

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

MONDAY, FEBRUARY 9, 2009

8:30 a.m. (Commission Chamber)

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval to solicit bids for supply of asphaltic concrete (Keith Browning); and
- (c) Consider approval of the 2008 Noxious Weed Eradication Progress Report (Keith Browning)

REGULAR AGENDA

- (2) Consider approval of **CPA-2008-3** to Amend Chapter 6-Commercial Land Use – Inner-Neighborhood Commercial Uses to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing neighborhood commercial centers are located. (PC Item 3; approved 10-0 on 11/17/08) (Dan Warner is the Planner.)
- (3) Technology Fund Report (Kay Pesnell)
- (4) Consider approval of home rule resolution amending the Douglas County Code and providing construction specifications and standards for entrance installations. (Keith Browning)
- (5) Consider authorizing Public Works to proceed with Project No. 2007-15, truss replacement for Bridge No. 09.03N-09.03E, located on N 900 Road over Washington Creek, and authorize the following actions:
 - (a) Purchase a replacement truss for \$167,114, from Contech Bridge Solutions
 - (b) Include an add-alternate to the project's contract to relocate the bridge to private property on the east side of Washington Creek
 - (c) Solicit bids for installation of the replacement truss and other construction needed for Project No. 2007-15 following final plan approval and acquisition of easements. (Keith Browning)
- (6) Stimulus package update (Craig Weinaug)
- (7) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (8) Adjourn

WEDNESDAY, FEBRUARY 11, 2009

6:35 p.m. (Commission Chamber)

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval resolution for cereal malt beverage license for The Clinton Store (Clerk's office); and
- (c) Consider approval of Notice to Township Board to sell Cereal Malt Beverages at Clinton Marina, Inc.; and Clinton Marina Grille (Clerk's Office)

REGULAR AGENDA

- (2) Consider approval of Joint City Ordinance No. 8364/County Resolution, for Text Amendment **TA-10-17-08**, amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. Initiated by the County Commission on 10/29/08. (PC Item 5; approved 7-0 on 12/15/08) (Mary Miller is the Planner.)
- (3) Consider approval of **CUP-11-08-08**: a Conditional Use Permit for a water treatment facility modification for Rural Water District #3, located at 1239 E 300 Road, Berryton. Submitted by Bartlett & West, for Douglas County Rural Water District #3, property owner of record. (PC Item 1; approved 8-0 on 1/26/09) Sandy Day is the Planner.
- (4) Consider recommended amendments to ECO2 plan (Larry McElwain)
- (5) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (6) Adjourn

MONDAY, FEBRUARY 16, 2009

WEDNESDAY, FEBRUARY 18, 2009

-No Commission Meeting

MONDAY, FEBRUARY 23, 2009

WEDNESDAY, FEBRUARY 25, 2009

-Discuss Lawrence Freenet Rural Broadband initiative (Josh Montgomery)

MONDAY, MARCH 2, 2009

-No Commission Meeting

WEDNESDAY, MARCH 4, 2009

- Consider approving CPA-2004-02, a Comprehensive Plan Amendment to *Horizon 2020*, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, Joint City Ordinance No. 8283/County Resolution for Comprehensive Plan Amendment (CPA-2004-02) to *Horizon 2020*, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08) (Amy Brown is the Planner)

Note: *The Douglas County Commission meets regularly on Mondays at 8:30 A.M. and Wednesdays at 6:35 P.M. at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : February 2, 2009

Re : Consent Agenda Approval to Solicit Bids for Supply of Asphaltic Concrete

Public Works department requests BOCC approval to solicit bids for asphaltic concrete material supply for the 2009 maintenance season. Road & Bridge Fund 201 has \$425,000 allocated in the BM-2 line item.

As in the past, this year's supply contract will include a price adjustment factor tied to KDOT's Monthly Asphalt Price Index. The adjustment factor will increase/decrease the price for asphaltic concrete mix by \$0.50/ton for each \$10.00/ton increase/decrease in the Monthly Asphalt Price Index.

We plan to open bids in early March. Contracts will be presented to the BOCC for approval thereafter.

Action Required: Consent Agenda approval to solicit bids for supply of asphaltic concrete mix for the 2009 maintenance season.



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

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *[Signature]*
Mike Perkins, Operations Division Manager

Date : January 30, 2009

Re : Approval of Annual Noxious Weed Eradication Progress Report 2008

Attached is a copy of the Douglas County Noxious Weed Eradication Progress Report 2008. This report will be sent to the Kansas Department of Agriculture and requires signatures of the Board of County Commissioners.

ACTION: Approval of the 2008 Noxious Weed Eradication Progress Report and signatures of all Board of County Commission members.

Annual Noxious Weed Eradication Progress Report 2008

as required by KSA 2-1316



Noxious Weed Supervisor:

John Landon

Douglas County Noxious Weed Dept

Noxious Weed Department Personnel

Name	Job Title	% Time Spent on Noxious Weeds	Weed Director Salary
John Landon	Vegetation Control Specialist	100	\$36,409.45
Alan Hollinger	VMII	100	\$33,888.87
Anita Tingle	Seasonal Laborer	100	\$7,767.00
Donna Miller	Secretary	50	

Financial Summary - Noxious Weed Fund

Amount

Mill levy for 2008	0
County valuation for 2008	\$0.00
Beginning Budget Balance for 2008	\$235,878.00

Revenues

Chemical Sales	\$65,160.96
Equip Rentals	\$4,873.25
Labor Reimbursements	\$5,986.29
Sales Tax Collected	\$84.14
Total Revenue	\$76,104.64

Expenditures

Commodities - Chemicals	\$86,127.71
Commodities - Equip Parts	\$1,958.49
Commodities - Other	\$97.00
Contractual Expenses	\$6,138.79
Equipment Supplies	\$18.95
Personnel Expenses	\$79,236.89
Transfer Equip Reserve	\$15,000.00
Total Expenditures	\$188,577.83
Ending Budget Balance	\$47,300.17

Carryover to next year's budget for 2008 to 2009	\$47,300.17
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Capital Outlay Fund

Amount

Beginning Balance	\$235,878.00
Receipts	\$0.00
Expenditures	\$188,577.83
Ending Balance	\$47,300.17

FYI - this budget is used out of a "General Fund" shared with others. So any revenues received DO NOT go back into a separate budget for Noxious Weed Department.

Annual Noxious Weed Eradication Progress Report

Douglas County Noxious Weed Dept

Year 2008 ★

Estimated Acreage of Noxious Weeds

Noxious Weed	Private	County	Township	State	Federal	City	Total
Field Bindweed	1614.6	102.6	2419.9	438.7		762.8	5338.6
Johnsongrass	1371.9		1380.6	131.2		442.5	3326.2
Musk Thistle	1887.4		1900.1	377.4		650.0	4814.9
Purple Loosestrife				130.0		189.7	319.7
Sericea Lespedeza	1698.7		495.2	499.2			2693.1
Totals	6572.6	102.6	6195.8	1576.5		2045.0	16492.5

Estimated Acreage of Noxious Weed on Private Land sub-section

Noxious Weed	Wheat	Corn	Soybean	Grain	CRP	Pasture	Other	Fallow	Non-Ag	Total
Field Bindweed					123.8	561.5	929.3			1614.6
Johnsongrass		371.4	309.5				691.0			1371.9
Musk Thistle						1442.1	445.3			1887.4
Sericea Lespedeza						378.4	1320.3			1698.7
Totals		371.4	309.5		123.8	2382.0	3385.9			6572.6

Weeds declared Noxious by the County: Multiflora Rose Bull Thistle

Herbicide Disbursement Summary


Chemical	Purchase Price	Cost Share Price	Total Disbursed
2-4 D	\$9.68	\$13.09	1280.000 gal
GLYPHOSATE	\$27.81	\$27.00	497.500 gal
IMAZAPIC	\$2.17	\$0.00	281.500 oz
METSULFURON METHYL	\$6.97	\$11.00	88.000 oz
PICLORAM	\$78.20	\$65.00	194.412 gal
POLYVINYL POLYMER	\$0.32	\$0.00	157.000 oz
TRICLOPYR	\$74.50	\$62.00	58.000 gal
TRICLOPYR + VISTA	\$42.75	\$38.00	265.000 gal

Enforcement Summary

Warning Notices	48	Diversion Agreements	0	Demonstration Plots	0
Legal Notices	178	Accounts to Tax Roll	0	Feed and Hay Inspection	0
Court Cases	0	Meetings Sponsored	0	Publish General Notice	1

Enforcement Comments:

We certify this is a correct copy of the Douglas County Noxious Weed Dept Program for 2008
 We certify that John Landon is employed as Douglas County Noxious Weed Dept Director for 2009

Chairman, Board of County Commissioners	Date	County Commissioner	Date
County Commissioner	Date	County Commissioner	Date
County Commissioner	Date	 County Noxious Weed Director	1/29/09

Actual Progress Report

Douglas County Noxious Weed Dept

Year
2008

Actual Acreage of Noxious Weeds

Noxious Weed	Private	County	Township	State	Federal	City	Cost Share	Total
Bur Ragweed	100							100
Field Bindweed	697	140.8	39	722				1598.8
Johnsongrass	781		41.1	35		30		887.1
Musk Thistle	4363.2	205.8	480	149		948.1		6146.1
Sericea Lespedeza	1074.9	100	190	113.4		4		1482.3
Totals	7016.1	446.6	750.1	1019.4		982.1		10214.3

Actual Acreage of Noxious Weed on Private Land sub-section

Noxious Weed	Wheat	Corn	Soybean	Grain	CRP	Pasture	Other	Fallow	Non-Ag	Total
Bur Ragweed						100				100
Field Bindweed	330		10			180	130		47	697
Johnsongrass		60	56		5	55	602		3	781
Musk Thistle						4318.2	5		40	4363.2
Sericea Lespedeza					304.2	675.3	95.4			1074.9
Totals	330	60	66		309.2	5328.5	832.4		90	7016.1

Herbicide Disbursement Summary

Chemical	Purchase Price	Cost Share Price	Total Disbursed
2-4 D	\$9.68	\$13.09	1280.000 gal
GLYPHOSATE	\$27.81	\$27.00	497.500 gal
IMAZAPIC	\$2.17	\$0.00	281.500 oz
METSULFURON METHYL	\$6.97	\$11.00	88.000 oz
PICLORAM	\$78.20	\$65.00	194.412 gal
POLYVINYL POLYMER	\$0.32	\$0.00	157.000 oz
TRICLOPYR	\$74.50	\$62.00	58.000 gal
TRICLOPYR + VISTA	\$42.75	\$38.00	265.000 gal

Annual Noxious Weed Eradication Progress Report
 Treatment Summary for Noxious Weeds

Douglas County Noxious Weed Dept
 2008 ★

Bur Ragweed

	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Enforcement													0
Warning Notice													0
Legal Notice													0
Court Cases													0
Diversion Agreements													0

	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Acreage Treated							100.0						100.0
Private Pasture							100.0						100.0
Total Acreage							100.0						100.0

	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Approved Herbicides and Methods							100.0						100.0
2-4 D AMINE							100.0						100.0
Total Acreage							100.0						100.0

**Annual Noxious Weed Eradication Progress Report
Treatment Summary for Noxious Weeds**

Douglas County Noxious Weed Dept

2008 ★

Field Bindweed

Enforcement	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Warning Notice						9							9
Legal Notice						7	4						11
Court Cases													0
Diversion Agreements													0

Acreage Treated	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
County								76.8	64.0				140.8
Private Non-Ag				20.0		20.0	5.0	2.0					47.0
Private Other				30.0	45.0	45.0	5.0	5.0					130.0
Private Pasture					5.0	63.0	25.0	87.0					180.0
Private Soybean						5.0	5.0						10.0
Private Wheat						30.0		300.0					330.0
State						642.0	60.0	20.0					722.0
Township					16.0	10.0	10.0	3.0					39.0
Total Acreage				50.0	66.0	815.0	110.0	493.8	64.0				1598.8

Approved Herbicides and Methods	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
2-4 D AMINE				10.0	5.0	55.0	40.0	375.0					485.0
ESCORT					16.0	16.0							32.0
PASTUREGARD								12.0					12.0
ROUNDUP				40.0	45.0	70.0	10.0	5.0					170.0
TORDON						32.0							32.0
TORDON + 2-4 D						642.0	60.0	101.8	64.0				867.8
Total Acreage				50.0	66.0	815.0	110.0	493.8	64.0				1598.8

**Annual Noxious Weed Eradication Progress Report
Treatment Summary for Noxious Weeds**

**Douglas County Noxious Weed Dept
2008 ★**

Johnsongrass

Enforcement	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Warning Notice						2	1						3
Legal Notice							4	1		1			6
Court Cases													0
Diversion Agreements													0

Acreage Treated	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City						30.0							30.0
Private Corn					50.0		10.0						60.0
Private CRP							5.0						5.0
Private Non-Ag						1.0		2.0					3.0
Private Other				145.0	165.0	120.0	67.0	80.0	10.0	15.0			602.0
Private Pasture					15.0	25.0	5.0	5.0		5.0			55.0
Private Soybean						5.0	16.0	30.0	5.0				56.0
State						0.0	15.0	20.0					35.0
Township					20.0	8.1	10.0	3.0					41.1
Total Acreage				145.0	250.0	189.1	128.0	140.0	15.0	20.0			887.1

Approved Herbicides and Methods	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
PLATEAU						7.1	27.7						34.8
ROUNDUP				145.0	250.0	182.0	100.3	140.0	15.0	20.0			852.3
Total Acreage				145.0	250.0	189.1	128.0	140.0	15.0	20.0			887.1

Annual Noxious Weed Eradication Progress Report
Treatment Summary for Noxious Weeds

Douglas County Noxious Weed Dept
2008 ★

Musk Thistle

Enforcement	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Warning Notice				11	23								34
Legal Notice				5	11	86	9						111
Court Cases													0
Diversion Agreements													0

Acreage Treated	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City					12.0	936.1							948.1
County				5.0	38.4	162.4							205.8
Private Non-Ag				13.0		27.0							40.0
Private Other					5.0								5.0
Private Pasture		21.1	449.0	740.0	1653.2	980.4	35.0	20.0	385.0	34.5			4318.2
State					16.0	48.0				85.0			149.0
Township				10.0	15.0	455.0							480.0
Total Acreage		21.1	449.0	768.0	1739.6	2608.9	35.0	20.0	385.0	119.5			6146.1

Approved Herbicides and Methods	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
2-4 D AMINE			150.0	285.0	690.0	585.0	25.0	20.0	20.0	10.0			1785.0
2-4 LV ESTER			60.0										60.0
PASTUREGARD							10.0		125.0				135.0
TORDON		21.1	239.0	448.0	785.2	350.4			240.0	109.5			2193.2
TORDON + 2-4 D				35.0	264.4	1673.5							1972.9
Total Acreage		21.1	449.0	768.0	1739.6	2608.9	35.0	20.0	385.0	119.5			6146.1

Annual Noxious Weed Eradication Progress Report
Treatment Summary for Noxious Weeds

Douglas County Noxious Weed Dept
2008 ★

Sericea Lespedeza

Enforcement	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
Warning Notice						2							2
Legal Notice							32	10	8				50
Court Cases													0
Diversion Agreements													0

Acreage Treated	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City								4.0					4.0
County						10.0			90.0				100.0
Private CRP					10.0	48.0	7.3	34.0	188.9	16.0			304.2
Private Other						32.1	45.3	18.0					95.4
Private Pasture		15.0		41.3	148.6	173.8	58.6	101.0	76.0	61.0			675.3
State							13.4	100.0					113.4
Township					120.0	70.0							190.0
Total Acreage		15.0		41.3	278.6	333.9	124.6	257.0	354.9	77.0			1482.3

Approved Herbicides and Methods	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
2-4 D AMINE								15.0					15.0
ESCORT								80.0	32.0	32.0			144.0
PASTUREGARD		15.0		20.0	220.0	221.8	85.0	144.0	318.9	45.0			1069.7
REMEDY				21.3	58.6	112.1	39.6	18.0	4.0				253.6
Total Acreage		15.0		41.3	278.6	333.9	124.6	257.0	354.9	77.0			1482.3

Noxious Weed Survey Worksheet
Douglas County Noxious Weed Dept

2008 ★

Field Bindweed	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City								12					12
County						1							1
Private CRP							2						2
Private Other						6	7						13
Private Pasture						3	6						9
State						4		3					7
Township								39					39
Total Acreage Infested						14	15	54					83

	Total Acreage Infested	Acres Surveyed	County Acres	Estimated Acreage	Weed Director's Adjustment	Acreage After Adjustment	Note
		6780	419712				
City	12.0			742.9	19.9	762.8	
County	1.0			61.9	40.7	102.6	
Private CRP	2.0			123.8	0.0	123.8	
Private Other	13.0			804.8	124.5	929.3	
Private Pasture	9.0			557.1	4.4	561.5	
State	7.0			433.3	5.4	438.7	
Township	39.0			2414.3	5.6	2419.9	
	83.0		Total Estimated Acreage	5138.1	200.5	5338.6	

Noxious Weed Survey Worksheet
Douglas County Noxious Weed Dept

2008 ★

Johnsongrass	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City								7					7
Private Corn							6						6
Private Other						6	5						11
Private Soybean							5						5
State						0		2					2
Township								21					21
Total Acreage Infested						6	16	30					52

	Total Acreage Infested	Acres Surveyed	County Acres	Estimated Acreage	Weed Director's Adjustment	Acreage After Adjustment	Note
		6780	419712				
City	7.0			433.3	9.2	442.5	
Private Corn	6.0			371.4	0.0	371.4	
Private Other	11.0			680.9	10.1	691.0	
Private Soybean	5.0			309.5	0.0	309.5	
State	2.0			123.8	7.4	131.2	
Township	21.0			1300.0	80.6	1380.6	
	52.0			3218.9	107.3	3326.2	
		Total Estimated Acreage					

Noxious Weed Survey Worksheet
Douglas County Noxious Weed Dept

2008 ★

Musk Thistle	January	February	March	April	May	June	July	August	September	October	November	December	Totals
City								10					10
Private Other						2	5						7
Private Pasture						6	14						20
State						3		3					6
Township								30					30
Total Acreage Infested						11	19	43					73

	Total Acreage Infested	Acres Surveyed	County Acres	Estimated Acreage	Weed Director's Adjustment	Acreage After Adjustment	Note
		6780	419712				
City	10.0			619.0	31.0	650.0	
Private Other	7.0			433.3	12.0	445.3	
Private Pasture	20.0			1238.1	204.0	1442.1	
State	6.0			371.4	6.0	377.4	
Township	30.0			1857.1	43.0	1900.1	
	73.0			4518.9	296.0	4814.9	
		Total Estimated Acreage					

Noxious Weed Survey Worksheet
Douglas County Noxious Weed Dept

2008 ★

Purple Loosestrife	January	February	March	April	May	June	July	August	September	October	November	December:	Totals
City								3					3
State								2					2
Total Acreage Infested								5					5
	Total Acreage Infested	Acres Surveyed	County Acres	Estimated Acreage	Weed Director's Adjustment	Acreage After Adjustment	Note						
		6780	419712										
City	3.0			185.7	4.0	189.7							
State	2.0			123.8	6.2	130.0							
	5.0	Total Estimated Acreage		309.5	10.2	319.7							

Noxious Weed Survey Worksheet
Douglas County Noxious Weed Dept

2008 ★

Sericea Lespedeza	January	February	March	April	May	June	July	August	September	October	November	December	Totals
Private Other						7	11						18
Private Pasture						3	3						6
State						6		2					8
Township								8					8
Total Acreage Infested						16	14	10					40

	Total Acreage Infested	Acres Surveyed	County Acres	Estimated Acreage	Weed Director's Adjustment	Acreage After Adjustment	Note
		6780	419712				
Private Other	18.0			1114.3	206.0	1320.3	
Private Pasture	6.0			371.4	7.0	378.4	
State	8.0			495.2	4.0	499.2	
Township	8.0			495.2	0.0	495.2	
	40.0		Total Estimated Acreage	2476.1	217.0	2693.1	

