

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY, FEBRUARY 2, 2011

6:35 p.m.

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of applications for authorized emergency vehicle permits for: Duane B. Filkins, Jonathan Albert Morris, William M. Shockley, John E. Steele, Jr., and Dillon Filkins;
- (c) Consider authorization to purchase precast concrete culvert Structure No. 04.00N-09.19E (Keith Browning); and
- (d) Consider authorization to purchase precast concrete culvert Structure No. 16.65N-08.00E (Keith Browning); and
- (e) Consider acquisition of temporary easement for Project No. 2010-9 Bridge No.15.89N-4.50E (Michael Kelly)

REGULAR AGENDA

- (2) Public Hearing on the Resolution of Intent to issue IRBs for Berry Plastics project; and Consider approval of application for tax abatement for Berry Plastics and consideration on infrastructure funding request.(Craig Weinaug)
- (3) Consider approval of a Site Plan [SP-11-58-10] for a 662,626 square foot Berry Plastics warehouse and printing facility on approximately 97.16 acres located northwest of the intersection of N 1800 and E 700 Roads. Site plan was submitted by Paul Werner Architects for Rockwall Farms, LC, property owner of record. (Mary Miller is the Planner)
- (4) Consider approval of [SP-11-57-10] a Site Plan for The Woods a Corporate Retreat; NE of intersection of E 700 and N 1800 Roads. Variance from requirement in Section 20-811 of the Subdivision Regulations that on-site sewage management systems be provided for subdivisions within the rural portion of the county. (Mary Miller is the Planner)
- (5) Discuss proposed amendment to KSA 12 - 187 addressing the process for adopting a countywide sales to support open space and industrial park development, broadening the possible uses of tax (Craig Weinaug)-No backup
- (6) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (7) Adjourn

WEDNESDAY, FEBRUARY 9, 2011

Consider approval to waive cooperative contract to purchase two Ford Fusions for the Sheriff's Office (Ken McGovern)

-2009 Financial Audit (Chip Harris/Kaleb Lilly with RubinBrown)

WEDNESDAY, FEBRUARY 16, 2011

-a site plan for Building Blocks Daycare (Michelle Leininger)

WEDNESDAY, FEBRUARY 23, 2011

-Presentation by the Douglas County Food Policy Council: 2010 Accomplishments and 2011 Work Plan

WEDNESDAY, MARCH 2, 2011

-Presentation of the results of the County Sustainability Planning Process (Eileen Horn)

WEDNESDAY, MARCH 9, 2011

WEDNESDAY, MARCH 16, 2011

WEDNESDAY, MARCH 23, 2011-Light Agenda

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.*



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New
 X Annual Renewal
 (If renewal, attach old permit. Must be renewed annually by January 31.)

Name: DUANE B. FILLIUS

Street Address: 327 EISENHOWER DR. Phone # (785) 766-5094

City: LAURENCE State: KS Zip Code: 66049 County: DG

Make of Vehicle: HONDA Year of Vehicle: 2008

Style of Vehicle: CIVIL 4-DR EXL License Tag #: KA FF 613

VIN #: 1HGFA1698L075228 Driver's License #: K02-54-4319

Vehicle Insurance Company Name: AUSA Policy #: 110 291480 04/05
 **Attach copy of insurance card.

Agency: KANSAS FIRE DEPARTMENT

Agency Address: 548 N. 1700 Rd. LAURENCE, KS. 66049

Agency Head Signature: [Signature]

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

[Signature]
 Signature of Applicant
[Signature]
 Kenneth M. McGovern, Sheriff

10-Jan-11 Date
1/25/11 Date 007 Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New Annual Renewal
(If renewal, attach old permit. **Must be renewed annually by January 31.**)

Name: Jonathan Albert Morris
 Street Address: 1111 George Ct. Apt 4 Phone # (785) 217-7209
 City: Lawrence State: KS Zip Code: 66044 County: Douglas
 Make of Vehicle: Dodge Year of Vehicle: 1985
 Style of Vehicle: Pickup/Flatbed License Tag #: 7641
 VIN #: 1B7GD14T4F5502343 Driver's License #: K01-61-2102
 Vehicle Insurance Company Name: Shelter Insurance Policy #: 15-1-6122937-9
 **Attach copy of insurance card.

