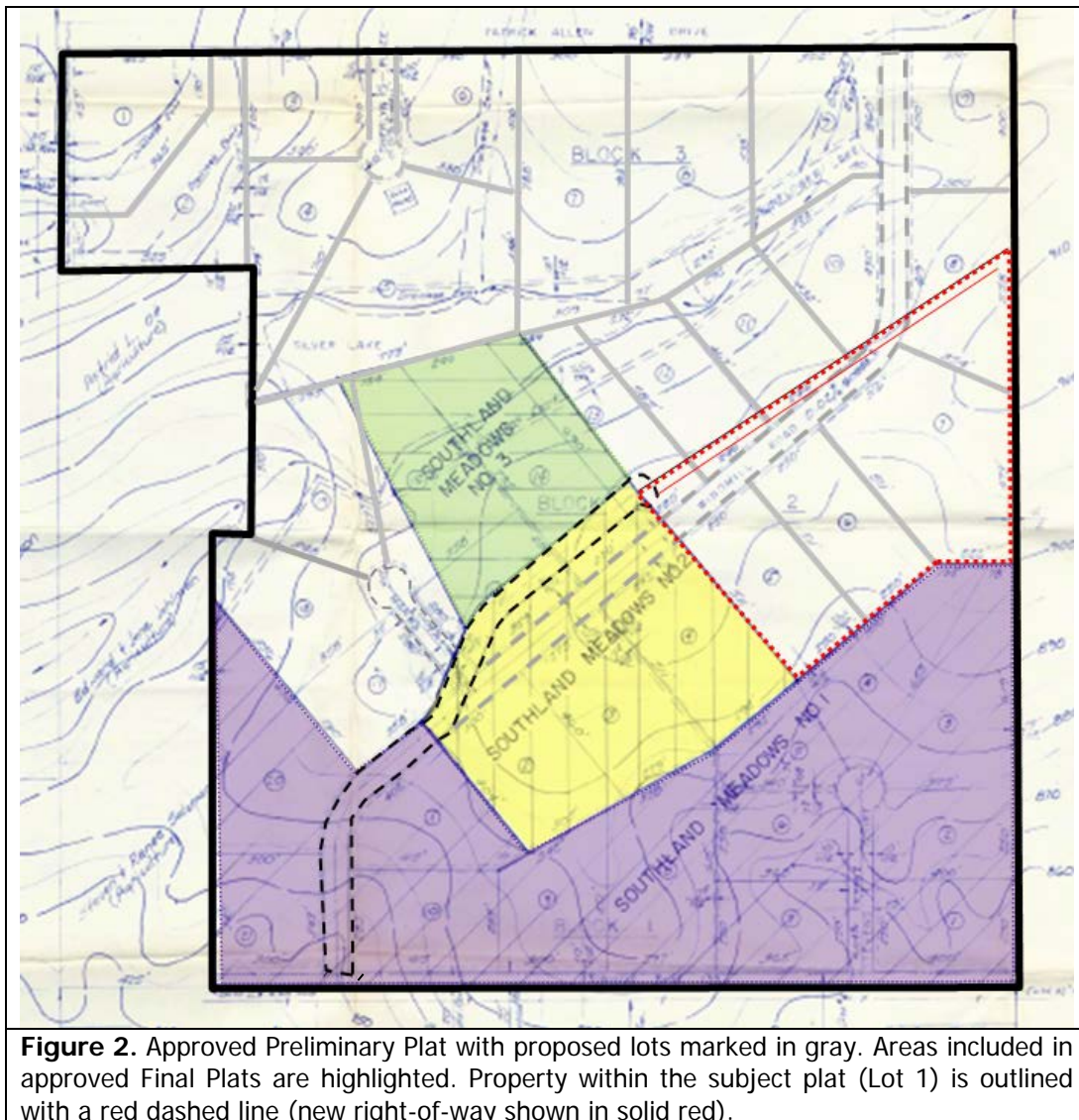
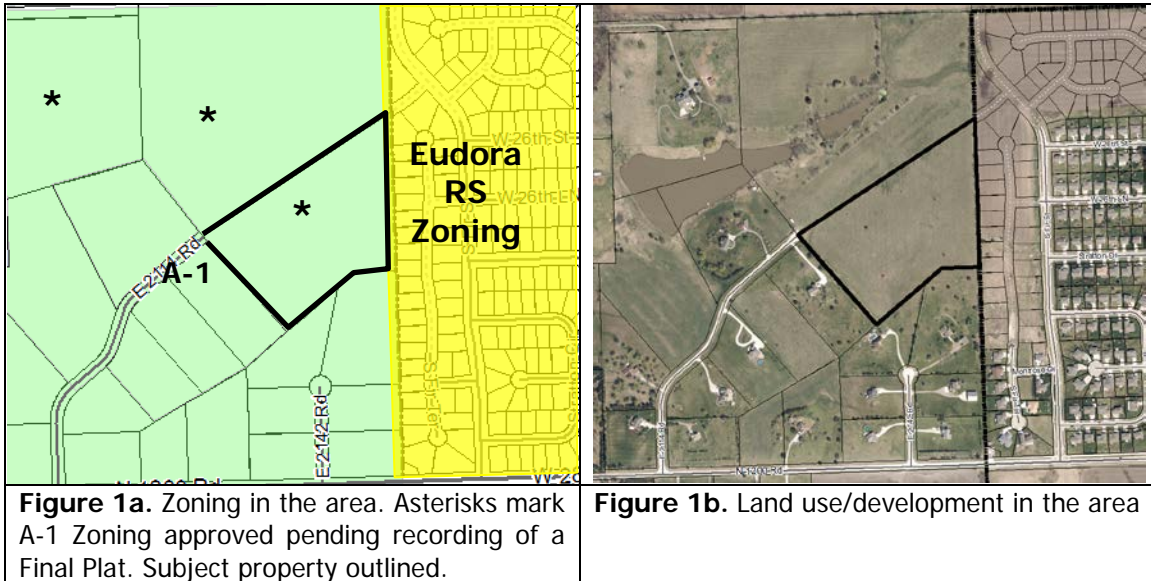
To the north: A (Agricultural) District, with approval of A-1 (Suburban Home Residential) District pending platting of property; *Agriculture*