**Douglas County Noxious Weed Dept
Chemical Disbursement Summary**

2008

Noxious Weed Treatments

Chemical	Rate	Cost Share	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Totals
Dye	\$0.29	\$0.00				18.00	124.00	738.00	420.00	175.00					1475.00 oz
Surfactant	\$0.41	\$0.00				36.00	232.00	1510.00	972.00	325.00					3075.00 oz
<hr/>															
2,4-D A4	\$9.56	\$13.00			75.00	152.50	105.00	327.50	82.50	130.00	17.50	5.00			895.00 gal
2,4-D Amine	\$9.56	\$13.00					327.50	27.50							355.00 gal
2,4-D L4	\$10.91	\$14.00			30.00										30.00 gal
	Total 2-4 D				105.00	152.50	432.50	355.00	82.50	130.00	17.50	5.00			1280.00 gal
<hr/>															
Gly Star Original	\$27.81	\$27.00				92.50	147.50	125.00	55.00	60.00	7.50	10.00			497.50 gal
	Total GLYPHOSATE					92.50	147.50	125.00	55.00	60.00	7.50	10.00			497.50 gal
<hr/>															
Plateau	\$2.17	\$0.00						60.00	221.50						281.50 oz
	Total IMAZAPIC							60.00	221.50						281.50 oz
<hr/>															
Excort XP	\$6.97	\$11.00					8.00	8.00		40.00	16.00	16.00			88.00 oz
	Total METSULFURON METHYL						8.00	8.00		40.00	16.00	16.00			88.00 oz
<hr/>															
Tordon 22K (1 gal container)	\$78.20	\$65.00		1.91	16.00	30.00	78.07	40.90	0.00	6.00	20.00	1.53			194.41 gal
	Total PICLORAM			1.91	16.00	30.00	78.07	40.90	0.00	6.00	20.00	1.53			194.41 gal
<hr/>															
Drift Control	\$0.32	\$0.00					32.00	65.00		60.00					157.00 oz
	Total POLYVINYL POLYMER						32.00	65.00		60.00					157.00 oz
<hr/>															
Remedy	\$74.50	\$62.00				4.00	11.00	21.00	12.00	8.00	2.00				58.00 gal
	Total TRICLOPYR					4.00	11.00	21.00	12.00	8.00	2.00				58.00 gal
<hr/>															
PastureGard	\$42.75	\$38.00		3.75		5.00	55.00	52.50	20.00	17.50	102.82	8.43			265.00 gal
	Total TRICLOPYR + VISTA			3.75		5.00	55.00	52.50	20.00	17.50	102.82	8.43			265.00 gal

**Douglas County Noxious Weed Dept
Chemical Disbursement Summary**

2008

Other Treatments

Chemical	Rate	Cost Share	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Totals
Dye	\$0.29	\$0.00						96.00		21.00					117.00 oz
Oust	\$10.65	\$10.65						3.75							3.75 oz
Surfactant	\$0.41	\$0.00						192.00							192.00 oz
<hr/>															
2,4-D Amine	\$9.56	\$13.00					5.00								5.00 gal
		Total 2-4 D					5.00								5.00 gal
<hr/>															
Gly Star Original	\$27.81	\$27.00					10.00	35.00	3.50	36.50	10.00				95.00 gal
		Total GLYPHOSATE					10.00	35.00	3.50	36.50	10.00				95.00 gal
<hr/>															
PastureGard	\$42.75	\$38.00										20.00			20.00 gal
		Total TRICLOPYR + VISTA										20.00			20.00 gal
<hr/>															

Douglas County Noxious Weed Dept

DG

Noxious Weed Survey Data Collection

Year
2008

Start Date
1/1/2008

End Date
12/31/2008

Survey#	Date	Surveyor	Field#	Legal Description			
69	7/30/2008	John Landon	358	14/20/21			
				Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
Location		Land Ownership					
NE		Private Pasture		65	3	Field Bindweed	3
NE		Private Urban Residential		5	0		
N E		Private Hay Meadow		50	0		
N E		Private Wooded Acres		40	0		
SE		Private Wooded Acres		80	0		
SE		Private Urban Residential		20	0		
SE		Private Pasture		60	2	Musk Thistle	2
SW		Private Urban Residential		10	0		
SW		Private Wooded Acres		110	0		
SW		Private Hay Meadow		40	1	Johnsongrass	1
NW		Private Urban Residential		10	0		
NW		Private Hay Meadow		20	0		
NW		Private Wooded Acres		50	0		
NW		Private Pasture		80	0		
Total Acreage Surveyed				640	6		

Survey#	Date	Surveyor	Field#	Legal Description			
70	7/29/2008	John Landon	363	14/21/20			
				Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
Location		Land Ownership					
NW		Private Corn		145	0		
NW		Private Wooded Acres		10	0		
NW		Private Urban Residential		5	0		
SW		Private Wooded Acres		10	0		
SW		Private Urban Residential		5	0		
SW		Private Corn		100	0		
SW		Private Hay Meadow		45	3	Musk Thistle	3
SE		Private Corn		80	0		
SE		Private Wooded Acres		20	0		
SE		Private Hay Meadow		40	2	Johnsongrass	2
SE		Private Urban Residential		20	0		
NE		Private Hay Meadow		40	3	Field Bindweed	3
NE		Private Urban Residential		20	0		
NE		Private Wooded Acres		20	0		
NE		Private Pasture		80	2	Musk Thistle	2
Total Acreage Surveyed				640	10		

Douglas County Noxious Weed Dept

DG

Noxious Weed Survey Data Collection

Year

2008

Start Date

1/1/2008

End Date

12/31/2008

Survey#	Date	Surveyor	Field#	Legal Description		
71	7/28/2008	John Landon	006	11/17/35		
Location		Land Ownership	Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
NW		Private RailRoad	2	3	Field Bindweed	1
					Musk Thistle	1
					Johnsongrass	1
NW		Private Urban Residential	2	0		
NW		Private Hay Meadow	76	4	Sericea Lespedeza	4
NW		Private Wooded Acres	80	0		
NE		Private RailRoad	2	3	Field Bindweed	1
					Musk Thistle	1
					Johnsongrass	1
NE		Private Wooded Acres	145	0		
NE		Private Pasture	13	0		
SE		Private Urban Residential	10	0		
SE		Private Hay Meadow	80	0		
SE		Private Wooded Acres	70	0		
SW		Private Hay Meadow	20	1	Sericea Lespedeza	1
SW		Private Pasture	20	3	Musk Thistle	3
SW		Private Wooded Acres	120	0		
Total Acreage Surveyed			640	14		

Survey#	Date	Surveyor	Field#	Legal Description		
72	6/9/2008	John Landon	083	12/18/29		
Location		Land Ownership	Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
SW		Private Hay Meadow	80	3	Field Bindweed	3
SW		Private Pasture	40	2	Musk Thistle	2
SW		Private Urban Residential	35	0		
SW		Private Wooded Acres	5	0		
SE		Private Urban Residential	10	0		
SE		Private Orchard	10	0		
SE		Private Utilty R/W	5	0		
SE		Private Hay Meadow	130	0		
SE		Private Wooded Acres	5	0		
NE		Private Urban Residential	10	0		
NE		Private Hay Meadow	130	2	Johnsongrass	2
NE		Private Utility R/W	5	0		
NE		Private CRP	10	0		
NE		Private Wooded Acres	5	0		
NW		Private Utility R/W	20	0		
NW		Private Wooded Acres	30	0		
NW		Private Hay Meadow	105	2	Sericea Lespedeza	2
NW		Private Urban Residential	5	0		
Total Acreage Surveyed			640	9		

Douglas County Noxious Weed Dept

DG

Noxious Weed Survey Data Collection

Year
2008

Start Date
1/1/2008

End Date
12/31/2008

Survey#	Date	Surveyor	Field#	Legal Description				
73	7/16/2008	John Landon	461	15/21/10				
				Acreage Surveyed	Acreage Infested	Weed	Acreage Infested	
Location	Land Ownership							
North	Private Soybean		315	3	Johnsongrass	3		
North	Private Urban Residential		5	0				
South	Private Urban Residential		20	0				
South	Private Hay Meadow		80	2	Field Bindweed	2		
South	Private Corn		80	3	Johnsongrass	3		
South	Private Pasture		20	2	Musk Thistle	2		
South	Private Soybean		110	0				
South	Private Wooded Acres		10	0				
Total Acreage Surveyed			640	10				

Survey#	Date	Surveyor	Field#	Legal Description				
74	6/30/2008	John Landon	159	13/19/08				
				Acreage Surveyed	Acreage Infested	Weed	Acreage Infested	
Location	Land Ownership							
NW	State Other		80	5	Field Bindweed	2		
					Sericea Lespedeza	3		
NW	State Park		80	2	Musk Thistle	2		
SW	State Other		80	0				
SW	State Park		80	0	Johnsongrass	0		
NE	Private Urban Residential		10	0				
NW	Private Wooded Acres		5					
NE	Private Hay Meadow		40	0				
NE	State Other		85	1	Sericea Lespedeza	1		
NE	State Park		10	0				
SE	State Other		80	2	Sericea Lespedeza	2		
SE	State Park		80	3	Field Bindweed	2		
					Musk Thistle	1		
NE	Private Utility R/W		10					
Total Acreage Surveyed			640	13				

Survey#	Date	Surveyor	Field#	Legal Description				
75	7/15/2008	John Landon	414	15/17/02				
				Acreage Surveyed	Acreage Infested	Weed	Acreage Infested	
Location	Land Ownership							
NE	Private Corn		80	0				
NE	Private Pasture		80	3	Musk Thistle	3		
NW	Private Urban Residential		5	0				
NW	Private Pasture		30	3	Field Bindweed	3		
NW	Private Soybean		100	2	Johnsongrass	2		
NW	Private CRP		25	0				
SW	Private Pasture		140	3	Sericea Lespedeza	3		
SW	Private Soybean		15	0				
SW	Private Urban Residential		5	0				
SE	Private Soybean		100	0				
SE	Private Alfalfa		40	0				
SE	Private Urban Residential		5	0				
SE	Private Hay Meadow		15	0				
Total Acreage Surveyed			640	11				

Douglas County Noxious Weed Dept

DG

Noxious Weed Survey Data Collection

Year
2008

Start Date
1/1/2008

End Date
12/31/2008

Survey#	Date	Surveyor	Field#	Legal Description		
76	6/10/2008	John Landon	300	14/18/11		
Location		Land Ownership	Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
SE		Private Hay Meadow	50	2	Musk Thistle	2
SE		Private Urban Residential	10	0		
SE		Private Wooded Acres	100	0		
NE		Private Urban Residential	5	0		
NE		Private Wooded Acres	20	0		
NE		Private Hay Meadow	20	1	Johnsongrass	1
NE		Private Pasture	115	3	Field Bindweed	3
NW		Private Urban Residential	5	0		
NW		Private Hay Meadow	75	0		
NW		Private Pasture	80	5	Musk Thistle	2
					Sericea Lespedeza	3
SW		Private Wooded Acres	120	0		
SW		County Hay Meadow	10	1	Field Bindweed	1
SW		Private Hay Meadow	20			
SW		Private Urban Residential	10	0		
Total Acreage Surveyed			640	12		

Survey#	Date	Surveyor	Field#	Legal Description		
77	6/11/2008	John Landon	275	14/18/3		
Location		Land Ownership	Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
NE		Private Urban Residential	10	0		
NE		Private Hay Meadow	80	3	Johnsongrass	3
NE		Private Pasture	55	2	Musk Thistle	2
NE		County Roads	10	0		
NE		Private Wooded Acres	5	0		
SE		Private Wooded Acres	10	0		
SE		County Roads	10	0		
SE		Private Soybean	20	0		
SE		Private Hay Meadow	120	5	Sericea Lespedeza	5
NW		Private Pasture	80	0		
NW		Private CRP	30	0		
NW		Private Wooded Acres	40	0		
NW		Private Urban Residential	10	0		
SW		Private Hay Meadow	150	3	Field Bindweed	3
SW		Private Urban Residential	10	0		
Total Acreage Surveyed			640	13		

Douglas County Noxious Weed Dept

DG

Noxious Weed Survey Data Collection

Year

2008

Start Date

End Date

1/1/2008

12/31/2008

Survey#	Date	Surveyor	Field#	Legal Description		
78	7/14/2008	John Landon	342	14/17/23		
Location	Land Ownership		Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
North	Private Corn		120	3	Johnsongrass	3
North	Private Wooded Acres		160	0		
North	Private Urban Residential		5	0		
North	Private CRP		35	0		
South	Private CRP		100	2	Field Bindweed	2
South	Private Pasture		20	2	Musk Thistle	2
South	Private Wooded Acres		200	6	Sericea Lespedeza	6
Total Acreage Surveyed			640	13		

Survey#	Date	Surveyor	Field#	Legal Description		
79	8/25/2008	John Landon	County W	County Wide		
Location	Land Ownership		Acreage Surveyed	Acreage Infested	Weed	Acreage Infested
Co wide	Township Right of Ways		250	98	Field Bindweed	39
					Musk Thistle	30
					Johnsongrass	21
					Sericea Lespedeza	8
city	City Right of Ways		50	32	Field Bindweed	12
					Johnsongrass	7
					Musk Thistle	10
					Purple Loosestrife	3
Co wide	State Right of Ways		80	12	Field Bindweed	3
					Musk Thistle	3
					Johnsongrass	2
					Sericea Lespedeza	2
					Purple Loosestrife	2
Total Acreage Surveyed			380	142		
Total Acreage Surveyed			6780	253		

Kansas Retailers' Sales Tax Return

ST-16

Tax Account Number		FEIN	
Beginning Date	Ending Date	Ending Date	Jurisdiction Code
1/1/2008	12/31/2008	1/25/2009	
Business Name and Address			
Douglas County Noxious Weed Dept			
1242 Massachusetts Street			
Lawrence, KS 66044			

Part I

1. Gross Sales or Receipts	\$73,348.53	
2. Merchandise Consumed		
3. Deductions	\$72,196.03	Rate
4. Net Sales	\$1,152.50	7.30%
5. Net Tax	\$84.14	
Balance Due	\$84.14	

Part II (Deductions)

C. or 3. Sales to U.S. government, state of Kansas, and political subdivisions.	\$20,772.66
E. or 5. Sales of items consumed in the production of tangible personal property produced	\$51,423.37
Total Deductions	\$72,196.03

RESOLUTION NO. 2008-12

A RESOLUTION RECOMMENDING APPROVAL OF AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, PERTAINING TO CHAPTER 6 – COMMERCIAL LAND USE, INNER-NEIGHBORHOOD COMMERCIAL CENTERS.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a long range comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held a public hearing on November 17, 2008, for the proposed amendments to Chapter 6– Commercial Land Use, Inner-Neighborhood Commercial Centers, after notice by publication in the official city and county newspaper.

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

Section 1. The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

Section 2. Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Chapter 6– Commercial Land Use, Inner-Neighborhood Commercial Centers, of Horizon 2020, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

Section 3. The amendment to Horizon 2020, Chapter 6– Commercial Land Use, Inner-Neighborhood Commercial Centers is as follows:

Inner-Neighborhood Commercial Centers

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street

- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- *Northeast corner of 13th and Haskell*

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas

~~New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.~~

~~A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive thru or drive up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a collector or arterial street. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc.~~

~~New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.~~

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-8.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-6.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, *however small, new inner-neighborhood centers are possible and/or anticipated as part of overall new planned neighborhoods.*

- ***Inner Neighborhood Commercial Centers***

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when *the* Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center may be located on a *local*, collector or arterial street. *It may also take access from an alley.* Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. *Inner-Neighborhood Commercial Centers may also include residential uses.*

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

- **Neighborhood Commercial Centers**

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd
3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 2 miles north of US US-40
8. E 700 Rd and US US-40
9. E 800 Rd and N 1750 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

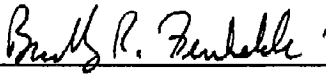
These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

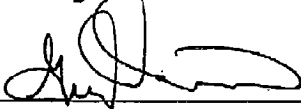
- A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
 1. Required parking;
 2. Open space requirements;
 3. Required setbacks; and
 4. Required lot size.
- B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.
- C. *Inner-Neighborhood Commercial Centers may be located on local, collector, or arterial streets. They may also take access from an alley*
- €D. Standards for New Inner-Neighborhood Commercial Centers:
 1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
 2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
 3. *Centers may include residential uses;*
 34. Centers shall no more than 3,000 gross square feet of commercial space; and
 45. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.

Section 4: Resolution 2008-12 together with a certified copy of the amendments to Chapter 6— Commercial Land Use, Lawrence- New Commercial Areas of Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 17th day of November, 2008.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
11/17/08

ITEM NO. 3: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6 (DDW)

CPA-2008-3: Hold public hearing on a Comprehensive Plan Amendment (CPA) to Horizon 2020 Chapter 6, Commercial Land Use – Inner Neighborhood Commercial Centers, to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing neighborhood commercial centers are located. Initiated by the Lawrence-Douglas County Planning Commission on 04/23/08 as part of the Comprehensive Plan Annual Review process.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment Chapter 6, Commercial Land Use – Inner Neighborhood Commercial Centers, to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing inner neighborhood commercial centers are located and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 2008-12.

STAFF REVIEW

The basis for this CPA is to ensure *Horizon 2020* policy regarding Inner-Neighborhood Commercial Centers is consistent with the *Land Development Code* and also to update neighborhood center locations. Issues regarding consistency have arisen as staff has tried to apply Inner-Neighborhood Commercial Center policy to development proposals. This amendment was initiated by the Planning Commission during their annual review of the Comprehensive Plan on 04/23/08.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 13 (Implementation) of *Horizon 2020*]. Staff also provides additional policy review of the request.

Included as an attachment to this staff report is the proposed amendment to Chapter 6 (Commercial Land Use). If approved this amendment will be added to the Inner-Neighborhood Commercial Centers description (pg. 6-6), below the table on pg. 6-19, to the Lawrence – New Commercial Areas section (pg. 6-20), and to Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers (pg 6-31).

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, Lawrence was using a different development code. The existing Land Development Code became effective on July 1, 2006. As a result, a few inconsistencies regarding Inner-Neighborhood Commercial Centers arose between *Horizon 2020* and the *Land Development Code*. This amendment addresses those inconsistencies by making a few changes to *Horizon 2020*.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies for commercial land use while staying consistent with the overall intent of *Horizon 2020* by clarifying Inner-Neighborhood Commercial Center policy for redevelopment and new centers. The proposed amendment clarifies location criteria and provides better guidance regarding new Inner-Neighborhood Commercial Centers.

C. Is the proposed amendment a result of a clear change in public policy?

As the City of Lawrence and unincorporated Douglas County continue to grow and expand, there is a need to include the opportunity for development and redevelopment of small areas into Inner-Neighborhood Commercial Centers. These developments can offer the opportunity for limited commercial services within existing neighborhoods. Inner-Neighborhood Commercial Center policy is currently found in *Horizon 2020*. The proposed amendment is clarifying that policy.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment Chapter 6, Commercial Land Use – Inner Neighborhood Commercial Centers, to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing inner neighborhood commercial centers are located and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Attachments:

- Proposed new text
- Horizon 2020 Chapter 6, Commercial Land Use

Description inserted in Horizon 2020 Text, shown in italics:

CPA-2008-3

Proposed Text Changes

Inner-Neighborhood Commercial Centers

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- *Northeast corner of 13th and Haskell*

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas.

~~New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.~~

~~A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a collector or arterial street. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc.~~

~~New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.~~

[This deleted text has been moved to "Lawrence – New Commercial Areas"]

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-8.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-6.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, *however small, new inner-neighborhood centers are possible and/or anticipated as part of overall new planned neighborhoods.*

- ***Inner Neighborhood Commercial Centers*** [Language below was moved from pg. 6-6. *Italicized* language is new]

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when *the* Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center may be located on a *local*, collector or arterial street. *It may also take access from an alley.* Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. *Inner-Neighborhood Commercial Centers may also include residential uses.*

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

- ***Neighborhood Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd
3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 2 miles north of US US-40
8. E 700 Rd and US US-40
9. E 800 Rd and N 1750 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

- A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
 - 1. Required parking;
 - 2. Open space requirements;
 - 3. Required setbacks; and
 - 4. Required lot size.

- B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.

- C. *Inner-Neighborhood Commercial Centers may be located on local, collector, or arterial streets. They may also take access from an alley*

- €D. Standards for New Inner-Neighborhood Commercial Centers:
 - 1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
 - 2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
 - 3. *Centers may include residential uses;*
 - 34. Centers shall no more than 3,000 gross square feet of commercial space; and
 - 45. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.



City of Lawrence

CITY COMMISSION
MAYOR
MICHAEL H. DEVER
COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

December 2, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Dever recognized the 2008 Excellence in Commerce winners.

CONSENT AGENDA

As part of the consent agenda, it was moved by Chestnut, seconded by Amyx, to approve the City Commission meeting minutes of November 11, 2008. Motion carried unanimously.

