

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, JUNE 16, 2010

4:00 p.m.

- Proclamation declaring June 14-19, 2010 as "Dad's Days" (Anna Jenny)
- Expression of Appreciation to County employees who organized and assisted in a successful campaign to inform Douglas County residents about upcoming changes in flood plain maps and regulations as they will impact Douglas County.
- Consider the approval of the minutes of May 26, 2010

## CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders;
- (b) Consider approval of a letter requested by the Kansas Health Policy Authority for certification of source of matching funds for the Healthy Families program in Douglas County (Dan Partridge)

## REGULAR AGENDA

- (2) Consider approval of a replacement boiler for the County Courthouse (Bill Bell, Eileen Horn)
- (3) Consider approval of JLE VAV (variable air volume) box retrofit and additional modifications (Bill Bell/Eileen Horn)
- (4) Consider request for funding approval for feasibility study on Douglas County Jail (Ken McGovern)
- (5) Authorize Sheriff to apply for COPS grant (Ken McGovern) – Backup to follow electronically
- (6) Executive Session to consult with County Counselor about ongoing litigation
- (7) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment

## **RECESS UNTIL 6:35 P.M.**

6:35 p.m. reconvene

- (8) Consider approval of Conditional Use Permit **CUP-3-2-10** for accessory uses such as outdoor weddings, picnicking, and outdoor music, with the Bluejacket Crossing Winery, approximately 20 acres, located at 1969 N 1250 Rd, Eudora. Submitted by Kandaya Selvan, property owner of record. (PC Item 8; approved 9-0 on 5/26/10) (Mary Miller is the Planner)
- (9) Lawrence Wastewater Master Plan boundaries and growth assumptions presentation (Scott McCullough/ Mike Lawless)
- (10) Consider approval of County Noise Ordinance (Jim Flory)
- (11) Adjourn

## WEDNESDAY, JUNE 23, 2010

## WEDNESDAY, JUNE 30, 2010

6:35 p.m.

- Receive US-56 Corridor Management Plan from KDOT (Keith Browning)
- Receive and consider approval of Implementation Agreement concerning management of US-56 corridor (Keith Browning)

**WEDNESDAY, JULY 7, 2010**

**MONDAY, JULY 12, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

**TUESDAY, JULY 13, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

**WEDNESDAY, JULY 14, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

4:00 p.m. – Commission Meeting

**MONDAY, JULY 19, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

**TUESDAY, JULY 20, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

**WEDNESDAY, JULY 21, 2010**

8:00 a.m. – 12:00 p.m. – County Commission Budget Work Session

4:00 p.m. – Commission Meeting

**Note:** *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



# Dad's Days in Douglas County 2010 P R O C L A M A T I O N

**Whereas,** *Dads of Douglas County*, and many other organizations that provide services to families are celebrating Dad's Days, June 14-19, 2010 in Lawrence, Kansas; and

**Whereas,** these organizations and many others are working to promote and support fatherhood by raising awareness of the value of fathering in Douglas County, Kansas; and

**Whereas,** all dads across the country and in Douglas County, Kansas deserve recognition for the role they play in the health and happiness of their children; and

**Whereas,** in recognizing and supporting the people, programs and policies that are committed to high quality services to dads as the right choice for families;

Therefore, the Board of County Commissioners of Douglas County hereby proclaims

## June 14-19, 2010 as Dad's Days in Douglas County

*Dated this 16<sup>th</sup> day of June, 2010.*

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

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Nancy Thellman, Chairman

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Jim Flory, Vice-Chair

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Mike Gaughan, Member



200 Maine, Ste. B Lawrence, KS 66044  
p: 785-843-0721 ex. 336 f: 785-843-3161



## Memorandum

Date June 7, 2010

From Dan Partridge  
Director  
Lawrence-Douglas County Health Department

To: Douglas County Board of County Commissioners

Re: Kansas Health Policy Authority request for certification of source of matching funds for the Healthy Families Program.

The Kansas Health Policy Authority is asking you to verify the source and amount of funds used to provide the Healthy Families program in Douglas County. Attached you will find a draft letter that I respectfully ask you to place on your official letterhead and sign. I ask you for this in order to comply with their request and allow the program to continue. This letter states that the source of funds are from allowable sources complying with 42 CFR .433.54. This information was provided by the Kansas Children's Service League as they are the entity that develops these funds through donations which are received and held by the Douglas County Community Foundation. This letter does not obligate the County to commit any funds in support of the program.

### Background

In 2009, in an effort to continue to provide case management services while responding to cuts in State and local funding, the Health Department entered into a contract with the Kansas Health Policy Authority wherein in exchange for providing the Healthy Families America program the KHPA would match any funds developed in support of the program.

The Health Department then contracted with the Kansas Children's Service League (KCSL) to provide the Healthy Families program and develop the funds necessary to support the program.

June 16, 2010

Barbara Langner  
Deputy Executive Director and State Medicaid Director  
Kansas Health Policy Authority  
Rm. 900-N, Landon Building  
900 SW Jackson St.  
Topeka KS 66612-1220

Dear Ms. Langner,

Please accept this letter in response to your correspondence dated May 13, 2010 regarding the source of matching funds for the Douglas County Healthy Families Program.

Attached with this letter is the additional detail you requested comprising of a listing of the source of funds matched from the inception of the program through May 20, 2010. This list was created by the Kansas Children's Service League and conforms to the records on file with the Lawrence-Douglas County Health Department.

Sincerely,

Nancy Thellman, Chair

Jim Flory, Vice-Chair

Mike Gaughan, Member

KANSAS CHILDREN'S SERVICE LEAGUE  
**HEALTHY FAMILIES AMERICA**  
**MEDICAID ADMINSTRATIVE MATCH SOURCES**  
 SFY 2010

Local Health Department	Date(s) of Match	Amount of Certified Match	Source of Certified Match
Flint Hills Community Health Center, Emporia, KS	09/15/09	\$6,349	KACCRRRA (Kansas Association of Child Care Resource and Referral Agencies)
	10/15/09	\$5,884	
	11/16/09	\$7,391	
	12/15/09	\$7,674	
	01/15/10	\$7,066	
	01/29/10	\$6,292	
Johnson County Health Department, Olathe, KS	07/30/09	\$35,000	GKCCTF (Greater Kansas City Community Trust Fund – Community Foundation of Johnson County)
	10/14/09	\$35,000	
	01/19/10	\$49,000	
Lawrence-Douglas County Health Department, Lawrence KS *	02/01/10	\$30,062	Douglas County Community Foundation
	02/01/10	\$30,355	
	05/04/10	\$33,750	
Reno County Health Department, Hutchinson, KS	07/01/09	\$18,750	Hutchinson Community Foundation
	10/16/09	\$81,750	
	01/29/10	\$18,750	
Shawnee County Health Agency, Topeka, KS	07/01/09	\$7,481.48	United Way of Greater Topeka
	08/01/09	\$7,481.48	
	09/01/09	\$7,481.48	
	10/01/09	\$7,481.48	
	11/01/09	\$7,481.48	
	12/01/09	\$7,481.48	
	01/01/10	\$7,142.85	
	02/01/10	\$7,142.85	
	03/01/10	\$7,142.85	
Wyandotte Public Health Department, Kansas City, KS	N/A	N/A	N/A

\* The table was updated by KCSL on 5/20/10 to reflect February, 2010 payments processed by Lawrence-Douglas County Health Department. These two payments were inadvertently omitted on original document.

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To: Douglas County Commission

From: Bill Bell, Eileen Horn

Date: June 9, 2010

Re: Courthouse Boiler Replacement

Commissioners,

The existing boiler for the county courthouse was installed in 1976. In the last 33 years the boiler has served us well, but is at the end of its expected life span.

When the existing boiler was installed, it had an 80% efficiency rating which was good for its time. Over the years, that efficiency rating has slowly dropped, as all atmospheric boilers do, and is now most likely at 55% to 60%, which means that we are burning more gas than is necessary to heat the building.

Another big concern, and most likely more important, is the possibility of the boiler failing during the fall and winter months ahead. Should that situation occur, we would have to rent, and install, a temporary boiler at an estimated cost of \$ 20,600.00, as well as replace the old boiler. That is a situation that I wish to avoid.

Our recommendation to the commission is to replace the old boiler with a new Aerco boiler that is 99% efficient, thus saving an estimated \$5783.00 per year in gas. The total cost of the project will be \$50,000.00. We will buy the boiler direct from Blackmore and Glunt, who is the distributor for Kansas and Missouri, at the cost of \$29,915.00. We expect that \$15,000.00 will cover the cost of removing the old boiler and installing the new one. An additional \$5000.00 will cover the cost to install the energy management controls and graphics and reusing our current panel.

We have recommended the Aerco boiler because it seems to be the best boiler available, and the feedback from other sources has been very positive. I have enclosed letters from Glen Weishaar at Fort Leavenworth, and J.T. Cardens, Baker University, for your review, as they have installed the Aerco boilers in their respective facilities. Money for this project is available in the special buildings fund for 2010.

Finally, with the estimated saving projected, the pay back on this project is 9 years. I have also included information from Eileen Horn from her power point presentation. I will be available to answer any questions or concerns from the commission.

# blackmore and glunt, Inc.



13835 W. 107<sup>th</sup> St. Lenexa, KS 66215

Voice: 913.469.5715 Fax: 913.469.1085

Proposal No. 9652 - 1

5/17/10  
Date: ~~03-26-09~~

To:

Terms: Net 30 days  
Order acceptance and shipment subject to approved credit

FOB: Shipping point, full freight allowed

Prices: Guaranteed for 30 days

Job: Douglas County Courthouse

By: Eric Woster

*bbell@douglas-county.com*

Equipment:

Note:

1. Pumps do not include Starters, Disconnects, Variable Speed Drives, Power Factor Correction Capacitors, or any other controls not specifically mentioned in this quotation.

One Aerco Model BMK1.5LN, Natural Gas Fired, Hot Water Boiler with 20:1 Turndown Ratio, Low NOx (< 30ppm), Modulating Gas Train, CSD-1 Safety Controls, ASME Construction, 4" Water Connection, Control Panel Display.

Note:

1. **Factory authorized start-up and training provided.**
2. **6" PVC Direct Combustion Air or Room Combustion Air.**

One Heat Fab Double Wall Vent System - 40 feet total run.

One 1531-1-1/2AC Capacity: 85 GPM @ 38' TDH  
1-1/2 HP, 1750 RPM, 208-230/460 Volt, 60 Cy, 3 Ph, ODP Motor  
Bell and Gossett Series 1531, Foot Mounted, Close Coupled, End Suction, Vertical Split Case, Mechanical Seal, Bronze Fitted Pump.

continued on page 2



- One 3DS-3B  
Bell and Gossett Balanced Triple Duty Valve; Cutoff Valve, Check Valve, Calibrated Balance Valve with Readout Ports, Straight Pattern.
- One DB-3X (3 x 2)  
Bell and Gossett Suction Diffuser, Angle Type Body, Diffuser-Strainer-Orifice Cylinder with Disposable Start-Up Strainer.
- Two Thermo Tech Model FFI Flexible Connector, Stainless Steel Hose and Braid with Carbon Steel Flanged and NPT Ends.
  - One FFI-3" NPT x 3" Flg
  - One FFI-3" Flg x 3" Flg
- One RL-3"  
Bell and Gossett Rolairtrol Air Separator with Tangential Nozzles and Stainless Steel Air Collector Tube. ASME Stamped for 125 PSI Working Pressure.
- One Hoffman Model #78, 3/4" Automatic Air Vent Valve.  
Tag: Air Separator
- One D-120V  
Bell and Gossett Model D, Vertical, ASME, Diaphragm Type, Pre-Pressurized Expansion Tank.

**For the Above                    \$ 29,915.00**

**MT - Bell, Bill**

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**From:** KURT GUNTERT [kguntert@hotmail.com]  
**Sent:** Saturday, June 05, 2010 7:55 AM  
**To:** MT - Bell, Bill  
**Subject:** FW: Fw[2]: Automated Logic / Control Services Reference Questions

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----- FOR YOUR INFORMATION: Kurt Guntert

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To Whom It May Concern:

While serving as Director of Physical Plant at Baker University, I hired Mr. Kurt Guntert as Project Manager for a \$1.9 million project to modernize and standardize equipment and controls throughout the campus. At the time, we had many different brands of hot water boilers and chillers, along with a mishmash of controls, which included Johnson controls, Honeywell and several others.

We had used Automated Logic/Control Services, AERCO Boilers on earlier jobs (expansion of the Student Union)( Science Building) which included the incorporation of existing Honeywell controls. Because I was very satisfied with their product, services and personnel.

Because our intent was to upgrade and modernize equipment ( AERCO Boilers) and controls, we did not track energy usage before or after this project; however, I do know that our Hot Water Boilers went from 55% efficient to 96% efficient.

Mr. Guntert surveyed our buildings and compiled a work list for each building which consisted of boilers, chillers, energy efficient lighting, blown-in insulation and a computerized control system. ~~he wrote specifications, solicited bids, supervised the upgrades and tested the new installations.~~ He worked with Control Services personnel in training our operating staff. ~~The project was completed ahead of schedule and under budget, which saved the University \$200,000.~~ There were no issues, before, during or after installation, which hadn't been addressed in the planning stage.

Computerized controls were a real asset to our maintenance staff. Of particular use was the ability to monitor and resent building parameters by laptop computer. Night, weekend and holiday equipment supervision was accomplished from home. This greatly reduced staff overtime costs.

In my 43 years of experience in the plant operations and maintenance field, I have found no

6/7/2010

system that out performs that of Automated Logic, and AERCO Boilers. I strongly recommend these products.

J.T. Cardens  
Baker University  
Director of Physical Plant (retired)



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The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

**MT - Bell, Bill**

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**From:** KURT GUNTERT [kguntert@hotmail.com]  
**Sent:** Tuesday, June 08, 2010 8:18 AM  
**To:** MT - Bell, Bill; ewoster@b-g.com  
**Subject:** FW: Aerco Boilers (UNCLASSIFIED)

More from me, to you guy's, this is another "Big Promo" for "AERCO" and me. KG.

> Subject: Aerco Boilers (UNCLASSIFIED)  
> Date: Tue, 8 Jun 2010 08:15:29 -0500  
> From: glen.weishaar@us.army.mil  
> To: kguntert@hotmail.com  
>  
> Classification: UNCLASSIFIED  
> Caveats: FOUO  
>  
> Kurt,  
>  
> Our college facility has 7 - 2 million BTU Aerco Boilers that supply's hot  
> water throughout the building. They have been in operation for four years  
> and we have had no issues with any of these boilers.  
>  
> Thanks,  
>  
> Glen Weishaar  
> Supervisor  
> Facility Management Specialist  
> Operations & Maintenance Division  
> 440 McPherson Av.  
> Ft. Leavenworth, Ks. 66027  
> Phone: (913) 684-2385  
> Fax: (913) 684-2380  
>  
>  
> Classification: UNCLASSIFIED  
> Caveats: FOUO  
>  
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The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

## Client Services

## NStar awards rebate to assist with energy efficiency upgrades

### Boiler room overhaul cuts fuel and energy usage for Graystone Corp.

When George T. Wilkinson Inc. replaced Graystone Corporation's existing atmospheric boilers with AERCO condensing boilers, not only were boiler room operating costs significantly reduced, but Graystone received a substantial rebate from NStar to assist with project costs.

Located in Cambridge, Mass., Graystone installed its original boilers during the 1970s.

One of the downsides of operating atmospheric gas boilers is the inability to properly control fuel and air. Because of their significant intake of O<sub>2</sub>, these boilers require excessive use of fuel to

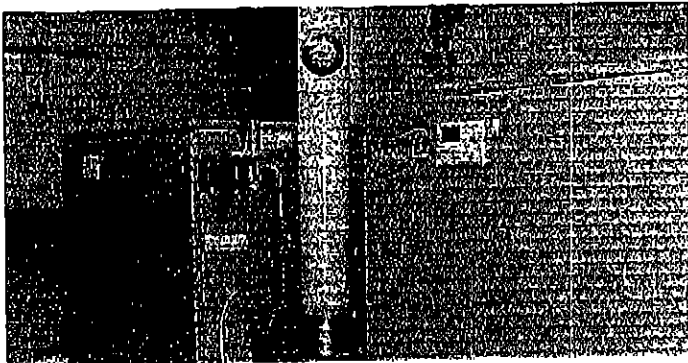
From the low-fire input of a single module (45,500 BTU per hour) to the unit's full fire capacity (1,060,000 BTU per hour), the boiler matches the load precisely, without a cycling or temperature surplus by always employing as many modules as possible — each firing at the lowest possible firing rate.

Less energy is required for the group of thermal modules, each firing at part-load to heat a building. This results in greater fuel savings compared to a module requiring each thermal module to reach full 151,500 BTU per hour capacity before the next module goes online.

The independent operation of two or more thermal modules increases each boiler's turndown range while also increasing its overall reliability. Because thermal efficiency increases as firing rates drop, the simultaneous low-fire operation of multiple modules ensures Modulex boilers continuously maximize operating efficiency.

"They were very, very good. Very thorough and professional. All of the service technicians were very knowledgeable," said Snow.

"The heat in the building has never been better," he said.



Replacing Graystone Corporation's existing atmospheric boilers with AERCO condensing boilers significantly reduced boiler room operating costs.

From 2008 to 2009 Graystone saved 30 percent in fuel costs — including therm reduction as well as heating degree days.

Graystone Buildings Manager Bob Snow explained this was Graystone's first time working with Wilkinson. Snow invited Geoff Wilkinson and Geoff Wilkinson, Jr. onsite and was very impressed with what they had to say.

The Wilkinson Energy Efficiency Engineers® identified the best equipment for Graystone's unique needs, which resulted in substantially reducing fuel costs and energy usage.

counteract the intake — without enough fuel the boiler is at risk to "blow out."

The nine inefficient, gas-fired Hydrotherm atmospheric boilers were replaced with two natural gas-fired AERCO Modulex 1060 condensing boilers.

Constructed with cast aluminum heat exchangers, the units are able to condense without any thermal shock. The MLX-1060 combines the power of seven thermal modules, each operating with greater than 3:1 turndown to deliver a 23:1 range of operations.

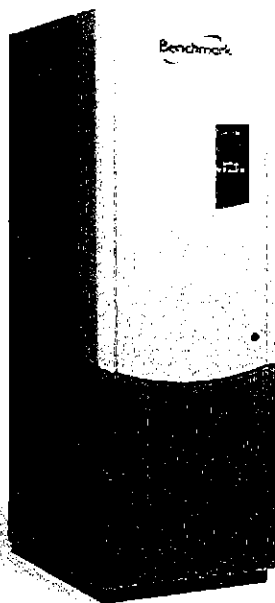
Load in BTU/hr.	MLX-1060
45,500	
136,500	
318,500	
500,000	
650,000	
850,000	
1,060,000	

This case study appeared in the Spring 2009 newsletter, PIPELINE, published by George T. Wilkinson, Inc.



P.O. Box 890147 • East Weymouth, MA 02189  
800-777-1029  
energy@gtwilkinson.com  
www.gtwilkinson.com

# Boiler Replacement County Courthouse



Presented to County Commission:

**June 16, 2010**

By: Bill Bell, Eileen Horn

# Boiler Replacement - Courthouse Building

## **Existing Boiler**

(Installed 1976)

- 80% fuel efficiency rating (at installation in 1976).
- Likely fuel efficiency after 33 years = 55-60%.
- Annual natural gas costs for Courthouse = **\$14,456** (3 year average)

## **New Aerco Boiler**

(25-30 year lifespan)

- 99% fuel efficiency rating.
- Cost of equipment and installation = \$50,000
- Energy savings = 300-600 mcf of natural gas/year.
- Projected annual utility bill savings = **\$5,783**

(Time to payback = 9 years)

## Additional Considerations:

- Likelihood of a mid-winter outage increases due to current boiler age. **Cost of temporary boiler = \$20,600.**
- Reduced maintenance costs with new equipment.
- Over new boiler lifetime, avoids **650 tons of CO<sub>2</sub>** =



Annual greenhouse gas emissions from **124 cars**



CO<sub>2</sub> emissions from **1,511 barrels of gasoline**



CO<sub>2</sub> emissions from **55 homes for one year**





## DOUGLAS COUNTY MAINTENANCE

Judicial and Law Enforcement Center  
111 E. 11th Street  
Lawrence, KS 66044-2912  
(785) 832-5330 Fax (782) 832-5262  
www.douglas-county.com

William S. Bell  
Director

To: Douglas County Commission

From: Bill Bell and Eileen Horn

Date: June 10, 2010

Re: JLE VAV box retrofit and additional modifications.