Agency: Leecompton Fire/EMS
 Agency Address: P.O. Box 154, Leecompton, KS 66050-0154
 Agency Head Signature: J. Wayne Riley, Fire Chief

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

Jonathan A. Morris Signature of Applicant 1/23/2011 Date
Kenneth M. McGovern Kenneth M. McGovern, Sheriff 1/25/11 Date 013 Permit #

Authorization granted by County Commission on this _____ day of _____, 200_____.



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New
 Annual Renewal
 (If renewal, attach old permit. Must be renewed annually by January 31.)

Name: WILLIAM M. SHOCKLEY

Street Address: 954 NORTH 1950 ROAD Phone # (785) 842-2337

City: LAWRENCE State: KANSAS Zip Code: 66049 County: DOUGLAS

Make of Vehicle: ~~CHEV~~ GMC Year of Vehicle: 1984

Style of Vehicle: PICKUP FLATBED 4x4 License Tag #: KBQWOW

VIN #: 1GTEK24CXE5508441 Driver's License #: K02-06-6004

Vehicle Insurance Company Name: KEY INSURANCE COMPANY Policy #: KK50728657

** Attach copy of insurance card.

Agency: Lecompton FIRE/EMS

Agency Address: P.O. Box 154, Lecompton, KS 66090-0154

Agency Head Signature: [Signature]

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

William M. Shockley
 Signature of Applicant

12-28-2010
 Date

[Signature]
 Kenneth M. McGovern, Sheriff

1/25/11 005
 Date Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New
 Annual Renewal
 (If renewal, attach old permit. **Must be renewed annually by January 31.**)

Name: John E. Steele Jr

Street Address: 517 N^c 1663 RD Phone # (787) 766-3541

City: Lawrence State: KS Zip Code: 66049 County: Douglas

Make of Vehicle: Chery Year of Vehicle: 2002

Style of Vehicle: pick up License Tag #: KS FIRE 5436

VIN #: 2GCEK19T421255504 Driver's License #: K03-10-7800

Vehicle Insurance Company Name: State Farm Policy #: 242 9386-E-11-166
 **Attach copy of insurance card.

Agency: Kanwaka Fire Dept.

Agency Address: 548 N 1700 RD Law. KS 66049

Agency Head Signature: [Signature]

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

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I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

[Signature]
 Signature of Applicant

1/11/11
 Date

[Signature]
 Kenneth M. McGovern, Sheriff

1/25/18 008
 Date Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New
 Annual Renewal
 (If renewal, attach old permit. Must be renewed annually by January 31.)

Name: John E. Steele Jr.

Street Address: 517 N 1663 RD Phone # (785) 766-3541

City: Lawrence State: KS Zip Code: 66049 County: Douglas

Make of Vehicle: Chevy Year of Vehicle: 2008

Style of Vehicle: Van License Tag #: Pon 651

VIN #: 1GCGG25C381172876 Driver's License #: K03-10-7800

Vehicle Insurance Company Name: State Farm Policy #: 288 1832-E25-16
 **Attach copy of insurance card.

Agency: Kanwaka Fire Dept.

Agency Address: 548 N 1708 RD Lawrence, KS 66049

Agency Head Signature: [Signature]

I HEREBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

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[Signature]
 Signature of Applicant
[Signature]
 Kenneth M. McGovern, Sheriff

1/11/11
 Date
1/25/10 009
 Date Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.



DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT

Please type or print the following information:

Check One: New
 Annual Renewal
 (If renewal, attach old permit. Must be renewed annually by January 31.)

Name: Dillon Filkins

Street Address: 327 Eisenhower Dr Phone # (785) 764-1921

City: Lawrence State: KS Zip Code: 66049 County: Douglas

Make of Vehicle: Ford Year of Vehicle: 2002

Style of Vehicle: F-350 License Tag #: 773 AVF

VIN #: 1FTSX31F72ED3368 Driver's License #: KS K01-80-4335 CDL B

Vehicle Insurance Company Name: Allied Insurance Policy #: 72-2-2528532
 **Attach copy of insurance card.