As part of the consent agenda, it was moved by Chestnut, seconded by Amyx, to approve the Planning Commission meeting minutes of October 20-22, 2008; and the Mental Health Board meeting minutes of October 28, 2008. Motion carried unanimously.

As part of the consent agenda, it was moved by Chestnut, seconded by Amyx, to approve claims to 260 vendors in the amount of \$510,323.73. Motion carried unanimously.

As part of the consent agenda, it was moved by Chestnut, seconded by Amyx, to approve the Drinking Establishment License for The Bottleneck, 737 New Hampshire; and The Phoggy Dog, 2228 Iowa. Motion carried unanimously.

As part of the consent agenda, it was moved by Chestnut, seconded by Amyx, to set bid opening date of December 16, 2008 for Chemical Feed Pumps and associated equipment



ITEM NO. 3 CPA-2008-3; AMENDMENT TO HORIZON 2020, CHAPTER 6 (DDW)

CPA-2008-3 Amend Chapter 6-Commercial Land Use – Inner-Neighborhood Commercial Uses to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing neighborhood commercial centers are located.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Harris asked if the new language allow different uses or locations for the smaller centers in existing neighborhoods.

Mr. Warner replied yes, he believed so. It would allow new commercial centers that meet the criteria. He said that they are adding a local street that it can be on and adding that it can access an alley but did not change anything about the appropriateness about it.

Commissioner Harris asked if changing to a local street would make it possible to have smaller commercial centers on many more streets than are currently allowed in the Development Code.

Mr. Warner said the Development Code allows them on local streets. He stated that most of the ones on the list are on local streets or take access from a local street. He said that given the very small nature of the commercial centers staff did not think it was a problem to add local street to the list.

Commissioner Hird inquired about the letter from the League of Women Voters that discussed three particular locations to be included.

Mr. Warner said he thought the letter was asking that the areas zoned CN2 (Neighborhood Commercial Center) be designated as such as a protection that the use would not be allowed to intensify. Staff has discussed this. Staff could see why they want to protect those as neighborhood commercial in Horizon 2020, but if it is looked at in the context of where they are located amongst commercial strip there could be an argument about rezoning to commercial strip. Staff can look at the issue if the Planning Commission wishes.

Commissioner Hird asked about Inner Neighborhood Commercial Centers being an acre or less in size. He stated that the Hillcrest Shopping Center and The Malls are larger than that and wondered if it would be consistent to have them under this designation.

Mr. Warner said that the acreage may not be an issue, it is the amount of commercial that they have. He thinks they are asking to have them designated in the Comprehensive Plan as neighborhood commercial centers, which is a separate issue from what is being looked at tonight.

Commissioner Moore said the CN2 designation was much different than all the other zonings and that maybe the neighborhood commercial might fall under a CS.

Mr. Warner said the CN2 is more limiting than the commercial strip which is what the League of Women Voters was referring to in their letter.

Commissioner Moore asked if the CN2 was already limiting enough.

Mr. Warner said yes, but that the League of Women Voters are asking for Horizon 2020 support for those being designated as neighborhood commercial centers.

Commissioner Harris inquired about staff's opinion regarding CN2.

Mr. Warner said one of staffs' opinions is that it might not be so bad that those are zoned CN2 amongst the CS zoning. It could also be appropriate to be rezoned commercial strip given the context of each area.

Commissioner Harris asked if the Planning Commission needed to consider this issue tonight.

Mr. Warner replied, no.

PUBLIC HEARING

No public comments.

ACTION TAKEN

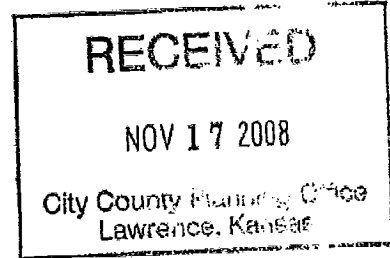
Motioned by Commissioner Carter, seconded by Commissioner Hird, to approve CPA-2008-3 comprehensive plan amendment Chapter 6, Commercial Land Use – Inner Neighborhood Commercial Centers, to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing inner neighborhood commercial centers are located, and approve and sign Planning Commission Resolution 2008-12. Forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Unanimously approved 10-0. Student Commissioner Shelton voted in favor.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

November 17, 2008



Brad Finkeldei, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 3: AMENDMENT TO HORIZON 2020, CHAPTER 6 – INNER NEIGHBORHOOD COMMERCIAL CENTERS

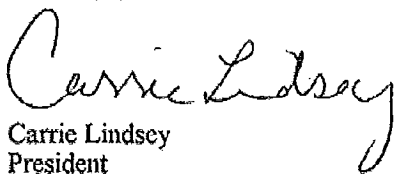
Dear Chairman Finkeldei and Planning Commissioners:

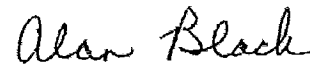
Although this current amendment to Chapter 6 deals with Inner Neighborhood Commercial Centers, the CN1 District, we would like to bring to your attention an important discrepancy in *Horizon 2020* that became evident last month when the new locations of the Neighborhood Commercial or CN2 Districts were being established in the comprehensive plan. There are three existing CN2 Districts that are not acknowledged or properly described in Chapter 6 of *Horizon 2020*: the Hillcrest Shopping Center, the Iowa Street/25th Street intersection, and the Malls Shopping Center.

Because of the size and intensity differentiation between the CN2 and the other commercial districts, we believe that it is important to correctly designate these three locations in the comprehensive plan rather than to absorb them into the surrounding and functionally different areas, possibly exposing them to intensification and an inappropriate change in function in the future.

We are calling this to your attention with the hope that these three CN2 Districts—the Hillcrest Shopping Center, the Malls Shopping Center, and the Iowa/25th CN2 Shopping District—will be properly recognized in *Horizon 2020*, Chapter 6.

Sincerely yours,


Carrie Lindsey
President


Alan Black, Chairman
Land Use Committee

Commercial Land Use

CHAPTER SIX - COMMERCIAL LAND USE

The Plan's goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

The principal strategies for the development and maintenance of commercial land use areas are:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.
- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads.
- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.
- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.
- Require new Commercial Centers in the unincorporated portion of Douglas County to be located at the intersection of two hard surfaced County Routes or the intersection of a hard surfaced county route and a state or federally designated highway and no closer than four miles to another Commercial Center in the unincorporated portion of Douglas County.

NODAL DEVELOPMENT

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development.

Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection's corner. Termination of commercial development can be accomplished through a number of methods, including: 1) Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area; 2) restricting the extension of new commercial uses past established commercial areas; and 3) defining the boundaries of the development through the use of "reverse frontage" roads to contain the commercial uses.

DESIGN STANDARDS

The city shall strive to improve the design of shopping areas. The objective will be to work with commercial developers to achieve compact, pedestrian-oriented centers versus conventional strip malls. The overall goal of these standards is to improve community aesthetics, encourage more shopping per trip, facilitate neighborhood identification and support, and make shopping an enjoyable event.

New design standards shall be developed and adopted which better integrate the centers into the surrounding neighborhoods and create a focal point for those that live nearby. They should include elements that reflect appropriate and compatible site design patterns and architectural features of neighboring areas. Site design and building features shall be reflective of the quality and character of the overall community and incorporate elements familiar to the local landscape. Using a variety of building incentives to encourage mixed use development will bring consumers closer to the businesses

Design elements of particular interest that will receive close scrutiny include:

1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacing with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).
2. Building design features, such as architectural compatibility, massing, rooflines,

detailing, materials, colors, entryways, window and door treatments, backsides of buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

The Comprehensive Plan includes recommendations for the improvement of existing commercial areas and the development of compatible new commercial areas. It establishes a system of commercial and retail development that applies to both existing and new development locations. This system involves the designation of different types of commercial areas to distinguish between the basic role and types of land uses and the scale of development. These include the neighborhood, community and regional commercial classifications. The following descriptions are based upon recognized standards formulated by the Urban Land Institute (ULI) and knowledge gathered by the community through past experiences.

An integral component in the description of each commercial center category is the designation of an amount of commercial gross square footage deemed appropriate for each center classification. However, this plan recognizes that there will be instances in which a rezoning request for a commercial district will not be accompanied by a development plan showing the total amount of gross square footage associated with the rezoning request. In such circumstances, part of the commercial rezoning request shall include a statement regarding the maximum amount of commercial square footage that will be permitted with each particular commercial rezoning request.

■ ***Commercial Uses***

For the purposes of this section of the Plan, the term "commercial" means retail businesses that sell goods and services on-site for which sales tax is collected. This definition does not include offices or similar uses.

■ ***Downtown Commercial Center***

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: *starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking

lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

■ ***Neighborhood Commercial Centers***

The typical nodal development concept for Neighborhood Commercial Centers includes commercial on only one corner of an arterial/collector street intersection or arterial/arterial street intersection. The remaining corners are appropriate for a variety of other land uses, including office, public facilities and high density residential. Commercial development shall not be the dominant land use at the intersection or extend into the surrounding lower-density residential portions of the neighborhood. The surrounding residential area shall be provided adequate buffering from the commercial uses through transitional zoning or lower-intensity developments. Transitions shall be accomplished by using a number of methods, such as intensive landscaping and berming, grouping of lower-intensity developments, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

Neighborhood Commercial Centers may contain a variety of commercial uses, including a grocery store, convenience store, and other smaller retail shops and services such as a barbershop or beauty salon. To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers shall contain no more than a total of 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers that have a grocery store larger than 60,001 gross square feet may have up to a total of 125,000 gross square feet of commercial space.

To ensure that the commercial area in a new Neighborhood Commercial Center has adequate lot size and depth, any proposal for a commercial development shall have a length-to-depth ratio

between 1:1 and 3:2.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If a nodal plan had not been created by the city, the need to create a nodal plan for a specific intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ ***Mixed-Use Redevelopment Center***

The City of Lawrence includes areas where existing structures that have not been utilized for their original purposes for an extended period of time, have experienced a high turnover rate, or have remained vacant for an extended period of time and, therefore, are suitable for redevelopment. Such areas present potential opportunities for redevelopment into mixed-use centers, offering a mix of residential, civic, office, small-scale commercial, and open space uses. This mixed use is encouraged in individual structures as well as throughout the area.

Mixed-use redevelopment centers shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than six acres in size. As such, retail uses within mixed-use redevelopment centers shall not exceed 25% of the net floor area within the subject area, and a single retail shop or tenant shall not occupy more than 16,000 square feet of a ground-floor level, net floor area. Neighborhood integration shall also be accomplished by providing transitions through alleyways and use and landscaping buffers, and by ensuring existing structures are incorporated into the new center where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be contacted if it is likely that historic structures exist within or near the project area.

Centers shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and, if available, transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and gathering places shall be utilized to allow for social activity in public places. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Mixed-Use Districts***

The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district. Such areas present potential opportunities for development and redevelopment as mixed-use districts, offering a mix of residential and non-residential uses. This mixed use is encouraged in individual structures as well as throughout the area. There are also areas that are currently mixed use in nature that should be preserved.

Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size. Neighborhood integration may also be accomplished by providing transitions through alleyways, variation among development intensity, implementation of landscaping buffers, or by ensuring existing structures are incorporated into the development where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be included in the review process if it is likely that historic structures exist within or near the project area.

Mixed use districts shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and public spaces shall be planned to be utilized to allow for social activity. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Inner-Neighborhood Commercial Centers***

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a collector or arterial street. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc.

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the

surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

■ ***Community Commercial Center***

A Community Commercial Center provides goods and services to several different neighborhood areas. It requires a site of sufficient size to accommodate buildings, parking, stormwater detention and open space areas. Although it may include a food or drug store, it is likely to provide a broad range of retail uses and services that typically generate more traffic and require larger lot sizes than found in a Neighborhood Commercial Center. Community Commercial Center uses may include hardware stores, video outlets, clothing stores, furniture stores, grocery store, movie theaters, home improvement stores, auto supply and services, athletic and fitness centers, indoor entertainment centers, etc.

Community Commercial Center (under 200,000 square feet): CC200

The primary purpose of the CC200 category is to provide for the expansion and redevelopment of existing Community Commercial Centers. However, a new CC200 Center can be designated. Expansion of an existing CC200 Center shall not intrude into surrounding residential areas or lower-intensity land uses. Any proposal for commercial expansion or redevelopment occurring in an area designated as a CC200 Center shall include a plan for reducing curb cuts, improving pedestrian connections, providing cross access easements to adjacent properties, and creating and/or maintaining buffering for any adjacent non-commercial uses.

All corners of CC200 Center intersections should not be devoted to commercial uses. CC200 Centers should have a variety of uses such as office, employment-related uses, public and semi-public uses, parks and recreation, multi-family residential, etc.

To insure that there are a variety of commercial uses and that no single store front dominates the CC200 Center, no individual or single store shall occupy more than 100,000 gross square feet. A general merchandise store (including discount and apparel stores) that does not exceed 65,000 gross square feet in size may be located in a CC200 Center. The sum of the gross square footage for all stores that occupy space between 40,000 and 100,000 cannot exceed 50 percent of the gross commercial square footage for the corner of the intersection where it is located. To provide adequate access and adequate circulation, CC200 Centers shall be located at an arterial/collector street intersection or arterial/arterial street intersection.

CC200 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surrounding street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

In the absence of a city created nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

Community Commercial Center (under 400,000 square feet): CC400

The second category of Community Commercial Centers is the CC400 Center. Although these centers usually average 150,000 gross square feet, they may be as large as 400,000 gross square feet of retail commercial space if justified by an independent market study. CC400 Centers shall be located at the intersection of two arterial streets that have at least a four-lane cross-section or the intersection of a four-lane arterial with a state or federally designated highway.

CC400 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surround street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

The nodal development concept for CC400 Centers includes the possibility of commercial development on more than one corner of an intersection. The non-commercial corners of a community commercial node are appropriate for a variety of non-commercial retail uses including office, public or religious facilities, health care, and medium- to high-density residential development. Community Commercial development shall not extend into the surrounding lower-density residential portions of neighborhoods. The adjoining residential area shall be provided adequate buffering from the commercial uses through transitional zoning or development. Transitions may be accomplished by using a number of methods, including extensive landscaping and berming, grouping of lower-intensity uses, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

To insure that a specific intersection complies with the CC400 Center nodal standards, a nodal plan for each new CC400 Center must be created. The nodal plan will define the area of the node and provide details including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the

commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

In order to facilitate the orderly development of future commercial nodes; Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners. To comply with the square footage maximum for a CC400 Center and to ensure that the commercial area has adequate lot size and depth, any commercial development proposal for a single corner shall have a length-to- depth ratio between 1:1 and 3:2 and be a minimum of 20 acres in size. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the proposal do not have to meet the minimum acreage and lot length-to-depth ratio requirements.

No one store in a CC400 Center shall occupy more than 175,000 gross square feet. The sum of the gross square footage for all stores that occupy space between 100,000 gross square feet and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection. If a proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single store building that has at least 40,000 gross square feet of commercial space.

■ ***Regional Commercial Centers***

A Regional Commercial Center may provide the same services as a Community Commercial Center but should provide a greater variety and number of general merchandise, apparel and furniture stores, among other tenants. Because of the overall scale and mix of uses, a regional retail commercial center attracts and serves a population greater than and beyond that of the community. The minimum area for a commercial development plan on any corner is 40 acres and the minimum street frontage is 1,400 linear feet. This will ensure a new Regional Commercial Center is capable of development with the critical mass mixture, including sites for multiple big box buildings, required parking, stormwater detention, and open space areas. A Regional Commercial Center node shall not contain more than 1.5 million gross square feet of retail commercial space. The only location for the next Regional Commercial Center is at the intersection of either two state or federal highways, or the intersection of a street identified on the Major Thoroughfares Map as an arterial street and a state or federal highway.

Development of another Regional Commercial Center will have significant impacts on the Lawrence/Douglas County community and its existing retail centers, and will place increased service demands on the community's infrastructure system. Due to these impacts, consideration of a Regional Commercial Center by the Planning and City Commissions shall utilize the best available

information in the analysis, public hearing and decision making process. Therefore, when the next Regional Commercial Center is proposed, an independent market analysis shall be required at the review and analysis stage and prior to public hearing. The entity proposing the Regional Commercial Center shall provide the funds necessary for the city to hire an independent consultant, selected by the applicant from a list of approved consultants established by the city, to perform the market analysis study.

The market analysis study shall be required, at a minimum, to analyze the proposed Regional Commercial Center based on the following criteria: 1) the overall viability of the commercial proposal and the impact of the proposal on the economic vitality and health of the community in the form of impacts on existing commercial centers; 2) the appropriate phasing or timing of development of the ultimate center size based on the community's ability to absorb additional commercial square footage over a three year period; 3) a comparison of the private costs versus public infrastructure and services costs to develop the commercial center proposed; and 4) other factors identified as relevant impacts on the market by either the developer or the city. The three year time period is a typical cycle for a commercial development to go from a concept to the opening of a store.

As with the Community Commercial Center, in order to insure that a specific intersection complies with the Regional Commercial Center nodal standards, a nodal plan for a new Regional Commercial Center shall be created. The nodal plan shall define the area of the node and provide details, including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be greatly governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners may be considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ ***Existing Strip Commercial Developments***

Existing strip commercial development areas are characterized by developments that do not meet current standards for lot dimensions and area, lot frontage, curb cut location(s), or the presence of internal frontage roads for cross access. These areas developed at a time when development standards permitted smaller lots, shallower lot depth, minimum spacing between curb cuts and multiple access points from a site to an arterial street; traffic studies were also not required prior to

development at that time. These strip commercial development areas have become obsolete as a result of their inability to adjust to increased traffic volumes and congestion, current needs for site area and depth for redevelopment, and the changing patterns of shopping of the motoring public. As these strip areas become less desirable locations, the ability to redevelop individual lots becomes a matter of both property owner and community concern. The community concern is primarily with the creation of vacant, undeveloped or underdeveloped commercial areas that have the potential to blight the city's gateways.

A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. In addition, other tools of a policy nature which would be helpful to redevelopment need to be considered and, where appropriate, adopted by the appropriate governing bodies. These tools may include the ability for establishment of public/private partnerships, special overlay districts, modified development standards for redevelopment based on an adopted redevelopment plan, tools to assist in lot consolidation and purchase, adopted access management plans and access point relocations, special benefit districts for sidewalks and public transportation stops, assistance in acquiring cross access easements, and similar tools providing community benefit.

Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.

■ ***Auto-Related Commercial Centers***

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, truck stops, restaurants, hotels, and other similar uses. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require a large amount of acreage.

Because these centers have a limited variety of uses and a relatively small amount of commercial square footage, Auto-Related Commercial Centers do not fit within the definition of a Community or Regional Commercial Center. These types of centers are very intensive and therefore need to be directed to areas that have an ability to handle the intensive nature of an Auto-Related Commercial Center.

Auto-Related Commercial Centers shall be located at the intersection of two state or federally designated highways. To ensure that the Auto-Related Commercial Centers develop in a planned manner that provides a positive benefit to the community, Auto-Related Commercial Centers shall have a lot length-to-depth ratio of 3:2 and must be a minimum of 20 acres in size.

All the potential locations of an Auto-Related Commercial Center are in areas that serve as "gateways" into the city. Since they are in "gateway" areas, any proposal for an Auto-Related Commercial Center shall be closely scrutinized for architectural appearance, landscaping, signage,

etc.

■ **Recreational Uses**

Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.

If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.

The amount of commercial gross square footage occupied by Recreational Uses located in a CC400 or a Regional Commercial Center shall not be counted toward the maximum amount of gross commercial square footage allowed in the respective Commercial Center. The square footage of a Recreational Use is not included in the total commercial square footage because CC400 and Regional Commercial Centers are typically larger-scale commercial developments. This reduces the impact of the Recreational Use on the scale and massing of the CC400 or Regional Center.

The acreage used to accommodate a Recreational Use may be used to meet the minimum acreage requirements for a respective Commercial Center, if the Recreational Use and additional commercial uses at the corner of the node are integrated together.

Community facility-type recreational facilities can be located in non-commercial areas if given the extra scrutiny that is associated with the issuance of a special permit such as a Use Permitted upon Review.