Commissioners,

In the interest of energy saving and completing the digital controls in the JLE, I am proposing the following project. This project will have four different components that will bring the building under unified control through our energy management system, and bring the original four air handlers and 37 VAV boxes up to the same digital control capability that we added with the new construction and remodeling. Those four components are as follows.

**Front end upgrade:** The front end upgrade will enable us to view, track, and schedule the air handlers and VAV boxes in our current automated logic system.

**Air handler modification 1:** Replace all pneumatic (air ) controls to digital control and reusing the existing pneumatic actuators such as the chilled water valves.

**Air handler modification 2:** Install VFD drives on air handlers 1,2,3,and 4. VFD stands for" variable frequency drives" and allows the motor to run at different and lower speeds when the space it serves is satisfied, thus saving energy. Currently, these motors run at 100% when they actually could be running at 80% or 85% and still keeping the space satisfied.

**Retrofit 37 VAV boxes to digital control:** These 37 VAV (variable air volume) boxes are currently controlled pneumatically buy a pneumatic thermostat. With the retrofit, all of the pneumatic controls will be replaced with digital controls and the thermostats will be replaced with digital thermostats. We will then be able to control the temperature in those spaces from the energy management computer as we can with all of the spaces that were digitally installed in the remodels and new construction.

Now, let me put all of this in perspective and explain how the savings will be generated. Air handlers 1,5, and 6 currently run 24/7 because a few offices are in use after normal hours. With the new digital thermostats and VAV boxes, we can schedule and control just those offices for air and close down all of the other VAV boxes to the other offices because they are not occupied. Thus, the air handler supplying the occupied spaces only has to run at a fraction of it's capacity to satisfy those spaces, saving energy. So, that means that we can now take those three air handlers off of the 24/7 schedule and have them run only as necessary to satisfy a few spaces at a fraction of their normal speed.

Additionally, we can pre-schedule any office, or group of offices, for occupied time on any day and any time if it's after hours or on the weekend. We simply set the schedule for a specific time



## **DOUGLAS COUNTY MAINTENANCE**

Judicial and Law Enforcement Center

111 E. 11th Street

Lawrence, KS 66044-2912

(785) 832-5330 Fax (782) 832-5262

[www.douglas-county.com](http://www.douglas-county.com)

**William S. Bell**

Director

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and date, and the space is ready when people arrive. When the time is over, the schedule disappears and the VAV box and air handler go back to the unoccupied mode.

Should the occasion arise that someone has to come in to the office at short notice, with no pre-scheduling, they can simply push a button on the thermostat and that space and VAV box will

automatically activate and bring on the air handler for one hour. If they have to stay longer, they just push the button again to gain another hour of occupied time.

The total cost of this project is \$178,285.00 with an estimated annual savings of \$23,890.00 . Pay back period will be 7.5 years. Money for this project is available in the special buildings fund for 2010.

I will be available to answer any of your questions or concerns.



3350A NE Ralph Powell Rd.  
Lee's Summit, MO 64064  
Voice: (816) 600-5800  
Fax: (816) 600-5899

[www.controlservice.com](http://www.controlservice.com)

April 16, 2010

Bill Bell  
Douglas County - Law Enforcement Building  
111 E. 11th Street  
Lawrence, KS 66046

RE: Douglas County Box Retrofit Project

Dear Bill:

I have developed a scope and budget for Law Enforcement Center facility involving the retrofitting of 37 induction boxes and necessary air handler modifications required for an operational system. Please find listed below, a brief breakdown.

**Front End Upgrade for LEC in this proposal**

- Reuse Existing Server, Server Software, and webCTRL 4.1 Installation, setup, Programming, and training
  - Installed under single box retrofit recently installed

**Law Enforcement Center Air Handling Unit Modifications**

- Replace all pneumatic controls on ONE AHU (reuse pneumatic actuators)
  - Price \$18,700
- Replace all pneumatic controls on TWO AHUS (reuse pneumatic actuators)
  - Price \$33,640
- Replace all pneumatic controls on THREE AHUS (reuse pneumatic actuators)
  - Price \$48,700
- Replace all pneumatic controls on FOUR AHUS (reuse pneumatic actuators)
  - Price \$64,915

**Law Enforcement Center Air Handler 15 HP VFD drive adds**

- Provide and Install (1) 15 HP ABB VFD
  - Price \$5,800
- Provide and Install (2) 15 HP ABB VFD
  - Price \$10,400
- Provide and Install (3) 15 HP ABB VFD
  - Price \$14,400
- Provide and Install (4) 15 HP ABB VFD
  - Price \$18,000

**Law Enforcement Center Induction Box Retrofit and Control Modifications**

- Replace pneumatic controls on 37 VAV Boxes and convert all boxes from induction type to VAV type
  - Price for (1) to (5) Boxes \$2900 Per Box
  - Price for (5) to (10) Boxes \$2,650 Per Box
  - Price for 10 or more boxes \$2,580 Per Box
    - Price for all (37) Boxes \$95,370

**Total cost for these upgrades to this facility \$178,285**

3350A NE Ralph Powell Rd.  
Lee's Summit, MO 64064

[jblaha@controlservice.com](mailto:jblaha@controlservice.com)  
(816) 309-0178 Cell

(816) 600-5800 Voice  
(816) 600-5899 Fax

To accept this proposal, please sign and fax or mail. X \_\_\_\_\_ date \_\_\_/\_\_\_/\_\_\_  
Your PO # \_\_\_\_\_

If there are any questions regarding this proposal, please contact me at (816) 309-0178 or Email to:  
jblaha@controlservice.com.

In the event the amount due is not paid within thirty (30) days of the billing date, an interest rate of 1½ %  
per month on unpaid balance will be charged along with and including any collection costs and reasonable  
attorneys fees. Price is good for 30 days.

With best regards,



John Blaha

These calculations were based on the electrical energy costs you gave to me earlier from another study which was performed on this facility.

In addition, we feel that the routines that can be implemented with the new WEBCTRL system such as supply air reset, optimal start and morning warm up as well as the ability to set individual occupancy schedules for each zone, will generate more savings than I have shown here. Also, there are maintenance savings of at least \$1500 per year because you can verify hot/cold calls from your workstation rather than send maintenance personnel to verify complaints.

**Total savings for these upgrades to this facility \$23,890**

If there are any questions regarding this proposal, please contact me at (816) 309-0178 or Email to: [jblaha@controlservice.com](mailto:jblaha@controlservice.com).

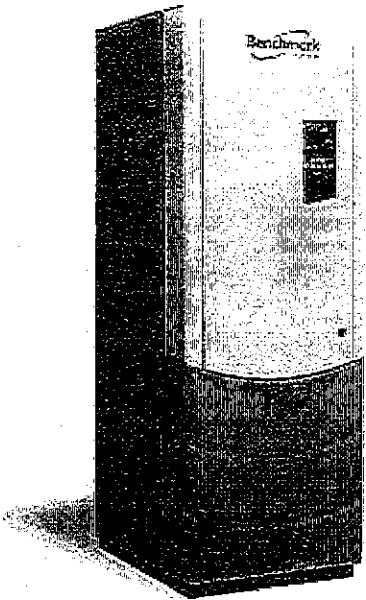
With best regards,



John Blaha

# Efficiency Upgrades

## Judicial Law Enforcement Center



Presented to County Commission:

**June 16, 2010**

By: Bill Bell, Eileen Horn

## Energy Efficiency Upgrades:

- Total Project Cost = \$178,285
- Annual savings = \$23,890
- **Payback = 7.46 years**

Total *annual* kWh savings = 477,800  
= **343 tons of CO<sub>2</sub> annually**



Greenhouse gas emissions from **65 cars**



Emissions from **798 barrels of oil**



Emissions from **29 homes**

### Energy Efficiency Upgrades in Detail:

1. Replacing pneumatic controls on four air handling units to digital
2. Air Handler 15 HP VFD drive additions (on 4 units)
3. 37 VAV boxes retrofitted to digital control

### Energy savings achieved by:

- reducing fan horsepower,
- rescheduling “unoccupied” zones,
- and variable speed drives allow for “soft start.”



**STEVE M. HORNBERGER**  
UNDERSHERIFF

111 E. 11TH STREET  
LAWRENCE, KS 66044-2990  
PHONE: (785) 841-0007  
FAX: (785) 841-5168

**KENNETH M. MCGOVERN**  
SHERIFF

**KENNETH L. MASSEY**  
UNDERSHERIFF

3601 E. 25TH STREET  
LAWRENCE, KS 66046-5616  
PHONE: (785) 830-1000  
FAX: (785) 830-1085

May 27, 2010

County Commissioners:

One of the long range goals of the Douglas County Sheriff's Office includes the expansion of the Re-entry initiative and of the current Corrections facility. At this time we feel it is in the best interest of the community to move forward on a feasibility study and to develop a final master plan for a facility which will meet the future needs of this agency and the citizens of Douglas County.

We have discussed these plans for the last several years and it is our belief that we have developed and established a sufficient foundation which merits this study.

With your approval, the feasibility study would be conducted by Treanor Architects P.A., led by Dan Rowe, the architect who was intricately involved in the design of the current Corrections facility. The involvement of this architectural firm would help maintain the integrity and function of this project and what was originally envisioned. The anticipated cost for the study is \$28,250.00 and will take approximately three months to receive the final results.

We therefore ask you to consider the spending of funds for the feasibility study and for your support of this expansion project.

Sincerely,

Kenneth M. McGovern, Sheriff



Douglas County Sheriff's Office  
Public Information Office

**MEMO**

Date: June 11, 2010

From: Steve Lewis

To: Craig Weinaug

Regarding: Grant Application

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The Sheriff's Office has the opportunity to reapply for a Community Oriented Policing Services (COPS) COPS Hiring Program (CHP) grant. The grant is a competitive grant program that provides funding directly to law enforcement agencies to hire full-time sworn officers to increase their community policing capacity and crime prevention efforts. CHP grants will provide 100 percent funding for approved entry-level salaries and fringe benefits for three years (36 months) for newly-hired, full-time sworn officer positions. We must retain any sworn officer positions awarded under the CHP grant for a minimum of 12 months at the conclusion of the 36 months of federal funding. The position should be added to our agency's budget with state and/or local funds, over and above the number of locally funded sworn officer positions that would have existed in the absence of the grant. Last year we requested two positions. We did not receive approval. This year we are requesting only one position.

The Sheriff would like the County Commission to consider and approve the funding requirements of the CHP grant so we may submit our application.

# COPS FY 2010 Application Guide: COPS Hiring Program (CHP)

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This COPS Application Guide is designed to assist applicants in updating application information for FY 2010 CHP funding. It includes general information on the administrative and legal requirements governing COPS grant programs, as well as CHP-specific information.

For more information about COPS grants, please call the COPS Office Response Center at 800.421.6770.



U.S. Department of Justice  
Office of Community Oriented Policing Services  
1100 Vermont Avenue, N.W.  
Washington, DC 20530

COPS Online: [www.cops.usdoj.gov](http://www.cops.usdoj.gov)

May 2010

## COPS Hiring Program (CHP) Overview

The COPS Hiring Program (CHP) provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts.

In 2010, the COPS Office will select CHP grantees from the existing pool of pending 2009 COPS Hiring Recovery Program (CHRP) applications that were not funded, or received partial funding of their capped request.

CHP grants cover 100 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over three years (36 months). There is no local match or cap on the amount of funding that can be requested per officer position, but CHP grant funding will be based on your agency's current entry-level salary and fringe benefits for full-time sworn officers. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency. All agencies' requests will be capped at no more than 5% of their actual sworn force strength as reported in 2009, up to a maximum of 50 officers. [The request of any agency with a sworn force strength less than or equal to 20 will be capped at one officer.] Funding under this program may be used to:

- Hire new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget. These positions must be in addition to your current budgeted (funded) level of sworn officer positions, and the officers must be hired on or after the official grant award start date as it is listed on your agency's award document.
- Rehire officers who have *already been laid off* (at the time of the updated application) as a result of state, local, or tribal budget cuts. The rehired officers must be rehired on or after the official grant award start date as it appears on your agency's award document. Documentation must be maintained showing the date(s) that the positions were laid off and rehired.
- Rehire officers who are (at the time of the updated application) currently scheduled to be laid off on a future date as a result of state, local, or tribal budget cuts. Grantees will be required to continue funding the positions with local funding until the date(s) of the scheduled lay-offs. The dates of the scheduled lay-offs and the number of positions affected must be identified in the CHP application. In addition, documentation must be maintained detailing the dates and reason(s) for the lay-offs. Furthermore, agencies awarded will be required to maintain documentation that demonstrates that the scheduled lay-offs are occurring for local economic reasons unrelated to the availability of CHP grant funds; such documentation may include local council meeting minutes, memoranda, notices, or orders discussing the lay-offs, budget documents ordering jurisdiction-wide budget cuts, and/or notices provided to the individual officers regarding the lay-offs.

An applicant may request funding in one or more of the above-referenced hiring categories under CHP. If your agency receives a CHP grant *and after receiving the grant*, your agency needs to change one or more of the funded hiring categories it received funding under, your agency must request a post-award grant modification and must receive prior approval before spending CHP funding. To obtain information on modifying a CHP grant award, please contact the COPS Office Response Center at 800.421.6770.

Please note that unless your agency is a Federally Recognized Tribe contracting with the Bureau of Indian Affairs for law enforcement services, contractual arrangements for law enforcement services are not fundable under CHP.

An applicant may not reduce its existing current fiscal year budget for sworn officers just to take advantage of the CHP grant. Any budget cut must be unrelated to the receipt of CHP grant funds to avoid a violation of the COPS statutory nonsupplanting requirement.

The nonsupplanting requirement means that COPS grant funds must be used to supplement (increase) state, local, or Bureau of Indian Affairs funds that would have been dedicated toward the grant purpose if federal funding had not been awarded. CHP grant funds must not be used to replace (supplant) local funds that agencies otherwise would have devoted to sworn officer hiring. The hiring or rehiring of officers under CHP must be in addition to, and not in lieu of, officers who otherwise would have been hired or rehired with local funds. For additional information on the COPS nonsupplanting requirement as it applies to CHP, please refer to the nonsupplanting FAQs at [www.cops.usdoj.gov/Default.asp?Item=2119](http://www.cops.usdoj.gov/Default.asp?Item=2119).

Furthermore, all grant recipients must retain any CHP-funded officer positions awarded for at least 12 months after the 36 months of federal funding has ended for each position. Applicants are required to affirm in their CHP grant application that their agency plans to retain any additional officer positions awarded following the expiration of the grant, and identify their planned source(s) of retention funding.

Misuse of CHP funds and/or failure to comply with all COPS grant requirements may result in suspension or termination of grant funds, the repayment of grant funds, and/or other remedies available by law.

Please be advised that a hold may be placed on any application if it is deemed that the applicant agency is not in good standing on other U.S. Department of Justice grants, has other grant compliance issues that would make the applicant agency ineligible to receive COPS funding, and/or is not cooperating with an ongoing compliance investigation regarding a current COPS grant award. A hold may also be placed on any application if it is deemed that the applicant agency is not in compliance with federal civil rights laws and/or is not cooperating with an ongoing federal civil rights investigation.

## **DEADLINE: APPLICATION UPDATES**

In order for your agency to be considered for CHP grant funding, all updated applications must be submitted through the COPS website ([www.cops.usdoj.gov](http://www.cops.usdoj.gov)) by 11:59 p.m. EDT on **June 16, 2010**. Agencies who do not submit an updated application by the deadline will not be considered for CHP funding. To access the application, click on "Account Access" in the upper right-hand side of the COPS homepage. Previous applicants under the 2009 COPS Hiring Recovery Program should have an established account with a username and password. For technical assistance with submitting your updates, please call the COPS Office Response Center at 800.421.6770.

If assistance is needed in activating an existing account, please contact the COPS Office Response Center at 800.421.6770 or via e-mail at [CHP2010@usdoj.gov](mailto:CHP2010@usdoj.gov).

## **ELIGIBILITY REQUIREMENTS**

CHP is not an open solicitation, and only agencies with a pending 2009 COPS Hiring Recovery Program application are eligible to provide targeted updates for CHP funding consideration.

For additional information, please contact your COPS Grant Program Specialist by calling the COPS Office Response Center at 800.421.6770.

## **PROGRAM-SPECIFIC INFORMATION**

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

### **Program Goal**

CHP is designed to increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for additional officers.

### **Length of Grant Term, Maximum Federal Share, Local Share Requirements, and Hiring Categories**

CHP grants provide funding for three years (36 months) for each position awarded. No-cost extensions of time (not additional funding) may be provided on a case-by-case basis to provide additional time beyond the three years to complete the expenditure of grant funds. CHP grantees are required to retain each officer position awarded for at least 12 months following the conclusion of 36 months of grant funding for that position. The additional officer positions should be added to your agency's law enforcement budget with state and/or local funds, over and above the number of locally-funded officer positions that would have existed in the absence of the grant. Absorbing CHP-funded officers through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement.

There is no local match or cap on the amount of funding that can be requested per officer position, although the COPS Office may reduce requests based on factors such as available funding. CHP grants provide 100 percent funding for the approved entry-level salaries and fringe benefits of full-time sworn career law enforcement officers. All budget calculations must be based on the current authorized salary and fringe benefits of an entry-level officer in your department. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency.

CHP grants may be used on or after the official grant award start date as it appears on your agency's award document to: (1) hire new officer positions (including filling existing officer vacancies that are no longer funded in your agency's budget); (2) rehire officers who have been laid off as result of state, local, or tribal budget cuts; and/or (3) rehire officers who are scheduled to be laid off on a specific future date as a result of state, local or tribal budget cuts.

CHP grant funds will be awarded for officer positions in the above three distinct hiring categories and grantees are required to use CHP funds for the specific categories awarded. An applicant may request funding in one or more of the hiring categories. However, funding requests must be based upon the applicant's current (at the time of updated application) need for funding in these three hiring categories. If an applicant receives an award for a specific hiring category and then needs to make changes to the hiring categories following the receipt of the CHP award, the grantee must request a post-award grant modification and receive prior approval from the COPS Office before expending CHP funding under the new category. To request a post-award grant modification, please contact the COPS Office Response Center at 800.421.6770.

The COPS statutory nonsupplanting requirement mandates that CHP funds must be used to supplement (increase) the grantee's law enforcement budget for sworn officer positions and may not supplant (replace) state, local, or Bureau of Indian Affairs funds that a grantee would otherwise have spent on sworn officer positions in the absence of the CHP grant.

Awarded agencies are required to draw down grant funds based upon immediate cash disbursement needs throughout the 36-month funding period, and not as a lump sum payment.

## **Federal Funding: Allowable and Unallowable Costs**

### ***Allowable Costs: Fundable Requests***

Allowable costs are costs that will be paid for by this grant program. The only allowable costs under CHP are the approved full-time entry-level salaries and fringe benefits of newly hired or rehired sworn career law enforcement officers hired or rehired on or after the grant award start date. A "career law enforcement officer" is a person hired on a permanent basis who is authorized by law, or by a state, local, or tribal agency, to engage in or oversee the prevention, detection, or investigation of violations of criminal laws. Officers previously employed by your agency who have been (or are currently scheduled to be) laid off as a result of budget cuts may be rehired using CHP grant funds, but funding requests must be limited to your agency's entry-level salaries and fringe benefits for full-time officers. Please be aware that your agency will be responsible for paying any costs that exceed entry-level salaries and fringe benefits with local funds.

CHP grants provide 36 months of funding for sworn officer positions. Funding requests must be based upon the applicant's current (at the time of updated application) need for funding in the three hiring categories (new hires, rehires of previously laid-off officers, and rehiring officers who are scheduled to be laid off on a specific future date). When evaluating how many CHP positions to request, please be mindful of the initial 36-month grant period and your agency's ability to fill and retain the officer positions awarded, while following your agency's established hiring policies and procedures.

Requests may be made only for positions that are not otherwise budgeted with state, local, or Bureau of Indian Affairs funds, and that would not be funded in the absence of the CHP grant.

### ***Unallowable Costs: Requests Will NOT Be Funded***

All items other than entry-level personnel costs (salaries and fringe benefits) as described in the preceding section are considered unallowable under CHP. Therefore, requests for equipment, training, uniforms, and vehicles are not permitted under CHP. In addition, the following personnel costs are unallowable:

- Salaries and fringe benefits of existing locally-funded officers, unless those officers are currently (at the time of updated application) scheduled to be laid off on a specific future date;
- Salaries and fringe benefits over and above an agency's entry-level salary and fringe benefits for officers;
- Salaries and fringe benefits for civilian/non-sworn personnel;
- Salaries and fringe benefits for part-time officer positions;
- Overtime costs;
- Salaries and fringe benefits for furloughed officers; and
- Contractual arrangements for law enforcement services are not fundable under CHP (except for Federally Recognized Tribes who are eligible to apply for CHP funding to pay for contract law enforcement services provided by the Bureau of Indian Affairs).