Agency: Kanwaka Township Fire Dept

Agency Address: 548 N 1700 Rd Lawrence, KS 66049

Agency Head Signature: [Signature]

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

[Signature]
 Signature of Applicant

10-Jan-2016
 Date

[Signature]
 Kenneth M. McGovern, Sheriff

1/25/16 011
 Date Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.



**DOUGLAS COUNTY
APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT**

Please type or print the following information:

Check One: New
 Annual Renewal
 (If renewal, attach old permit. **Must be renewed annually by January 31.**)

Name: Dillon Filkins

Street Address: 327 Eisenhower Dr. Phone # (785) 764-1921

City: Lawrence State: KS Zip Code: 66049 County: Douglas

Make of Vehicle: Ford Year of Vehicle: 2002

Style of Vehicle: F-350 License Tag #: 773 AVF

VIN #: 1FTSX31F72ED3368 Driver's License #: KS K01-80-4335 CDLB

Vehicle Insurance Company Name: Allied Insurance Policy #: 72-2-2528532
 **Attach copy of insurance card.

Agency: Leocompton FIRE/EMS

Agency Address: P.O. Box 154, Leocompton, KS 66050-0154

Agency Head Signature: J. Wayne Riley, Fire Chief

I HEARBY CERTIFY, I have read and agree to abide by the requirements set forth in Chapter 8 of the Kansas Statutes which relate to the operation of Emergency Vehicles.

I FURTHER CERTIFY, I will drive with due regard for the safety of others as required by K.S.A. 8-1506.

I FURTHER CERTIFY, I will return my permit when requested by the Sheriff. This permit is not transferable to any other person or vehicle.

I FURTHER CERTIFY, violating any of these laws and/or rules and the commission of other serious traffic violations may be grounds for the cancellation of my vehicle being designated as an "Authorized Emergency Vehicle".

[Signature]
 Signature of Applicant

10-Jan-2011
 Date

[Signature]
 Kenneth M. McGovern, Sheriff

1/25/11 014
 Date Permit #

Authorization granted by County Commission on this _____ day of _____, 200__.

MEMORANDUM

To : Board of County Commissioners

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

Date : January 28, 2011

Re : Consent Agenda authorization to purchase precast concrete culvert
Structure No. 04.00N-09.19E

The referenced culvert is on N 400 Road approximately 0.2 miles east of Route 1039 (E 900 Road). The existing culvert is a 10'-span x 10'-high concrete box structure with a roadway width (hub guard to hub guard) of 18 feet. Replacement of this structure is needed due to structural and functional concerns.

At this location, we plan to construct a 14'-span x 10' high x 50' long, 3-sided precast concrete culvert. The proposed culvert will allow for two 12'-wide lanes over the structure. This department's bridge crew will construct the culvert. Construction is planned for later this year.

Oldcastle Precast of Topeka submitted a price quote of \$67,070.00 for this culvert. The CIP includes \$90,000 for this project.

Action Required: Consent Agenda authorization for the Public Works Director to approve purchase of a 14' span x 10' high x 50' long precast concrete culvert from Oldcastle Precast at a cost of \$67,070.00 for installation at 04.00N-09.19E.

MEMORANDUM

To : Board of County Commissioners

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

Date : January 28, 2011

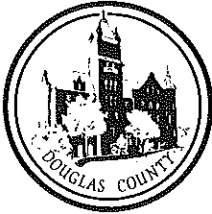
Re : Consent Agenda authorization to purchase precast concrete culvert
Structure No. 16.65N-08.00E

The referenced culvert is on E 800 Road approximately 0.65 miles north of US-40 highway (N 1600 Road). The existing culvert is a 10'-span x 11'-high concrete box structure with a roadway width (hub guard to hub guard) of 18 feet. Replacement of this structure is needed due to structural and functional concerns.

At this location, we plan to construct a 14'-span x 10' high x 45' long, 3-sided precast concrete culvert. The proposed culvert will allow for a future 36'-wide roadway, as this road is classified as a Minor Arterial. The immediate project will construct two 12'-wide lanes over the structure. This department's bridge crew will construct the culvert. Construction is planned for later this year.