LAWRENCE - EXISTING COMMERCIAL AREAS

Lawrence currently has a number of commercial and retail development areas:

- Downtown Lawrence
- N. 2nd Street and N. 3rd Street
- Iowa Street (Harvard Street to W. 6th Street)
- S. Iowa Street (23rd Street to the South Lawrence Trafficway)
- W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)
- E. 23rd Street (Learnard Street to Harper Street)
- W. 6th Street (Alabama Street to Iowa Street)

- W. 6th Street (Iowa Street to Kasold Drive)
- W. 6th Street and Monterey Drive
- W. 6th Street and Wakarusa Drive
- Clinton Parkway and Kasold Drive
- Clinton Parkway and Wakarusa Drive
- 19th Street and Massachusetts Street
- 19th Street and Haskell Drive
- 15th Street and Kasold Drive
- 15th Street and Wakarusa Drive
- 9th Street (Kentucky Street to Mississippi Street)

Existing commercial areas in Lawrence will need to be upgraded in the future to remain viable in the marketplace. The Plan calls for the incremental improvement of these existing developments through the addition of landscaping and aesthetic improvements as uses change. Some existing developments may be converted to other uses as needs change within the community. Specific land use recommendations for the existing commercial development areas are provided below.

- ***Downtown Lawrence***

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown

Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

- ***N. 2nd Street and N. 3rd Street***

The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an Existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

Historically, the North Lawrence area including the N. 2nd and N. 3rd Street corridor has had repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor. The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems, as well as devising a plan for dealing with additional runoff from future development in the area.

- ***N. Iowa Street (Harvard Road to W. 6th Street)***

N. Iowa Street is considered an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center). The N. Iowa Street area includes a variety of independent developments and the Hillcrest Shopping Center. Most parcels within the northern segment are already developed. Future development and redevelopment shall occur

within the existing commercially zoned areas and shall emphasize coordinated access control and transition yard improvements with adjoining residential areas.

- ***S. Iowa Street (23rd Street to K-10)***

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely development between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

- ***W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)***

The W. 23rd Street corridor is an Existing Strip Commercial area. The commercial development along W. 23rd Street is the prototypical "strip development" that is centered on the automobile. This area was once considered to be one of Lawrence's most desirable locations for a retail business. However, the status of the W. 23rd Street corridor as a highly desirable retail location has been supplanted by retail developments at South Iowa and in the western portion of the city.

The 23rd Street corridor will remain an important commercial location in the city. For the segment of the corridor between S. Iowa Street and Tennessee Street, the Plan emphasizes visual site improvements related to signage, landscaping and development design. A key factor in the long-term stability of this area is the improvement of traffic access and operations as properties along this corridor redevelop. If access and circulation are not simplified and the area made comfortable to the motorist, shoppers may seek other portions of the community in which to do business. In cooperation with property owners, the city should undertake parkway landscaping improvements.

This action, coupled with placing utility lines underground (wherever practical), will help to improve the physical image of the area. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

Landscape and screening improvements between commercial and residential areas are particularly important along this segment where development is compact and differing land uses are situated in close proximity.

- ***E. 23rd Street (Learnard Street to Harper Street)***

E. 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street. The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern.

Like the Iowa Street corridor, emphasis is also placed on improved and coordinated signage in scale with development, as well as on minimizing curb cuts on 23rd Street.

- ***W. 6th Street (Alabama Street to Iowa Street)***

This is the oldest section of the W. 6th Street corridor and is an Existing Strip Commercial Development. There are a variety of uses along this corridor, but the primary two are fast food restaurants and medical offices and supplies. This section is typical strip development with small individual lots, each with a curb cut onto W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street (Iowa Street to Kasold Street)***

This portion of the W. 6th Street corridor is an Existing Strip Commercial Development. The development patterns along this section of W. 6th Street are newer than eastern portion of W. 6th Street. However, the commercial area is still a "strip development", characterized by numerous curb cuts and intensive retail development fronting the majority of W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street and Monterey Way***

The intersection of W. 6th Street and Monterey Way is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 6th Street and Wakarusa Drive***

The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is completely developed and shall not be expanded beyond the existing commercially zoned property. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

- ***Clinton Parkway and Kasold Drive***

The intersection of Clinton Parkway and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***Clinton Parkway and Wakarusa Drive***

The intersection of Clinton Parkway and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***E. 19th Street and Massachusetts Street***

The intersection of 19th Street and Massachusetts Street is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property. New development and redevelopment proposals for this area shall include plans for the consolidation of curb cuts and provision of cross access easements to adjoining properties.

- ***E. 19th Street and Haskell Avenue***

The southeast corner of the intersection of E. 19th Street and Haskell Avenue is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the city park property on the southwest corner of the intersection. The Comprehensive Plan does not recommend expanding the commercial uses beyond the current commercial zoning at the southeast corner. Enhancement of the corner's existing retail space is highly encouraged. Like the Inner-Neighborhood Commercial Centers, this area would benefit from a reduction in development standards that would increase the potential for redevelopment.

- ***W. 15th Street and Wakarusa Drive***

The intersection of W. 15th Street and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The southeast corner is commercially zoned. The current uses at this corner are a bank and small shopping center. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 15th Street and Kasold Drive***

The northeast corner of the intersection of W. 15th Street and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the southwest corner. The Comprehensive Plan does not recommend the expansion of commercial uses beyond the footprint of the existing retail uses on the northeast corner.

- ***W. 9th Street (Kentucky Street to Illinois Street)***

This area is an existing Neighborhood Commercial Center with a strip development pattern that serves as a gateway into Downtown Lawrence. The group of buildings at the northeast corner of W. 9th Street and Indiana Street has a scale and configuration of structures similar to Downtown Lawrence. The majority of the development along this corridor is characterized by stand-alone structures with multiple curb cuts. New development and redevelopment proposals along this corridor shall include consolidation of curb cuts and cross access easements to adjoining properties. Because the corridor serves as a gateway to Downtown Lawrence, the Downtown Architectural Design Guidelines should be amended to specifically address this area.

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400-	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

* This column includes all approved gross square footage of commercial space.

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-8.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers.

- ***Neighborhood Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd
3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 2 miles north of US US-40
8. E 700 Rd and US US-40
9. E 800 Rd and N 1750 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

- ***Community Commercial Centers (CC200)***

The Comprehensive Plan recommends the following intersection as potential location for a new CC200 Centers.

1. E. 23rd Street and O'Connell Road

- ***Community Commercial Centers (CC400)***

The Comprehensive Plan recommends the following intersections as potential locations for new CC400 Centers.

1. Eastern leg of the SLT and K-10 (southeast of the intersection of E 1750 Rd and K-10)
2. W. 6th Street and K-10
3. US-59 and N 1000 Rd

The development of these nodes shall carefully follow the commercial goals and policies. Commercial development shall not occur in advance of market conditions that would support such development, nor shall it be permitted to occur in a manner that is contrary to adopted city infrastructure plans.

- ***Auto-Related Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Auto-Related Centers.

1. I-70 and K-10
2. US-59/40 and I-70
3. US-59 and K-10

- ***Regional Commercial Centers***

The need for development of a new Regional Commercial Center within the community is not anticipated within the planning period. Consideration of requests to expand existing commercial areas shall include the potential for development of additional Regional Commercial Centers and the impact of such expansion and development on the existing commercial inventory. The need for additional regional commercial development within the community shall be evaluated on a regular basis, based upon updated land use and population data. Before a new Regional Commercial Center is considered, the Comprehensive Plan shall be amended to include the possibility of a new Regional Commercial Center.

UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS

Unincorporated Douglas County currently maintains a variety of commercial areas. Each of these areas provides neighborhood level retail goods and services to both farm and non-farm residents. As the rural areas of Douglas County continue to receive new non-farm residential development, demands will increase for retail goods and services.

It is recommended that these commercial locations be developed as small convenience service

nodes, providing products to meet the day-to-day requirements of rural residents. The development of these nodes shall follow the basic principles described for commercial development or redevelopment. It is important that these commercial locations provide for adequate wastewater treatment facilities in the future. Any new or expanded developments shall utilize treatment systems that minimize potential environmental impacts.

The design of these locations should be consistent with the rural character of Douglas County. Therefore, design and development standards should promote larger, more spacious settings and encourage building and site design reflective of the unique characteristics surrounding each location.

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.-

Commercial activities related to recreational uses associated with Clinton Lake, Lone Star Lake or Douglas County Lake shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

COMMERCIAL LAND USE GOALS AND POLICIES

Guidelines are needed to allow for the retention and expansion of the established commercial areas of the community.

GOAL 1: Established Commercial Area Development

Encourage the retention, redevelopment and expansion of established commercial areas of the community.

Policy 1.1: Recognize and Emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center

- A. Encourage and support the development of a broad mix of land uses, with an emphasis on retail as a major land use, the provision of parking facilities, improved accessibility, and the expansion of Downtown Lawrence while maintaining the integrity of surrounding neighborhoods.
- B. Strengthen, define and support neighborhood residential areas adjacent to Downtown Lawrence in order to reinforce the safety, image and identity of Downtown Lawrence.
- C. Closely analyze (through Policies 1.7, 3.7 G, 3.9 E, and any other relevant Policies) the impact of requests for development of community and/or regional shopping areas to ensure that such development does not have a negative impact on the Regional Retail/Commercial/Office/Cultural Center. This analysis would be used to evaluate the potential impact on the future viability of the Regional Retail/Commercial/Office/Cultural Center as a whole and not the potential impact on individual businesses or properties.

Policy 1.2: Sustain Downtown Lawrence as a Mixed Use Activity Center

Continue to encourage a broad mix of uses in Downtown Lawrence, including retail, office, residential, entertainment, lodging, unique visitor attractions, expanded conference facilities, a core concentration of governmental, cultural and social facilities and services, as well as recreation, leisure and community events.

Policy 1.3: Assure Compatibility of Development

- A. Encourage new development and redevelopment to consider horizontal and vertical proportions, building forms, roof types, and exterior materials and details existing in the surrounding area.
- B. New development and redevelopment shall conform to the applicable adopted design guidelines.

Policy 1.4: Redevelopment of Existing Commercial Areas

- A. Existing commercial areas should be improved and upgraded. Particular emphasis should be given to existing commercial gateways. Overall storm water management, vehicular and pedestrian access, and site maintenance shall be undertaken.
- B. Upgrade the image and appearance of existing developments with new lighting, landscaping, signage and pedestrian access.
- C. Encourage public and/or private partnerships for redevelopment.
- D. Consider financial and development incentives to encourage re-use (renovation or redevelopment) of commercial properties.

Policy 1.5: Provide Opportunities for Limited Commercial Development in the Unincorporated Areas of Douglas County

- A. Encourage redevelopment and limited expansion of existing commercial areas in the unincorporated areas of Douglas County.
- B. No new commercial development shall occur within the UGA.

Policy 1.6: Maintain an Inventory of Commercial Land

Maintain an appropriate supply of commercially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner. Annually evaluate current and approved planned land uses and land availability. The evaluation shall consider, but not be limited to: approved planned development not yet constructed, compatibility with existing nearby development, parcel size and infrastructure service delivery and phasing plans.

Policy 1.7 Monitor Economic Impact of Commercial Growth

- A. The amount of commercial space, the quality of commercial space, commercial space vacancy rates, and the size of commercial space shall be monitored for each quadrant of the city (15th Street shall be the north-south dividing line and Iowa Street the east-west dividing line). Each matrix cell shall include the total gross square footage of all the buildings in each respective size range and condition grade. Each cell shall also include the vacancy rate for buildings of each respective size and condition.
- B. These variables shall be placed in a matrix and used in analyzing any commercial rezoning request and/or development plan.
- C. The matrix shall be updated annually.
- D. Planning Staff shall be responsible for maintaining and revising the matrix. However

some of the data for some of the variables, particularly vacancy rates, may have to be provided by outside sources.

- E. Planning Staff will provide an annual sales tax per square foot ratio. This data will be provided for different sectors within the city limits.
- F. Establish and implement a methodology for the annual collection of business use data in support of economic impact analyses.

Matrix

	Condition of the Commercial Space				
	Excellent	Good	Fair	Poor	Total
0 - 2,500 Sq. Ft.	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
2,501 - 5,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
5,001 - 15,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
15,001 - 30,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
30,001 - 60,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
60,001 - 120,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
120,001 - 200,000	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
200,001 +	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate
Total	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate	total sq. ft./vacancy rate

The above matrix will be completed for each quadrant of the city, plus an additional table summarizing the totals for the entire city.

Guidelines are needed to allow for a compatible transition from commercial development to residential neighborhoods and other less intensive land uses. These guidelines are needed throughout the community, including both established commercial areas and anticipated development areas.

GOAL 2: Compatible Transition from Commercial Development to Less Intensive Uses

Ensure compatible transition from commercial development to residential neighborhoods and other less intensive land uses.

Policy 2.1: Use Appropriate Transitional Methods

- A. Commercial areas shall minimize adverse impacts on adjacent residential areas. Screening and buffering shall be provided which may include landscaped setbacks, berms and open space areas. Traffic and parking shall not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties shall be carefully monitored.
- B. Use landscaped transition yards between residential and non-residential uses that include additional lot depth, berms, landscape screening, and/or fences and walls to provide additional buffering between differing land use intensities.
- C. Compatible transition from commercial uses to less intensive land uses shall consider:
 - 1. Site Orientation
 - a. Vehicular access shall be from collector, arterial or access streets.
 - b. Pedestrian access shall be designed to provide internal and external circulation from adjacent neighborhoods.
 - c. Streets designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
 - 2. Building Relationships
 - a. A back-to-back relationship is preferable between uses.
 - b. Commercial buildings and parking lots shall not have lesser setbacks than those required of abutting residential uses.
 - c. The height and massing of commercial buildings and accessory structures shall be oriented to avoid creating a negative visual effect on residential neighborhoods.

- d. Vehicular access to commercial activities should be separated from pedestrian access.

3. Land Features

- a. Encourage the integration of mature trees, natural vegetation, and natural and environmentally sensitive areas whenever feasible to buffer commercial developments from other more or less intensive land uses.
- b. Encourage the use of existing topography to separate commercial developments and other more or less intensive land uses.

4. Screening and Landscaping

- a. Encourage creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses.
- b. Fences shall not be used as a sole method of providing screening and buffering between differing intensities of land uses.
- c. Encourage site design that uses existing vegetation, such as stands of mature trees, as natural buffers or focal points.
- d. Encourage the use of high quality materials in the construction of screening and landscape areas to decrease long-term maintenance costs.

5. Lighting

- a. Lighting used to illuminate parking areas, signs or structures should be placed to deflect light away from adjoining properties or public streets through fixture type, height and location.

Policy 2.2: Locate Less Compatible Uses Toward the Interior of Commercial Areas

- A. The overall design and arrangement of commercial development shall be compatible with adjacent residential uses.
- B. Ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, exterior storage) through the extensive use of elements such as landscaping, berms, fencing, architectural design, open space, setbacks, and/or building orientation.
- C. In order to ensure that parking lots are not the dominant visual feature associated with commercial areas, buildings shall be located adjacent to the public rights-of-way and parking located toward the interior of the development.

Policy 2.3: Higher-Density Residential Development as Transitional Use

Use higher-density residential development as a transitional land use between commercial developments and the surrounding low-density residential neighborhoods.

Policy 2.4: Provide Sufficient Site Area for the Design of Transitional Elements

Site improvements within commercial areas such as lighting, signage and landscaping shall be designed and coordinated in order to create a positive identity and visual image throughout the development area.

Policy 2.5: Office, Research and Semi-Public Development as Transitional Use

- A. Encourage using low-intensity office, research and semi-public development as a transition between commercial development and low-density residential neighborhood. The development shall include:
1. Design elements such as height, massing, and scale compatible with the surrounding low-density residential uses;
 2. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities; and
 3. Site access provided from arterial, collector or access streets, with traffic directed away from surrounding residential areas.

Policy 2.6: Parks, Recreation and Open Space as Transitional Use

Encourage the use of medium- to low-intensity recreational facilities such as neighborhood parks, bike/hike trails and natural areas as transitional areas.

Guidelines are needed to provide direction on how much, where and at what scale commercial development is appropriate for the market it is intended to serve.

GOAL 3: Criteria for Commercial Development

Provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.

Policy 3.1: Utilize Locational Criteria for Commercial Development

- A. **Commercial Nodes:** Nodes shall occur at arterial/collector or arterial/arterial intersections depending on the type of commercial center.
- B. **Strip Commercial Development:** Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern.
- C. **Assembling of Land:** Encourage the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
- D. **Vehicular Access:** Limit the principal vehicular access of commercial development to arterial, collector or frontage (access) streets.
- E. **Site Layout:** Commercial development shall be located to avoid substantial disruption of natural drainage and vegetation.
- F. **Compatibility with Adjacent Land Uses:** Encourage the location of commercial nodes where they can efficiently utilize local resources, where their adverse impacts on adjacent uses are minimized, and where they will effectively provide the community with desired products, services and employment opportunities.
- G. **Public Improvements:** Construction of a new commercial center cannot begin until all infrastructure improvements serving the center have been completed.

Policy 3.2: Establish Design Standards for Commercial Development

- A. The city shall develop reasonable design standards for new and redeveloped commercial areas which improve:
 - 1. Integration with the surrounding neighborhoods;
 - 2. Pedestrian movement to and within the commercial areas;
 - 3. The aesthetics of the districts from the surrounding street system; and
 - 4. The design to create attractive focal points for the surrounding populations.
- B. Incentive systems shall be developed to encourage commercial areas to provide

mixed use projects that include residential and office uses integral to the design.

- C. These design standards and incentives shall be adopted into HORIZON 2020 and implemented through zoning, subdivision and the Capital Improvements Plan.

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

- A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
 - 1. Required parking;
 - 2. Open space requirements;
 - 3. Required setbacks; and
 - 4. Required lot size.
- B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.
- C. Standards for New Inner-Neighborhood Commercial Centers:
 - 1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
 - 2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
 - 3. Centers shall no more than 3,000 gross square feet of commercial space; and
 - 4. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.

Policy 3.3.A: Criteria for Mixed-Use Redevelopment Centers

- A. Encourage redevelopment of areas where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.
- B. Mixed-Use Redevelopment Centers shall be no larger than six acres in size.
- C. Mixed-Use Redevelopment Centers shall include a mix of the following uses within the subject area and where possible, include mixed-use structures:
 - 1. Residential;
 - 2. Civic;
 - 3. Office;
 - 4. Small-scale commercial:
 - a. Total commercial spaces shall not exceed 25% of the net floor area within the subject area, and

- b. A single retail space shall not occupy more than 16,000 square feet of ground-floor level, net floor area of a structure; and
 - 5. Open space.
- D. Mixed-Use Redevelopment Centers shall maintain the character of the surrounding neighborhoods by:
 - 1. Achieving integration with adjacent land uses by providing transitions between uses through alleyways and use and landscape buffers;
 - 2. Incorporating existing structures wherever possible;
 - 3. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.
- E. Mixed-Use Redevelopment Centers shall provide multi-modal services to include the following options:
 - 1. Pedestrian, including pedestrian-scaled street furnishings, plantings and gathering spaces;
 - 2. Bicycle, including bicycle parking;
 - 3. Vehicular; and
 - 4. Transit, if available.

Policy 3.4: Criteria for Neighborhood Commercial Centers

- A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections.
- B. Limit the commercial uses in neighborhood centers to one corner of the intersection.
- C. New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center.
- D. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers with a grocery store of 60,001 or more gross square feet may have up to a total of 125,000 gross square feet of commercial space.
- E. No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.
- F. A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission.
- G. Locate office, public, semi-public, parks and recreation or medium- and higher-density residential developments on remaining corners of intersection to avoid excessive concentrations of commercial traffic and unnecessary duplication of

commercial services.

- H. Low-density residential uses may be located at the remaining corners of the intersection if sufficient screening measures are provided to offset noise and views of the intersection are provided.
- I. Integrate neighborhood commercial centers into the surrounding residential neighborhoods by including pedestrian access, appropriate transitional elements and, if possible, the location of public or semi-public uses or parks and recreation uses adjacent to the commercial development.
- J. Neighborhood Commercial Centers shall be designed with pedestrian mobility as a top priority.
 - 1. Pedestrians shall be able to easily walk to all stores in a neighborhood center without using a vehicle.
 - 2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.
- K. Façades shall have a variety of textures, colors, shapes, etc. such that the buildings in a Neighborhood Center do not have a single uniform appearance.
- L. Neighborhood Centers should have dedicated open space areas that useable by the Center's employees and shoppers.
- M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood.
- N. Any commercial development proposal for a corner in a new Neighborhood Commercial Center shall have a length-to-depth ratio between 1:1 and 3:2.
- O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.5: Criteria for Existing Strip Commercial areas

- A. A redevelopment plan should be made for each existing Strip Commercial Center
- B. Tools such as public/private partnerships, special overlay districts, reduced development standards, lot consolidation and purchase, access management plans, cross access easements, etc. should be used to enhance redevelopment opportunities for existing Strip Commercial areas.
- C. Existing Strip Commercial areas shall not expand into surrounding lower-intensity zoning areas.
- D. Curb cut consolidation and cross access easements shall be included when an existing site plan is revised or a new site plan proposed.