### **Monitoring, Reporting, and Evaluation Requirements**

Federal regulations require that any financial assistance from the federal government be monitored to ensure that those funds are spent properly. Awarded agencies will be responsible for submitting quarterly Programmatic Progress Reports and quarterly Federal Financial Reports. [Please note that, for three out of the four calendar quarters, the Programmatic Progress Report will include only questions on officer hiring status and will be shorter in length.] All agencies will also be required to submit a final closeout report. In addition, the COPS Office is interested in tracking the progress of its programs and the development of its grantees' community policing plans. Therefore, all COPS grantees will be required to participate in grant monitoring activities of the U.S. Department of Justice, including but not limited to the COPS Office, the Office of the Inspector General, or any entity designated by COPS.

The COPS Office Monitoring staff may take a number of monitoring approaches, such as site visits, office-based grant reviews, and periodic surveys to gather information. COPS may seek information including, but not limited to, your agency's compliance with nonsupplanting and financial requirements of the grant and progress toward achieving your community policing plan.

Though a formal assessment is not a requirement, departments are strongly encouraged to conduct an independent assessment of their respective projects. Project evaluations have proven to be valuable tools in helping departments identify areas in need of improvement, as well as providing data of successful processes.

Please feel free to contact your Grant Program Specialist at 800.421.6770 to discuss any questions or concerns you may have.

## PERFORMANCE MEASURES

To assist in fulfilling the Department of Justice's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding must provide data that measures the results of their work. Performance measures for CHP are as follows:

Objective	Performance Measures	Data Grantee Provides
Increase the capacity of law enforcement agencies to implement community policing strategies that strengthen partnerships for safer communities and enhance law enforcement's capacity to prevent, solve, and control crime through funding for additional officers.	Effectiveness rating of COPS grant resources in increasing community policing capacity of grantees.	Quarterly progress reports describing how CHP funding is being used to assist your jurisdiction in the implementation of community policing strategies.

All COPS Office grants target increasing grantee capacity to implement community policing strategies within the three primary elements of community policing: 1) problem-solving; 2) partnerships; and 3) organizational transformation. The COPS Office requires all CHP applicants to describe how hiring and/or rehiring additional officers will assist the applicant in implementing community policing strategies. For more information on community policing, please go to the COPS website at [www.cops.usdoj.gov/Default.asp?Item=36](http://www.cops.usdoj.gov/Default.asp?Item=36).

As part of the quarterly Programmatic Progress Reports, CHP grantees will be required to report on their progress toward implementing community policing strategies. The COPS Office will not require that grantees track statistics to respond to the performance measure questions, and the grantee's community policing capacity implementation rating will not be used in determining grant compliance.

Based on the data collected from grantees, the COPS Office may make improvements to CHP to better meet the program's objective and law enforcement agency needs.



### ***I. & II. Assurances & Certifications***

Applicants to COPS programs are required to keep the Assurances and Certifications forms containing the original signatures of the Law Enforcement Executive and Government Executive named on the COPS Application Attachment to the SF-424. The original signed forms must be furnished upon request. Please read these documents carefully as signatures on these documents are treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines whether to award the covered grant.

### ***III. Disclosure of Lobbying Activities***

This disclosure form shall be completed by the reporting entity at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered federal action. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

If this applies to your agency, you are required to submit the Disclosure of Lobbying Activities (SF-LLL) as an attachment to your application online. Complete all items that apply for both the initial filing and material change report.

### ***IV. Nonsupplanting Requirement***

The COPS statute nonsupplanting requirement mandates that grant funds may not be used to replace state or local funds (or, for tribal grantees, Bureau of Indian Affairs funds) that would, in the absence of federal aid, be made available for the grant purposes. Instead, grant funds must be used to increase the total amount of funds that would otherwise be made available for the grant purposes.

Funds budgeted to pay for sworn officer positions irrespective of the grant may not be reallocated to other purposes or refunded should a CHRP grant be awarded. Non-federal funds must remain available for and devoted to that purpose, with COPS funds supplementing those non-federal funds. Funding awarded cannot be obligated until after the grant award start date. This means that CHRP funds cannot be applied to any agency cost prior to the award start date. In addition, all awardees will be expected to take active and timely steps pursuant to their standard procedures to fully fund law enforcement costs already budgeted as well as fill all locally-funded vacancies resulting from attrition during the life of the grant.

Under CHRP, the nonsupplanting requirement means that a grant recipient receiving CHRP grant funds to hire a new officer position, including filling an existing officer vacancy that is no longer funded in the recipient's local budget, must hire the additional position on or after the official grant award start date, above its current budgeted (funded) level of sworn officer positions.

The nonsupplanting requirement also means that a grant recipient that receives CHRP grant funds to rehire an officer who has *already been laid off* (at the time of application) as a result of state, local, or tribal budget cuts, must rehire the officer on or after the official grant award start date. The grant recipient must maintain documentation showing the date(s) that the position(s) was laid off and rehired in its CHRP grant file.

In addition, the nonsupplanting requirement means that a grant recipient that receives CHRP grant funds to rehire an officer who is (at the time of application) *currently scheduled to be laid off on a future date* as a result of state, local, or tribal budget cuts, must continue to fund the officer with its own funds through the grant award start date until the date of the scheduled lay-off (for example, if the award start date is September 1 and the lay-off is scheduled for

November 1, then the CHRP funds may not be used to fund the officer until November 1, the date of the scheduled lay-off). An agency must identify the date(s) of the scheduled lay-offs and the number of officer(s) to be laid off in its application. If a CHRP grant is awarded, a grant recipient must maintain documentation showing the date(s) and reason(s) for the lay-offs, the number of officers laid off, the number of officers rehired and dates the officers were rehired. [Please note that as long as your agency can document that the lay-offs would occur on the identified dates if the CHRP grant funds were not available, it may transfer the officers to the CHRP funding on or immediately after the date of the lay-off without formally completing the administrative steps associated with a lay-off for each individual officer.]

Documentation that may be used to prove that scheduled lay-offs are occurring for local economic reasons that are unrelated to the availability of CHRP grant funds may include (but are not limited to) council or departmental meeting minutes, memoranda, notices, or orders discussing the lay-offs; notices provided to the individual officers regarding the date(s) of the lay-offs; and/or budget documents ordering departmental and/or jurisdiction-wide budget cuts. These records must be maintained with your agency's CHRP grant records during the grant period and for three years following the official closeout of the CHRP grant in the event of an audit, monitoring, or other evaluation of your grant compliance. For additional information on the COPS nonsupplanting requirement as it applies to CHRP, please refer to the FAQ Information sheet at <http://www.cops.usdoj.gov/Default.asp?Item=2119>.

If you have questions concerning the nonsupplanting requirement while completing this application, please contact the COPS Office Response Center at 800.421.6770 for further information.

### ***V. Retention Requirement***

CHRP grantees are required to retain all full-time officer positions awarded for at least 12 months from the time that the 36 months of grant funding for each CHRP position expires. The additional officer positions should be added to your agency's law enforcement budget with state and/or local funds, over and above the number of locally-funded officer positions that would have existed in the absence of the grant. Absorbing CHRP-funded officers through attrition (rather than adding the extra positions to your budget with additional funding) does not meet the retention requirement.

At the time of the grant application, applicants are required to affirm that their agency plans to retain any additional officer positions awarded following the expiration of the CHRP grant and identify their planned source(s) of retention funding. Agencies applying for CHRP funding are committing to retain each officer position awarded for at least 12 months following the conclusion of 36 months of federal funding for that position. Agencies that do not plan to retain all officer positions under this grant program are ineligible to apply for CHRP funding.

At the conclusion of federal funding, agencies that fail to retain the additional officer positions awarded under the CHRP grant may be ineligible to receive future COPS grants for a period of one to three years.

### ***VI. Reporting Requirements***

CHRP grantees are required to submit quarterly financial status reports and quarterly programmatic progress reports to the COPS Office. In addition, Section 1512 of the Recovery Act requires CHRP grantees to report their financial and programmatic progress within 10 days after the end of each calendar quarter, including the number of new jobs created and the number of jobs preserved using CHRP funding. The COPS Office is required to post data from grantee reports to [Recovery.gov](http://Recovery.gov). Please be advised that the submission of all requested financial and programmatic reports on a timely basis is a significant condition of the CHRP grant award, and a violation of the grant requirement may result in termination of grant funding or other remedies.

**PLANNING COMMISSION REPORT**  
**Regular Agenda**

PC Staff Report  
05/26/2010

**ITEM NO.8 : CONDITIONAL USE PERMIT FOR BLUEJACKET CROSSING WINERY; 1969 N 1250 RD (MKM)**

**CUP-3-2-10:** Consider a Conditional Use Permit for accessory uses such as outdoor weddings, picnicking, and live outdoor music with the Bluejacket Crossing Winery, approximately 20 acres, located at 1969 N 1250 Rd, Eudora. Submitted by Kandaya Selvan, property owner of record. *A joint Planning Commission meeting will be held with the Eudora Planning Commission.*

**STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for picnicking, live music events and occasional outdoor events subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
  - a) Addition of a note which states "The permit will be administratively reviewed by the County in 5 years (Calendar Year 2015)".
  - b) Addition of a note which states "The permit will expire at the end of 10 years (July 1, 2020), unless an application for renewal is approved by the local governing body."
  - c) Addition of a note which states "Events will typically occur on Saturdays, although Friday and Sunday events may be permitted. Up to 8 live music events may occur per calendar year. These events will conclude by 8:30 PM and the clean-up will be completed by 10 PM. Maximum attendance at live music events is 150."
  - d) Addition of a note which states "The parking area will be surfaced with gravel and the ADA accessible parking spaces will be paved. The ADA accessible parking space will be constructed to meet ADAAG (American with Disabilities Act Accessibility Guidelines) requirements, including signage."
  - e) The second access shall be located per the County Engineer's approval.
  - f) Landscaping shall be added to include evergreen trees and shrubs along west property to screen activity area from residence to the west.
  - g) The parking space dimensions shall be noted on the plan.
  - h) The capacity of the overflow parking area shall be noted on the plan.
  - i) A parking summary which notes the number of parking spaces required per Code, and the amount of parking provided shall be included on the site plan.
  - j) Both the event area being proposed at this time and the future event area shall be shown on one plan along with a proposed phasing schedule.
  - k) Addition of a note on the plan which states: "A revised site plan showing the details of the future event area and any associated parking would return for Staff approval prior to construction of the future event area."
  - l) Additional measures being used to buffer the property to the west shall be noted on the plan (orientation of music, use of farm vehicles, etc)
  - m) Note added to the plan which states that chemical toilets may be used for the first year, at a rate of 1 toilet per 100 attendees. Any use of chemical toilets past the first year would require approval of the County Health Official.
- 2) Permits secured from the Douglas County Health Department for new septic system, if applicable.
- 3) Approval of an entrance permit for the new driveway from Eudora Township.
- 4) Chemical toilets may be used for the first year of the CUP to allow the applicant to determine if

the events are successful.  
5) When the plans are combined, Note No. 1 regarding RV parking spaces should be removed.

**Reason for Request:** *“To further enhance agritourism in Douglas county at our vineyard and winery. Provide occasional. Music primarily on weekends at the exterior of our tasting room. To allow for picnic tables at the exterior of our tasting room.”*

**KEY POINTS**

- The applicant had originally requested self-contained RV parking with this Conditional Use Permit, but has withdrawn that request. RV parking is not being proposed with this CUP.
- Proposed uses are permitted in the A District only with approval of a Conditional Use Permit.
- The new uses being proposed are agri-tourism uses as defined by the Kansas Dept of Commerce (see attachment).
- A winery tasting room is an allowed agricultural use (K.S.A. 41-308a) which does not require a Conditional Use Permit. (see attachment)

**ATTACHMENTS**

A -- Kansas Statute K.S.A. 41-308a

**GOLDEN FACTORS TO CONSIDER**

**ZONING AND USES OF PROPERTY NEARBY**

- The subject property is located in the northeast quarter of Section 13 in Township 13, Range 20 East of Douglas County (1969 N 1250 Rd). Agricultural zoning and related land uses surround subject property.

**CHARACTER OF THE AREA**

The subject property is approximately 20 acres in size, and slopes gently from the east to the west. The property is developed with a residence and several outbuildings. The remainder of the property consists primarily of open space and vineyards. The character of the surrounding area is primarily agricultural with scattered rural residences.

**SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED**

- The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed. Recreation facilities are allowed in the A District with approval of a Conditional Use Permit.
- The proposed request will not revise the underlying zoning district.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Approval by Board of County Commissioners

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Charlene Neaderhiser, nearby property owner, called about the music being proposed and expressed the opinion that there be limits on the loudness so it would not detract from the general quietness of the area.

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural); developed property with residence, outbuildings, vineyards and a winery with tasting room.

Surrounding Zoning and Land Use: A (County Agricultural District) in all directions. Agricultural uses, rural residences, and wooded areas.

V-C (Valley Channel) District surrounding the general area to the north, east and west. Wooded areas and agricultural uses

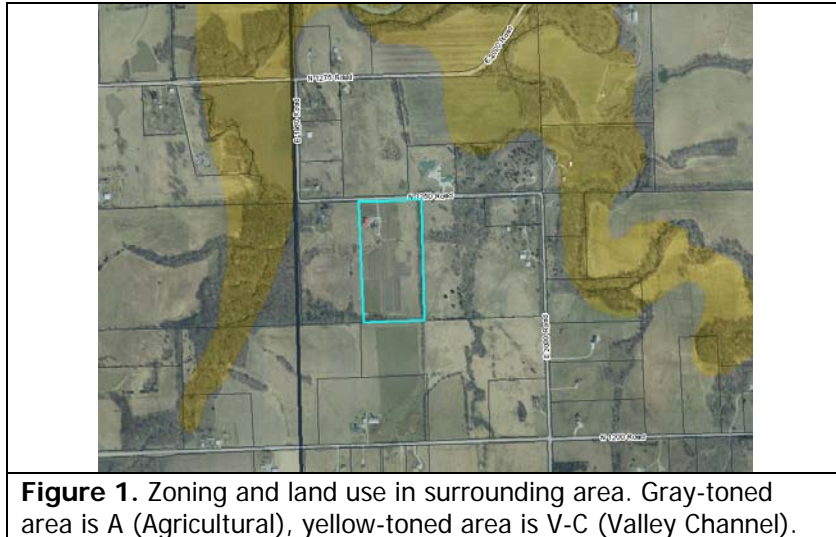
<b>Site Summary:</b>	
Subject Property:	20 acres
Proposed Buildings:	No new buildings are being proposed. New winery and tasting room are shown in southeast corner; however, these uses are not included in the CUP request.
Off Street Parking Required:	
Off Street Parking Provided:	[1 space per 5 attendees, Section 12-316-1 requirement for <i>place of assembly</i> 21 parking spaces and 1 ADA accessible parking space provided. Overflow parking area provided with capacity of 40 spaces

**I. ZONING AND USES OF PROPERTY NEARBY**

**Staff Finding** – The property is located on the south side of N. 1250 Road approximately 1 mile south of K-10 Highway and is zoned for agricultural uses. It is developed with a rural residence, multiple accessory buildings, a producing vineyard and a winery which includes a wine tasting room. The surrounding area is zoned for agricultural use with portions zoned VC (Valley Channel) further to the north, east and west. (Figure 1) Agriculture, open space, and rural residences are the principal land uses in the area.

**II. CHARACTER OF THE AREA**

**Staff Finding** – This is an agricultural area which includes pasture land, rural residences and densely wooded areas.



### III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

*"Good. It compliments the agritourism efforts by the state and county while providing activities that extend the visit of our guests to the winery."*

**Staff Finding** – A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered. The 20 acre property is developed with a single-family home and multiple accessory buildings. Agricultural uses on the property consist of a producing vineyard, a winery and a wine tasting room. The applicant is involved with the Committee for Agritourism in Douglas County and feels that the addition of live music and an area for picnicking would enhance the wine tasting activities. The property has been used as a vineyard since 2002 and State Statutes [KS 41-308a] (attached) allow wine tasting rooms as agriculturally exempt uses. The request is to allow the following accessory recreational uses in conjunction with the wine tasting room: picnicking, live music and an outdoor volleyball court. Outdoor events, such as weddings, are also being requested with this CUP. No structures would be built for these events. The State of Kansas definition of 'agritourism', per the Kansas Chamber of Commerce web site is *"Agritourism is when the public visits a working farm, ranch, winery or any agricultural operation or active agricultural heritage site for enjoyment, outdoor recreation, activities, education, shopping, dining or lodging. These visits generate income for the operators, which can help sustain the rural way of life and help keep more producers on our Kansas lands."* The uses which would be accessory to the winery and the proposed outdoor events fall within this definition. The property is suitable for the uses to which it has been restricted and for the agritourism uses being proposed.

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

**Staff Finding** – The subject property is developed with a single-family house and a winery. The County Zoning was adopted in 1966, this property has been zoned "A (Agricultural)" since that adoption.

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

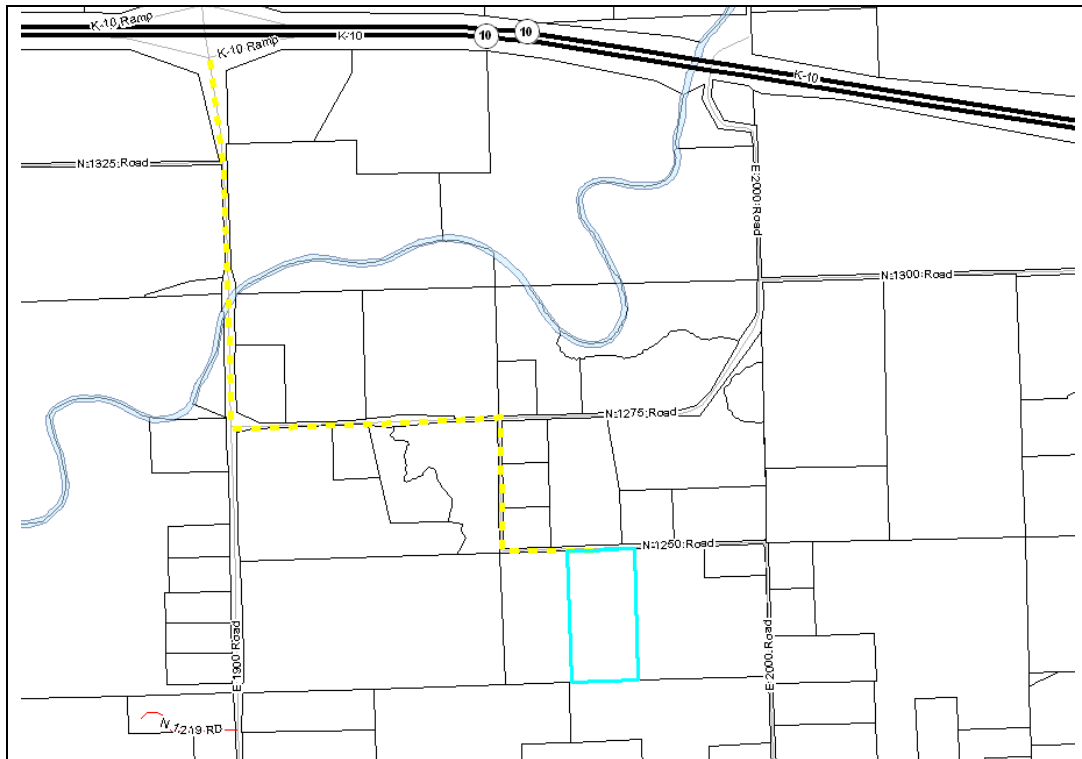
Applicant's Response:

*"It shouldn't. Live music would be placed mostly during the weekend daylight hours. (Friday, Saturday, Sunday) The musician(s) would be placed behind the winery to muffle the sound. There is ample on-site parking to prevent county road congestion. It reinforces the zoning as an agricultural business."*

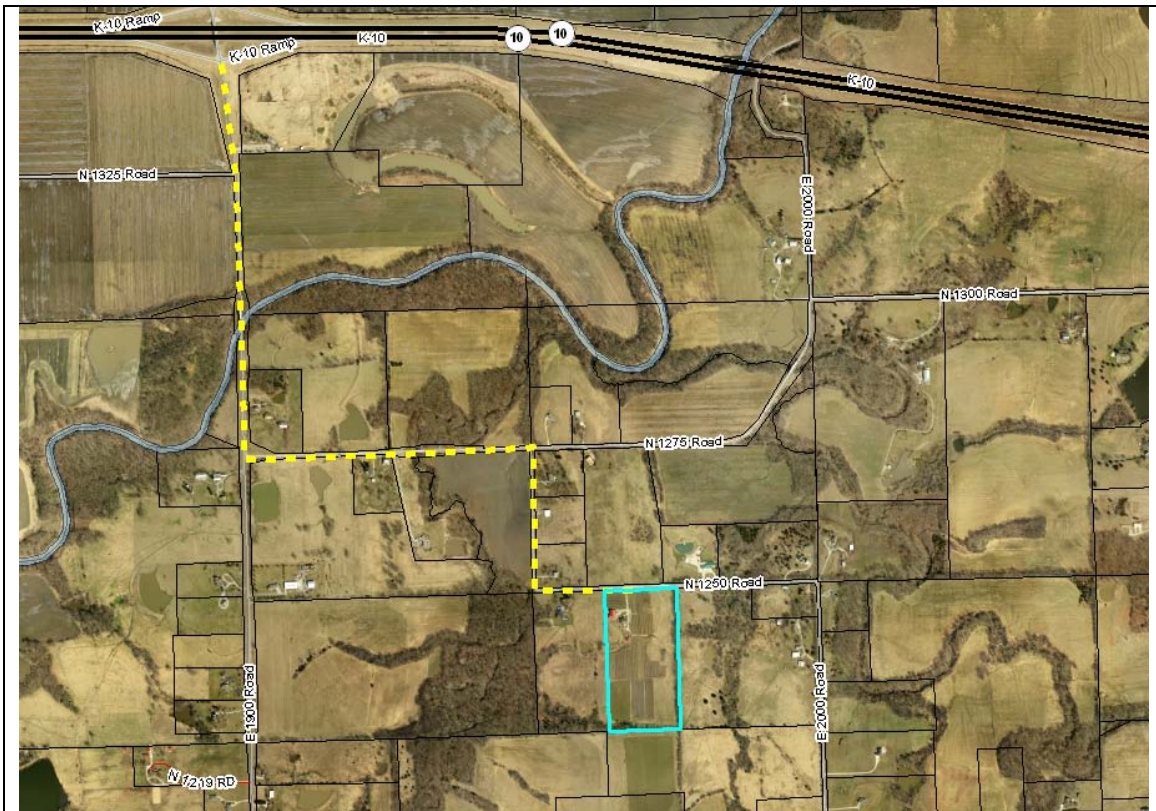
Section 19-01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under Use 11. Recreation Facility use listed in Section 12-319-4.11 Conditional Uses Enumerated, of the Zoning Regulations for the Unincorporated Territory of Douglas County.