(Figures 1 and 2) To the west and south: A-1 (Suburban Home Residential) District; *Single-Family Dwellings*.

STAFF REVIEW

The subject property is adjacent to the western city limits of the City of Eudora. As the property is located within the 3 mile radius of the City of Eudora, plans were provided to the Eudora Planning Commission and this item will be considered at a joint Planning Commission meeting or the Eudora Planning Commission will provide comment.

The subject property was included in a 140 acre rezoning request to the A-1 Zoning District and a Preliminary Plat in 1989. The Preliminary Plat approved by the Planning Commission showed several lots in this location and E 2114 Road was planned to extend to the north. The road layout has been revised based on land divisions and dedication of right-of-way within the City of Eudora. (Figure 2)



The City of Eudora Codes Administrator indicated that right-of-way for E 2114 Road should be extended to the northeast along the property line to connect to the planned street, Windmill Road, within Eudora. He noted that it was not necessary to construct the road with this development, but it would be required if more significant development were proposed in this area. One-half of the right-of-way (35 ft on the subject property side of the centerline) will be dedicated with this plat.

Rezoning resolutions were published as each final plat was recorded with the Register of Deeds. The most recently approved final plat was recorded in 1996. When a building permit application was submitted for the subject property, staff reviewed the history of the property and determined that the A-1 Zoning approval was still valid and that the Preliminary Plat was vested due to the recording of a Final Plat on a portion of the overall property. The changes being proposed with this Final Plat are the creation of one large lot rather than several smaller lots in this location and the realignment of E 2114 Road to the northeast as recommended by the City of Eudora. The Planning Director determined that these changes did not constitute a substantial change from the Preliminary Plat and did not require the submittal and approval of a revised Preliminary Plat prior to consideration of this Final Plat.