- E. Existing Strip Commercial areas shall develop or redevelop in a manner consistent with the city's adopted design guidelines.

Policy 3.6: Criteria for Community Commercial Centers (under 200,000 square feet) CC200

- A. CC200 Centers shall be located at the intersection of arterial/arterial streets.
- B. CC200 Centers shall have no more than 200,000 gross square feet of commercial space.
- C. No single store shall occupy more than 100,000 gross square feet.
- D. A general merchandise store (including discount and apparel stores) shall not exceed 65,000 gross square feet.
- E. The sum of the gross square footage for all stores occupying space between 40,000 and 125,000 shall not be more than 75 percent of gross commercial square footage for the corner of the intersection.
- F. Corners of the node not developed with commercial uses shall have extensive on-site screening and shall be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.
- G. New or existing CC200 Centers shall not encroach or expand into the surrounding residential or lower-intensity uses.
- H. A proposal requiring a revised or new site plan for property in a CC200 Center shall include plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.
- I. A nodal plan shall be completed before proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent go before the Planning Commission.
- J. Proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent shall include a building with at least 40,000 gross square feet of commercial space.
- K. A nodal plan shall be completed before a proposal for a new CC200 Center goes before the Planning Commission.

- L. Proposals for a new CC200 Center shall include a building with at least 40,000 gross square feet of commercial space.
- M. CC200 Centers shall develop or redevelop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.7: Criteria for Community Commercial Centers (under 400,000 square feet) CC400-

- A. CC400 Centers shall be located at the intersection of two arterial streets that both have at least a four lane cross-section or the intersection of a four-lane arterial and a state or federally designated highway.
- B. CC400 Centers must be a minimum of 3.75 miles apart.
- C. CC400 Centers shall have a maximum of 400,000 gross square feet of commercial space.
- D. At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners.
- E. No single store in a CC400 Center shall occupy more than 175,000 gross square feet.
- F. The sum of the gross square footage for all stores occupying between 100,000 and 175,000 cannot be more than 70 percent of the gross commercial square footage for the corner of the intersection.
- G. If the proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single building that has at least 40,000 gross square feet of commercial space.
- H. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the project do not have to meet the minimum acreage and lot depth.
- I. Any commercial development proposal for a single corner in a new CC400 Center shall be a minimum of 20 acres in size.
- J. Any commercial development proposal for a single corner in a new CC400 Center shall have a length-to-depth ratio between 1:1 and 3:2.
- K. Access points into a new CC400 Center shall be from the two points furthest from the intersection.
- L. CC400 Centers shall be designed with feeder and/or reverse frontage streets to collect internal traffic and for easy access from the surrounding community.

- M. CC400 Centers shall be designed with pedestrian mobility as a top priority.
 - 1. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.
 - 2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.
- O. Facades shall have a variety of textures, colors, shapes, etc. such that the buildings in a CC400 Center do not have a single uniform appearance.
- P. CC400 Centers should have dedicated open space areas that useable are by the center's employees and shoppers.
- Q. Buildings shall not be separated from adjacent street rights-of-way by large expanses of parking.
- R. Corners of the node that are not developed with commercial uses should be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses with extensive on-site screening. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.
- S. Existing CC400 Centers shall not expand into areas with existing less intensive uses (low-intensity residential, institutional uses, office, multi-family residential, etc.).
- T. A nodal plan must be completed before a development proposal for any corner of CC400 Center is forwarded to the Planning Commission.
- U. CC400 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.8 Nodal Plan Criteria

- A. The city should attempt to complete a nodal plan for newly designated Commercial Center before there is pressure to develop the node.
- B. A nodal plan shall be completed for any new Commercial Center before a development proposal for the node can go before the Planning Commission.
- C. A nodal plan shall include the following information:
 - 1. Existing natural features;
 - 2. Appropriate transitional uses;
 - 3. Appropriate use for each specific corner of the intersection;
 - 4. Access points from each location;
 - 5. Necessary infrastructure improvements;

6. Overall traffic flow in and around the node and the surrounding area;
7. The "ultimate geometric design" for the intersection based on the proposed land uses for the intersection; and
8. Any and all other necessary information needed to create the nodal plan.

Policy 3.8: Criteria for the Regional Retail/Commercial/Office/Cultural Center

- A. Recognize and emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center -- which is an intensely developed, large-scale, mixed use location that serves as an activity center for the community.
- B. Continue to encourage a broad mix of uses in downtown Lawrence, including retail, office, residential, entertainment, lodging, unique visitor attractions, expanded conference facilities. Maintain the core concentration of governmental, cultural/social facilities and services and recreation, leisure and community events in this area.
- C. Encourage the continuation of community social activities (Art in the Park, holiday parades, etc.) to occur in Downtown Lawrence.
- D. Continue to support the building design criteria set forth in the "Downtown Architectural Design Guidelines".
- E. The "Downtown Architectural Design Guidelines" should be amended to include the W. 9th Street area that serves as a gateway into Downtown Lawrence.
- F. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. Because of its high importance as an asset to the community, any new proposal for a new Regional Commercial Center must demonstrate that it will not have a substantial impact on Downtown Lawrence.

Policy 3.9: Criteria for Regional Commercial Centers

- A. The Comprehensive Plan does not anticipate the need for a new Regional Commercial Center within the planning period.
- B. Designating a new Regional Commercial Center will require an amendment to the Comprehensive Plan.
- C. Design Criteria
 1. The commercial development plan for a corner shall have a minimum of 40 acres;
 2. The development shall have a minimum of 1,400 linear feet of frontage on a public street;
 3. A Regional Commercial Center shall not have more than 1.5 million gross square feet of commercial space; and
 4. A Regional Commercial Center shall be located at the intersection of two

state or federally designated highways or the intersection of an arterial street and a state or federally designated highway.

- D. A nodal plan shall be completed before a development proposal for a Regional Commercial Center is forwarded to the Planning Commission.
- F. Parking lots shall be designed to minimize conflicts between pedestrians and vehicles.
- G. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.
- H. Buildings shall be placed near adjacent street right-of-way.
- I. The majority of parking for the center shall be behind the front building line.
- J. A proposal requiring a revised or new site plan for property in an existing Regional Commercial Center shall include a plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.
- K. New or existing Regional Commercial Centers shall not intrude or expand into the surrounding residential or lower-intensity uses.
- L. CC400 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.10: Criteria for Commercial Development in Unincorporated Areas

- A. Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available.
- B. Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.
- C. The commercial gross square footage of a development shall be limited to a total of 15,000 gross square feet.
- D. The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061.

Policy 3.11: Require a Market Impact Analysis

- A. Proposals to create any shopping district that, when considering the entire node, will result in greater than 150,000 gross square feet of commercial building space shall include an independent market analysis. Initial development proposals of 50,000 gross square feet or less on any single corner are exempt from this market analysis

requirement, but will be limited to one exemption per corner of the intersection. The market analysis shall adhere to all of the following criteria:

1. The entity proposing the commercial project shall provide the funding of the study.
 2. The independent consultant that performs the market study shall be chosen by the city and agreed upon by the entity submitting the proposal for the shopping center.
 3. The study shall analyze the commercial proposal and provide at least the following information:
 - a. The overall viability of the proposal;
 - b. The validity of the proposal considering any community retail vacancy, sales/square foot and square footage/capita data as outlined in Policy 1.7;
 - c. How the proposal will impact existing commercial development in the community;
 - d. How the mix and sizes of proposed uses of the development will impact the viability of Downtown Lawrence;
 - e. A building phasing schedule based upon the community's ability to absorb the additional commercial square footage; and
 - f. Any other additional information required by the Planning Commission.
- B. The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate of greater than eight percent.

Policy 3.12: Criteria for Mixed-Use Districts

- A. Encourage preservation of areas that are mixed use in nature, as well as development and redevelopment of areas with vacant land, ~~and~~ **or** where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.
- B. Mixed-Use Districts shall be no larger than 20 acres in size.
- C. Mixed-Use Districts shall include a mix of the following uses within the subject area and where possible, in mixed-use structures:
 - a. Residential;
 - b. Non-residential.
- D. Mixed-Use Districts shall maintain the character of the surrounding neighborhoods by:

- a. Achieving integration with adjacent land uses by providing transitions through alleyways, variation among development intensity, and implementation of landscape buffers;
 - b. Incorporating existing structures wherever possible;
 - c. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.
- E. Mixed-Use Districts shall provide multi-modal services to include the following options:
- a. Pedestrian oriented public spaces, which shall include pedestrian-scaled street furnishings, and plantings;
 - b. Bicycle, including bicycle parking;
 - c. Vehicular; and
 - d. Transit.

Traffic impacts continue to be a major concern in commercial developments. Ensure safe and efficient access and circulation within and around commercial areas.

GOAL 4: Transportation Considerations

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

Policy 4.1: Levels of Service

The expansion of existing or new commercial development shall not occur until the surrounding street system can provide an acceptable level of service.

Policy 4.2: Evaluate Traffic Impacts

An evaluation of the traffic impacts of a development on the surrounding area shall consider the existing and projected traffic conditions in relation to the existing transportation system. This evaluation should be based on planned improvements identified in the *Capital Improvement Plan (CIP)*, the *Comprehensive Plan*, and/or the *Long-Range Transportation Plan*. These plans shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.

Policy 4.3: Minimize Traffic Diversion

- A. Prohibit direct vehicular access from commercial developments to local residential streets.
- B. Discourage commercial traffic through residential neighborhoods.

Policy 4.4: Ensure Adequate Ingress and Egress

- A. Limit the principal access of commercial development to arterial, collector or access/frontage streets.
- B. Develop ways to improve access to downtown and other commercial centers within the community through improved bike and pedestrian paths, bus access (loading/unloading) and parking areas, public transportation, and vehicular access.

Policy 4.5: Limit Access

- A. Minimize curb cuts along arterial and collector streets.
- B. Encourage shared access between adjacent commercial developments and coordinated traffic circulation within proposed development areas.

- C. Lot access and street configurations shall be designed to avoid curb cuts and local street intersections on arterial streets and to coordinate access with adjacent developments.

Policy 4.6: Provide Vehicular Circulation

- A. Development proposals shall provide adequate internal circulation within commercial developments that allows access to adjacent commercial buildings and commercial or mixed-use centers.
- B. Development proposals shall ensure that vehicular circulation related to a specific proposal does not rely on public streets for internal traffic circulation needs but provides circulation within the development.

Policy 4.7: Provide Pedestrian Access

- A. The city should develop a pedestrian/bicycle pathway system that provides access from the University of Kansas campus to Downtown Lawrence.
- B. Development proposals should provide safe, convenient pedestrian access to concentrated retail areas from parking areas.
- C. Development proposals should include sidewalks on one side of local streets (public and private) and both sides of collector and arterial streets.
- D. Development proposals should include pedestrian access linking developments to neighborhoods while ensuring physical separation from vehicles along both public and private streets and within parking areas.
- E. Development proposals shall give consideration to providing a safe, reasonable method for pedestrian access across major intersections.

Policy 4.8: Provide Bicycle Access

- A. Commercial development proposals should provide for interior bicycle access.
- B. The city should develop a plan to provide bicycle links between major activity generators within the community.

Policy 4.9: Encourage Convenient Parking within Commercial Areas

- A. Development proposals shall provide convenient parking for retail areas.
- B. The city and property owners should work together to develop convenient parking for short-term visitors and long-term parking areas for employees.

Policy 4.10: Utilize Outlying Parking Lots

Identify potential parking areas which can serve mass transit and carpooling.

Policy 4.11: Ensure Adequate Truck Loading and Maneuvering Areas

Development proposals shall provide adequate loading space within a building or a side or rear yard, designed in such a way that all storage, standing and maneuvering of trucks will take place solely on private property.

Map 6-1 Existing and Potential Commercial Land Use Locations

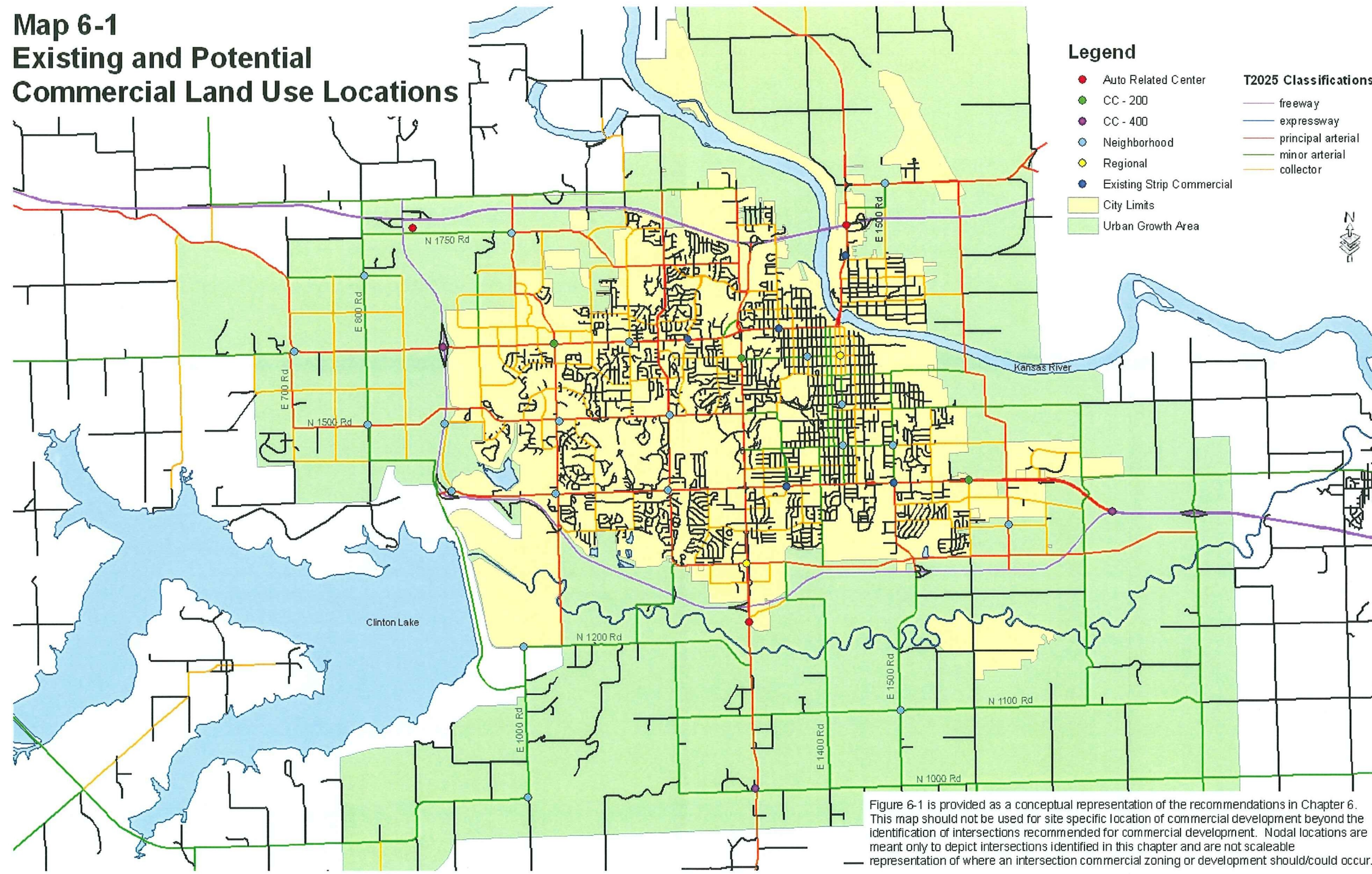


Figure 6-1 is provided as a conceptual representation of the recommendations in Chapter 6. This map should not be used for site specific location of commercial development beyond the identification of intersections recommended for commercial development. Nodal locations are meant only to depict intersections identified in this chapter and are not scaleable — representation of where an intersection commercial zoning or development should/could occur.

ORDINANCE NO. 8357

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS APPROVING AMENDMENTS TO THE
COMPREHENSIVE LAND USE PLAN "HORIZON 2020" BY AMENDING
CHAPTER SIX – COMMERCIAL LAND USE, INNER-NEIGHBORHOOD
COMMERCIAL CENTERS.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted a comprehensive land use plan labeled "Horizon 2020"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on November 17, 2008, by Resolution No. 2008-12, recommended the adoption of the amendment regarding Horizon 2020 Chapter 6 – Commercial Land Use, Inner-Neighborhood Commercial Centers to correct inconsistencies between the descriptions in the comprehensive plan and the *Development Code* including location and an update as to where existing inner-neighborhood commercial centers are located; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, adoption, and approval of and amendment to "Horizon 2020".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the Planning Commission, amending Chapter 6 – Commercial Land Use contained in planning staff report CPA-2008-03 adopted by the Planning Commission in Resolution No. 2008-12 on November 17, 2008.

Section 4. The Lawrence – Existing Commercial Areas section of Chapter 6 – Commercial Land Use in "Horizon 2020" is hereby amended to read as follows:

Inner-Neighborhood Commercial Centers

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- Northeast corner of 13th and Haskell

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas.

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-8.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-6.

Section 5. The Lawrence – New Commercial Areas section of Chapter 6 – Commercial Land Use in "Horizon 2020" is hereby amended to read as follows:

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, *however small, new inner-neighborhood centers are possible and/or anticipated as part of overall new planned neighborhoods.*

- **Inner Neighborhood Commercial Centers**

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when *the* Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center may be located on a *local*, collector or arterial street. *It may also take access from an alley.* Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. *Inner-Neighborhood Commercial Centers may also include residential uses.*

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

- **Neighborhood Commercial Centers**

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd

3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 2 miles north of US US-40
8. E 700 Rd and US US-40
9. E 800 Rd and N 1750 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

Section 6. The Goal 3: Criteria for Commercial Development section of Chapter 6 – Commercial Land Use in “*Horizon 2020*” is hereby amended to read as follows:

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

- A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
 1. Required parking;
 2. Open space requirements;
 3. Required setbacks; and
 4. Required lot size.
- B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.
- C. *Inner-Neighborhood Commercial Centers may be located on local, collector, or arterial streets. They may also take access from an alley*
- D. Standards for New Inner-Neighborhood Commercial Centers:
 1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
 2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
 3. *Centers may include residential uses;*
 4. Centers shall no more than 3,000 gross square feet of commercial space; and
 5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.


Section 7. The Lawrence - Existing Commercial Areas, Lawrence – New Commercial Areas, and Goal 3: Criteria for Commercial Development sections of Chapter 6 – Commercial Land Use in “*Horizon 2020*” are hereby repealed, it being the intention of this ordinance and resolution that its provisions be substituted in place thereof.

Section 8. Severability. If any section, clause, sentence, or phrase of this Joint Ordinance and Resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Joint Ordinance and Resolution.

Section 9. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this 9th day of December, 2008.

APPROVED:




Michael Dever, Mayor

ATTEST:



Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni Ramirez Wheeler
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ___ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

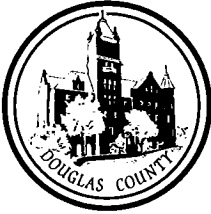
Charles Jones, Chair

Nancy Thellman, Commissioner

Jim Flory, Commissioner

ATTEST:

Jameson D. Shew, County Clerk



DOUGLAS COUNTY REGISTER OF DEEDS

1100 Massachusetts Street
P.O. Box 747
Lawrence, KS 66044-0747
(785) 832-5282 Fax (785) 330-2807
www.douglas-county.com

Kay Pesnell
Registrar

Kay Pesnell
Douglas County
Register of Deeds

January 30, 2009

Douglas County Commissioners,

The following information is to report the activity of the Register of Deeds Technology Fund for 2008.

Total Collected in 2008	=	\$130,082.00
Expenditures incurred by Register of Deeds Office In 2008	=	\$14,345.18
Funds available as of December, 2008	=	\$231,455.00

According to Statute Number 28-115a, the Register of Deeds is allowed to transfer any excess moneys not needed by the register of deeds office. State Law allows county commissioners to transfer these excess moneys to other county departments "for equipment or technological services relating to the land or property records filed or maintained by the county."

For 2008 I would like to transfer \$88,000.00 to the Reserve Technology Fund to be used by other Douglas County land records offices.