Approval of the CUP will allow the applicant to add accessory uses to the winery and wine tasting room and to host outdoor events such as weddings. The accessory uses would be primarily for the customers of the winery and while it is the applicant's intent that they increase the patronage of the winery and wine tasting room, these uses should not result in additional traffic in and of themselves. Outdoor events could be planned that are not associated with the winery and additional traffic would be generated with these events. Staff contacted the Eudora Township Trustee to discuss the proposed use and he indicated that they had no concerns with road maintenance as long as the number of cars involved were less than 100 cars per day. They were not concerned about the additional dust and indicated that residences along township roads could subscribe to the dust palliative treatment program. The traffic on the road could result in safety issues, due to the increase in traffic and the additional dust which could obscure vision on the road.

The applicant is aware that the County Commission suggested that additional notification be provided to property owners along the portion of the route which is unpaved, as the impact of the event may spread beyond the required 1000 ft notification area in the form of increased traffic and dust. The applicant indicated that he would notify the property owners along the preferred route to his facility which is: E 1900 Road south from K10, East on N 1275 Road, south of E 1950 Road, then east on N 1250 Road. (Figures 2a and 2b) Access to the property using the applicant's preferred route will require travel on approximately 4800 ft, or about 1 mile, of unpaved roads. Several steps could be taken to reduce the negative impact to those traveling or living along this route including, notification of residents and property owners when an outdoor event, such as a wedding, is planned, restrictions on times for events, and/or size limitations for these events to manage the number of cars travelling on the route.



**Figure 2a.** Applicant's preferred route to the property (in yellow): south from K10 on E 1900 Road, east on N 1275 Road, south on E 1950 Road, and east on N 1250 Road.



**Figure 2b.** Applicant's preferred route with aerial



The information and restrictions listed below were provided by the applicant. Planning staff comments are included in *italics*:

1. Music may be amplified, but the volume will be limited to keep the guests comfortable within a short distance of the musicians. *(This limitation should minimize negative impacts from the music to adjacent properties.)*
2. 6 to 8 live music events are proposed between April to October (with the majority of the events being held by June due to the heat of the summer and workload).
3. All live music events would end by 8:30 PM and the cleanup crew would be finished by 10PM on Event Days.
4. The larger crowds for the wine tasting are 50 to 70 guests. The event capacity for outside activities with the removable shade (tent) is 150 guests. The Douglas County Farm Tour in October brought over 300 people per day to the site.
5. The applicant indicated that dust should not be much of an issue as they are not expecting an increase over the traffic they normally have at the tasting room on Saturday.
6. Saturday would be their primary event day—although they would like to have Friday and Sunday as potential dates as well.
7. The maximum number of people at a music event would be 150 guests. Most of their activities have less than 100 guests.
8. Tasting Room sales would end at 8PM on event days; otherwise the Tasting Room closes at 6PM.
9. One outdoor wedding is planned for the upcoming year. The wedding guests will leave by 9 pm and the event area will be cleaned up by 10 pm. *(Time limits for the weddings should be set, similar to the music events.)*
10. Weddings would not be scheduled at the same time as a music event. In the case of a wedding, the tasting room would be closed for a private party.
11. Chemical toilets will be used for the wedding or other outdoor events. The winery has an ADA accessible restroom that is used for the wine tasting activities. *(The County Health Official indicated that chemical toilets may be used for the first year, while the applicant determines if the events are feasible. If feasible, the events will be relocated to the east side of the property and a new septic system would be installed to accommodate the new wine tasting area and the event guests.)*

The general layout of the proposed activities is shown in Figure 3. The music, picnicking area and volleyball court will be located south of the winery. The outdoor wedding would occur in this area as well. The winery will buffer noise associated with these activities from the properties to the north. Properties to the south and east would be buffered by distance, the existing residence and woodland. There is one nearby residence to the west, 1957 N 1250 Road that would not be buffered by the winery. Staff recommends that evergreen trees and shrubs be planted along the west property line to serve as a buffer for this residence. Staff received one public comment prior to the printing of this staff report which was concerned that the noise level associated with these events would not alter the quiet rural character of the area. The limitations on hours and noise that the applicant has proposed for these activities should minimize any negative impacts to the nearby property owners.

The applicant informed the Planning Office that they met with their neighbor to the west following a family birthday party they held near the tasting room. The neighbor indicated that the noise level associated with the birthday party was unacceptable. The applicant has agreed to plant landscaping in this area; but noted that the landscaping would take several years to provide an effective sound buffer. The applicant plans on building a wine storage/tasting room in the eastern portion of the property and will relocate the event area to this location. This area is shown on the revised CUP site plan and is also marked in Figure 4. The applicant indicated that the events would be held in the current location this year, and would be held in the eastern location when the tasting room has been relocated to that area. In the interim, they will work to address the neighbor's concerns by orienting the musicians to the east and parking farm vehicles along the west property line during an event to buffer the sound.

**Staff Finding** – Possible negative impacts to nearby properties would be increased noise and increased traffic on the unpaved road. The activity area will be buffered from nearby homes with the exception of the residence to the west. Landscape screening with evergreen species should be installed along the west property line to serve as a buffer; along with the additional steps the applicant has proposed to buffer the event noise. The applicant's proposed limitation on the number of events and hours should minimize negative impacts associated with traffic.

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

Applicant's Response:

*"The gain to the public in general is to provide an enjoyable rural experience in the vineyard and winery with practical activities that give our guests an experience to visit more frequently. Over a thousand guests have helped us with pruning, harvest, and wine processing the past 3 years independent of our customers. We do not feel this is a hardship for our neighbors but a positive destination, community activity and again agriculturally based."*

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. In Staff's opinion, denial of the request for a Conditional Use Permit would affect the individual landowner by prohibiting these agritourism opportunities. The property could continue to be utilized as agricultural land, residence, winery and tasting room but the property owner could not enhance the winery and wine tasting room through agritourism uses. Denial of the CUP request may limit the amount of traffic on the unpaved portions of N 1250 and E 1950 and N 1275 Roads; however there are no limits on the number of vehicles which may visit the winery and wine tasting room so it is uncertain that the denial would reduce traffic significantly.

**Staff Finding** – Approval of the Conditional Use Permit may indirectly benefit the community by adding to the agritourism in the area, thus strengthening the agricultural base. It does not directly harm the public health, safety and welfare; however the increase in traffic associated with these uses may present a safety issue for the public in increased traffic and dust on unpaved roads. Restrictions on the frequency and size of events will control the increase in traffic.

#### **VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response—

*“We think our request conforms because our primary focus is agriculture and the success of a Kansas grown product.”*

The subject property is not located within an identified urban growth area. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. Uses which allow farmers to sell directly to the consumer, such as seasonal farm stands and pick-your-own operations, provide flexibility and incentives to retain agricultural land in production. (Page 5-6, *Horizon 2020*)

*Horizon 2020* does not address Conditional Use Permits as a tool to achieve specific policies.

**Staff Finding** – The Comprehensive Plan encourages uses which provide incentives to retain agricultural land in production in the rural area of the county (outside any Urban Growth Area). A Conditional Use Permit can be used to allow specific uses that are not permitted in a zoning district with the approval of a site plan. This tool allows development to occur in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

## **STAFF REVIEW**

Approval of the request would allow the property owner to engage in agritourism which includes accessory uses to the winery and wine tasting room as well as the outdoor events on a restricted basis. The subject property is not located within an identified urban growth area but is located within three miles of Eudora's city limits. The request has been forwarded to the Eudora Planning Commission and the application will be considered at a joint Eudora/Lawrence and Douglas County Planning Commission meeting. The proposed application is for activities associated with the winery and wine tasting room which would consist of a picnicking area, area for music and a fire pit, and a volleyball area. A portable shade canopy is proposed to provide shade for the attendees. The tasting room is allowed by Kansas Statute, but a Conditional Use Permit (CUP) is necessary for the additional recreation activities per Section 12-319-4.11 of the Zoning Regulations. Access to the site is currently provided from an existing driveway cut through the public right-of-way abutting N. 1250 Road. A new driveway is proposed for access to the overflow parking area approximately 220' to the west of the existing driveway. The County Engineer indicated that a shared driveway, or a driveway located further to the west would be more appropriate, as the proposed location could create a sight distance problem. The driveway should be placed in a location which is approved by the County Engineer. A driveway permit must be obtained from the Eudora Township.

The County Health Department noted that permits will need to be secured for septic systems if applicable for use.

The current location may result in negative impacts on the property owner to the west and landscaping in addition to the measures proposed by the applicant should be utilized as a buffer. The future location is further removed (Figure 4) and is buffered from surrounding properties by distance and the vineyard. Two site plans have been provided with this application; one showing the current proposed location of the events and one showing the future location. These should be combined into one site plan, with a note that the event area to the east has been approved with this CUP for construction per the phasing schedule on the plan. The site plan should be revised to show the details of the future event area and parking layout and returned for Staff approval prior to construction of facilities for the new event location.

## **Parking**

The site plan identifies approximately 17 parking spaces in an existing parking area which serves the winery. 4 additional parking spaces are shown to the north of the residence. The applicant indicated that these parking spaces would be graveled and this should be noted on the site plan. The plan should clearly show how the southern parking area is accessed. Overflow parking is proposed near N 1250 Road and is access from the proposed western driveway. This area should be more clearly defined on the plan and the number of vehicles which could be accommodated noted.

The plan shows 21 parking spaces and one ADA accessible space. A parking summary should be provided on the plan which notes the following: that parking is calculated per Section 12-316-1 at a rate of 1 space per 5 attendees, (requirement for assembly use) as there are no structures associated with the proposed activities; the total number of parking spaces including ADA and overflow parking spaces provided should also be noted in the summary.

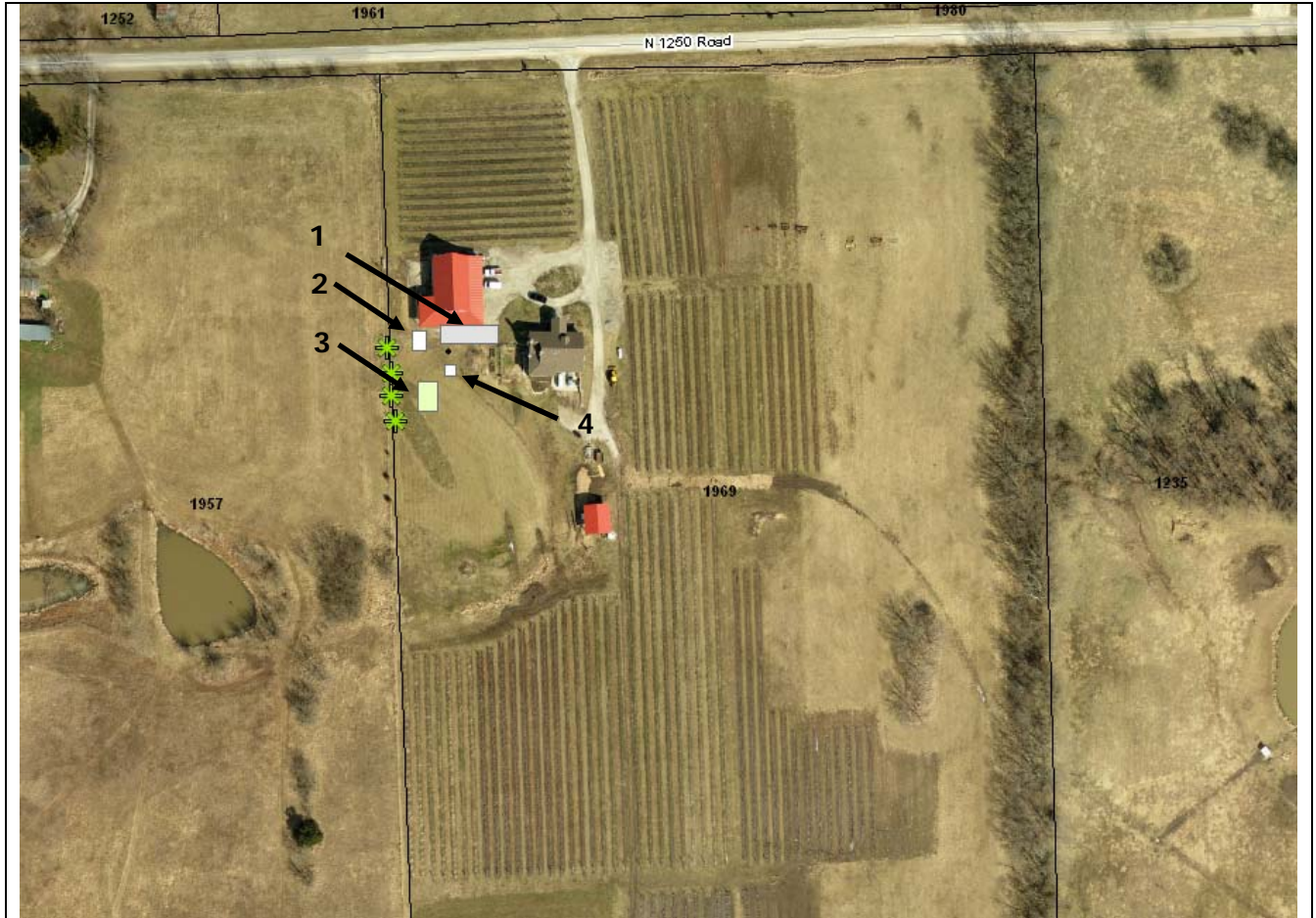
The total number of attendees would be determined by the number of parking spaces provided, or by conditions placed upon the Conditional Use Permit. A note should be added to the plan which states that the ADA parking spaces will be paved and the ADA accessible parking spaces will be constructed to meet ADAAG (American with Disabilities Act Accessibility Guidelines) requirements, including signage.

## **Conclusion**

A Conditional Use Permit does not allow the range of uses permitted in a commercial district. Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. The recommended conditions respond to the specific nature of the request without the associated intensity of full-scale commercial zoning. Recent actions by the County Commission have approved Conditional Use Permits with the following term limitations:

- A CUP will be administratively reviewed in 5 years
- A CUP will expire at the end of 10 years, unless an application for renewal is approved by the local governing body

Time limitations may be placed on the activities to reduce any negative impacts to the nearby property owners. The picnicking activities which are accessory to the winery and wine tasting room should be permitted during the winery and wine tasting room hours. Live music events shall conclude by 8:30 PM with clean-up completed by 10:00 PM. Outdoor events, such as weddings, shall be limited to Friday, Saturday and Sundays and must end by 9 PM with no guests remaining past 10:00 PM.



**Figure 3.** Approximate layout of activity areas with existing wine tasting room.

**1** → picnic area **2** → moveable shade canopy **3** → volleyball area **4** → music \* → recommended screening



**Figure 4.** Location of event areas. Current (marked with a circle) Future (marked with a rectangle) would be buffered from neighbor to west by vineyard.

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**41-308a: Farm winery license; authority of licensee.** (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by [K.S.A. 41-2645](#), and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2009 Supp. 41-348, and amendments thereto.

(b) Upon application and payment of the fee prescribed by [K.S.A. 41-310](#), and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser

proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by [K.S.A. 41-501](#), and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

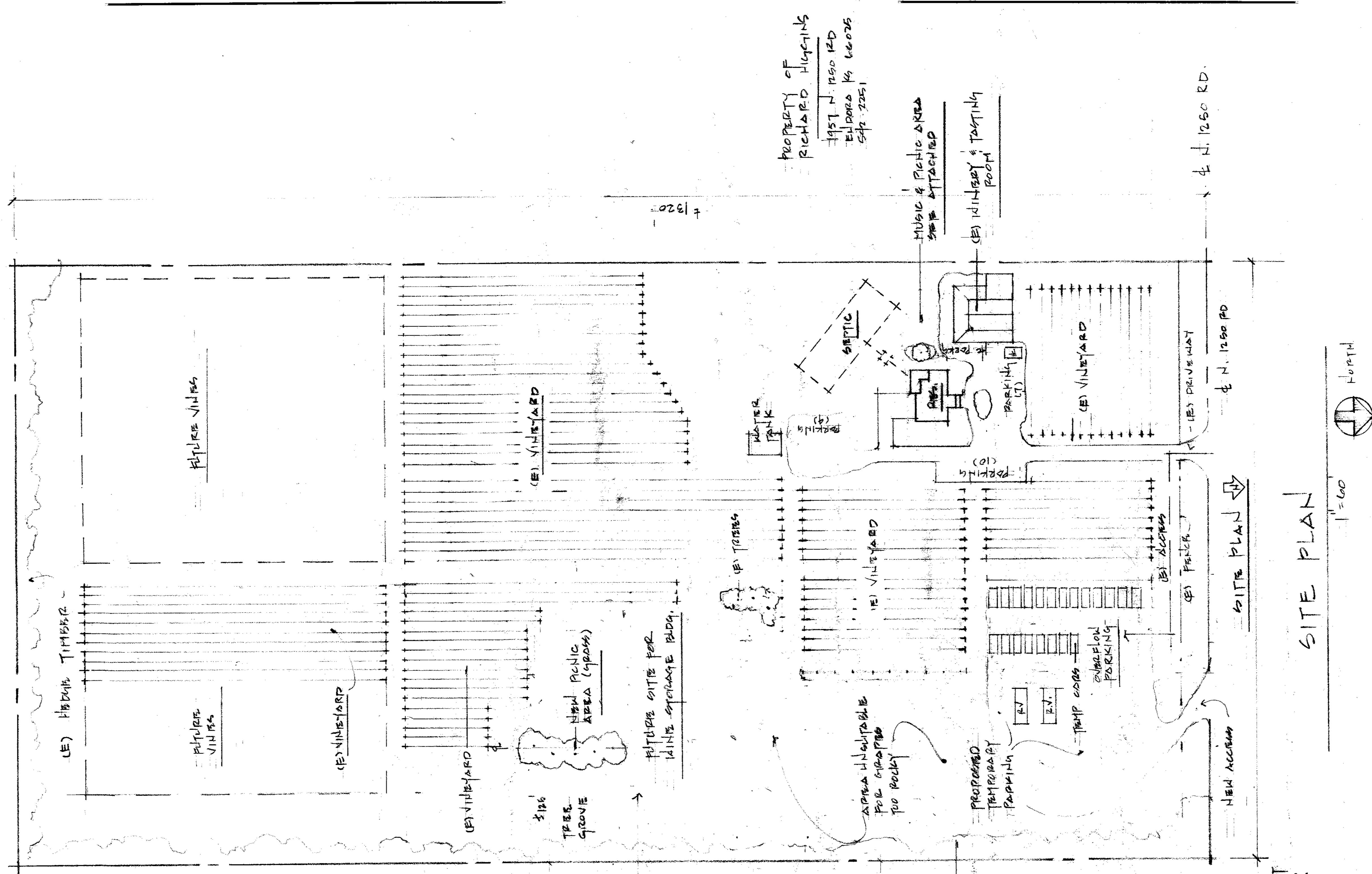
(i) This section shall be part of and supplemental to the Kansas liquor control act.