The property owner plans to construct one single-family home on the lot. At the time that additional development is proposed in this area, the City of Eudora may require annexation. If not, land divisions could be accomplished on the subject property through the Minor Subdivision process for a total of 2 lots. Division into additional lots could be accomplished through the Major Subdivision process with approval of a Preliminary Plat and a Final Plat.

Compliance with Zoning Regulations for the A-1 District

Per Section 20-809(d)(2) of the Development Code, each lot must conform with the minimum lot size and other dimensional requirements in the Zoning District. Lots created in the A-1 District that take access from a local road must have a minimum area of 3 acres if rural water is used and 5 acres if well water is used. The lot must have a minimum frontage of 250 ft and a minimum depth of 250 ft, per the standards in Section 12-318 of the *Zoning Regulations for the Unincorporated Territory of Douglas County*. The proposed lot has an area of 15 acres, and a depth of approximately 748.2 ft. The lot has limited frontage at this time, as E 2114 Road was not required to be extended. The lot will take access from the temporary cul-de-sac at the terminus of 2114 Road. This temporary cul-de-sac will be removed when E 2114 Road is extended to the northeast and the lot will have approximately 1,206 ft of frontage. The lot is compliant with the minimum lot standards for the A-1 District with the exception that the frontage on E 2114 Road will be provided when the road is constructed. In staff's opinion, the intent of this requirement has been met with the dedication of right-of-way and the access from the existing cul-de-sac.

Roads and Access

No new roads are proposed with this plat. The property has frontage on, and takes access from, E 2114 Road, which is classified as a Local Road in the County Access Management Standards. (Figure 2) E 2114 Road is not required to be extended to the northeast to connect to the planned road in the City of Eudora at this time, but extension may be required if additional development is proposed in this area. A temporary turn around area was established with previous final plats. The Township Fire Department and Township Trustee determined the existing turnaround area was adequate for the proposed development.

Utilities and Infrastructure

Rural Water District No. 4 serves the subject area. The new lot will have adequate area for the use of either well water or Rural Water as their water supply. The Rural Water District recommended

that a 30 ft easement be provided along the new road right-of-way. This easement is shown on the plat. Westar provides electricity in this area and noted that an easement is not required for the one lot, but would be necessary if the lot were later subdivided.

Rights-of-way

E 2114 Road is classified as a Local Road in the Douglas County Access Management Map. A local road requires 70 ft of right-of-way width. One-half of this width, 35 ft, is being dedicated on the subject property side of the future centerline with this plat. The Final Plat will be placed on the County Commission agenda for acceptance of dedications of easements and right-of-way.

Preliminary Plat Conformance

As noted earlier, the plat varies from the approved Preliminary Plat in the following ways:

- 1) Number of lots being proposed in this area is reduced from 3.5 to 1 to allow development of a single-family home. As the density is being reduced with this plat, the Planning Director determined the changes could be processed with a Final Plat.
- 2) Realignment of E 2114 Road. The approved Preliminary Plat showed E 2114 Road extending through this area then veering to the north. The City of Eudora's Codes Administrator noted that E 2114 should extend straight along the existing property line to connect with the right-of-way for the street that is planned in Eudora. The alignment of E 2114 Road was altered with an earlier final plat, as shown in Figure 2. The dedication of additional right-of-way to continue the realignment in conformance with the City of Eudora's long range plan constitutes a technical change to the plat that can be processed with a Final Plat.

Staff Recommendation:

Staff recommends the approval of the Final Plat and forwarding it to the Board of County Commissioners for acceptance of dedications of right-of-way and easements.