Oldcastle Precast of Topeka submitted a price quote of \$66,270.00 for this culvert. The CIP includes \$90,000 for this project.

Action Required: Consent Agenda authorization for the Public Works Director to approve purchase of a 14' span x 10' high x 45' long precast concrete culvert from Oldcastle Precast at a cost of \$66,270.00 for installation at 16.65N-08.00E.



DOUGLAS COUNTY PUBLIC WORKS

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

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

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works *KAB*
Michael D. Kelly, L.S., County Surveyor *MDK*

DATE : January 28, 2011

RE : Consent agenda
Project No. 2010-9; Bridge No. 15.89N – 4.50E
Structure Replacement; Acquisition of Easement

A project has been designed to replace a deficient drainage structure located approximately one (2) miles east of Stull on E450 Road. Plans were developed using consultants and negotiations with the pertinent landowner for temporary easement has been completed.

Construction is planned for mid-summer 2011 and will be contracted.

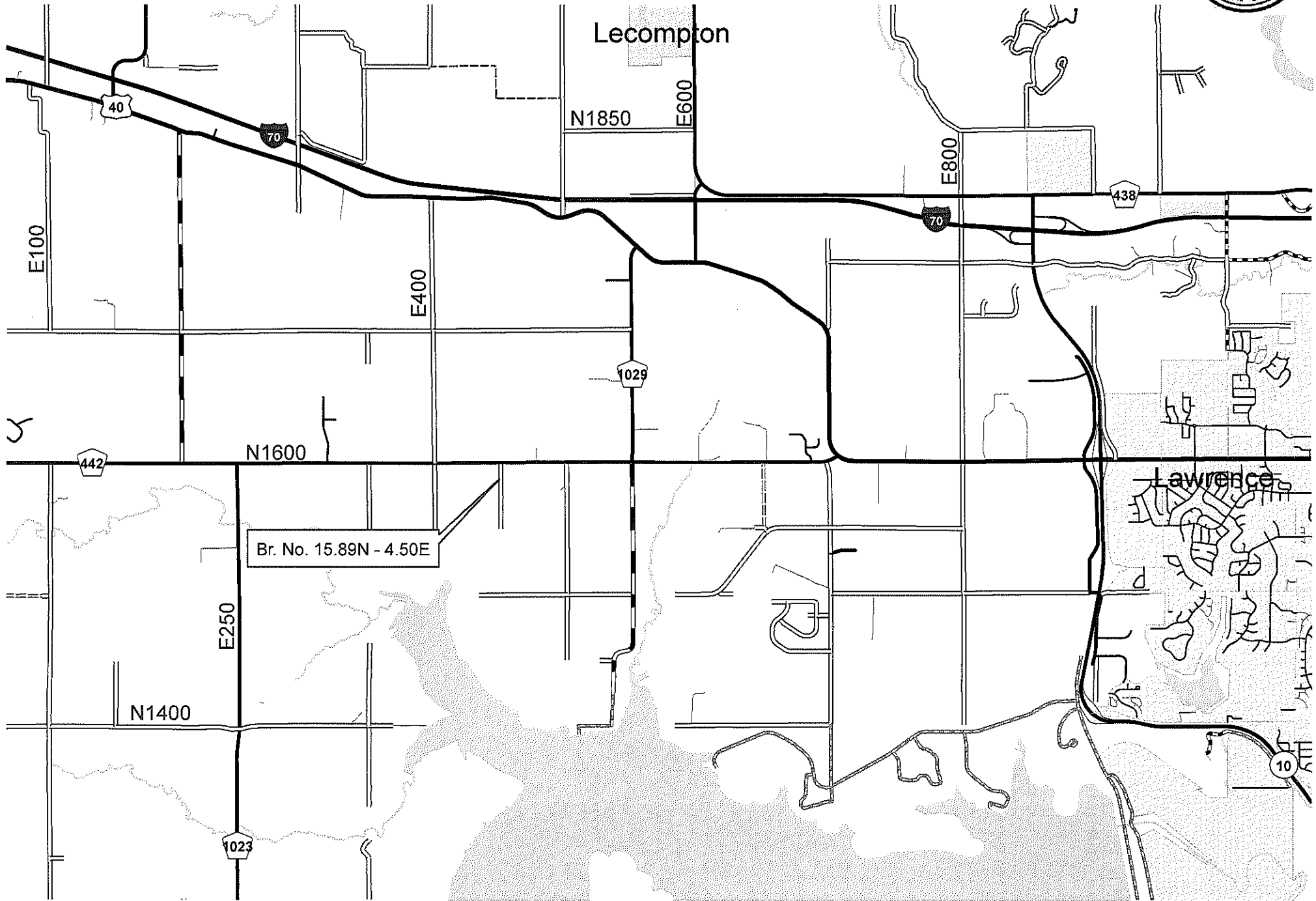
To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval to authorize Jim Flory to affix his signature to the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structure No. 15.89N – 4.50E.