**History:** L. 1983, ch. 161, § 3; L. 1985, ch. 170, § 25; L. 1987, ch. 182, § 141; L. 1988, ch.



165, § 1; L. 1990, ch. 178, § 1; L. 1992, ch. 201, § 2; L. 1998, ch. 191, § 3; L. 2005, ch. 201, § 14;  
L. 2006, ch. 206, § 5; L. 2007, ch. 178, § 2; L. 2008, ch. 126, § 1; L. 2009, ch. 114, § 4; July 1.

PROPERTY OF  
C.M. SOLBERG



SITE PLAN



1"=60'

PROPERTY OF  
MILZAN MURDOCK

PROPERTY OF  
RICHARD HIGGINS  
1957 N. 1260 RD  
ELWOOD KS 66025  
542.7251

PROPERTY OF  
C.M. SOLBERG  
1235 E 2000 RD  
ELWOOD, KS 66025  
542.3556

PROPERTY OF  
FRED WHEAT  
1900 N 1250 RD  
ELWOOD KS 66025  
542.1595

- NOTES:
1. NO UTILITIES OR HOOKUPS FOR REC. VEHICLES - TOTALS SELF CONTAINED - 24 HR MAX
  2. ALL OVERLOOKED PARKING - TEMPORAR USE
  3. PLANTS PLANTED FOR ADDITIONAL MATURE THEY GROW, NE CORNER OF PROPERTY ONLY.
  4. LOCATIONS ARE VISUAL CLOSE TO ACTUAL SITUATION SEE PAGES AND OTHER DIMENSION SHOULD BE CORRECT
  5. PROPERTY DESCRIPTION - APR 13-13-20

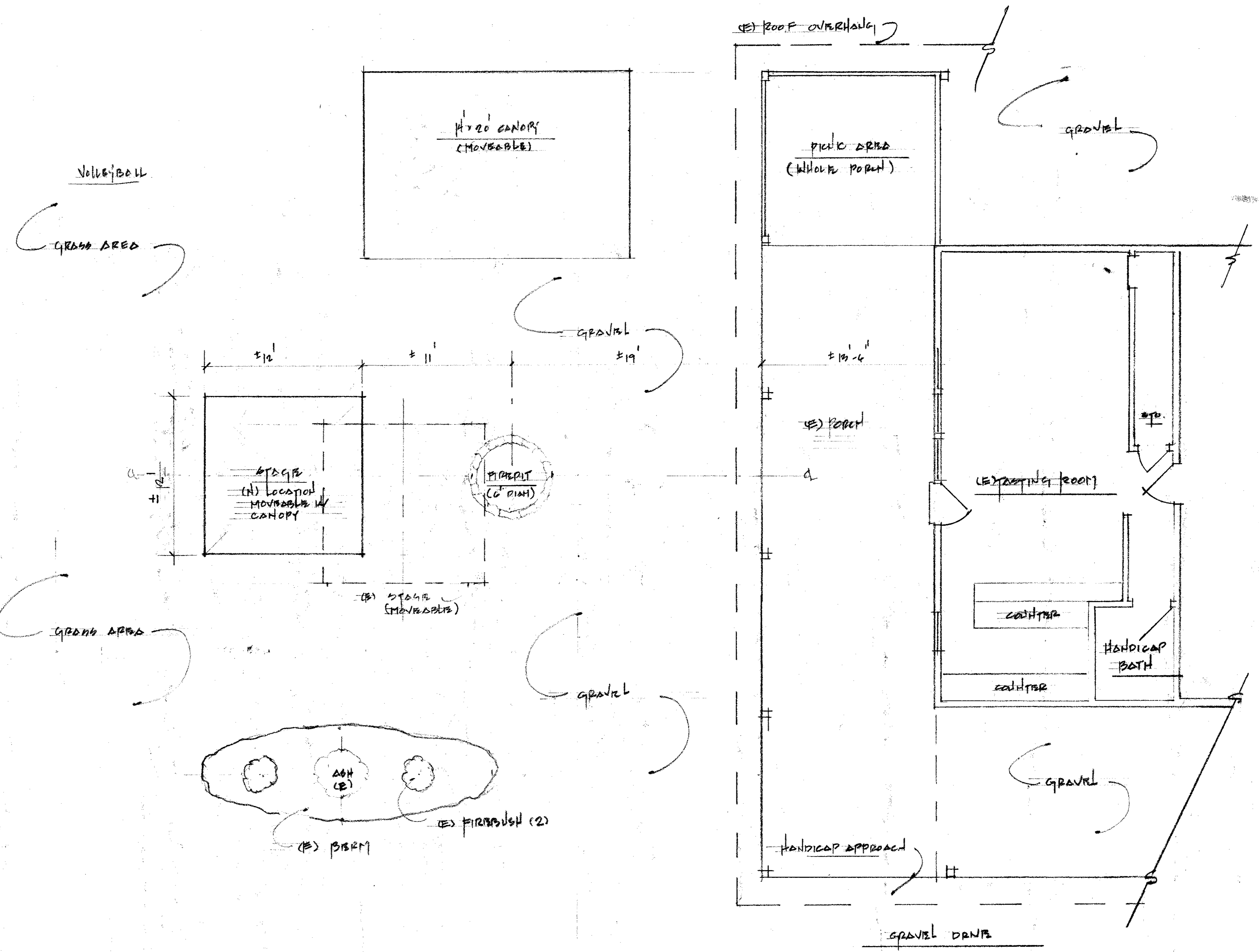
REVISIONS	BY

Date	3.5.2010
Scale	1"=60'
Drawn	GRS
Job	BJC
Sheet	
Other Sheets	

BLUE JACKET CRESSING VINEYARD & WINERY

PROPERTY OF  
C.M. SOLBERG - GELVAN  
1909 N. 1250 RD  
ELWOOD, KS 66025  
E-MAIL - BLUEJACKETCRESSING@GMAIL.COM



EXTERIOR TASTING ROOM  
 1/4" = 1'-0"

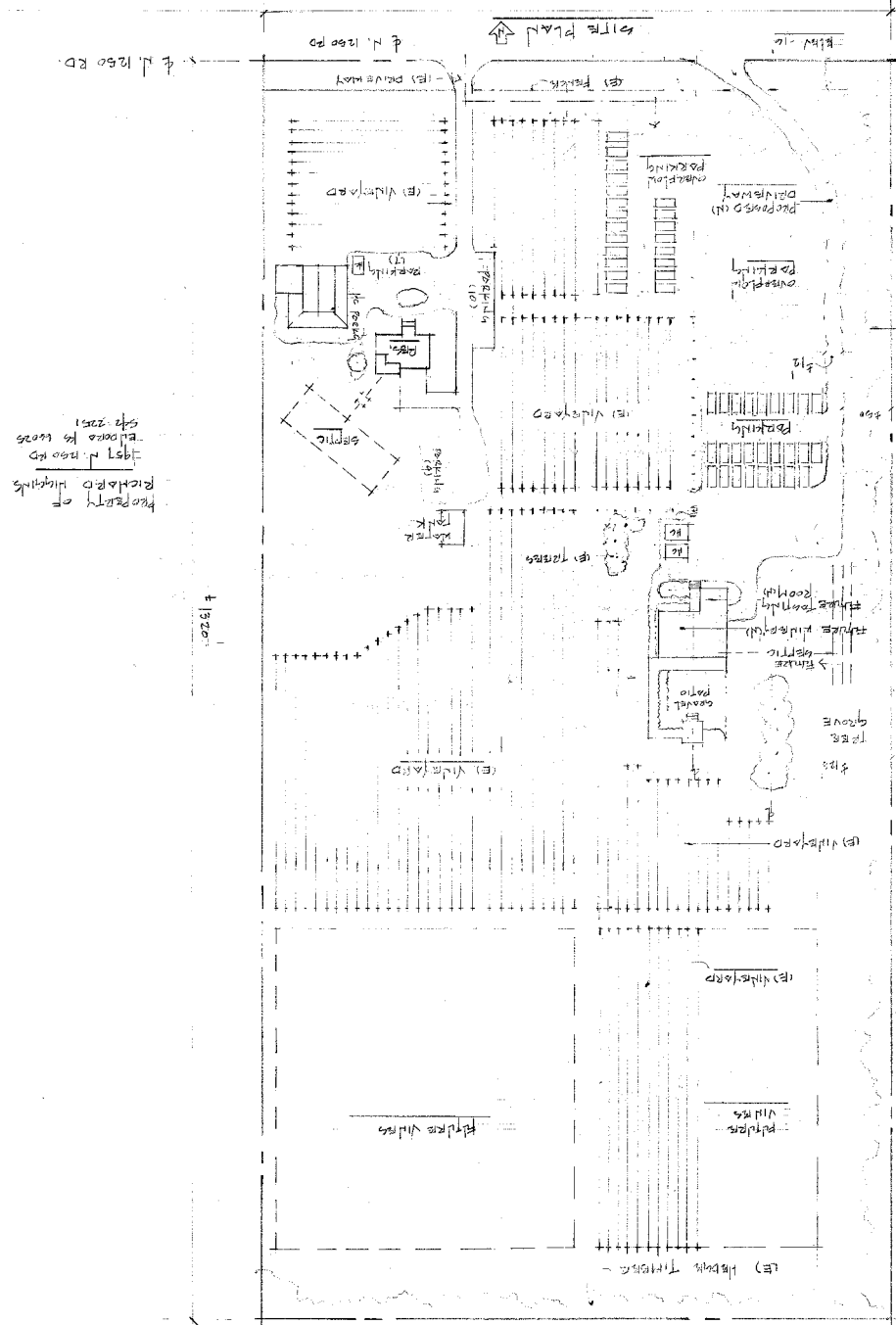
BELLUCI ARCHITECT CROSSING WINERY

8.5.2010
1/4" = 1'-0"
BLCH
#1
OF THREE

Project of  
 1200 E 200th St  
 1200 E 200th St  
 1200 E 200th St

SITE PLAN

1. Preliminary parking layout
2. All outdoor furniture to be placed in designated areas
3. All tables placed for appropriate address that given. No clutter of property.
4. Location of trees and shrubs to be determined and shown on site plan.
5. Property description - April 13-19-20

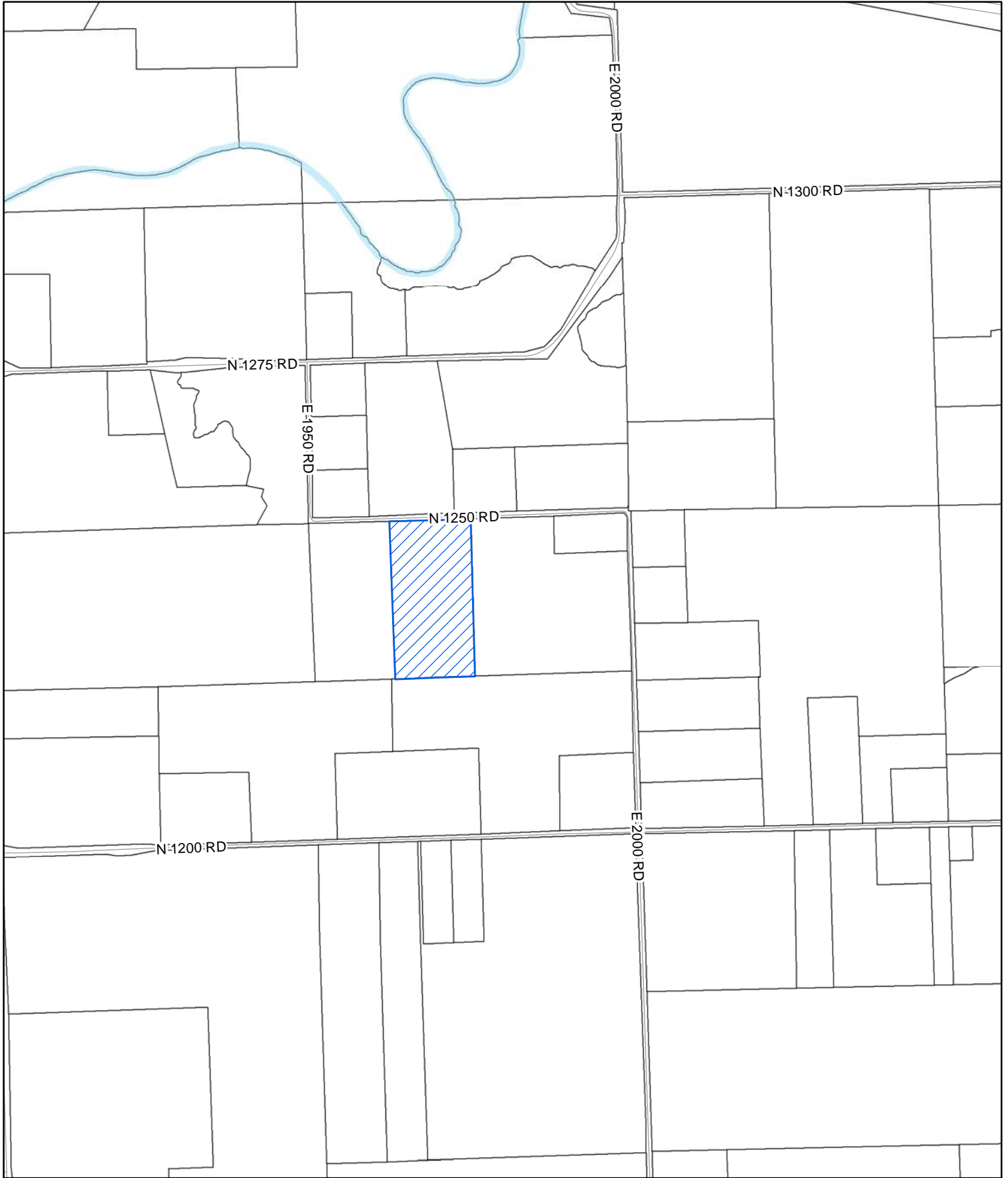


Property of  
 1200 E 200th St  
 1200 E 200th St  
 1200 E 200th St

Property of  
 1200 E 200th St  
 1200 E 200th St  
 1200 E 200th St

Project of  
 1200 E 200th St  
 1200 E 200th St

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



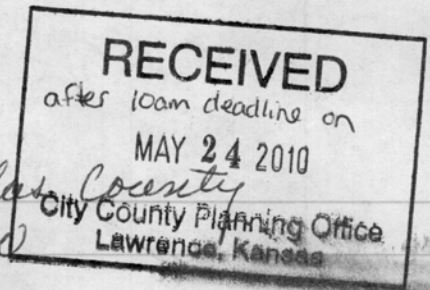
CUP-03-02-10: Conditional Use Permit for accessory uses such as outdoor weddings, picnicking, outdoor music, and overnight RV parking, with the Bluejacket Crossing Winery located at 1969 N 1250 Rd, Eudora



Area Requested



City of Lawrence/Douglas County  
atten: Mary Miller



This is in regards to the conditional use permit our neighbors of the Bluejacket Crossing Winery has requested.

We have nothing against Kandaya Selman, as a neighbor, but we are against this request. We live in the country because we like our privacy, peace, and quiet of rural living. I Richard Higgins have lived here at 1957 N. 1250 Rd for 30 years. My wife and I do not want to see commercialism take over our neighborhood. We don't live in town, because of all the traffic and noise associated there.

We would not appreciate the traffic, dust, and noise it would bring. The route drawn out goes right by our place. The gravel road is considered one lane and a lot of traffic could cause problems.

If this is passed, it will open the door to grow bigger and bigger, with eight months out of the year or more and events happening more often.

This could also cause more of an opportunity for crime to come to this area.

If or when we would ever decide to sell our place, it could make it harder to sell. Most people who want a place out in the country, want it for the peace, quiet and getting away from everything.

Sincerely,  
Richard W Higgins  
Judith Higgins

**ITEM NO. 8      CONDITIONAL USE PERMIT FOR BLUEJACKET CROSSING WINERY; 1969 N 1250 RD (MKM)**

**CUP-3-2-10:** Consider a Conditional Use Permit for accessory uses such as outdoor weddings, picnicking, and outdoor music, with the Bluejacket Crossing Winery, approximately 20 acres, located at 1969 N 1250 Rd, Eudora. Submitted by Kandaya Selvan, property owner of record. *A joint Planning Commission meeting will be held with the Eudora Planning Commission.*

**Eudora PC members present:**

Mr. Kurt von Achen, Mr. Pat Jankowski, and Mr. David Montgomery

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Commissioner Dominguez asked how close the neighbors homes were to the road.

Ms. Miller showed on a map on the overhead.

Commissioner Dominguez expressed concern about dust.

Ms. Miller said a chemical palliative treatment can be applied to gravel roads, but that there is a charge for it.

Commissioner Hird asked if the restricted number of guests, ending time, and number of times per year were proposed by the applicant or staff.

Ms. Miller said the applicant proposed them based on his intentions.

**APPLICANT PRESENTATION**

Mr. Kandaya ('Pep') Selvan, Bluejacket Crossing Winery, said at the intersection of 1975 and N 1250 both homes are quite close to the road. Most of the dust problems affect the people living on the north side of the road. He said during the Farm Tour in October they had 300 guests per day during those two days and that should have been a reasonable test for the extreme. He gave his background on his involvement in the wine industry. He is the President of the Local Vineyard and Winery Association. He said there are 2 ½ full time employees and 6-12 seasonal employees for harvest from April to October. He said most work at the winery is done by volunteers. He felt there was a need for increased opportunity with rural involvement. He said he sent a letter that extended the 1000' notification area to make sure all residents on the unpaved portion of the preferred route were notified. He said earlier this month they had a birthday party with a loud band at the winery and that several neighbors complained. He apologized and said that was not a smart move on his part and that the party was more than he expected it to be. He felt it was important that his activities are limited in order to maintain the responsibility to his neighbors. He said the proposed location for the stage would decrease the noise level.

Commissioner Carter inquired about what it would entail to move the stage area.

Mr. Selvan said it is all portable, the stage is 4'x4' and sits directly on the ground and can be picked up and moved. He said the goal is to build a new winery, tasting room, and storage facility and develop the landscape and then move the events to the western location.

Commissioner Carter asked if he was going to rent portable toilets.

Mr. Selvan said the Health Department wants to see one toilet for every 100 guests. He said there is one bathroom in the tasting room and that if needed they would rent a portable toilet.

Commissioner Blaser asked if there were any plans for the county to pave the road in front of his house.

Mr. Selvan said he had heard that N 1200 Road is a priority road due to its connection with the Eudora Subdivision but did not know of any set timeframe to do that.

### **PUBLIC HEARING**

Mr. Richard Higgins said he lives next to applicant. He said he has been there for 30 years and the traffic has gotten worse since the winery was opened. He said the noise from bands is disturbing. He did not like the plan. He felt that 6-8 events a year might end up being 30 events a year. He was concerned about dust from road because he lives within 50' of the county road.

Commissioner Hird said the new proposed winery location would be further away from his property. He asked Mr. Higgins if he thought moving the winery farther away would help reduce the noise.

Mr. Higgins said it would help but that the car traffic would increase greatly.

Commissioner Hird asked Mr. Higgins if the new winery was on a different area of the property would that help alleviate his concerns.

Mr. Higgins said no, not really.

Motioned by Commissioner Moore, seconded by Commissioner Blaser, to close the public comment.

Motion carried 9-0.

### **APPLICANT CLOSING COMMENTS**

Mr. Selvan said it makes a big difference to him that Mr. Higgins is comfortable with the effort that they are making.