FINAL PLAT
OF
SOUTHLAND MEADOWS NO. 4
DOUGLAS COUNTY, KANSAS

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 21 EAST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 54 MINUTES 26 SECONDS WEST ALONG THE EAST LINE OF LOTS 1, 2 AND 3, SOUTHLAND MEADOWS NO. 1, A SUBDIVISION OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, T.13S., R.21E., OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, ALSO ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 1153.62 FEET TO THE POINT OF BEGINNING ALSO BEING THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 88 DEGREES 14 MINUTES 46 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 3 AND LOT 4, OF SAID SOUTHLAND MEADOWS NO. 1, A DISTANCE OF 222.31 FEET; THENCE SOUTH 48 DEGREES 44 MINUTES 59 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 4 AND LOT 5, OF SAID SOUTHLAND MEADOWS NO.1, A DISTANCE OF 500.00 FEET TO THE SOUTHEAST CORNER OF LOT 3, SOUTHLAND MEADOWS NO.2, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE NORTH 41 DEGREES 14 MINUTES 01 SECOND WEST ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 695.68 FEET; THENCE NORTH 56 DEGREES 31 MINUTES 01 SECOND EAST, A DISTANCE OF 1232.31 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER ALSO BEING A POINT ON THE WEST LINE OF SHADOW RIDGE 5TH PLAT, A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 21 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 01 DEGREE 54 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF LOTS 6, 7, 8, 9, 10, 11, 12, 13 AND 14, BLOCK 4 OF SAID SHADOW RIDGE 5TH PLAT, A DISTANCE OF 867.03 FEET TO THE POINT OF BEGINNING, SUBJECT TO THAT PART IN ROADS AND EASEMENTS. CONTAINING 15.00 ACRES MORE OR LESS.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF "SOUTHLAND MEADOWS NO. 4" 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 DOUGLAS COUNTY, 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".

Owner of Lot 1

DERRICK A. BRADSTREET

ACKNOWLEDGEMENT:

STATE OF _____ } SS
COUNTY OF _____ }

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2017, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AN OPEN SAID COUNTY AND STATE, CAME DERRICK A. BRADSTREET, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGES THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ENDORSEMENTS:

APPROVED AS A MAJOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE & THE UNINCORPORATED AREAS OF DOUGLAS COUNTY

ASSOCIATED PRELIMINARY PLAT APPROVED BY THE LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION, DOUGLAS COUNTY, KANSAS

SCOTT MCCULLOUGH DATE
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

ERIC STRUCKHOFF DATE
CHAIR

APPROVED BY BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, KANSAS

MIKE GAUGHAN DATE
CHAIR

JAMESON D. SHEW DATE
COUNTY CLERK

REVIEWED IN COMPLIANCE WITH K.S.A.58-2005

MICHAEL D. KELLY, P.S. #869
DOUGLAS COUNTY SURVEYOR

FILING RECORD:

STATE OF KANSAS }
COUNTY DOUGLAS } SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS

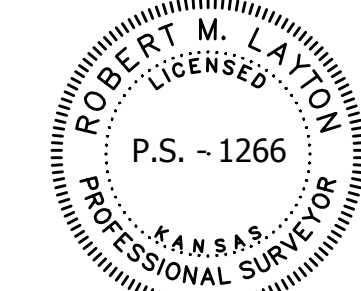
ON THE ____ DAY OF _____, 2017, AND IS DULY RECORDED AT _____ AM/PM, IN THE PLAT BOOK _____

PAGE _____

REGISTER OF DEEDS
KAY PESNELL

CERTIFICATION:

THIS IS TO CERTIFY THAT ON THE 7TH DAY OF AUGUST 2017, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



ROBERT M. LAYTON P.S. #1266

SOUTHLAND MEADOWS NO. 4

**CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS**



122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

AD PROJECT #32302

17-13-21

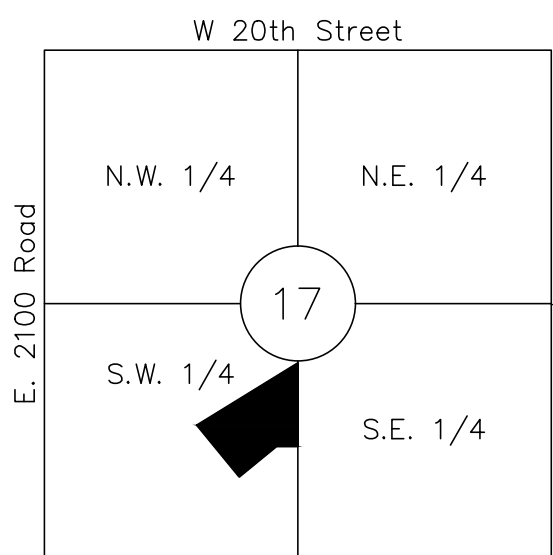
FINAL PLAT

ERROR OF CLOSURE:

Perimeter: 3517.32' Area: 653383.14 Sq. Ft.
Error Closure: 0.0067 Course: S54°52'49"W
Error North: -0.00388 East: -0.00552
Precision 1: 524974.63

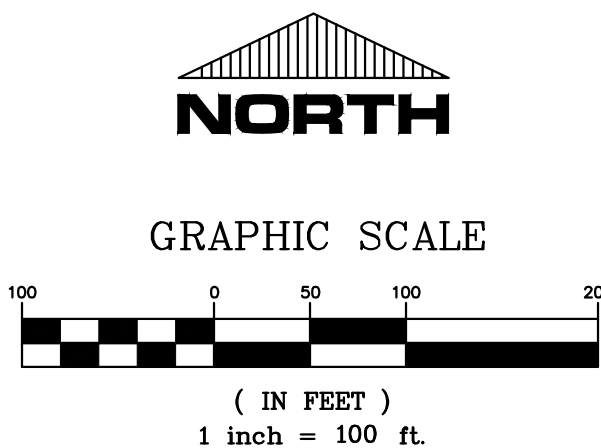
LEGEND

- STONE FOUND AS DESCRIBED
- BAR FOUND AS DESCRIBED
- (M) MEASURED BEARING OR DISTANCE
- (D) DEED BEARING OR DISTANCE
- (P) PLATTED BEARING OR DISTANCE



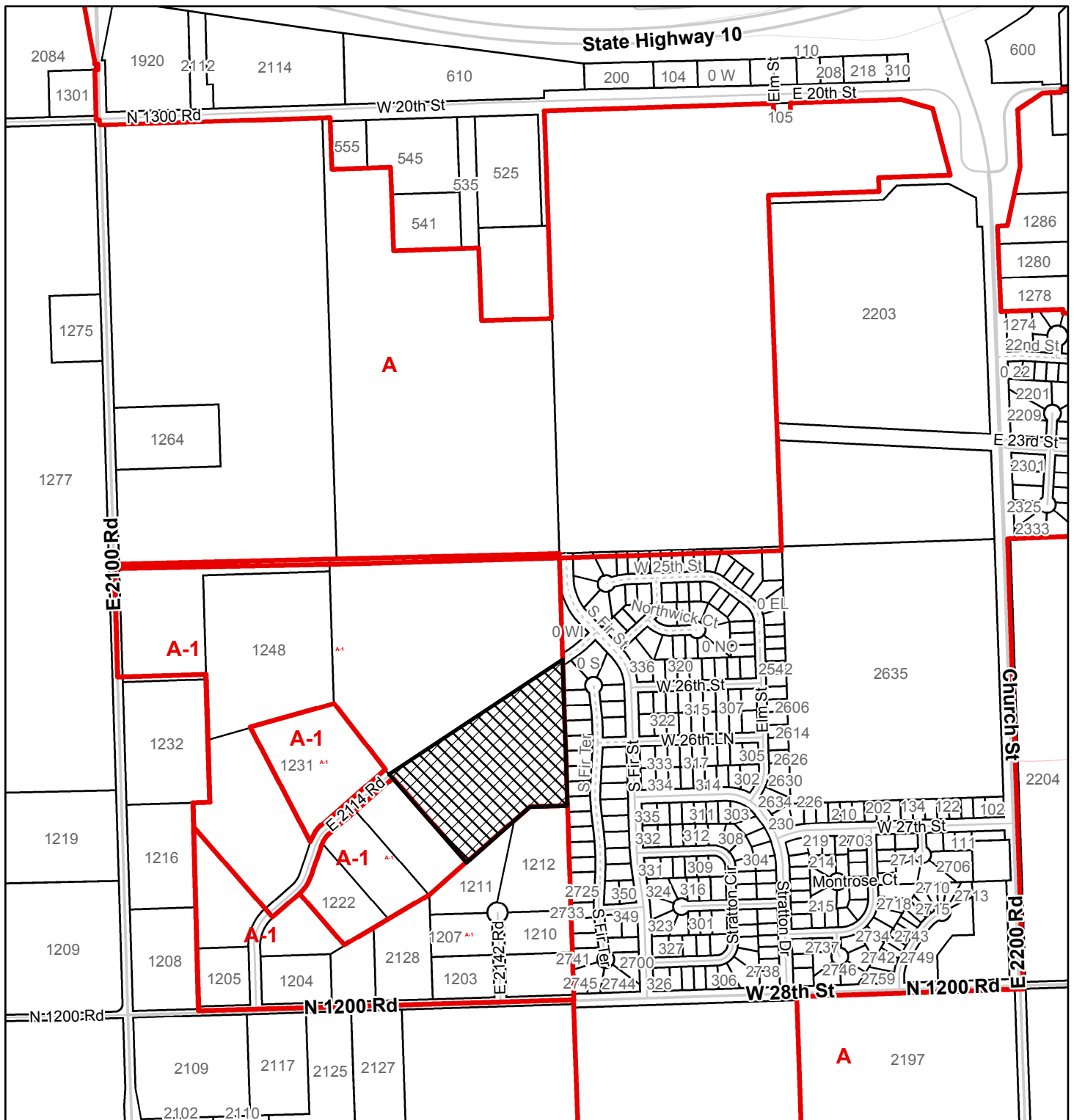
W. 28th Street
VICINITY MAP
SCALE: 1" = 2000'