Project No. 2010-9

Br. No. 15.89N - 4.50E

1 inch = 5,000 feet



Tract 1
Rife

Project No. 2010-9
Road No. 649 (E450 Rd.)
Str. No. 15.89N – 04.50E

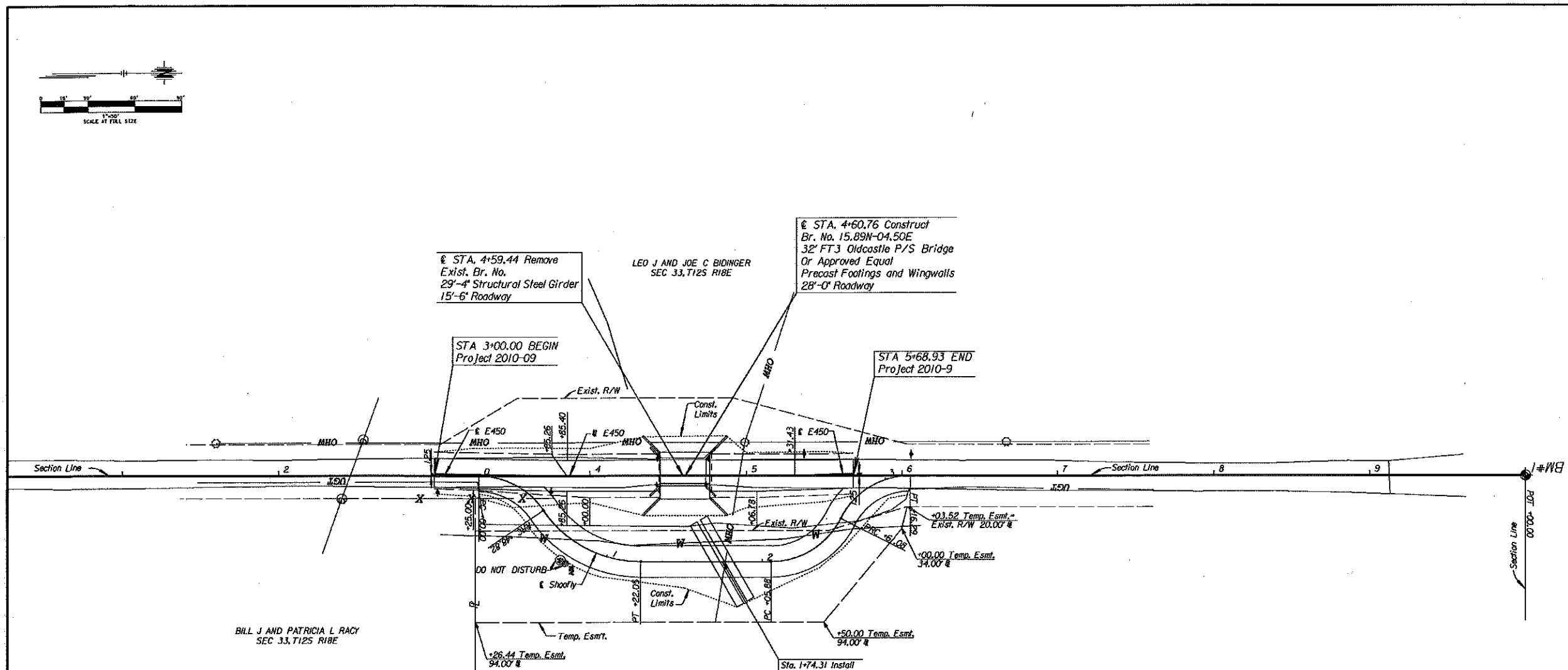
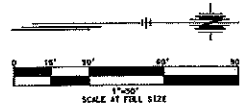
TEMPORARY CONSTRUCTION EASEMENT