Commissioner Finkeldei asked if Mr. Selvan would be okay with the condition of no electronic amplification.

Mr. Selvan said that would be fine.

Commissioner Finkeldei asked if he had a firm timeline on when the winery would be moved.

Mr. Selvan said the goal is to break ground in the fall but that the economy is affecting that so his best guess would be 2 years.

Commissioner Dominguez asked if he was willing to restrict the events to 8 per year.

Mr. Selvan said Springtime is about the only time it is comfortable for outdoor events and at this time 8 exterior events is more than he can handle. He said currently it is about 3 events per year.

Commissioner Rasmussen asked if the 10 year limitation makes it harder to get financing.

Mr. Selvan said yes.

### **COMMISSION DISCUSSION**

Commissioner Rasmussen inquired about the parking capacity.

Ms. Miller said the site plan needs to clearly define the area which would show how many cars.

Mr. Selvan said there are 21 parking spaces and overflow in the pasture that holds 40 cars.



Commissioner Rasmussen asked if there would be cars backed up along the road.

Mr. Selvan said no, if parking is not available then he will turn people away.

Commissioner Rasmussen asked why there is a paved ADA requirement but not one for Pinwheel Farm.

Ms. Miller said with Pinwheel Farms there was a requirement for ADA spaces for the farmers market but with her other type of events of educational activities or camping there isn't an established location so there wouldn't be specific place to locate it. She said Planning Commission could require one ADA paved space at Pinwheel Farm if they desired. She said that Bluejacket Winery already has the ADA parking space for the wine tasting room which is required.

Commissioner Rasmussen asked why the Pinwheel Farms Conditional Use Permit expiration date was proposed for 20 years and Bluejacket Winery for only 10 years.

Ms. Miller said the expiration dates aren't set by Code, time limits were something the previous County Commission wanted for Conditional Use Permits. She said with Pinwheel Farm staff originally suggested 10 years but the applicant requested 100 years and Planning Commission indicated at last months meeting that they were not comfortable with that and moved it to 20 years. Time limits can be set by Planning Commission.

Commissioner Rasmussen said it is difficult to get loans on shorter Conditional Use Permits.

Ms. Miller said if Planning Commission feels it is appropriate they can increase the 10 year time limit. She said 10 year is just the standard timeframe.

Commissioner Rasmussen said he would like to see a longer time period for this if approved.

Commissioner Carter asked if the applicant would like the time frame extended.

Mr. Selven said 20 years is a great starting point and would give a reasonable amount of time to cover the asset.

Commissioner Harris expressed concern about the dust that could be generated by the winery. She wondered if the neighbors have recourse if the dust becomes a problem. She suggested the possibility of the applicant paying for the dust treatment of the road.

Ms. Miller said it is not a current condition but could be added.

Commissioner Finkeldei said condition 1c in the staff report says 'up to 8 live music events may occur per calendar year.' He asked what the recourse would be if the number of events is exceeded.

Mr. McCullough said when staff knows that a condition is being exceeded the county office enforces the conditions of the Conditional Use Permit. If it is during the first year staff would work to remind the applicant of the condition and if it happens again then staff can initiate a revocation process to bring it back for hearing and revoke the Conditional Use Permit.

Commissioner Hird said this topic ties into the Agri-Tourism Committee that he serves on and Mr. Selvan has been attending those meetings as well. He said he is a vineyard owner himself. He said on April 8<sup>th</sup> he and his wife toured Bluejacket Winery but were not aware of this Conditional Use Permit at the time and did not discuss it. He felt this is exactly the type of activity the state is trying to promote and this is what gets people out to the country. He felt it was a positive activity. He said the dust problem is inevitable in the country and he hoped the county and township can help address the issue. He did not think a total of 8 afternoons a year for outdoor events was a terrible imposition, especially with the ending time of 8:30pm. He felt this was the type of thing that should be promoted and extending the timeframe for the Conditional Use Permit made

sense because a vineyard is a long term investment. He would like to see the Conditional Use Permit extended 20 years at a minimum. He felt the applicant has gone above and beyond the call of duty to include the neighbors in the process. The new facility will be built a lot farther away from Mr. Higgins property. He said he would support the application.

Mr. Kurt von Achen, Eudora Planning Commission, said a quorum could not be formed since there were only three members of the Eudora Planning Commission present this evening. He expressed concerns about traffic and dust. He said as a consensus they recommend approval but would not be in favor of extending the Conditional Use Permit timeframe.

Mr. Selvan said he will be part of the Farms Tour this year and the committee is doing research to find some public form of transportation such as a school bus or senior citizen bus to move 20-40 people.

Commissioner Carter asked when the 6-8 outdoor events will occur.

Mr. Selvan said during a 6 week window in March, May, or April.

Commissioner Carter asked Mr. Selvan if he would be willing to pay for the county to treat the road during that 6 week time period.

Mr. Selvan said he would consider it if the cost was affordable. He said he thought the treatment lasted around 4 weeks.

Commissioner Hird said his neighbors treat the road in front of their homes and the treatments last longer than 4-6 weeks and he believed the cost was about \$1.35 per foot so for Mr. Selvan to treat the entire road would be too costly.

Commissioner Rasmussen asked what the Eudora Planning Commission opposed about extending the Conditional Use Permit to 20 years.

Mr. von Achen said they felt the 5 year review with a 10 year permit was just fine. He said they felt that 20 years was too long.

Commissioner Blaser asked staff if the Conditional Use Permit is extended to 20 years could it be reviewed every 5 years.

Mr. McCullough said it could if it is written that way. He said the reason why there are expiration dates on many Special Use Permits is because it is a special use in an area that has the opportunity to evolve and change over the years. Often times what may be very compatible with an area today may grow out of its compatibility in a specified time period so part of the discussion and analysis should be how quickly an area is turning over, growing, and changing.

Commissioner Finkeldei asked if the applicant owns other property in the area.

Mr. Selven said he is the trustee to his mothers estate of 85 acres that is adjacent to the east and immediately south he has 22-23 acres.

Commissioner Finkeldei said he could support an extension of the overall length of the Conditional Use Permit with the condition of it moving to the future site. He said if the winery moves to the east he could support the 20 years, but if it stays to the west it should be 10 years. He also said that as long as it is located on the west side there should be no amplification for music.

Commissioner Rasmussen said he would support Commissioner Finkeldei's suggestions.

Commissioner Finkeldei said the 5 year review was appropriate as well.

Mr. McCullough said a typical review of conditions is administrative. If staff finds that a condition is not being met an avenue to seek relief from that could be an amended Conditional Use Permit and change one specific condition. 5 year reviews have been staff going to the site with a list of conditions.

Mr. von Achen said that the Eudora Planning Commission could support Commissioner Finkeldei's suggestion if the extension was tied to the new site.

Commissioner Moore asked if a requirement should be included to address no parking on N 1250 during events.

Ms. Miller said it is not a requirement since there usually is no parking on county roads but it could be added.

Commissioner Harris inquired about adding a condition regarding the dust.

Commissioner Blaser said he liked the 20 year timeframe with 5 year reviews. He said as far as the dust, he would not put a condition about the applicant paying for the treatment of the road. He thought if the entire road was treated the cost should be shared by neighbors, not just the applicant. He said he would support the project.

Commissioner Carter asked for clarification on Commissioner Finkeldei's 20 year timeframe.

Commissioner Finkeldei said he would suggest a 10 year Conditional Use Permit unless during that period it is moved to the future site, at which time it would be extended to 20 years.

Commissioner Hird asked if 3 years from now the applicant moves to the new location, he would have a total of 18 years left for the CUP. He asked if Commissioner Finkeldei is saying that it would be extended 20 years from that date.

Commissioner Finkeldei said he was saying 20 years total. He said he felt like they were pushing the limit anyway and if the applicant decides to move 9 years from now then it would be a 29 year Conditional Use Permit.

Commissioner Moore said financing is important but at the same time Planning Commission should look at the compatibility of the use.

Mr. McCullough suggested that they could consider the 20 year term with a specific condition to move the site within 5 years. If it is a condition that the facility move within 5 years and the applicant is coming up on that 5 years and it is not met he has the ability to go back through the public hearing process to ask for relief from that condition and explain the circumstances. Staff likes the expiration date to be firm instead of a moving date.

Commissioner Carter recapped what he was okay with; 20 years contingent upon moving in 5 years, a condition added for no parking on the road, no electronic amplification at least until it is moved, and he would not be in favor of putting the burden of the dust control on the applicant for 8 events over a 6 week period.

Mr. McCullough said he thought he heard the applicant say he was comfortable with the condition of no amplified noise. Noise is one of those tricky things that even moving it several hundred feet it isn't probably going to mitigate it. He urged them to consider a condition of just no amplified music at the site.

Commissioner Hird said given the number of events a year he felt that was unreasonable. He said low level amplification of a blue grass band was not offensive and would be over by 8:30pm.

Commissioner Rasmussen agreed with Commissioner Hird.

Commissioner Finkeldei stated the applicant said there was a hill in between. He said he still thinks that as long as the winery is on the west there should be no amplification but once moved to the east he would withdraw that.

Commissioner Rasmussen asked if the condition was for no amplified music until the site is moved or no amplification at all.

Commissioner Moore felt it would be cleaner for it to say no amplification at the site.

### **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Rasmussen, to approve Conditional Use Permit (CUP-3-2-10) for 1969 N 1250 Road and forward to the Board of County Commissioners subject to the following revised conditions of approval (new language is shown in **bold** print and deleted text is shown as ~~struckthrough~~):

- 1) The provision of a revised site plan with the following changes:
  - a) Addition of a note which states "The permit will be administratively reviewed by the County ~~in~~ **every** 5 years (Calendar Year 2015, **2020, 2025, 2030**)".
  - b) Addition of a note which states "The permit will expire at the end of ~~10~~ **20** years (July 1, **2030** ~~2020~~), unless an application for renewal is approved by the local governing body."
  - c) **Addition of a note which states "The event area will be moved to the eastern location within 5 years of approval."**
  - d) Addition of a note which states "Events will typically occur on Saturdays, although Friday and Sunday events may be permitted. Up to 8 live music events may occur per calendar year. These events will conclude by 8:30 PM and the clean-up will be completed by 10 PM. Maximum attendance at live music events is 150."
  - e) **Addition of a note which states "No parking will be permitted on N 1250 Road."**
  - f) **Addition of a note which states "No electric amplification of music in current location."**
  - g) Addition of a note which states "The parking area will be surfaced with gravel and the ADA accessible parking spaces will be paved. The ADA accessible parking space will be constructed to meet ADAAG (American with Disabilities Act Accessibility Guidelines) requirements, including signage."
  - h) The second access shall be located per the County Engineer's approval.
  - i) Landscaping shall be added to include evergreen trees and shrubs along west property to screen activity area from residence to the west.
  - j) The parking space dimensions shall be noted on the plan.
  - k) The capacity of the overflow parking area shall be noted on the plan.
  - l) A parking summary which notes the number of parking spaces required per Code, and the amount of parking provided shall be included on the site plan.
  - m) Both the event area being proposed at this time and the future event area shall be shown on one plan along with a proposed phasing schedule.
  - n) Addition of a note on the plan which states: "A revised site plan showing the details of the future event area and any associated parking would return for Staff approval prior to construction of the future event area."
  - o) Additional measures being used to buffer the property to the west shall be noted on the plan (orientation of music, use of farm vehicles, etc)
  - p) Note added to the plan which states that chemical toilets may be used for the first year, at a rate of 1 toilet per 100 attendees. Any use of chemical toilets past the first year would require approval of the County Health Official.
- 2) Permits secured from the Douglas County Health Department for new septic system, if applicable.
- 3) Approval of an entrance permit for the new driveway from Eudora Township.

- 4) Chemical toilets may be used for the first year of the CUP to allow the applicant to determine if the events are successful.
- 5) When the plans are combined, Note No. 1 regarding RV parking spaces should be removed.

Commissioner Harris said she would support the motion but felt the dust issue should be addressed. She said the area wasn't really designed for a business out there. She felt there should be clarification for amplification at the new location to say low to moderate amplification at the new site.

Commissioner Hird said he would reluctantly vote in favor of the motion. He said his reluctance has to do with the amplification issue. He said he understood the concern about dust and wished there was a solution. He did not agree with the condition of no amplification and felt it was unnecessary for 8 events a year and felt it was micromanaging.

Commissioner Rasmussen said he did not want try to micromanage the amplification. Agreed with Commissioner Hird about not wanting to micromanage by putting this restriction on it.

Commissioner Chaney agreed with Commissioner Hird about the micromanaging. He said there are only 8 events a year that will end by 8:30pm. He thought the applicant was really working to come up with something that will make everyone as happy as possible. He said he would reluctantly support the motion.

Commissioner Dominguez said he would support the motion but felt they have over managed the issue of amplification and financing. He said he was still concerned about the dust but felt the applicant would do what he could to try to fix the problem.

Commissioner Hird said he would be willing to vote against the motion and remake a motion without the condition regarding the amplification.

Commissioner Moore said he would support the motion as is.

Commissioner Carter said when amplification was initially brought up the applicant readily nodded about not needing amplification in its current spot. He said he would be in favor of approving the motion as is.

Commissioner Rasmussen thanked the Eudora Planning Commission for their assistance.

Unanimously approved 9-0, with consensus from Eudora Planning Commission.

# Memorandum

## City of Lawrence

**TO:** David L. Corliss, City Manager

**FROM:** Mike Lawless, Assistant Director, Utilities  
Scott McCullough, Director, Planning and Development Services

**CC:** Cynthia Wagner, Assistant City Manager  
Diane Stoddard, Assistant City Manager  
Dave Wagner, Utilities Director

**Date:** For April 27, 2010 City Commission Meeting

**RE:** Utilities Master Planning Growth Projections

On November 11, 2009 notice to proceed was issued for an engineering services contract for the Wastewater Master Plan (Plan). The Plan will provide an evaluation of the wastewater collection and treatment systems for improvements to serve potential development planned through the year 2030. The Plan will use existing population for 2010 and population projections for 2020 and 2030 as the input data for the design years. The Plan will provide flow/development triggers for the construction of system improvements.

### Plan Boundary

To develop the flow projections for the design years, a defined boundary with the population estimates and distribution of the population within the boundary are needed. Utilities and Planning staff have met several times to discuss the planning boundaries of the project as well as the logistics of preparing the underlying data needed for the population and growth projections for the design years. Several adopted sector plans, including the Southeast Area Plan, the K-10 & Farmer's Turnpike Plan, the West of K-10 Plan, and the Northeast Sector Plan that is currently underway, have guided development of an appropriate boundary for the Plan. In addition to the planning boundaries, the drainage basins are physical boundaries that also effect development and the results of the Plan.

A map of the current Urban Growth Area, basin boundaries, and sector plans is provided to show how these boundaries overlay each other. As a result of these overlays and staff discussions, a logical and justifiable boundary is proposed for the Wastewater Master Plan as shown on the map. This planning boundary, the population projections, and distribution of the population will allow distribution of the basin flows needed for the project. While this boundary is logical based on the discussion above there is always the possibility that a development request could be made outside of the planning area.

**Population Projections**

Horizon 2020 sets out three population projections using July 1<sup>st</sup> 2000 Census data of 80,508 for the city of Lawrence: Low, Medium, and High.

<b>Population Projections from Horizon 2020</b>			
<b>Horizon 2020 Projections</b>	<b>2010</b>	<b>2020</b>	<b>2030</b>
Low	88,961	100,076	111,191
Medium	95,178	110,406	125,635
High	99,013	122,394	151,296

Population projection methods primarily rely on trend data and the most accurate projections can only be completed every decade after the Census Bureau releases the Decennial Census Data. Staff will release new population projections after the 2010 Census numbers are calculated and disclosed for public use.

Planning Staff has analyzed the effects that short and long-term growth trends would have on the population projections. Given recent population trends, staff is of the opinion that Lawrence is between the Low and Medium population projections from Horizon 2020 and the department currently projects Lawrence to reach between 112,000 and 126,000 people in 2030. A 2030 population of approximately 125,000 for Lawrence is used to build the growth scenarios for the Wastewater Master Plan.

**Population Distribution - Future Development Trends and Growth Areas**

To determine appropriate distribution of the 2030 population, staff used existing data and made assumptions about the amount of residential dwelling unit inventory the city of Lawrence currently has and where the likely growth will occur based on historic patterns and identified opportunities and constraints. The following exercise will assist the consultants as they embark on the Plan update.

Staff used census population data, building permit trend data and information from meetings with owners and consultants on specific properties over the last few years to make assumptions about the number of dwelling units that are approved for construction or could be available with the appropriate land use approvals granted and infrastructure extended. Staff concludes that there are approximately 5,100 approved or potentially approved residential units available in the city limits currently. Please see map for locations of approved and not yet, but potentially, approved residential units.

A range of population growth, based on *Horizon 2020* projections, was used to draw conclusions as to the number of years of current or potential residential inventory currently within the city. The data does not differentiate between single-family, duplex, and multi-family structures and so any one of these types of residential units may be more or less under-represented in the exercise.

Build Out Table			
Population / Year	Assumed Persons / Unit	Units Occupied / Year	Years to Build Out Approved and Potentially Approved Inventory of 5,100 units (City Only)
LOW - 1,000 / year	2.3 persons / unit	435	11.7 years
MED. - 1,500 / year	2.3 persons / unit	650	7.8 years

#### Notes

1. The numbers in the table are approximations and have been rounded for ease of computation. Alignment with the Residential Inventory Analysis, authored by Roger Zalneraitis, is not possible since that memo tracks "lots" and this memo uses "units" (several units can be constructed on a single lot in some instances – duplexes, triplexes, multi-dwelling).
2. There is an assumed potential for approximately 5,100 dwelling units in the city limits including available lots and assuming densities on unplatted parcels that could be served.
  - a. These units could serve a population of 11,700 new residents
3. Of the 5,100 units, there are 1,335 lots currently vacant with infrastructure available to serve them.
4. There are several infill and fringe areas that are in the concept stage and the anticipated number of units is currently unknown. The following areas were not assigned a unit count but are on the development radar – the area east of The Exchange Apartments, several lots downtown, N. Lawrence redevelopment near Johnny's Tavern, mixed use potential near the Oread Hotel, several fringe areas, etc. These areas were not included in the total unit count used in the calculations in the table and so the actual potential for units in the table may be low.

#### Discussion

The table and exercise above concludes that there is approximately a decade's worth of existing and potential residential inventory of building sites within the city limits assuming current absorption rates; however, adequate infrastructure may not be in place to serve all of these areas at this time. This is an overly simplistic view, however, because it does not differentiate between housing types, a level of detail that could be investigated if the commission desires but may not be necessary for the purposes of the Wastewater Master Plan update.

This exercise begs several questions about growth and its impact on infrastructure – roads, sewer, water, and even outside providers – electric, gas, cable, cellular, etc.

1. Is there currently an appropriate amount of residential inventory for the community?

Historically, the market has dictated the level of residential inventory in the community and the city has not established a certain level of "healthy" residential inventory. It is good to track the current inventory over time to understand the historic rates, but it is assumed that the inventory will cycle through periods of growth.

2. What is the design capacity of the current wastewater treatment plant? When must the City begin construction of the Wakarusa Water Reclamation Facility (WWRF)?

The Utilities Department reports that the design population equivalent that can be served by the wastewater treatment plant located on East 8<sup>th</sup> Street is 100,000. However, for a number of



reasons the City should not wait until that number is reached to begin construction of the WWRF. The Utilities Department believes the WWRF should be completed at a population equivalent of 98,000. The WWRF's design and construction is estimated to take up to five years to complete. The 2008 population estimate for the city was determined to be 90,866. The upcoming recommendations from the Wastewater Master Plan will be very important in determining the timing and scope of the necessary WWRF.

3. Assuming a 10-year inventory of residential locations, it is still appropriate to plan for future growth. Where will growth likely occur given the opportunities and constraints specific to this community?