PROJECT LOCATION
SECTION 17-13-21



SURVEYOR'S NOTES:

- BEARINGS BASED ON KANSAS STATE PLANE NORTH ZONE NAD 83.
- DISTANCES SHOWN ARE GROUND DISTANCE.
- FEMA FLOOD MAP 20045C0211D, PANEL 211 OF 460, REVISED 8/5/2010, ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO EASEMENT INFORMATION FURNISHED.
- NO TITLE POLICY FURNISHED.



PF-17-00372: Final Plat for Southland Meadows No. 4 a one-lot subdivision on approximately 15 acres located in the northeast corner of the intersection of N 1200 Rd and E 2100 Rd



Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Becky Pepper, Planner

Date: September 27, 2017

RE: Miscellaneous Item No. 1: MINOR SUBDIVISION VARIANCE FOR SUNSET HILLS ESTATE SUBDIVISION NO. 2; 2515 W 6TH ST (BJP)

Consider a variance request for the reduction of right-of-way width for W. 6th Street from 150' to 144' and for Crestline Drive from 60' to 50' for the Minor Subdivision, MS-17-00390, proposed at 2515 W 6th Street, for Sunset Hill Estate Subdivision No. 2. Submitted by Paul Werner Architects, for D & D Properties of Lawrence Inc., property owner of record.

Attachment A: Minor Subdivision MS-17-00390

Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-17-00390) is under review and is included with this memo for context with the variance request. No other Planning Commission action related to the proposed Minor Subdivision is required.

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 20-813(g). This memo provides background information on the variance request and evaluates the request for compliance with the approval criteria.

VARIANCE, 6TH STREET:

Reduction in the required width of right-of-way of 150 ft for a Principal Arterial Street (W 6th Street) per Section 20-810(e)(5) of the Subdivision Regulations to allow subdivision of the property with the existing right-of-way on the subject property side of the W 6th Street/Hwy 40 centerline.