Description:

That portion of the Northeast Quarter (NE ¼) of Section 33, Township 12 South, Range 18 East of the Sixth Principal Meridian in Douglas County, Kansas, described as follows:

commencing at the northwest corner of said Northeast Quarter (NE ¼), thence South on an assumed bearing of South 0 degrees 0 minutes 0 seconds East along the west line of said Northeast Quarter (NE ¼) a distance of 396.48 feet, thence South 90 degrees 0 minutes 0 seconds East a distance of 20.00 feet to the point of beginning of the land to be described, thence South 16 degrees 41 minutes 57 seconds East a distance of 52.20 feet, thence South 0 degrees 0 minutes 0 seconds East a distance of 227.09 feet, thence South 90 degrees 0 minutes 0 seconds East a distance of 59.00 feet, thence North 0 degrees 0 minutes 0 seconds East a distance of 223.57 feet, thence North 50 degrees 11 minutes 40 seconds West a distance of 78.10 feet, thence North 75 degrees 53 minutes 12 seconds West a distance of 14.44 feet to the point of beginning; containing 0.3441 acres, more or less.

The above described temporary easement shall terminate immediately upon completion of construction of Project No. 2010-9.



SHOOFLY CURVE DATA
P.I. Sta. 0+26.55

$\Delta = 55^{\circ}56'39''$ (RT)	L = 48.82'
R = 50.00'	E = 6.614'
T = 26.55'	

SHOOFLY CURVE DATA
P.I. Sta. 0+88.65

$\Delta = 55^{\circ}56'39''$ (LT)	L = 73.23'
R = 75.00'	E = 9.921'
T = 39.83'	

SHOOFLY CURVE DATA
P.I. Sta. 2+39.29

$\Delta = 63^{\circ}15'23''$ (LT)	L = 55.20'
R = 50.00'	E = 8.722'
T = 30.79'	

SHOOFLY CURVE DATA
P.I. Sta. 2+94.49

$\Delta = 63^{\circ}15'23''$ (RT)	L = 55.20'
R = 50.00'	E = 8.722'
T = 30.79'	

Project Control

HCP3 - (Brass Disk U.S.C.E.)
(Center Corner 33-12-18)
N: 5000.000
E: 5000.000
Elev = 936.87

HCP4 - (Brass Disk U.S.C.E.)
(North 1/4 Corner 33-12-18)
N: 7646.268
E: 5000.000
Elev = 944.23

Date: 1/24/2011 1:44:02 PM
File: P:\100008\Drawings\Sheets\Plan-Profile\003_P101.dgn



B.M. #1 Brass U.S.C.E. Disk
at North Quarter Corner of
Section 33 T12S R18E
Elevation = 944.23

B.M. #2 Chiseled Square Top Center
West Hubguard for Culvert 400' +/-
South of Deer Creek Bridge
Elevation = 921.73

B.M. #3 Brass U.S.C.E. Disk
at Center of Section 33 T12S R18E
Elevation = 936.87
Not on Page

Notes Contractor shall be required to set two
additional project benchmarks.

PLAN	
DESIGNED BY: MICHELE REAL	SCALE:
DRAWN BY: XXXXXX	SHEET: 4
CHECKED BY: XXXXXX	

Memo

To: Commissioners
From: G. Craig Weinaug
Date: January 28, 2011
Re: Berry Project Issues and Recommendations

The February 2nd County Commission meeting will be your first opportunity to decide the appropriate level of county support for the expansion of the Berry's operations in Douglas County. You face two decisions with regard to this project:

- 1) Whether to grant a 90% 10-year tax abatement to Berry for the proposed expansion project, and
- 2) What level of public infrastructure support is necessary and appropriate to make the project possible.