Thank you for your time.

Kay Pesnell

For filing notices of tax liens under the internal revenue laws of the United States	5.00
For filing releases of tax liens, certificates of discharge, under the internal revenue laws of the United States or the revenue laws of the state of Kansas	5.00
For filing liens for materials and services under K.S.A. 58-201, and amendments thereto	5.00

(b) In addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$2 per page for recording:

- (1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8½" × 14";
- (2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and
- (3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. The county treasurer shall deposit such funds in the register of deeds technology fund as provided by K.S.A. 2006 Supp. 28-115a, and amendments thereto.

(c) For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the department of revenue as required under the provisions of the Kansas inheritance tax act, and amendments thereto.

(d) If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to the instrument, the register of deeds shall charge and collect a fee of \$1 in addition to all other fees provided in this section.

(e) If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page. The document shall be of sufficient legibility so as to produce a clear and legible reproduction thereof. If a document is judged not to be of sufficient legibility so as to produce a clear and legible reproduction, such document shall be accompanied by an exact copy thereof which shall be of sufficient legibility so as to produce a clear and legible reproduction thereof and which shall be recorded contemporaneously with the document and shall be counted

as additional pages. The register of deeds may reject any document which is not of sufficient legibility so as to produce a clear and legible reproduction thereof.

(f) Any document which was filed on or after January 1, 1989, which was of a size print or type smaller than 8-point type but which otherwise was properly filed shall be deemed to be validly filed.

(g) All fees required to be collected pursuant to this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary.

(h) Except as otherwise provided by subsection (b), all fees required to be collected pursuant to this section shall be paid by the register of deeds to the county treasurer and deposited into the general fund of the county.

History: L. 1913, ch. 197, § 15; R.S. 1923, 28-115; L. 1949, ch. 260, § 4; L. 1955, ch. 214, § 1; L. 1959, ch. 184, § 1; L. 1965, ch. 564, § 401; L. 1967, ch. 215, § 1; L. 1970, ch. 148, § 1; L. 1973, ch. 174, § 1; L. 1976, ch. 194, § 1; L. 1979, ch. 316, § 13; L. 1983, ch. 129, § 1; L. 1988, ch. 125, § 1; L. 1989, ch. 114, § 1; L. 2002, ch. 98, § 1; July 1.

Attorney General's Opinions:

Register of deeds to charge \$2 per page of a release or assignment of a real estate mortgage (interprets 2002 Senate Bill 564, L. 2002, ch. 98). 2002-32.

28-115a. Register of deeds technology fund. (a) There is hereby created in each county a register of deeds technology fund:

(b) Upon receipt thereof, the county treasurer shall credit to the register of deeds technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the register of deeds technology fund shall be used by the register of deeds to acquire equipment and technological services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded or stored in the office of the register of deeds.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the

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 194, § 1; L. 1979,
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budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the register of deeds under this subsection shall be in accordance with K.S.A. 19-1202, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the register of deeds.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the register of deeds indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 *et seq.*, and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the register of deeds.

History: L. 2002, ch. 98, § 2; July 1.

28-169.

Attorney General's Opinions:

County not required to pay mileage between employee's residence and place of work but may do so for valid public purpose. 2004-30.

28-170. Court fees, civil actions; authorized only by legislative enactment; prosecuting attorneys' training fund; indigents' defense services fund. [See Revisor's Note] (a) The docket fee prescribed by K.S.A. 60-2001 and amendments thereto and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes, Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 *et seq.*, and under K.S.A. 60-31a01 *et seq.*, and amendments thereto. For services in other matters, in

which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued \$5
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued \$15
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the Kansas code for care of children (K.S.A. 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.* and amendments thereto), the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a and amendments thereto.

(d) In actions pursuant to the Kansas code for care of children (K.S.A. 38-1501 *et seq.* and amendments thereto), the Kansas juvenile justice code (K.S.A. 38-1601 *et seq.* and amendments thereto), the act for treatment of alcoholism (K.S.A. 65-4001 *et seq.* and amendments thereto), the act for treatment of drug abuse (K.S.A. 65-5201 *et seq.* and amendments thereto) or the care and treatment act for mentally ill persons (K.S.A. 59-2945 *et seq.* and amendments thereto), the clerk shall charge an additional fee of \$50 which shall be deducted from the docket fee and cred-



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

To: Board of County Commissioners

From: Keith A. Browning, P.E., Director of Public Works/County Engineer *KB*

Date: February 4, 2009

Re: Consider approval of resolution amending the Douglas County Code
Providing construction standards and specifications for entrances

In September 2008, this department discussed with the BOCC changing our procedures for entrance installation. At the time, we proposed that department forces would construct all entrances, and we would charge property owners for the installation. This discussion raised several questions such as: (1) How would the property owner be billed – a flat fee or for actual costs? (2) When would the property owner be billed? (3) How would we bill for shared entrances? (4) What is the penalty for nonpayment? (5) What is the procedure for collecting late payments?

Following the September 2008 meeting, we rethought the issue, and now propose to continue having the property owner responsible for installing new entrances. However, the need still exists for better construction practices for entrance installations. To that end, we have developed specifications for entrance construction. Included in the specifications is the requirement that the contractor be pre-approved by this department, that proper traffic control is required, and that the contractor is insured for liability.

In addition to implementing entrance installation specifications, this department recommends revising our current standards to require 6:1 (horizontal:vertical) entrance side slopes on all county-maintained roads except those classified as local roads. Entrances on local roads would require 3:1 side slopes, which is the current standard for entrances on all roads. The 6:1 slopes match current KDOT requirements and are more appropriate for high-speed roadways. The flatter slopes will require longer entrance culverts, and will therefore increase the cost of installation. We also added the requirement of using granular bedding material for all entrance pipe installations.

Attached are two versions of the proposed resolution. The first version shows revisions to the current resolution, and the second version is a clean copy of the proposed resolution. Also attached are the proposed entrance installation specifications and standards.

Action Required: Consider approval of home rule resolution amending the Douglas County Code and providing construction specifications and standards for entrance installations.

RESOLUTION NO. HR-09-_____

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING SECTION 9-202 OF THE CODE OF DOUGLAS COUNTY, KANSAS; PROVIDING CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR ENTRANCES ON COUNTY ROUTES; REQUIRING A PERMIT AND INSPECTION FROM THE COUNTY ENGINEER THEREFORE; AND REPEALING SECTION 9-202 OF THE DOUGLAS COUNTY CODE AND RESOLUTION NO. HR-02-12-8.

WHEREAS, K.S.A. 19-101 *et seq.* authorizes the Board of County Commissioners of each County to transact all county business and perform all powers of local legislation and administration as it deems appropriate.

WHEREAS, K.S.A. 68-543 requires the County Engineer to approve plans for, give permission for, and supervise the construction of culverts or private entrances on county routes.

WHEREAS, pursuant to the foregoing authority, the Board of County Commissioners has duly adopted Resolution No. HR-02-12-8, which is codified a Section 9-202 of the Code of Douglas County, Kansas (the "Code").

WHEREAS, the Board of County Commissioners desires to make certain amendments to said Resolutions and codified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, INTENDING TO EXERCISE ITS HOME RULE AUTHORITY AND ITS STATUTORY AUTHORITY, THAT THE FOLLOWING BE ADOPTED:

1. Authority. This resolution is enacted under the authority vested in the Board of County Commissioners by K.S.A. 19-101 *et seq.* and K.S.A. 65-543.

2. Section 9-202. Section 9-202 of the Code is hereby amended and restated to read as follows:

9-202. CONSTRUCTION STANDARDS REGULATIONS FOR PRIVATE ENTRANCES ONTO COUNTY ROUTES MAINTAINED ROADS.

9-202-1 ENTRANCE PERMITS. Any person wishing to install and construct a culvert or entrance into private property from a county maintained road shall do all of the following:

- a. Obtain approval of the location plan and culvert size from the county Engineer.
- b. Pay a permit and inspection fee of \$75.
- c. Comply with the directions and requirements of the County Engineer including, but not limited to, the specifications for entrance standards

~~for driveway culvert installation, the initial specifications~~standards of which are attached hereto as Exhibit 9-202-1c.1, and the standards for entrance installation, the initial standards of which are attached hereto as Exhibit 9-202-1c.2A. Said specifications and standards are hereby adopted by reference and incorporated herein. The County Engineer is authorized to amend and supplement said specifications or standards from time to time as the County Engineer determines, in the exercise of the County Engineer's engineering judgment, reasonable; provided, however, that the County Engineer may not amend or supplement said specifications or standards in a way that significantly increases the cost of installing the entrance, unless the County Engineer receives approval from and may be amended by the Board of County Commissioners, from time to time, with eCopies of the then current specifications and standards shall being available in the office of the County Engineer.

- d. Obtain inspection and approval of the installed culvert by the eCounty eEngineer.

9-202-2

SHARED ENTRANCES.

- a. A shared entrance is an entrance intended to serve more than one property. It is typically located on or near a common property line shared by adjacent property owners or developers. A shared entrance is desirable because it eliminates an additional point-of-conflict along the roadway, thereby reducing the possibility of traffic accidents.
- b. When conditions allow, the County Engineer may require the installation of a shared entrance onto County maintained roadstes in order to reduce the number of entrances and maintain desirable entrance spacing. A typical example for the requirement of shared entrances is when a series of relatively small, adjacent tracts are developed or development is expected in the near future. A shared entrance may also be required by the County Engineer to maximize sight distance depending on roadway and site conditions.
- c. A shared entrance onto a County maintained roadoute shall be contained on public road right-of-way, and upon proper installation and acceptance shall be maintained by the County in a manner similar to maintenance of other private entrances on County maintained roadsoutes.
- d. Construction of a shared entrance onto a County maintained road route shall conform to the directions and requirements of the County Engineer including, but not limited to, the specifications for entrance installation, the initial specifications of which are attached hereto as Exhibit 9-202-1c.1 (to the extent applicable to a shared entrance) and standards for shared entrance installation, the initial standards of which are attached hereto as Exhibit 9-202-2dB. Said specifications and standards are hereby adopted by reference and incorporated herein. The County Engineer is authorized to amend and supplement

said specifications or standards from time to time as the County Engineer determines, in the exercise of the County Engineer's engineering judgment, reasonable; provided, however, that the County Engineer may not amend or supplement said specifications or standards in a way that significantly increases the cost of installing the shared entrance, unless the County Engineer receives approval from and may be amended by the Board of County Commissioners, from time to time, with eCopies of the then current specifications and standards shall being available in the office of the County Engineer.

- e. A properly constructed and approved shared entrance onto county rights-of-way (including township maintained roads) shall not be deemed a private road or street, and shall not be prohibited by the Joint Subdivision Regulations of the City of Lawrence and Douglas County, as in effect on the effective date of this Resolution; provided, however that the portion of the entrance that is shared must be within the county right-of-way. Any shared portion of the entrance and driveway that extends beyond the boundaries of the county right-of-way shall be deemed a private road or street and prohibited by such Subdivision Regulations. Shared entrances onto township maintained roads must be constructed and approved in accordance with regulations or policies of the applicable township.

9-202-3

COUNTY ENGINEER DISCRETION. The County Engineer is hereby delegated and granted the authority to permit a variance from modify the specifications and standards referenced in Sections 9-202-1-c and 9-202-2-d, as from time to time amended, on a case-by-case basis in situations in which the County Engineer determines, in the exercise of the County Engineer's engineering judgment, that strict application of the specifications or standards will involve increased risk to property or public safety, or that strict application of construction requirements are not appropriate for the specific site conditions. In the event that the County Engineer exercises the County Engineer's engineering judgment to permit a variance from modify the above specifications and standards in any particular instance, the County Engineer shall set forth in writing the reasons for such decision and maintain such writing in the files relating to the subject entrance, unless the variance is a minor variance of the construction requirements due to specific site conditions.

9-202-4

VIOLATIONS.

- a. Any person who shall install or construct a culvert or entrance into private property from a county maintained road without obtaining a permit as required by this Section 9-202 shall be guilty of violating this Section and the Resolution enacting this Section.
- b. Any person who shall obtain a permit as required by this Section 9-202 to install or construct a culvert or entrance into private property

from a county maintained road, but (i) shall install or construct the culvert in such a manner so as to not comply with the plans and specifications approved by the County Engineer and (ii) shall fail to remedy the deficiencies within thirty (30) days of notice by the County Engineer sent to the property owner by certified mail, return receipt requested, or within such additional time as the County Engineer may grant, shall be guilty of violating this Section 9-202 and the Resolution enacting this Section. In addition, if the deficiencies are not remedied within said thirty (30) day period, or within such additional time as the County Engineer may grant, the Department of Public Works may abate such violation at the expense of the owner of the property.

- c. Any person who shall violate the provisions of this Section 9-202 shall be civilly liable to Douglas County in the amount of \$100, which civil liability shall be in addition to criminal liability set forth in K.S.A. 68-543 and shall be in addition to costs of Douglas County in abating any violation. Each day that the violation exists shall be deemed a separate violation.

9-202-5

ASSESSMENT OF COSTS OF ABATEMENT; NOTICE OF COSTS; APPEAL.

- a. The Department of Public Works shall keep an itemized account of the expenses, including labor, materials, and equipment costs, incurred by the County in the abatement of any violations of this Section 9-202. Following an abatement, the Department of Public Works shall cause an assessment entitled "Notice of Costs" to be mailed to the property owner by certified mail, return receipt requested. The owner shall have thirty (30) days from the date of the Notice to make full payment. The Notice of Costs shall state:
 - (1) The common or legal description of the property, or both;
 - (2) The nature of the violation that was abated;
 - (3) The nature of the work performed to abate the violation;
 - (4) The amount of the costs incurred for the abatement of the nuisance either in a lump sum or in an itemized form;
 - (5) That the failure to pay the entire amount within sixty (60) days shall allow the County to file a lien against the property or to pursue litigation for the recovery of the costs, or both. Partial payments will not be accepted and shall be considered as nonpayment under this Section; and
 - (6) That an appeal of the proposed assessment must be made in writing and received by the Department of Public Works within sixty (60) days from the date of the Notice.

- b. Upon the expiration of the sixty (60) day period, if no appeal has been received by the Department of Public Works, a copy of the Notice of Costs shall be forwarded to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County.

- c. If a written appeal of the proposed assessment is received by the Department of Public Works prior to the expiration of the sixty (60) day period, an appeal of the assessment before the County Administrator or his designee shall be scheduled by the Department of Public Works for a date no sooner than twenty (20) days following the date the appeal was received. Written notice of the time and place of the hearing shall be given to each appellant by first class mail at the address provided with the written appeal request, and shall be mailed at least fifteen (15) days before the date set for the hearing. The appeal hearing shall be conducted by the County Administrator or his designee, who shall make a written determination of whether the assessment was authorized by this Section 9-202 and whether the amount of the charges should be canceled, reduced, or remain the same. If the County Administrator or his designee determines that the proposed assessment, or any part of it, is proper and authorized, the County Administrator or his designee shall so certify to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County. The decision of the County Administrator or his designee shall be considered a final order of the Board of County Commissioners.

- d. The County Administrator or his designee may reduce or cancel a proposed assessment if it is determined that any of the following did not substantially conform to the provisions of this Section:
 - (1) The notice of violation;
 - (2) The work performed by the Department of Public Works in abating the violation; and
 - (3) The computation of charges incurred in abating the violation.

- e. If, after a lien has been entered in the assessment roll, there is a written request of the owner who alleges that the owner did not receive notice of the proposed assessment, the County Clerk shall refer the matter for appeal procedures pursuant to Subsection 9-202-5.d. The lien may be canceled or reduced by the County Administrator or his designee if, after hearing, it is determined:

- (1) The owner did not receive notice of the proposed assessment; and
 - (2) The circumstances are such that a reduction or cancellation of the charges would have been appropriate had the owner received notice of the proposed assessment.
- f. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county property taxes, which shall be upon the same parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
 - g. The County Clerk shall add the amount of the assessment to the next regular tax bill levied against the property. All assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall be come delinquent and shall bear interest at the rate of interest for delinquent ad valorem real property taxes. The County Treasurer shall collect the assessment at the same time and in the same manner as ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.
 - h. The person who is the owner of the property at the time at which the notice of violation is sent shall be personally liable for the amount of the assessment, including all interest, civil penalties, and other charges.
 - i. Nothing in this Subsection shall limit the County from utilizing other collection methods to recoup abatement costs.

9-202-6

SAVINGS CLAUSE. If any section, subsection, sentence, clause, or phrase of this Section 9-202 is for any reason held to be invalid or unconstitutional by final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The Board of County Commissioners declares that it would have adopted this Section and each subsection, sentence, clause, or phrase, despite the fact that any one or more subsections, sentences, clauses, or phrases would be declared invalid or unconstitutional.

3. Repeal. Effective on the Effective Date of this Resolution, Resolution No. HR-02-12-8, as existing and effective prior to the Effective Date of this Resolution, is repealed.

4. Effective Date. This Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2009.

**BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS**

Charles Jones, Chairperson

Nancy Thellman, Member

Jim Flory, Member

ATTEST:

Jamie Shew, County Clerk

RESOLUTION NO. HR-09-_____

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING SECTION 9-202 OF THE CODE OF DOUGLAS COUNTY, KANSAS; PROVIDING CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR ENTRANCES ON COUNTY ROUTES; REQUIRING A PERMIT AND INSPECTION FROM THE COUNTY ENGINEER THEREFORE; AND REPEALING SECTION 9-202 OF THE DOUGLAS COUNTY CODE AND RESOLUTION NO. HR-02-12-8.

WHEREAS, K.S.A. 19-101 *et seq.* authorizes the Board of County Commissioners of each County to transact all county business and perform all powers of local legislation and administration as it deems appropriate.

WHEREAS, K.S.A. 68-543 requires the County Engineer to approve plans for, give permission for, and supervise the construction of culverts or private entrances on county routes.

WHEREAS, pursuant to the foregoing authority, the Board of County Commissioners has duly adopted Resolution No. HR-02-12-8, which is codified a Section 9-202 of the Code of Douglas County, Kansas (the "Code").

WHEREAS, the Board of County Commissioners desires to make certain amendments to said Resolutions and codified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, INTENDING TO EXERCISE ITS HOME RULE AUTHORITY AND ITS STATUTORY AUTHORITY, THAT THE FOLLOWING BE ADOPTED:

1. Authority. This resolution is enacted under the authority vested in the Board of County Commissioners by K.S.A. 19-101 *et seq.* and K.S.A. 65-543.

2. Section 9-202. Section 9-202 of the Code is hereby amended and restated to read as follows:

9-202. CONSTRUCTION REGULATIONS FOR PRIVATE ENTRANCES ONTO COUNTY MAINTAINED ROADS.

9-202-1 ENTRANCE PERMITS. Any person wishing to install and construct a culvert or entrance into private property from a county maintained road shall do all of the following:

- a. Obtain approval of the location plan and culvert size from the county Engineer.
- b. Pay a permit and inspection fee of \$75.
- c. Comply with the directions and requirements of the County Engineer including, but not limited to, the specifications for entrance installation,

the initial specifications of which are attached hereto as Exhibit 9-202-1c.1, and the standards for entrance installation, the initial standards of which are attached hereto as Exhibit 9-202-1c.2. Said specifications and standards are hereby adopted by reference and incorporated herein. The County Engineer is authorized to amend and supplement said specifications or standards from time to time as the County Engineer determines, in the exercise of the County Engineer's engineering judgment, reasonable; provided, however, that the County Engineer may not amend or supplement said specifications or standards in a way that significantly increases the cost of installing the entrance, unless the County Engineer receives approval from Board of County Commissioners. Copies of the then current specifications and standards shall be available in the office of the County Engineer.

- d. Obtain inspection and approval of the installed culvert by the County Engineer.

9-202-2

SHARED ENTRANCES.