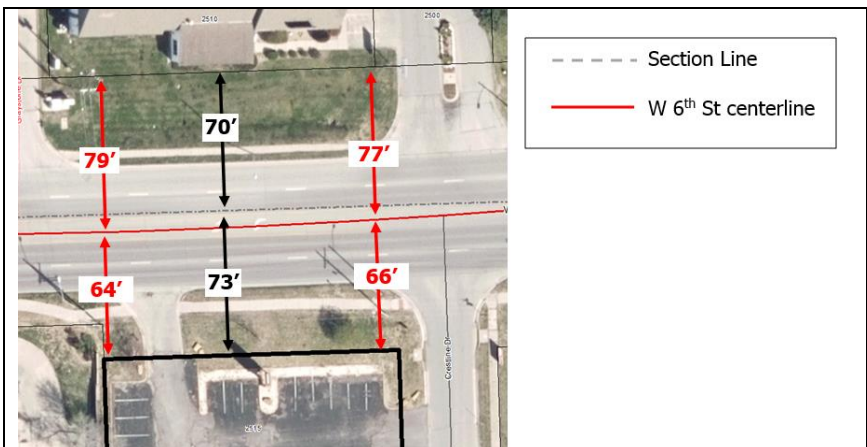


Figure 1. Subject property and adjacent right-of-way width on 6th Street.

The right-of-way width for W 6th Street/Hwy 40 varies in this area. As properties in the area developed, right-of-way was required based on the regulations in place at the time, or planned road improvements. When the subject property was platted with the Sunset Hill Estates Addition in 1973, the plat showed 73 ft of right-of-way being provided south of the section line. However, W 6th Street was not built centered on the section line. Figure 1 shows the right-of-way width as measured from the section line and from the street centerline. The right-of-way width on the north side of the centerline varies from approximately 77 ft to 79 ft and the right-of-way on the south side of the centerline varies from approximately 64 ft to 66 ft. When possible, right-of-way is centered on the street centerline to provide adequate area for infrastructure and street trees on each side of the street (75 ft on each side). Additional 7 right-of-way would be required on the southern side of the centerline to provide the total required width of 150 ft. A variance was requested to allow the replatting of this property without the dedication of the additional right-of-way for W 6th Street/Hwy 40.

VARIANCE, CRESTLINE DRIVE:

Reduction in the required width of right-of-way of 60 ft for a Local Street (Crestline Drive) per Section 20-810(e)(5) of the Subdivision Regulations to allow subdivision of the property with the existing 50 ft of right-of-way width (25 ft on the subject property side of the centerline).

An additional 5 ft of right-of-way width would need to be dedicated on each side of the centerline to result in the required 60 ft of right-of-way width. A variance was requested to allow the replatting of the property for redevelopment without the dedication of the additional right-of-way for Crestline Drive.

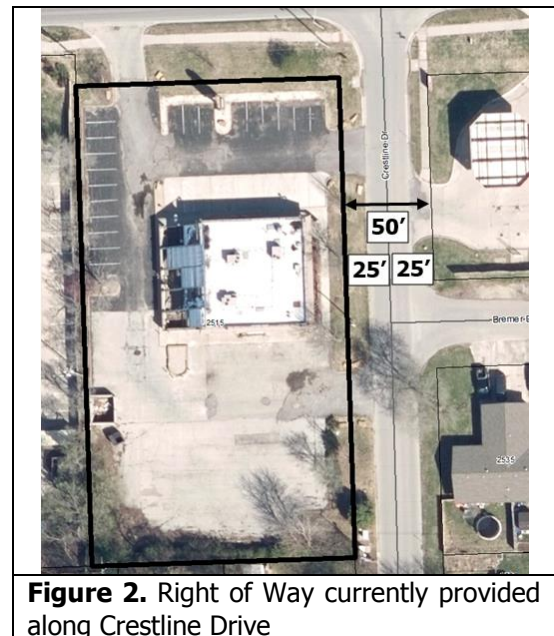


Figure 2. Right of Way currently provided along Crestline Drive

The variance is summarized in the following table.