Abatement Issue

Roger Zalneritus has prepared an analysis of the requested 90% abatement using the City of Lawrence adopted policies for granting abatements, as a guide. The County Commission has never adopted a formal policy for granting abatements because the construction of industrial improvements in the unincorporated portion of the county is generally not encouraged by our jointly adopted comprehensive plan. However when the project was first proposed for a location in the unincorporated area of the County, the County Commission, after public discussion, decided to use the City's policies and economic development staff to assist in evaluating the appropriateness of the abatements as proposed.

Therefore one of the back up materials provided to you with this memo is Mr. Zalneritus' analysis of the costs and benefits of the proposed abatement for Douglas County and for all of the governmental entities with taxing authority over the proposed site. All of these governmental units have received notice of the proposed abatement, and Beth Johnson has either talked to representatives of all of these taxing bodies, or has attempted to talk to them. The notices also included information about this meeting and representatives of the impacted governmental units were invited to attend. Mr. Zalneritus will be present at the meeting to present his analysis and to answer questions.

It is recommended that a performance agreement be executed with Berry to formalize the commitments of the County and Berry. A proposed outline of the key points in such an agreement is included with this memo.

County Support for Public Infrastructure Required for the Proposed Project

A copy of the letter dated September 9, 2010 that I sent to Berry as a part of their consideration as to whether to expand their operations in Douglas County is included with this memo. In that letter I state that "I am prepared to recommend the County Commission...(the) commitment of \$600,000 for road improvements either to Farmer's Turnpike and/or internal roads on the site; and commitment to apply for KDOT Economic Development funding as available to pay for other needed improvements at the site."

Also included with this memo is the response letter from Berry dated October 15 which requests a slightly broader definition of support from the County to enable the proposed project.

Through the process of planning and adjusting to all of the changes that are inevitable in working out the details of any project this size, and negotiating the differences between these two letters, there have been several developments that might impact what the County Commissioners decide to offer to Berry.

First, the initial verbal response from representatives from Berry to my original letter (before their response letter was written) was that they might ask the County for more than \$600,000 for the infrastructure requirements of the project. As a part of my verbal response to that possibility, I responded that felt that it would be appropriate for the county to assist in the necessary improvements to the water district lines, and the county roads as they both were publicly owned infrastructure, but I had reservations about county money being spent on any improvements that were not publicly owned including private roads, or gas or electric utilities.

However, I also stated to them at that time that I did think it was appropriate for any and all other funds that we were able to obtain from grant sources to support the project would be used to defray Berry's cost for public infrastructure, and any external sources of funding received by the county to defray a portion of the costs would only reduce the county's cost if Berry's cost for these items was cut to zero. Based on these discussions Berry officials decided to write the letter limiting their request to \$600,000, but asking for a broader definition of what these funds could be used for.

The second development that has occurred since these letters were exchanged is that the total cost estimates for the public improvements has declined significantly from the estimates that were referenced in our letters. The County engineer's original cost estimate for the access turn lanes on Farmers Turnpike was \$800,000, and the original cost estimate for the improvements to water district lines was over 200,000. Berry's original planned cost for these improvements would have been just over \$1 million less \$600,000 from the County, or about \$400,000.

Based on more detailed design work, we are now estimating that the Farmers Turnpike improvements will cost \$425,000, the waterline improvements will cost \$175,000.

The third development that has occurred since the letters were exchanged was that the County has applied for an economic development grant from KDOT for 75% of the total cost of the project (318,000). In addition we are in the process of developing a CDBG grant

application for approximately 180,000 of the cost of the project. The CDBG grant will be applied to a portion of the project that will be privately owned by Berry or one of their partners, as permitted by the regulations governing use of the CDBG funds. Originally we had planned to apply for this funding to defray a portion of the cost of the water line improvements, but we changed the purpose that of this potential source of funding to privately owned infrastructure improvements because it enabled us to leverage more of this funding source, than would have been the case if the CDBG funding had been used for the waterlines. The County Commission also agreed to pay the application costs for this grant in the amount of approximately 13,000.