- a. A shared entrance is an entrance intended to serve more than one property. It is typically located on or near a common property line shared by adjacent property owners or developers. A shared entrance is desirable because it eliminates an additional point-of-conflict along the roadway, thereby reducing the possibility of traffic accidents.
- b. When conditions allow, the County Engineer may require the installation of a shared entrance onto County maintained roads in order to reduce the number of entrances and maintain desirable entrance spacing. A typical example for the requirement of shared entrances is when a series of relatively small, adjacent tracts are developed or development is expected in the near future. A shared entrance may also be required by the County Engineer to maximize sight distance depending on roadway and site conditions.
- c. A shared entrance onto a County maintained road shall be contained on public road right-of-way, and upon proper installation and acceptance shall be maintained by the County in a manner similar to maintenance of other private entrances on County maintained roads.
- d. Construction of a shared entrance onto a County maintained road shall conform to the directions and requirements of the County Engineer including, but not limited to, the specifications for entrance installation, the initial specifications of which are attached hereto as Exhibit 9-202-1c.1 (to the extent applicable to a shared entrance) and standards for shared entrance installation, the initial standards of which are attached hereto as Exhibit 9-202-2d. Said specifications and standards are hereby adopted by reference and incorporated herein. The County Engineer is authorized to amend and supplement said specifications or standards from time to time as the County Engineer determines, in the exercise of the County Engineer's

engineering judgment, reasonable; provided, however, that the County Engineer may not amend or supplement said specifications or standards in a way that significantly increases the cost of installing the shared entrance, unless the County Engineer receives approval from the Board of County Commissioners. Copies of the then current specifications and standards shall be available in the office of the County Engineer.

- e. A properly constructed and approved shared entrance onto county rights-of-way (including township maintained roads) shall not be deemed a private road or street, and shall not be prohibited by the Joint Subdivision Regulations of the City of Lawrence and Douglas County, as in effect on the effective date of this Resolution; provided, however that the portion of the entrance that is shared must be within the county right-of-way. Any shared portion of the entrance and driveway that extends beyond the boundaries of the county right-of-way shall be deemed a private road or street and prohibited by such Subdivision Regulations. Shared entrances onto township maintained roads must be constructed and approved in accordance with regulations or policies of the applicable township.

9-202-3

COUNTY ENGINEER DISCRETION. The County Engineer is hereby delegated and granted the authority to permit a variance from the specifications and standards referenced in Sections 9-202-1c and 9-202-2d, as from time to time amended, on a case-by-case basis in situations in which the County Engineer determines, in the exercise of the County Engineer's engineering judgment, that strict application of the specifications or standards will involve increased risk to property or public safety, or that strict application of construction requirements are not appropriate for the specific site conditions. In the event that the County Engineer exercises the County Engineer's engineering judgment to permit a variance from the above specifications and standards in any particular instance, the County Engineer shall set forth in writing the reasons for such decision and maintain such writing in the files relating to the subject entrance, unless the variance is a minor variance of the construction requirements due to specific site conditions.

9-202-4

VIOLATIONS.

- a. Any person who shall install or construct a culvert or entrance into private property from a county maintained road without obtaining a permit as required by this Section 9-202 shall be guilty of violating this Section and the Resolution enacting this Section.
- b. Any person who shall obtain a permit as required by this Section 9-202 to install or construct a culvert or entrance into private property from a county maintained road, but (i) shall install or construct the culvert in such a manner so as to not comply with the plans and specifications approved by the County Engineer and (ii) shall fail to

remedy the deficiencies within thirty (30) days of notice by the County Engineer sent to the property owner by certified mail, return receipt requested, or within such additional time as the County Engineer may grant, shall be guilty of violating this Section 9-202 and the Resolution enacting this Section. In addition, if the deficiencies are not remedied within said thirty (30) day period, or within such additional time as the County Engineer may grant, the Department of Public Works may abate such violation at the expense of the owner of the property.

- c. Any person who shall violate the provisions of this Section 9-202 shall be civilly liable to Douglas County in the amount of \$100, which civil liability shall be in addition to criminal liability set forth in K.S.A. 68-543 and shall be in addition to costs of Douglas County in abating any violation. Each day that the violation exists shall be deemed a separate violation.

9-202-5 ASSESSMENT OF COSTS OF ABATEMENT; NOTICE OF COSTS; APPEAL.

- a. The Department of Public Works shall keep an itemized account of the expenses, including labor, materials, and equipment costs, incurred by the County in the abatement of any violations of this Section 9-202. Following an abatement, the Department of Public Works shall cause an assessment entitled "Notice of Costs" to be mailed to the property owner by certified mail, return receipt requested. The owner shall have thirty (30) days from the date of the Notice to make full payment. The Notice of Costs shall state:
 - (1) The common or legal description of the property, or both;
 - (2) The nature of the violation that was abated;
 - (3) The nature of the work performed to abate the violation;
 - (4) The amount of the costs incurred for the abatement of the nuisance either in a lump sum or in an itemized form;
 - (5) That the failure to pay the entire amount within sixty (60) days shall allow the County to file a lien against the property or to pursue litigation for the recovery of the costs, or both. Partial payments will not be accepted and shall be considered as nonpayment under this Section; and
 - (6) That an appeal of the proposed assessment must be made in writing and received by the Department of Public Works within sixty (60) days from the date of the Notice.
- b. Upon the expiration of the sixty (60) day period, if no appeal has been received by the Department of Public Works, a copy of the Notice of

Costs shall be forwarded to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County.

- c. If a written appeal of the proposed assessment is received by the Department of Public Works prior to the expiration of the sixty (60) day period, an appeal of the assessment before the County Administrator or his designee shall be scheduled by the Department of Public Works for a date no sooner than twenty (20) days following the date the appeal was received. Written notice of the time and place of the hearing shall be given to each appellant by first class mail at the address provided with the written appeal request, and shall be mailed at least fifteen (15) days before the date set for the hearing. The appeal hearing shall be conducted by the County Administrator or his designee, who shall make a written determination of whether the assessment was authorized by this Section 9-202 and whether the amount of the charges should be canceled, reduced, or remain the same. If the County Administrator or his designee determines that the proposed assessment, or any part of it, is proper and authorized, the County Administrator or his designee shall so certify to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County. The decision of the County Administrator or his designee shall be considered a final order of the Board of County Commissioners.

- d. The County Administrator or his designee may reduce or cancel a proposed assessment if it is determined that any of the following did not substantially conform to the provisions of this Section:
 - (1) The notice of violation;
 - (2) The work performed by the Department of Public Works in abating the violation; and
 - (3) The computation of charges incurred in abating the violation.

- e. If, after a lien has been entered in the assessment roll, there is a written request of the owner who alleges that the owner did not receive notice of the proposed assessment, the County Clerk shall refer the matter for appeal procedures pursuant to Subsection 9-202-5.d. The lien may be canceled or reduced by the County Administrator or his designee if, after hearing, it is determined:
 - (1) The owner did not receive notice of the proposed assessment; and

- (2) The circumstances are such that a reduction or cancellation of the charges would have been appropriate had the owner received notice of the proposed assessment.
- f. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county property taxes, which shall be upon the same parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
- g. The County Clerk shall add the amount of the assessment to the next regular tax bill levied against the property. All assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall be come delinquent and shall bear interest at the rate of interest for delinquent ad valorem real property taxes. The County Treasurer shall collect the assessment at the same time and in the same manner as ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.
- h. The person who is the owner of the property at the time at which the notice of violation is sent shall be personally liable for the amount of the assessment, including all interest, civil penalties, and other charges.
- i. Nothing in this Subsection shall limit the County from utilizing other collection methods to recoup abatement costs.

9-202-6 SAVINGS CLAUSE. If any section, subsection, sentence, clause, or phrase of this Section 9-202 is for any reason held to be invalid or unconstitutional by final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The Board of County Commissioners declares that it would have adopted this Section and each subsection, sentence, clause, or phrase, despite the fact that any one or more subsections, sentences, clauses, or phrases would be declared invalid or unconstitutional.

3. Repeal. Effective on the Effective Date of this Resolution, Resolution No. HR-02-12-8, as existing and effective prior to the Effective Date of this Resolution, is repealed.

4. Effective Date. This Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2009.

**BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS**

Charles Jones, Chairperson

Nancy Thellman, Member

Jim Flory, Member

ATTEST:

Jamie Shew, County Clerk

DOUGLAS COUNTY PUBLIC WORKS ENTRANCE INSTALLATION SPECIFICATIONS

GENERAL

1. The contractor must be qualified by Douglas County prior to commencing work. All contractors on KDOT's prequalified list of grading contractors are automatically prequalified by Douglas County. All other contractors must be qualified by Douglas County by meeting with the Engineer and exhibiting sufficient knowledge of these specifications, and by having sufficient experience, equipment, and personnel to construct entrances on county rights-of-way.
2. "Engineer" means the Douglas County Engineer acting directly or through duly authorized representative(s).
3. "KDOT specifications" means STANDARD SPECIFICATIONS FOR STATE ROAD AND BRIDGE CONSTRUCTION, 2007 Edition, Kansas Department of Transportation.
4. Section numbers referenced in the following Douglas County Entrance Specifications refer to the KDOT specifications.
5. The contractor shall obtain and have readily available his or her own copy of the KDOT specifications.

INSURANCE REQUIREMENTS

- 1) Provide Commercial General Liability insurance for a combined single limit of a minimum amount of \$500,000 for bodily injury and property damage.
- 2) Provide Automobile Liability insurance for a combined single limit of a minimum amount of \$500,000 for bodily injury and property damage that covers owned, hired, and non-owned vehicles.
- 3) Before stating any work, provide to the Director of Public Works copies of Certificates of Insurance showing the Contractor carries insurance in the amount and type required and showing the effective and expiration dates of such insurance.
- 4) Obtain insurance only from insurers authorized to transact insurance business in Kansas as an authorized insurer.

TRAFFIC CONTROL

- 1) Provide, erect, and maintain all traffic control devices necessary to protect the public and workers on the project. All traffic control devices must conform to the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) in terms of quality, quantity, and placement of these devices. Traffic control devices that do not meet the MUTCD are unacceptable.
- 2) The Contractor's obligation to provide, erect, and maintain all traffic control devices is extremely important. It is the Contractor's duty to provide, properly erect and maintain all traffic control devices. If the Engineer has not observed or reminded the Contractor to erect or maintain these devices, it does not lessen the Contractor's responsibility or liability to Douglas County, the public, or the Contractor's workers for failing to provide, erect, or maintain these devices.

- 3) Safely move traffic through the project. Sequence work to provide 2-way travel whenever possible. Do not detour traffic.
- 4) Attached are three typical applications from the MUTCD that would apply to construction of an entrance. Typical Application 1 will be required as a minimum in all situations. Typical Application 6 will be required when working adjacent to the traveled lane. Typical Application 10 will be required when needing to close one lane of traffic.

UTILITIES

- 1) The Contractor shall notify Kansas One Call and obtain utility field locates (including those utilities that do not participate in Kansas One Call) in the anticipated work area before excavating.
- 2) Coordinate, schedule, and perform work to minimize interference with others who are adjusting or relocating utilities.
- 3) Use work procedures that do not damage utilities or utility property within and adjacent to the work area.
- 4) Coordinate and perform work to avoid interrupting utility service.
- 5) Notify the utility owner of damage to or exposure of its utility or utility property. Do not hinder the utility owner from restoring utility service.
- 6) Assume responsibility for damages to utilities arising from Contractor's negligent acts or omissions.

PUBLIC SAFETY

- 1) Public safety is critical. Store vehicles, construction equipment, materials, tools and debris off the right-of-way or a minimum of 30 feet from the edge of the roadway.
- 2) Maintain the roadway in good condition at all time. Repair any damage done to the roadway immediately. If dirt or mud is tracked onto the roadway, it shall be removed immediately to ensure the roadway is safe for the traveling public.
- 3) Patch damaged pavement as directed by the Engineer. Sawcutting to provide a neat patch may be required. Patch thickness shall match existing pavement thickness or minimum 6" depth, whichever is more. Patch material shall be BM-2 asphaltic concrete per KDOT specifications, properly compacted, or as otherwise directed by the Engineer.

CONSTRUCTION REQUIREMENTS

- 1) Comply with Douglas County Standards for Residential/Commercial Entrances and with instructions and drawings provided with the entrance permit.
- 2) Excavation. Beginning at the outlet end of the pipe and proceeding toward the upper end, excavate the bottom of the channel to the line, grade, and elevation shown on the drawings. Construct the width of the trench sufficient to lay and backfill the pipe with a minimum width equal to the diameter of the pipe plus 6 inches on each side. Follow OSHA regulations for sloping the sides of the excavation.
- 3) Firm the foundation in the trench to prevent subsequent settlement by removing soft unstable materials and replacing with suitable materials.

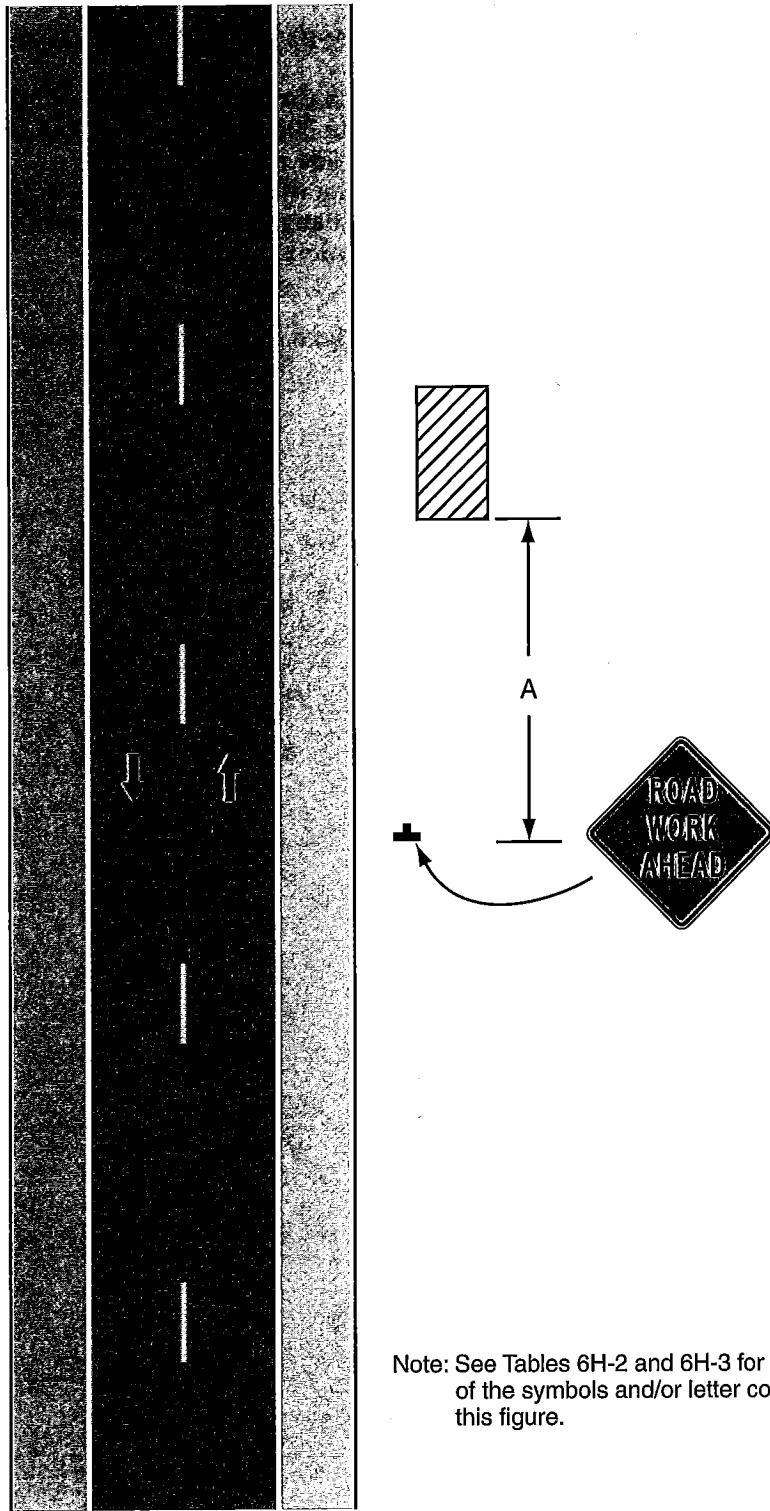
- 4) If rock is encountered, remove the rock to an elevation 12 inches below the pipe flowline elevation shown on the drawings. Backfill and compact the bottom 6 inches of the excavation with suitable soil prior to placing the bedding material.
- 5) Bedding Material. Granular material (SCA-4, AB-3 or PB-3, Section 1102, 1104, or 1107) of sufficient moisture content and that may be adequately rolled or tamped in place shall be used for bedding material. Drain all water from trench before backfilling.
- 6) Place granular bedding material in uniform layers a maximum of 12 inches thick (loose measurement). Place and compact to Type B (MR-90) (Section 205.4g) the granular material in horizontal layers evenly on both sides of the pipe. Granular bedding material shall at a minimum extend to 6 inches below and outside the pipe diameter on each side of the pipe. Terminate the granular backfill at top of pipe and place suitable backfill in maximum 8" (loose measurement) lifts and compacted to Type B (MR-90) to backfill the remaining trench. Construct and compact the earthwork to Type B (MR-90) to achieve the elevation shown on the drawings for the new entrance. Take the necessary precautions to prevent distortion of the pipe while backfilling. Dispose of any excess material and leave the area in a neat presentable condition.
- 7) Surface the completed earthwork with minimum 4 inches of AB-3 (Section 1104) or 4 inches of SS-3 (Section 1112) per the KDOT specifications.
- 8) All disturbed areas shall be seeded, fertilized and mulched in accordance with the following specifications:
 - 8)(a) Slopes and disturbed areas shall have minimum 6" depth of soil suitable for supporting seed growth.
 - 8)(b) Before seeding, the entire area to be seeded shall be fertilized with a 10-10-10 commercial fertilizer applied at a rate of 250 pounds per acre. The entire area shall then be raked to mix the fertilizer thoroughly into the upper 2" of soil.
 - 8)(c) Seed shall be evenly distributed at a rate of 150 pounds (PLS) per acre fescue (K-31), 20 pounds (PLS) per acre brome grass and 20 pounds (PLS) per acre annual ryegrass.
 - 8)(d) Prairie hay mulch shall be uniformly spread over seeded areas to 1-1/2 inches loose depth.