Street/Classification	Required	Existing
W 6 th Street/Hwy 40 Principal Arterial	150 ft total ROW 75 ft from centerline	143 ft total ROW <ul style="list-style-type: none"> • 73 ft south of section line • App. 64 to 66 ft south of centerline
Crestline Drive Local Street	60 ft total ROW 30 ft from centerline	50 ft total ROW <ul style="list-style-type: none"> • 25 ft west of centerline

VARIANCE APPROVAL CRITERIA

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

Figure 1 shows the right-of-way width for W 6th Street at the subject property as approximately 7 ft narrower than required by the Subdivision Regulations. Dedicating

additional right-of-way would reduce the developable area of the lot. The lot is a relatively narrow/long lot which is being proposed for infill development. The additional 7 ft of right-of-way would place the parking area at the property line and would require the structure, parking, and access aisles to be developed within less area than originally platted. The City Engineer indicated that there were no plans to widen W 6th Street at this area and he has no objections to the variance to allow the right-of-way width to remain as shown on the plat.

Dedicating an additional 5 ft of right-of-way along Crestline Drive would encroach into the area planned for a drive-through aisle; thereby reducing the development potential of the property. The City Engineer noted that there were no plans to widen Crestline Drive and he would not object to the variance to permit the right-of-way width to remain as shown on the plat provided a 5 ft pedestrian access easement be provided along Crestline Drive. This would provide space on the site for a public sidewalk, if the Crestline and W 6th Street intersection was altered in the future or space for the sidewalk was otherwise not available along Crestline Drive. The 5' pedestrian easement is shown on the proposed plat.

STAFF FINDING: Strict application of the regulations would require the property owner to dedicate an additional 7 ft of right-of-way along W 6th Street/Hwy 40 and an additional 5 ft along Crestline Drive. The dedication of this additional right-of-way would reduce the developable area of this infill lot and could reduce the development potential. As the City Engineer indicated the additional right-of-way width was not needed for street improvements, dedicating the right-of-way would constitute an unnecessary hardship for the applicant.

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

Per Section 20-801(a) of the Subdivision Regulations the purpose of the regulations is to ensure that the division of land will serve the public interest and general welfare. The regulations are intended to: *.. "Provide for the harmonious and orderly development of land within the City by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs."*

As the City Engineer indicated that additional right-of-way is not needed for either street, provided a 5 ft wide pedestrian access easement is dedicated along Crestline Drive to insure space is available for a public sidewalk, approving the variance to reduce the right-of-way width would be in harmony with the intent and purpose of the Subdivision Regulations.

STAFF FINDING: Granting the variance from the required right-of-way width is in harmony with the purpose and intent of the regulations as it would be conditioned with a requirement to dedicate pedestrian access easement to insure provisions for public needs.

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

STAFF FINDING: The City Engineer indicated that the existing right-of-way width is adequate for W 6th Street and Crestline Drive, provided a 5 ft wide pedestrian access easement is dedicated along Crestline Drive to insure space is available for a public sidewalk.

With this condition, the variance would not negatively impact the public health, safety, or welfare.

STAFF RECOMMENDATION

As the variance requests meets the approval criteria listed in Section 20-813(g) of the Subdivision Regulations, staff recommends the approval of the variances requested for Minor Subdivision, MS-17-00390:

- 1) reduce the right-of-way width required in Section 20-810(a)(5) of the Subdivision Regulations for W 6th Street/Hwy 40, a Principal Arterial Street, from 150 ft to allow the right-of-way width south of the centerline to remain as shown on the plat (approximately 64 ft to 66 ft).
- 2) reduce the right-of-way width required in Section 20-810(a)(5) of the Subdivision Regulations for Crestline Drive, a Local Street, from 60 ft to 50 ft to allow the right-of-way west of the centerline to remain as shown on the plat (25 ft) subject to the following conditions:
 - A. The applicant shall provide a revised plat with the following changes:
 - i. Note the variance and the date of Planning Commission approval.
 - ii. Label the right-of-way width as measured from the W 6th Street/Hwy 40 centerline.

FINAL PLAT
SUNSET HILL ESTATE SUBDIVISION NO. 2
A REPLAT OF THE REPLAT OF BLOCKS 11 & 12, SUNSET HILL ESTATE SUBDIVISION, A
SUBDIVISION OF LAND IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

Owner:
Fernanda D F Brasileiro and Fernanda Vandyke
Sunset Hill Estates Subdivision Block 7 Lot 3