Providing sewer and water are only two components of setting a framework for growth. Other opportunities and constraints to development include the following:

- West of K-10 – Expected **High** rate of growth. Growth in this area aligns with the historic growth pattern of Lawrence and would take advantage of K-10 and I-70 access and inclusion in the Lawrence school district. The West of K-10 Plan established a policy for not permitting development for a large portion of this area until a financing plan and a commitment to construct an interchange at 15<sup>th</sup> Street/Bob Billings Parkway is established.
- K-10 and Farmer's Turnpike Sector Plan area – Expected **Medium** rate of growth. The area north of I-70 along Farmer's Turnpike has been planned for significant employment center growth. Demand for residential growth would need to be high to develop some portions of this area with sewers given the makeup of the watersheds. Residential growth in this area is not expected to occur at a high rate.
- Northeast Sector Plan area – Expected **Low** rate of growth. The Grant Township area is an area currently undergoing sector planning to determine the level of future urbanization. Historically, this has been a very slow growth area as it is constrained by floodplain and other elements that make it less desirable to urbanize.
- East – Expected **Low** rate of growth. Challenging topography, limited highway access, floodplain, and moving too far downstream of the treatment facilities all constrain development to the east along K-10 Highway. Urbanizing within the Southeast Sector Plan area is anticipated, but developing east of this plan's boundaries may not be feasible.
- South – Expected **High** rate of growth. South of the Wakarusa River, opportunities exist to take advantage of a new treatment facility and the Highway 59 improvements. The area is within the Lawrence school district and staff believes this could be a significant growth area if the market demands it after the new treatment facility is constructed. Sector planning this area is included on the long range work plan for the department.
- Infill – Expected **Low** rate of growth. While there is opportunity to develop and redevelop certain areas of the community, this will not play a significant role in the long term growth projections for Lawrence. Infill and higher density redevelopment is considered the most efficient use of existing infrastructure but would only provide a small fraction of inventory needed to support the anticipated growth over the coming decades.

While capacity issues can be resolved with the new WWRF, decisions about where to establish water, sewer and road infrastructure will need to be made within the next 10 years. The Utilities Department indicates that once the WWRF is online, projects will continually need to be *balanced* in order to optimize the system. Growth decisions also impact other public services – street maintenance, police, fire, solid waste, and other general government services that must expand to keep up with the growth demand.

### Plan Scenarios

Staff believes that the consultant should develop wastewater infrastructure solutions to serve the following three (3) scenarios:

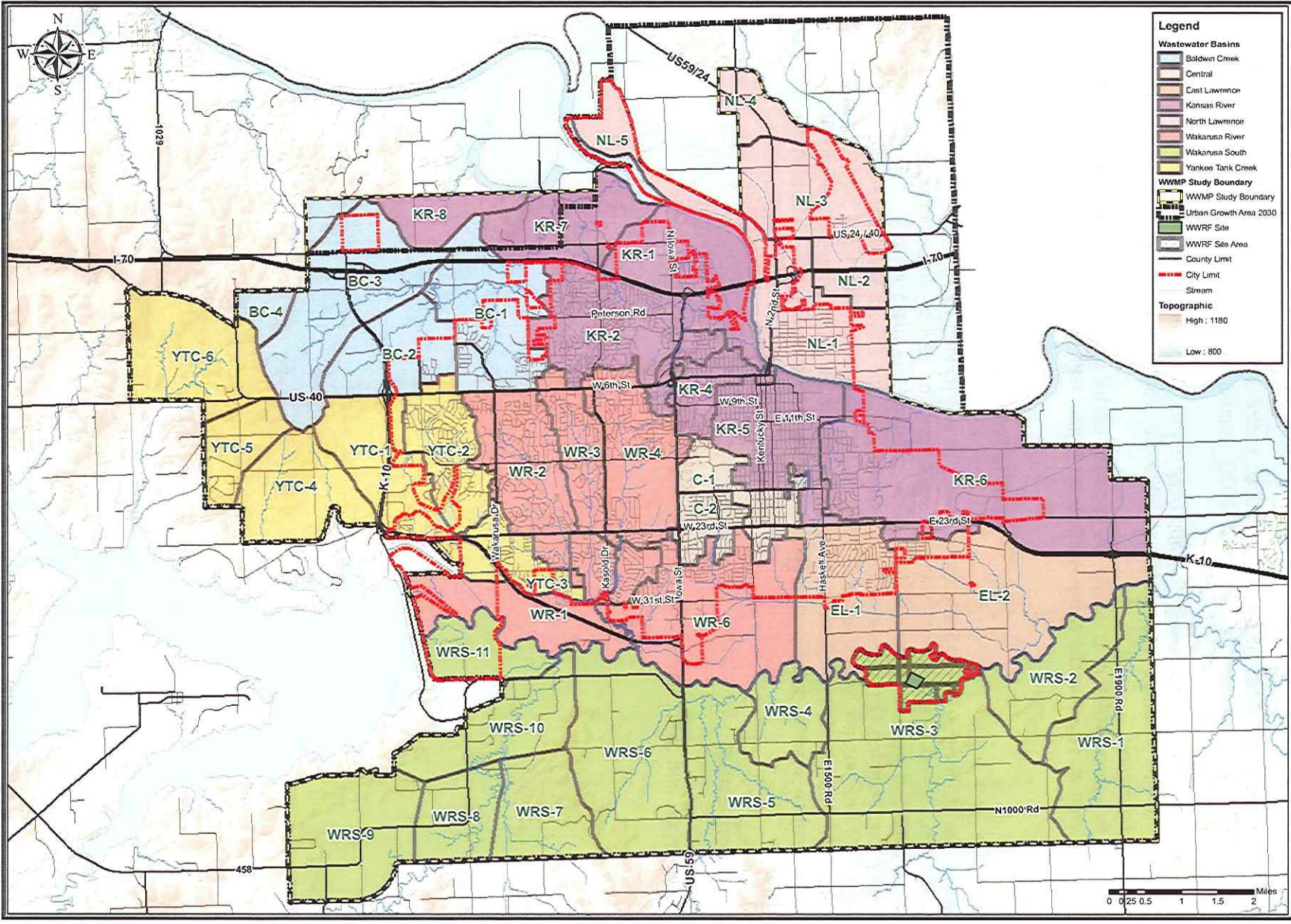
- a) **Scenario 2020:** Using the approved sector plans and other assumptions about future growth, disburse the projected 2020 population within the Wastewater Master Plan boundary.
- b) **Scenario 2030:** Using the approved sector plans and other assumptions about future growth, disburse the projected 2030 population within the Wastewater Master Plan boundary.
- c) **Scenario Build-out:** Using the approved sector plans and other assumptions about future growth, populate the entire Wastewater Master Plan boundary.

### **Planning Process**

It is appropriate for this report and attached maps to be provided to the Planning Commission, County Commission, School Districts, and other stakeholders for review and comment. Input from the stakeholders and general public will be solicited through the meetings staff will hold with the City Commission, Planning Commission, County Commission, and School Districts. Staff can complete the majority of the information sharing in May, 2010. Results of the input and comments will be summarized and a report of the results will be presented for City Commission approval at the end of the information-sharing process in order to provide staff the direction to implement the planning process.

### **Action Requested:**

Receive report and direct staff as appropriate.



# 2010 Wastewater Master Plan Study Boundary & Basins

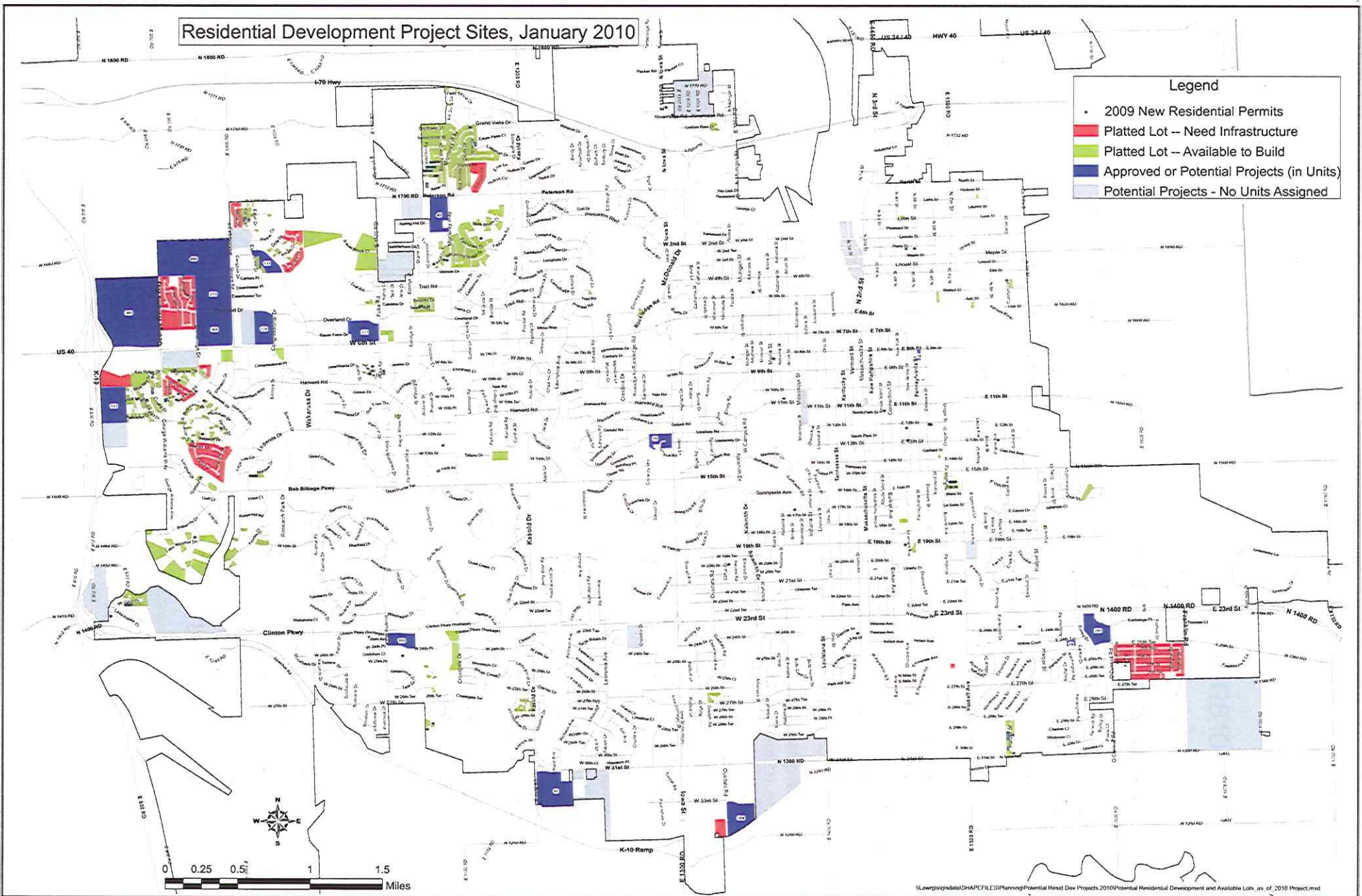
*Map of Lawrence, Kansas*

The City of Lawrence, Kansas, is a city and county seat of Douglas County, Kansas. The city is located in the central part of the state, approximately 100 miles northwest of Kansas City, Missouri. The city is bounded by the city limits of Lawrence, Kansas, and is situated on the eastern bank of the Wakarusa River. The city is a major center of commerce and industry in the region. The City of Lawrence is a member of the Metropolitan Council of Governments, which is a regional organization of local governments in the Lawrence area. The city is a part of the Lawrence Metropolitan Area, which is a major metropolitan area in the state. The city is a part of the Lawrence Metropolitan Area, which is a major metropolitan area in the state. The city is a part of the Lawrence Metropolitan Area, which is a major metropolitan area in the state.

# Residential Development Project Sites, January 2010

**Legend**

- 2009 New Residential Permits
- Red Platted Lot -- Need Infrastructure
- Green Platted Lot -- Available to Build
- Blue Approved or Potential Projects (in Units)
- Light Blue Potential Projects - No Units Assigned



# Memorandum

## City of Lawrence

### City Manager's Office

TO: David L. Corliss, City Manager  
CC: Diane Stoddard, Assistant City Manager  
FROM: Roger Zalneraitis, Economic Development Coordinator/Planner  
DATE: January 27, 2010  
RE: Update to Residential Inventory Analysis

This memo provides an update to the available residential lot inventory conducted on January 30<sup>th</sup>, 2009. The update finds that based on current market conditions, there is sufficient inventory to meet 8 to 14 years of demand for new single family residential housing. This represents an increase from last year and is almost exclusively caused by deteriorating housing market conditions.

#### Previous Report

The residential lot inventory of January, 2009 found that there were about 4,400 lots platted from 1997 to the end of 2008. Of those, approximately 1,000 lots remained available for construction, and a little over 1,400 lots remained available for construction throughout the City. In 2008, there were 141 single family residential permits issued for new construction. As a result, the available lots represented up to 11 years of available inventory for the community.

#### Inventory Update

From 1999 to the end of 2009, there were approximately 4,087 residential lots platted in Lawrence. The change from the previous analysis suggests that about 300 lots were platted in 1997 and 1998. Perhaps as a result of the recession, there were very few new plats filed in 2009. The majority of new plats were replats of existing subdivisions.

Of the 4,087 lots available at the end of 2009, about 761 of them remained available for development:

**Table 1**  
**Residential Inventory as of December 31st, 2009**

*Lots Platted After January 1, 1999*

	Lots	Area (Acres)	Average Lot Size
No Infrastructure, No Dwelling Units	547	137.6	0.25
Infrastructure, No Dwelling Units	761	223.3	0.29
Infrastructure and Dwelling Units	2,779	787.7	0.28
<b>Total Lots</b>	<b>4,087</b>	<b>1,148.7</b>	<b>0.28</b>

Note: The increase in area from 2008 resulted from lots that previously had no acreage recorded within the GIS database.

Additionally, almost 550 lots platted in the last 10 years still have no sewer or water (infrastructure). It is unclear at this time when these lots may receive infrastructure, as the recession has slowed demand for additional housing. The 761 lots with infrastructure represent almost 20% of the total stock of newly platted lots.

Across the City as a whole, there are 1,335 available lots for development (this includes the 761 lots in recently platted subdivisions). This represents a decrease of about 90 available lots since last year. The decrease in available lots resulted because of new building permits and limited new plats over the course of the year.

### **New Residential Construction**

About 141 residential building permits were issued last year:

**Table 2**  
**New Residential Permits in 2009**

Type	Total	Platted, 1999-2009	Units
Single Family	110	91	110
Duplex	16	13	32
Apartment	15	15	172
<b>Total</b>	<b>141</b>	<b>119</b>	<b>314</b>

source: GIS and Development Services Permit Report

There were 110 single family residential permits issued (compared to 141 single family residential permits in 2008), 16 duplex permits issued (representing 32 units of new construction), and 15 apartment permits issued. However, all 15 apartment building permits were issued to the same site and represent 172 units in 15 new buildings at the one site. In total, 314 new units of residential housing were built. The vast majority of these new units were built on lots that were platted between 1999 and 2009. Three duplex permits and 19 single family housing permits were issued on lots that were platted prior to 1999. Therefore, it is reasonable to expect that new residential building permits will be issued on recently or soon-to-be platted properties in the City.

A map of the residential lots platted from 1999 to 2009 and the building permits that were issued in 2009 is available in the Appendix to this report.

### **Residential Building Lot Inventory**

The residential lots listed in Table 1 are predominantly single family residential units. Therefore, this analysis will use them as a proxy for all available single family residential units in the City.

With approximately 761 single family residential lots available in areas platted from 1999 to 2009, in current market conditions this represents over 8 years of market demand. In other words, the market demand of 91 new single family residential units in newly-constructed subdivisions could be maintained for that time period. However, we also

saw in Table 1 that almost 2,800 lots platted since 1999 have housing on them. The historic rate of demand is thus about 252 units per year. At that rate of development, the 761 single family lots would accommodate about 3 years of growth.

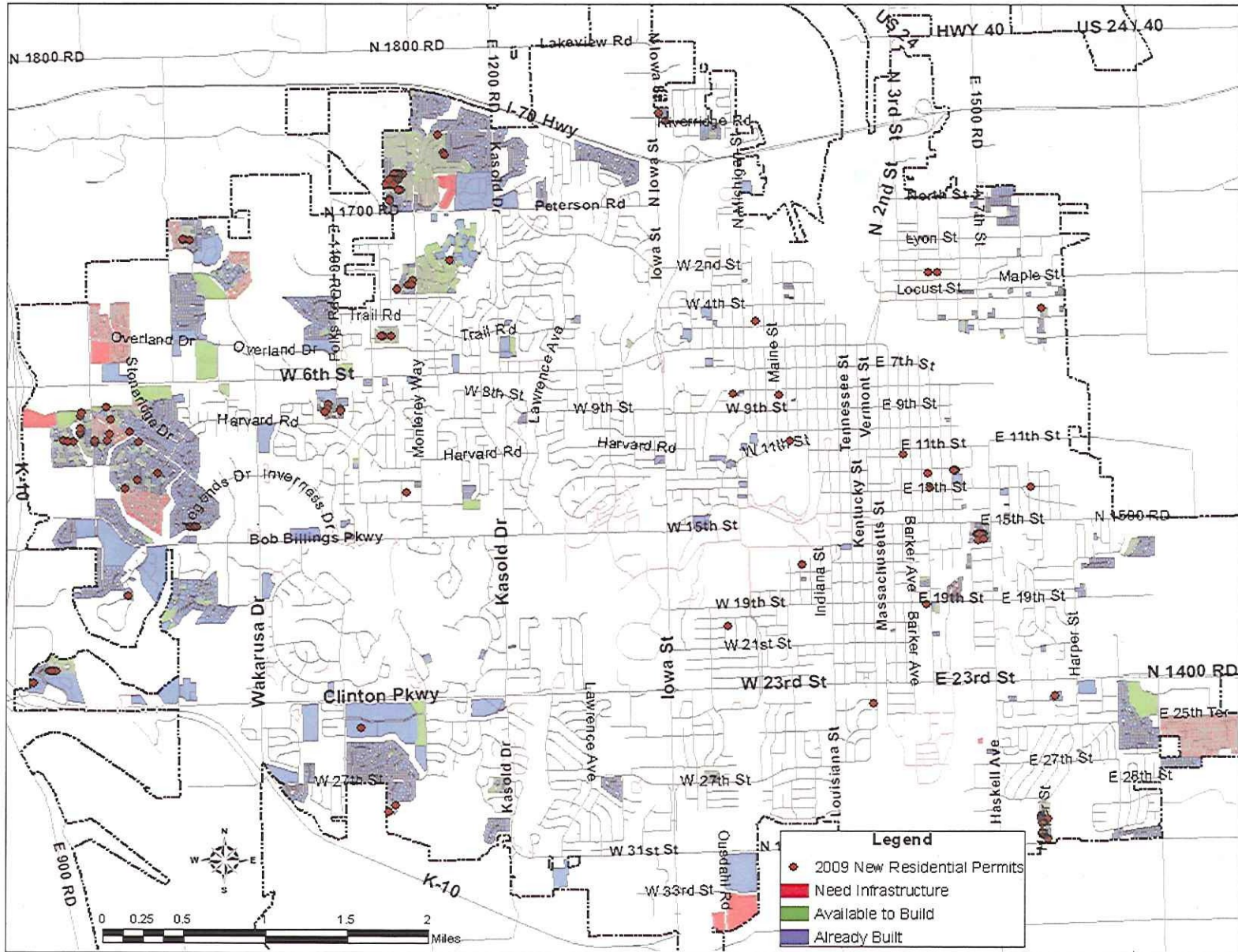
There are a total of 1,335 available residential lots in the City. This implies that there are 574 additional single family residential lots available in older subdivisions. As noted, 18 permits were issued in these subdivisions last year for single family residences. Therefore, under current market conditions these 574 lots could accommodate far more than 20 years of growth.

Finally, there are 547 residential units that are platted but have no infrastructure. If these are added to the 761 available single family residential units, the inventory rises from being able to accommodate 8 years of current demand to being able to accommodate over 14 years of current demand. Under historic demand scenarios, there would be a little more than 5 years of inventory available for single residential family housing.

At the end of 2008, we estimated that existing and potential inventory (lots that do not yet have infrastructure) could accommodate between 5 and 11 years worth of demand. There now appears to be between 5 and 14 years of demand. Additionally, there has been a slight decline in available lot inventory over this period. The fact that demand appears to be slightly greater now is a reflection of deteriorated housing market conditions rather than new supply coming online.