Approved by:

Keith A. Browning, P.E.
Public Works Director

Date

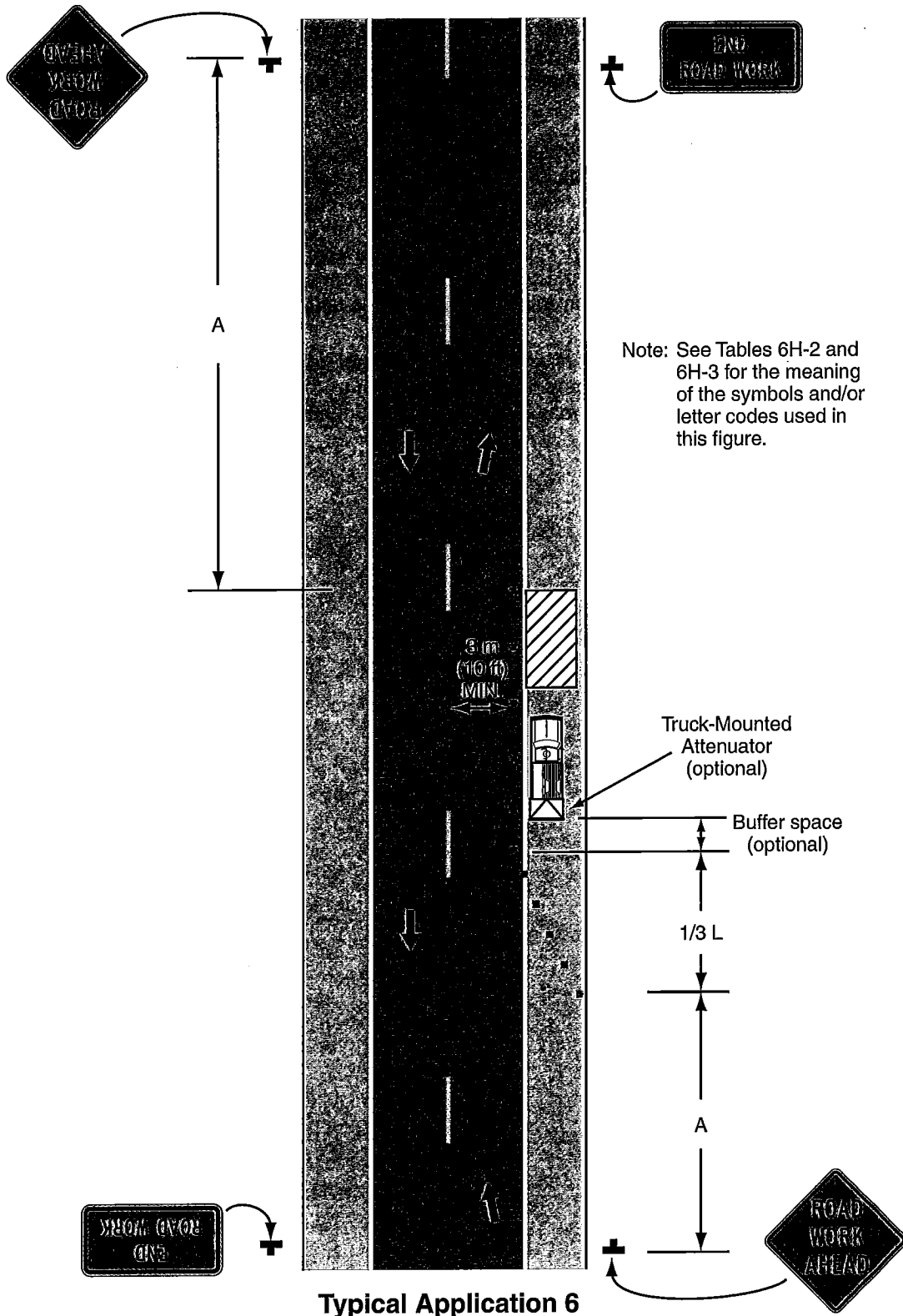
Figure 6H-1. Work Beyond the Shoulder (TA-1)



Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Typical Application 1

Figure 6H-6. Shoulder Work with Minor Encroachment (TA-6)

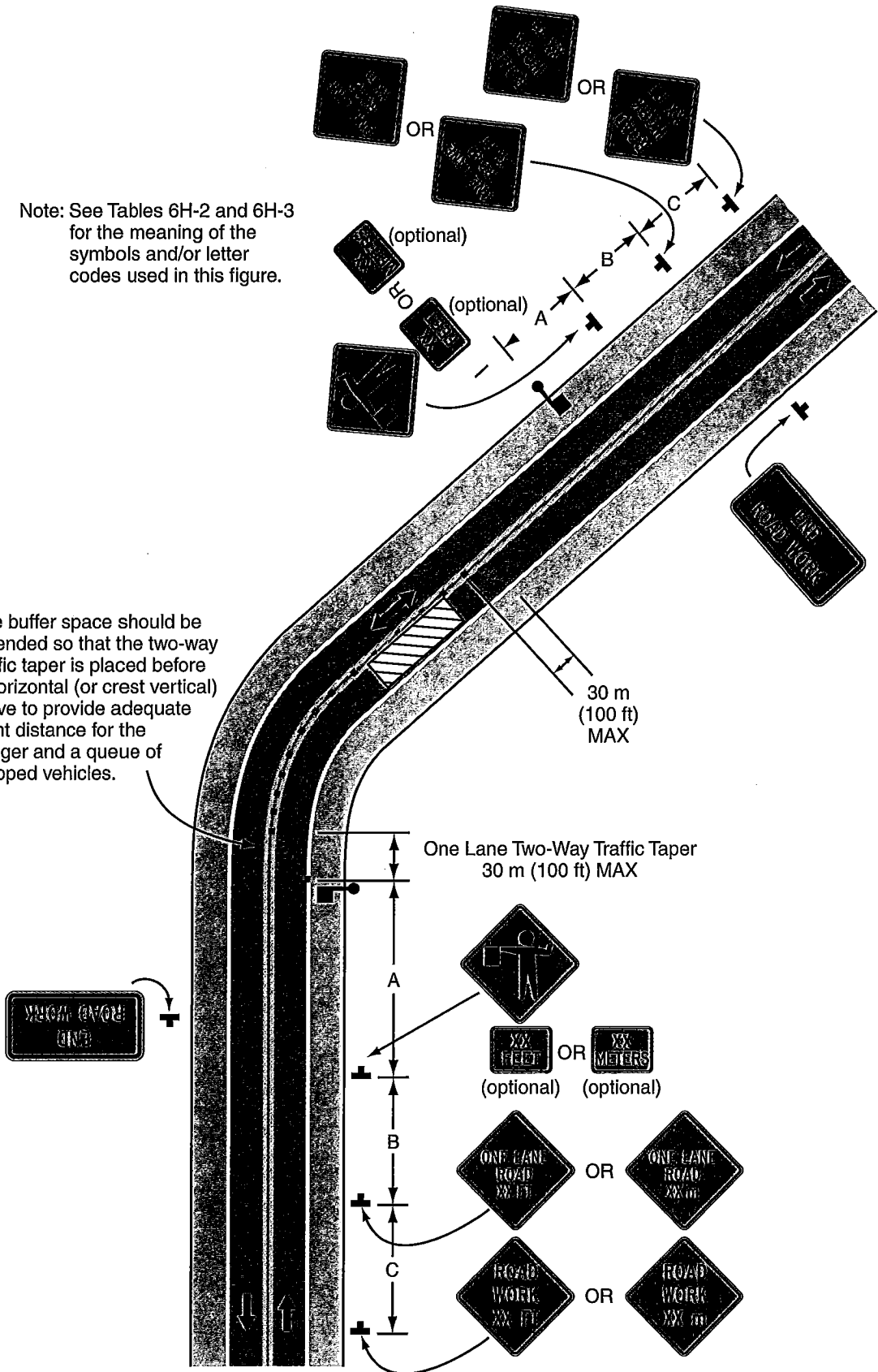


Typical Application 6

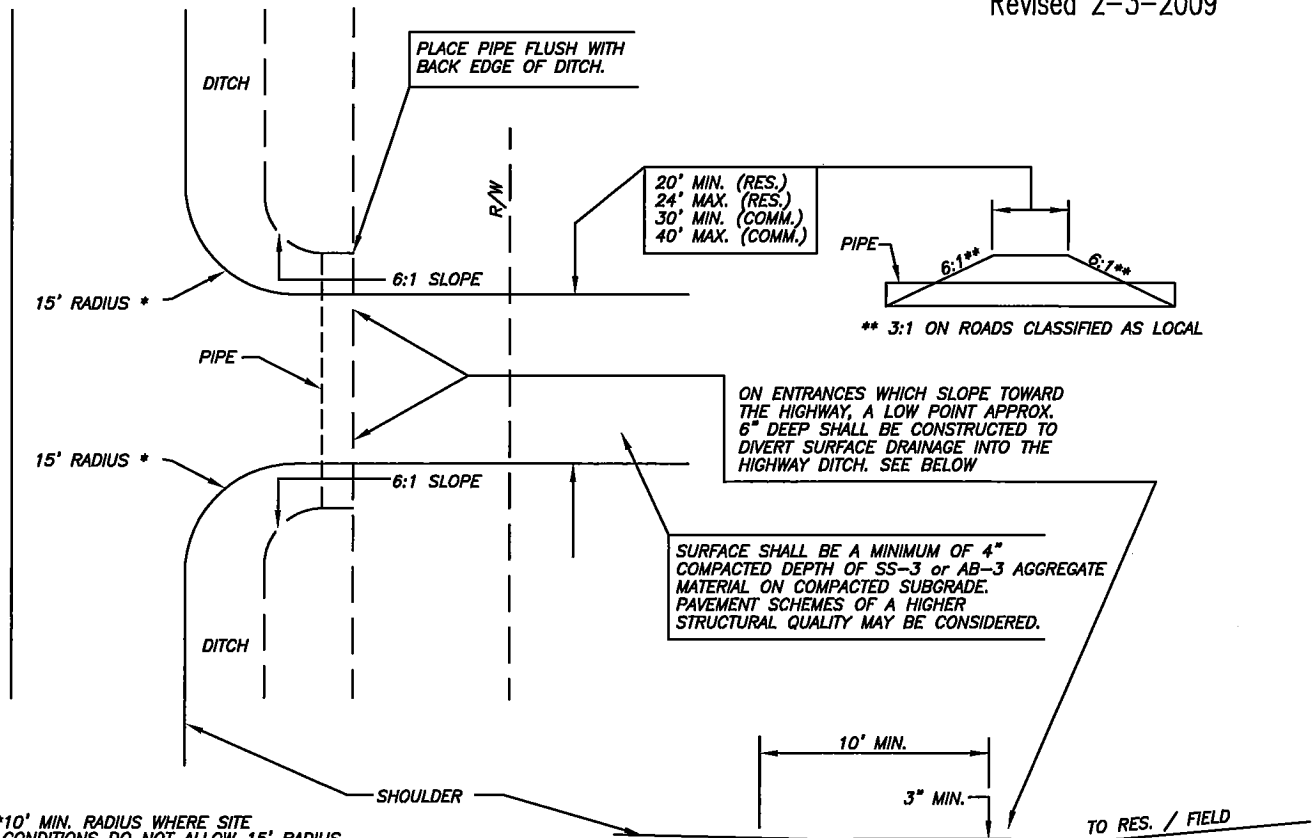
Figure 6H-10. Lane Closure on Two-Lane Road Using Flaggers (TA-10)

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

Note: The buffer space should be extended so that the two-way traffic taper is placed before a horizontal (or crest vertical) curve to provide adequate sight distance for the flagger and a queue of stopped vehicles.



Typical Application 10



*10' MIN. RADIUS WHERE SITE CONDITIONS DO NOT ALLOW 15' RADIUS

CIRCULAR CULVERT PIPE

(2-2/3"x1/2" CORRUGATIONS)

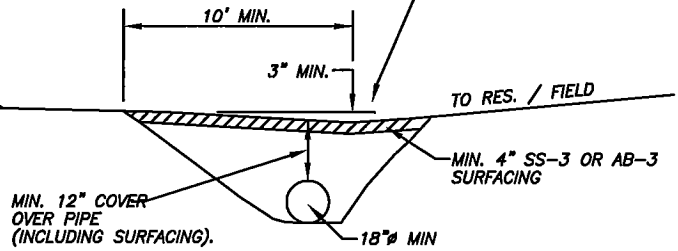
(3"x1" CORRUGATIONS)

DIA.	GAUGE	DIA.	GAUGE
18-21"	16	36-54"	14
24-30"	14	60-84"	12
36-54"	12		
60-72"	10		

ARCH CULVERT PIPE MAY BE REQUIRED AND / OR MAY BE ALLOWED AS AN ALTERNATE; WHEN ARCH PIPE IS APPROVED FOR USE, GAUGE WILL BE SPECIFIED ON PERMIT.

TYPE OF "MATERIALS" ALLOWED

- NEW BITUMINOUS COATED CORRUGATED STEEL PIPE
- NEW GALVANIZED CORRUGATED STEEL PIPE
- NEW ALUMINIZED CORRUGATED STEEL PIPE
- NEW TYPE III REINFORCED CONCRETE PIPE
- NO OTHER MATERIALS ARE APPROVED



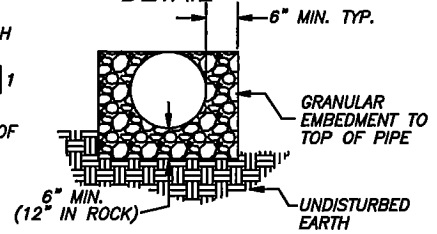
DETAILS

PIPE SLOPE: MATCH SLOPE OF DITCH OR AS SPECIFIED IN THE PERMIT

6:1 SHOULDER SLOPE

ALL PIPES MUST BE NEW AT TIME OF PLACEMENT.

BEDDING DETAIL



CONSTRUCTION METHODS

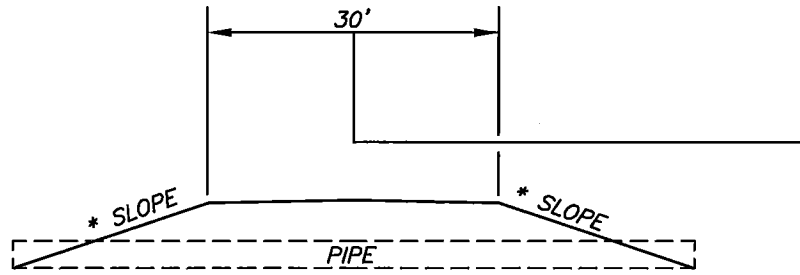
BACKFILL WITH 6" COMPACTED LAYER, FILLING ON BOTH SIDES UNIFORMLY. PROVIDE MINIMUM 8" COMPACTED SOIL AND MINIMUM 4" COMPACTED SS-3 OR AB-3 COVER OVER PIPE. SS-3 OR AB-3 MAY BE SUBSTITUTED FOR SOIL.



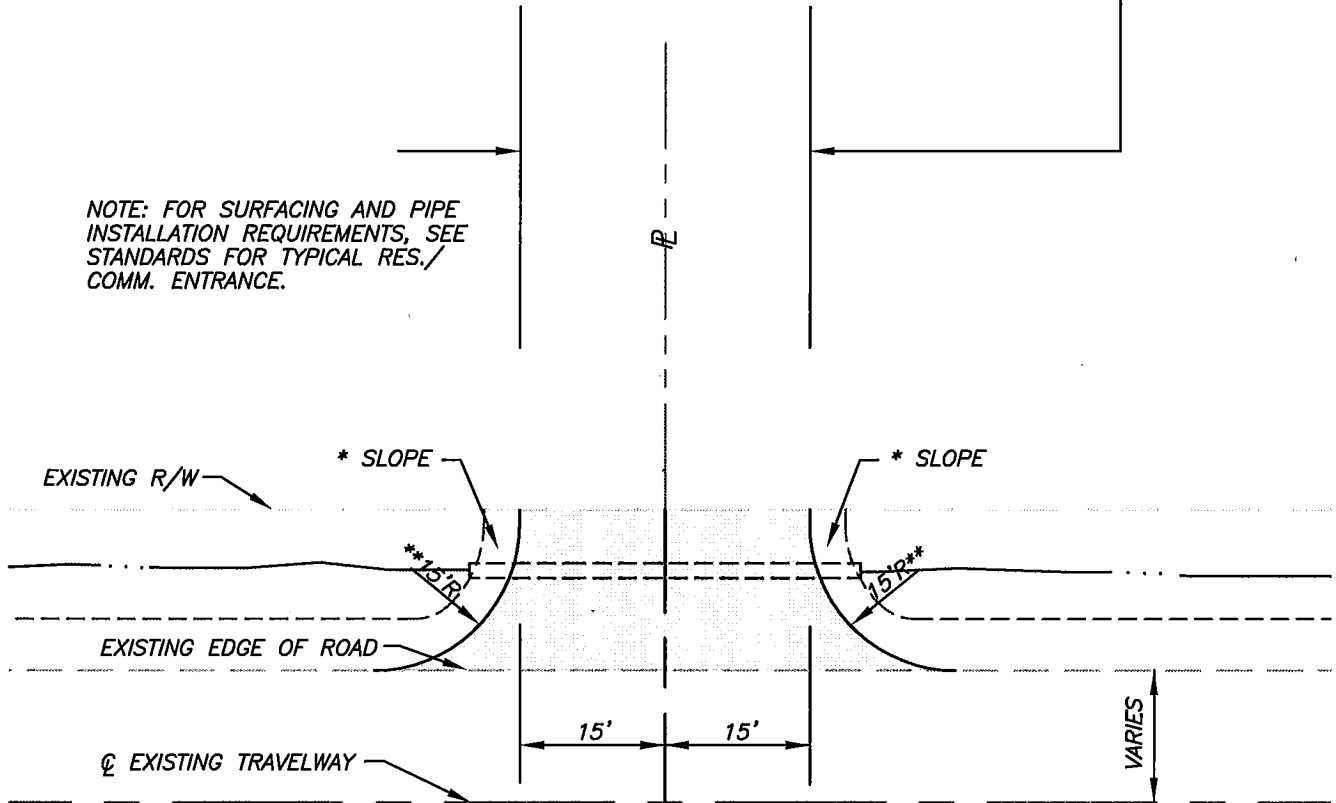
Douglas County Public Works

1242 MASSACHUSETTS
LAWRENCE, KANSAS 66044

STANDARDS FOR
TYPICAL RES./COMM. ENTRANCE



NOTE: FOR SURFACING AND PIPE
INSTALLATION REQUIREMENTS, SEE
STANDARDS FOR TYPICAL RES./
COMM. ENTRANCE.



* 6 HORIZONTAL : 1 VERTICAL, OR FLATTER,
EXCEPT 3:1 ALLOWABLE FOR CLASSIFIED
LOCAL ROADS.

** 10' MIN. RADIUS WHERE SITE CONDITIONS
DO NOT ALLOW 15' RADIUS

SCALE 1" = 20'
2/03/2009



Douglas County Public Works

1242 MASSACHUSETTS
LAWRENCE, KANSAS 66044

STANDARD SHARED ENTRANCE



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : February 5, 2009

Re : Consider authorization to solicit bids for bridge truss replacement
Consider authorization to include contract add-alternate to relocate existing truss
Consider authorization to purchase steel truss
DGCO Bridge No. 09.03N-09.03E
DGCO Project No. 2007-15

The referenced bridge is an 80-foot single-span through truss carrying N 900 Road over Washington Creek located approximately 1.1 miles east of Lone Star town. This is a one-lane bridge with a timber deck. It was constructed in 1910, and is posted for a 3-ton load limit.

The public right-of-way for N 900 Road ends just east of the bridge. There are two current residences on the east side of the bridge served by a private road extending from the eastern end of N 900 Road. Six parcels are accessed east of the bridge by either N 900 Road or the private road.

This department proposes to replace the existing truss while utilizing the existing abutments. Given the fact that a new bridge crossing Washington Creek would need to be substantially longer than the existing bridge, replacing the truss is the most economically viable option. A new one-lane truss will provide an adequate level of service for the low amount of traffic using this bridge. The new truss will have a timber deck like the existing bridge. The new truss will carry legal loads, so the bridge will not need to be posted for reduced loads.

There is no chance the proposed project would be eligible for federal funds. The proposed one-lane truss does not meet federal bridge geometric standards. A new bridge crossing would be eligible for federal bridge replacement funds, but it is likely the required local matching funds would exceed the cost of the proposed truss replacement. Even if Economic Recovery Program federal funding, requiring no local match, was available, this would not be a recommended project for which to use these limited funds. Given the low traffic usage of this bridge, a new bridge crossing at this location seems excessive.

Our consultant, Finney & Turnipseed, has prepared plans for this project. In addition to removing the existing truss and setting a new truss, there is some concrete work needed for the abutments. There is also some grading work needed on the approaches to the bridge. The latest construction cost estimate for this project is approximately \$283,160, which includes providing and installing the new truss. The CIP has \$286,860 allocated for this project.

MEMORANDUM
February 5, 2009
Page Two

There is only one supplier of the replacement truss, Contech Bridge Solutions. Contech quoted a price of \$167,114 for fabricating and delivering the truss to the project site. There is a 10-12 week lead-time for truss fabrication.

In August 2008, this department received communication from the State Historic Preservation Officer's (SHPO's) office saying this bridge is potentially eligible for listing in the National Register of Historic Places. We then met with the Deputy SHPO to determine our options. The Deputy SHPO indicated preserving and relocating the existing truss would be their favored option. Another option was to mitigate the loss of the bridge by nominating another historic facility in Douglas County for the Register.

In mid-October 2008 we received a determination from the Corps of Engineers that a Department of Army permit is not required for this project since no work is planned below the ordinary high water mark. On October 20, 2008 we received another letter from the Deputy SHPO stating that since the project is not subject to a Corps of Engineers permit, the project is no longer subject to SHPO review and the project may proceed. However, the SHPO requested we continue to investigate options to relocate the bridge.

We met with the property owners east of the bridge, Mr. & Ms. Schroeder, to see if they would be interested in having the bridge relocated to their property. We identified two possible locations on their property for the relocated bridge. Our consultant estimates the cost to relocate the bridge to the Schroeder's property would be approximately \$24,000.

Relocating the bridge is not required. We could simply proceed as previously planned to demolish the bridge. We could also include an add-alternate to the project's contract to relocate the bridge, and see how much the actual bids are. Once we receive the bids, the BOCC could decide whether to relocate the bridge. We feel the add-alternate bid will be close to the consultant's estimate of \$24,000. If the BOCC has no interest in spending similar funds to relocate the bridge, it makes no sense to include an add-alternate item in the contract.

Temporary construction easement is needed for construction of the bridge approaches. This should be acquired prior to soliciting bids for construction.

Action Required: Authorize Public Works to proceed with Project No. 2007-15, truss replacement for Bridge No. 09.03N-09.03E, and authorize the following actions:

- (1) Purchase a replacement truss for \$167,114, from Contech Bridge Solutions
- (2) Include an add-alternate to the project's contract to relocate the bridge to private property on the east side of Washington Creek
- (3) Solicit bids for installation of the replacement truss and other construction needed for Project No. 2007-15 following final plan approval and acquisition of easements.