## APPENDIX

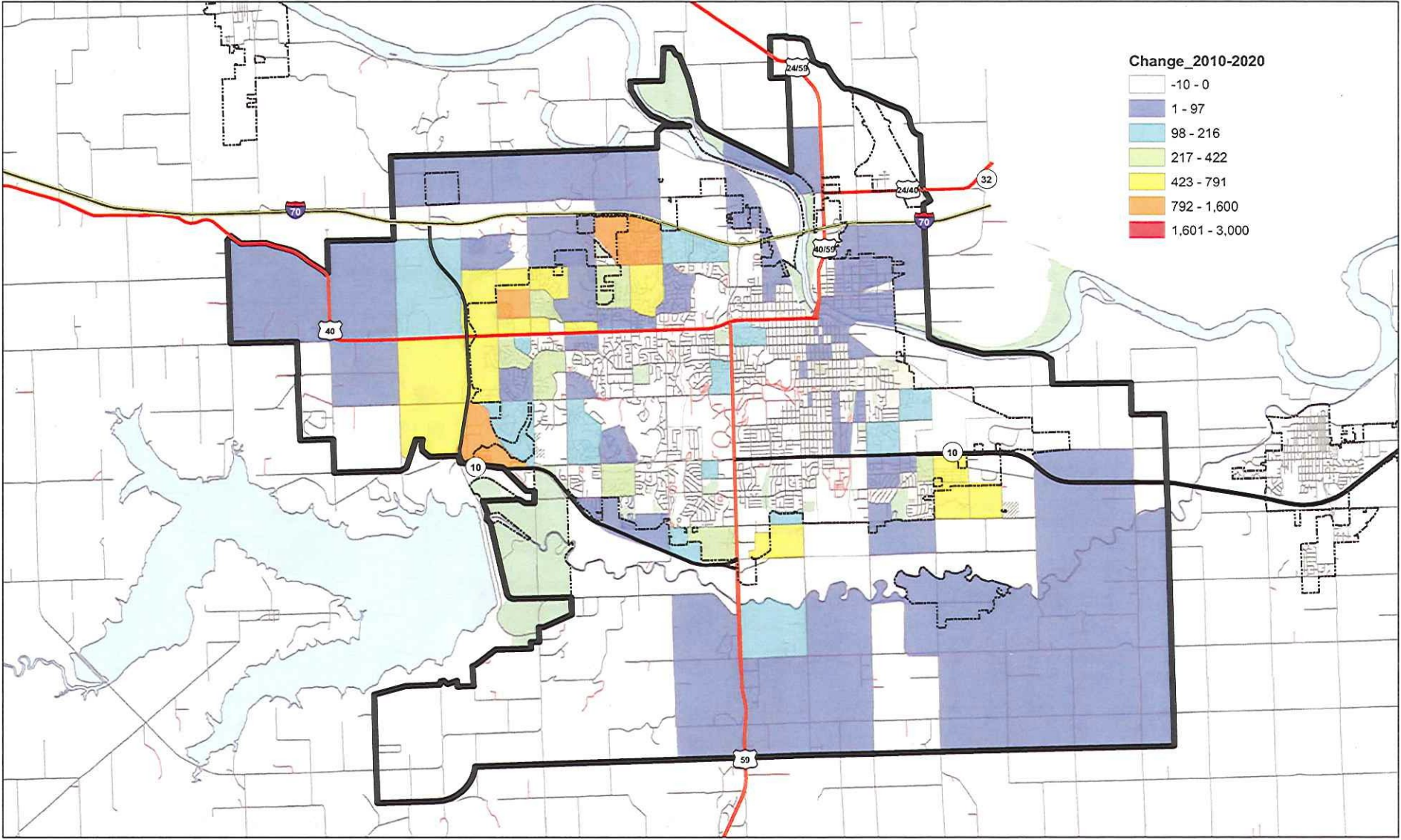
### Lawrence Residential Lots Platted Between 1999 and 2009, and Residential Building Permits Issued 2009





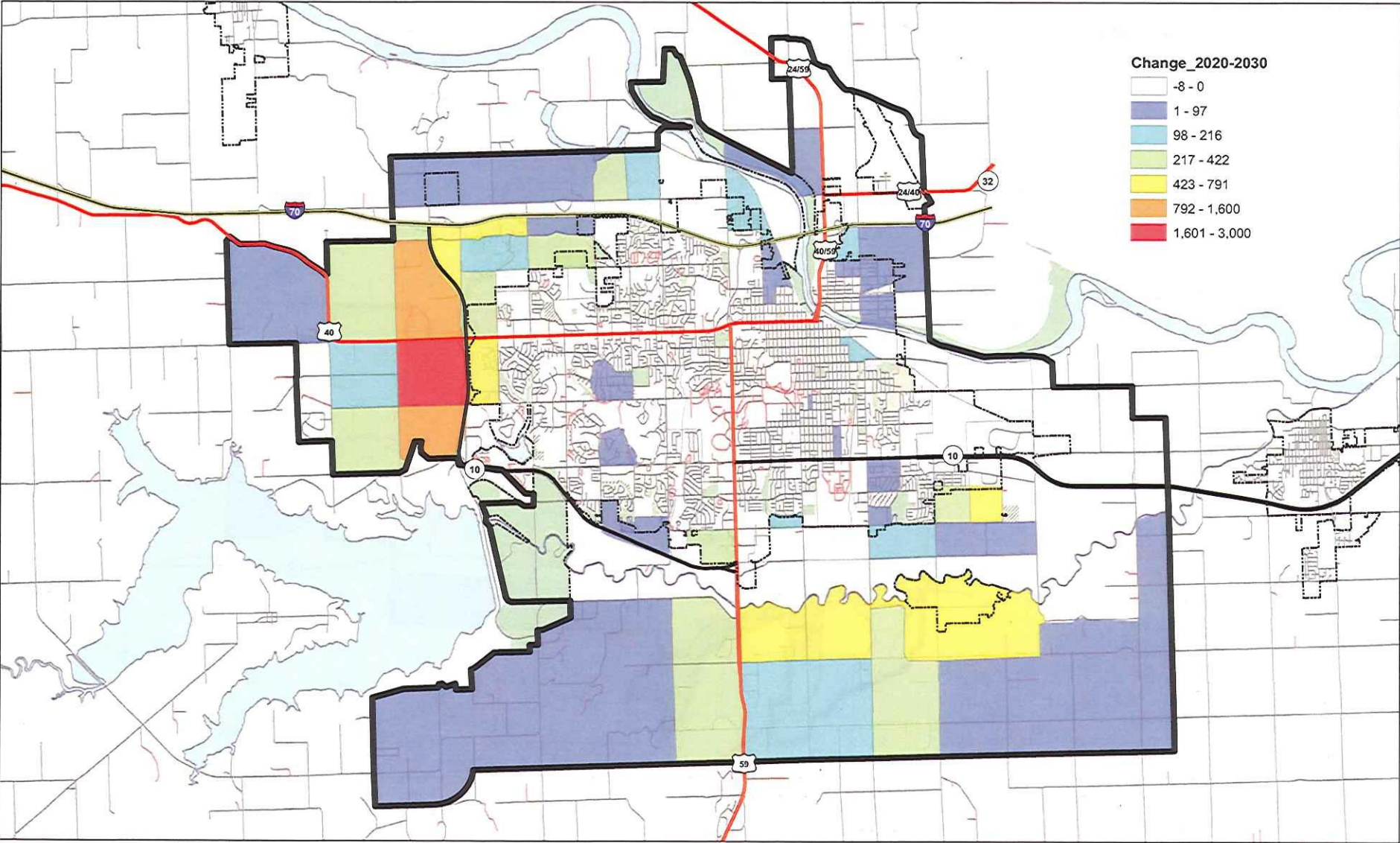
# Estimated Population Change Between 2010 and 2020 by TAZ for City Wastewater Master Plan

0 1,750 3,500 7,000 10,500 14,000 Feet  
1 inch = 7,000 feet

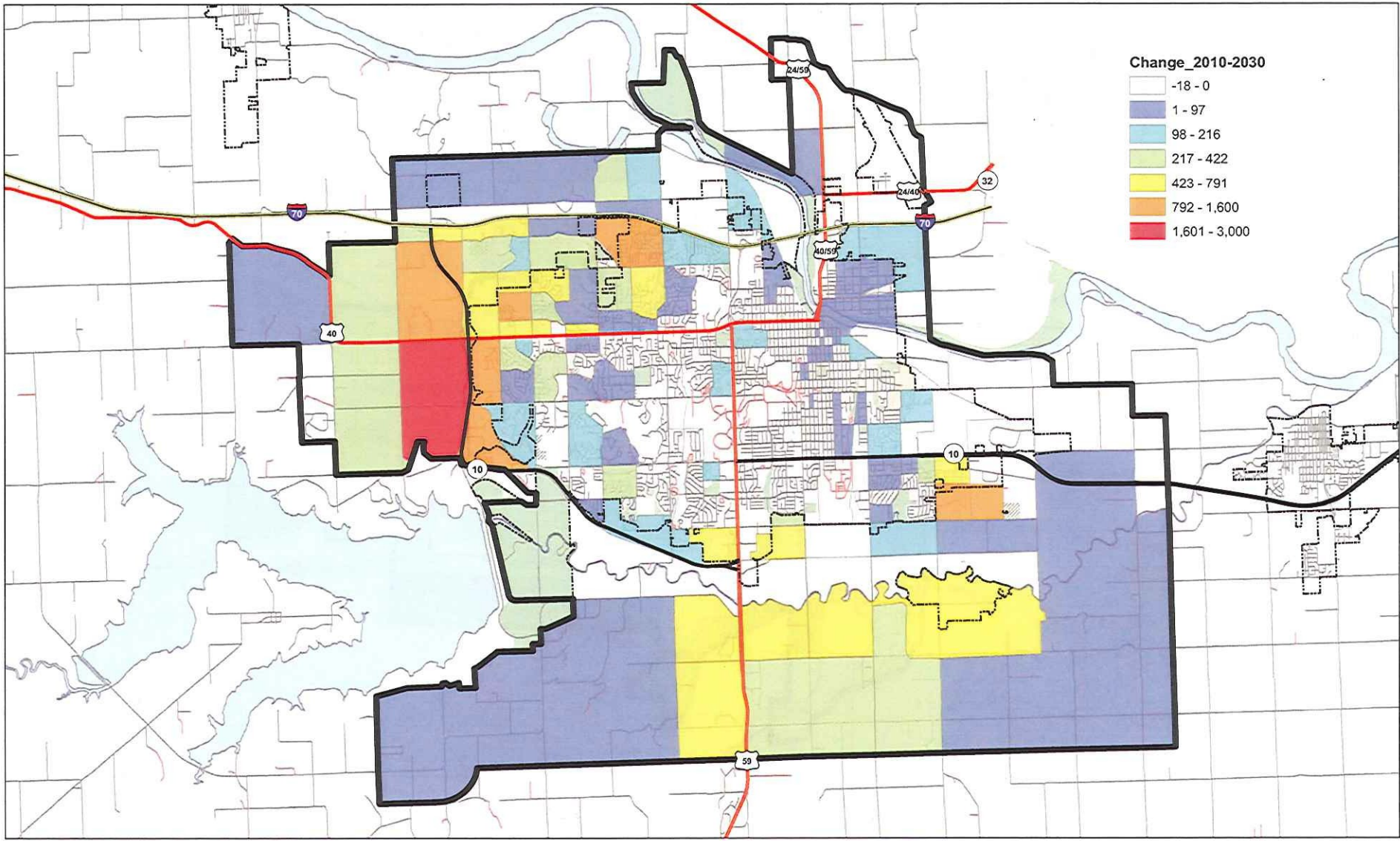
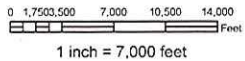


# Estimated Population Change Between 2020 and 2030 by TAZ for City Wastewater Master Plan

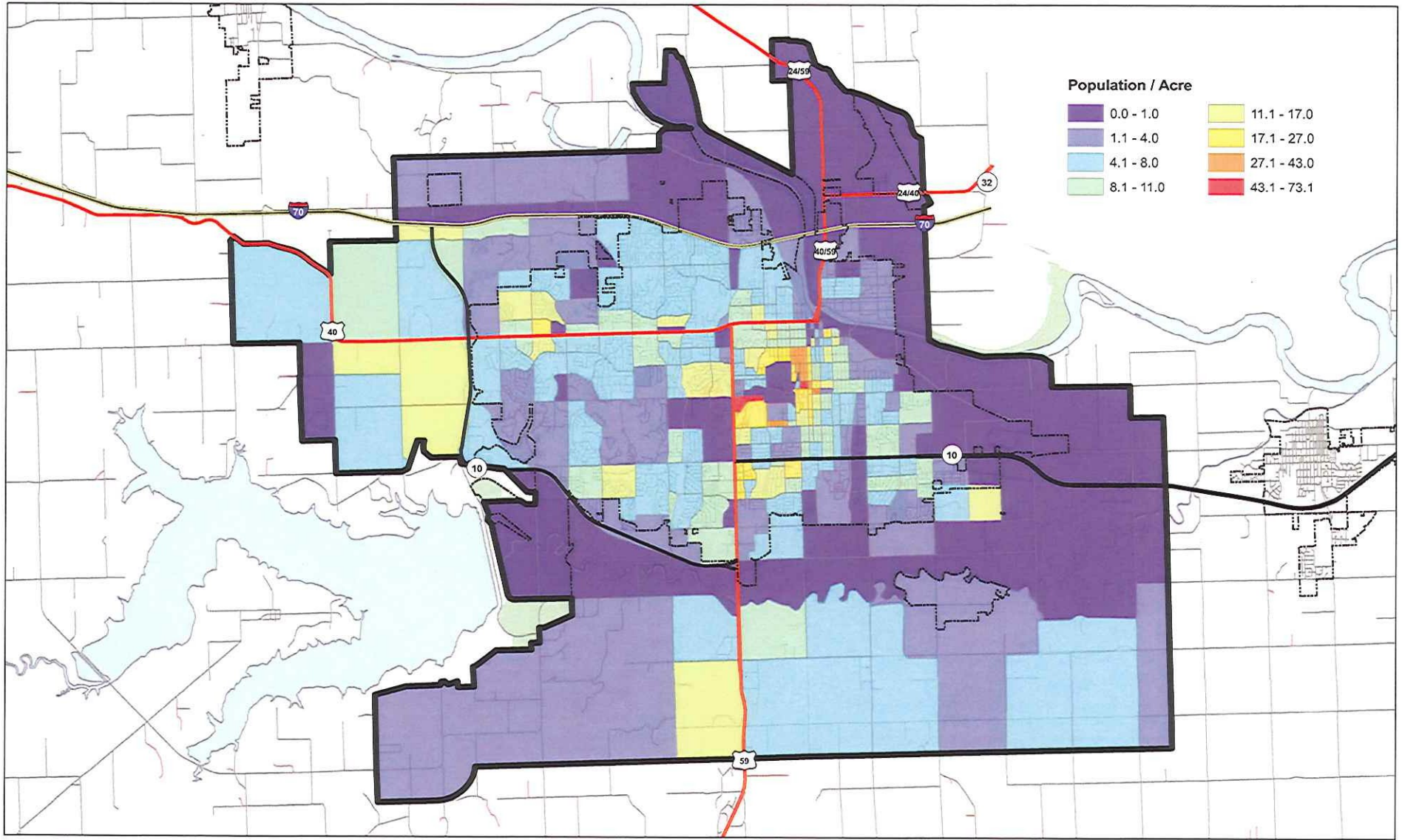
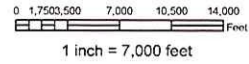
0 1,750 3,500 7,000 10,500 14,000 Feet  
1 inch = 7,000 feet



# Estimated Population Change Between 2010 and 2030 by TAZ for City Wastewater Master Plan



# Estimated Build Out Population Per Acre by TAZ for City Wastewater Master Plan



**HOME RULE RESOLUTION NO. HR-10-\_\_\_\_\_**

**A HOME RULE RESOLUTION PROHIBITING EXCESSIVE NOISE WITHIN THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS**

**WHEREAS**, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter after the "Board") to transact all County business and perform all powers of local legislation and administration it deems appropriate, including the enactment of legislation designed to protect the health, safety, welfare, and quality of life of the citizens of Douglas County; and

**WHEREAS**, the Board finds that:

(1) Excessive noise during night-time hours is a hazard to the health, safety, welfare, and the quality of life of the citizens of Douglas County;

(2) The citizens of Douglas County have a right to and should be ensured an environment free from excessive night-time sound that may jeopardize their health, welfare or safety or degrade their quality of life.

**WHEREAS**, the Board has determined it is necessary and advisable to protect individuals from unreasonable intrusions caused by excessive, unnecessary or unusually loud noises in order to preserve the public health, safety, welfare, and quality of life.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2010 AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Adoption of Regulations Prohibiting Excessive Noise. New Article 2 (Noise Control) is added to Chapter VII (Nuisances) of the Douglas County Code as follows:

**CHAPTER VII. NUISANCES**

\* \* \*

**ARTICLE 2. NOISE CONTROL**

7-201. NOISE DISTURBANCE PROHIBITED. No person or group of persons, regardless of number, shall make, continue, or cause to be made, or assist in making or continuing to make, any Noise Disturbance in the unincorporated areas of Douglas County between the hours of 10:00 p.m. and 7:00 a.m. Any person creating any such Noise Disturbance and/or permitting such Noise Disturbance to be created in, or emanate from, any property under his or her care, custody or control shall be presumed responsible for any such noise.

7-202. NOISE DISTURBANCE DEFINED. For the purposes of this Article, a “Noise Disturbance” shall mean any sound, including but not limited sounds emitted from any mechanical or electronic device under the control of a person, which, because of its volume level, duration or character, (i) annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities, and (ii) interferes seriously with neighboring residents’ reasonable use and enjoyment of their properties.

7-203. EXEMPTIONS. The prohibitions of Section 7-201 shall not apply to any of the following:

- a. Any activity normally associated with the operation of an agricultural, farming or ranching business; and
- b. The normal operations of any industrial business being carried on in an area zoned for such use or for which a conditional use permit has been issued by the Board of County Commissioners; and
- c. Governmental operations, safety signals, warning devices, emergency signaling devices, or operation of emergency vehicles; and
- d. Emergency work necessary to restore property to a safe condition, including but not limited to work necessary to repair or restore services provided by public service or utility companies such as water, gas, telephone, and electricity, or to protect a person and property from eminent danger; and
- e. Railroads or lawfully operated aircraft; and
- f. Otherwise lawful discharge of firearms in connection with lawful hunting activities; and
- g. Otherwise lawful discharge of fireworks; and
- h. Engine noise from normal and otherwise lawful operation of motor vehicles on public roads, or on private roads and private drives while traveling directly to and from a public road (the operation or permitting the use or operation of any motor vehicle, including but not limited to a motorcycle, sports utility vehicle, three wheeler, four wheeler, or other all terrain vehicle on private property for entertainment purposes is not exempt); and
- i. Activities of a temporary duration, including but not limited to musical or theatrical productions, sporting events, fireworks displays and temporary business uses, that are specifically approved by a permit or authorization approved by the Board of County Commissioners or by an authorized officer or employee of Douglas County; provided, however, that a Noise Disturbance from construction, excavation or

demolition activities shall not be exempt under this Section simply by the issuance of a building, excavation or demolition permit.

7-204. INTERPRETATION AND SEVERABILITY: This Article is supplementary to other provisions or remedies authorized or prescribed by any other applicable law or rule or regulation enacted thereunder. The invalidity of any particular provision of this Article shall not affect the validity of any other provision. This Article shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which it is intended.

7-205. ENFORCEMENT AND PENALTIES: The violation of Section 7-201 shall cause such person to be subject to one or more of the following enforcement provisions:

- a. Criminal Proceedings. Any person who violates any provision of this Article shall be guilty of a misdemeanor, punishable as follows:
  1. First offense in a twelve-month period, a fine of \$100.
  2. Second offense in a twelve-month period, a fine of not less than \$100 or more than \$250, or up to 30 days confinement in the county jail, or both.
  3. Third and subsequent offense in a twelve-month period, a fine of not less than \$250 or more than \$500, or up to 90 days confinement in the county jail, or both.
- b. Commencement of Prosecution. The prosecution for the violation of this Article shall be commenced by the filing of a complaint with the district court or the service of the complaint and a notice to appear upon the accused person.
- c. Continuing Violation. Each day that any violation occurs shall constitute and shall be punishable as a separate offense. If any person is found guilty of a violation hereunder and it shall appear to the court that the violation complained of is recurring or continuing, then in addition to the penalty set forth, the court shall enter such order as it deems appropriate to enjoin or otherwise cause the violation to be abated.
- d. Other remedies. No provision of this Article shall be construed to impair any common law or statutory cause of action or other legal remedy of any person for injury or damage arising from the commission of any act that would constitute a violation of this Article.

SECTION 2. Effective Date. This is an ordinary home rule resolution and shall take effect and be in force from and after its publication once in the official County newspaper.

**ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Nancy Thellman, Chair

\_\_\_\_\_  
Jim Flory, Vice Chair

\_\_\_\_\_  
Mike Gaughan, Member

ATTEST:

\_\_\_\_\_  
Jameson Shew, County Clerk