The fourth development that has occurred since the exchange of letters has been an increase in cost to Berry for fire protection improvements that the township fire chief is requiring them to build into their project. He is requiring them to build in a 500,000 gallon water storage capacity into their design. They had been hoping to rely on ponds to be located next to the plant that would have been much cheaper to construct than the 500,000 gallon tank. The fire chief's assessment was that ponds would run the risk of drying out in drought conditions. It should be noted at this point, that their plant facilities in Lawrence and at least some other locations nationally do include internal storage tanks for water, even when the plants are located on City water lines, so the requirement of the township fire chief is not an unusual requirement, even when facilities of this size are located in a city.

All of these developments blur the issue of how much support that the County should or needs to provide to enable this proposed project to become a reality.

Recommendations

I provide the following recommendations to provide the commissioners with a starting point for your deliberation.

- 1) The County should commit to the 90% tax abatement over ten years, as requested. This abatement is clearly justified by the City of Lawrence abatement policy that we have agreed to use as a guideline. All of the taxing bodies affected, except Douglas County, clearly will receive financial benefits from this project significantly in excess of their costs for serving the facility from day one. The benefits to the Douglas County government will exceed our costs to enable the project within a reasonable period of time.

In addition to the benefits received by the various governments, the benefits to the area economy of the increased number of jobs, the construction of the plant, and more importantly the support for Berry's continued growth in our community, instead of shrinkage that would likely occur if this project is not completed, clearly justifies the abatement.

- 2) The County should commit to pay the full cost of the improvements to farmers turnpike made necessary by this project. The cost of this commitment could be as high as \$425,000, but likely will be closer 110,000 if the KDOT grant is approved.
- 3) The County should commit to either a portion of the necessary costs of the rural water district lines or the full cost. If we are successful in obtaining the CDBG grant as described above, saving Berry 180,000 on internal site improvements, we could argue that that revenue exceeded the cost to improve the waterlines. But to keep the

agreement as clean as possible, I recommend that we commit to the full cost of the waterline improvement regardless of whether we are successful with the CDBG application.

- 4) Direct staff to negotiate a performance agreement with Berry based on the commitments of the County and Berry.

If the County agrees to recommendations #2 and #3, the county's total cost would be approximately 290,000 if the KDOT grant is approved or 600,000 if the KDOT grant is not approved. The result for Berry is that the cost to Berry of the waterline and the road will be \$0 whether or not the KDOT grant is approved, and they will likely receive 180,000 for internal private improvements which were not part of the original deal but that will not be financed with county funds. Based on our original offer, Berry was originally expecting to pay \$400,000 for their share of these improvements, and they were not expecting any support for internal infrastructure. To offset these improvements in the planned project costs, Berry will experience an increased cost for the water storage being required by the township fire chief, but the amount of that increased cost is open to judgment based on the facts described above.

September 9, 2010

Ross J. Freese
Engineering Manager
Berry Plastics Corporation
2330 Packer Road
Lawrence, KS 66049

Dear Ross,

This letter is written to confirm our recent discussions about the possibility that Berry Plastics may expand their operations in Douglas County on a site that is located adjacent to the Woods, just north of Farmer's Turnpike in Douglas County. Based on the discussion to date, I am prepared to recommend to the County Commission:

1. Approval of a 90% tax abatement for 10 years;
2. Commitment of \$600,000 for road improvements either to Farmer's Turnpike and/or internal roads on the site;
3. Apply for KDOT Economic Development Funding as available to pay for other needed road improvements at the site;

These offers are based on Berry's plans to build an \$18 million facility at this location which will enable Berry to retain all of their existing jobs in Douglas County and create a significant number of new jobs.

Sincerely,

G. Craig Weinaug
County Administrator



101 Oakley Street
P.O. Box 959 (47706-0959)
Evansville, Indiana 47710
Tel: (812) 424-2904
Fax: (812) 424-0128

October 15, 2010

G. Craig Weinaug
Douglas County Administrator
1100 Massachusetts Street
Lawrence, KS 66044

Craig,

As you know, Berry Plastics has been working for several months to find a site for a 600,000 square foot warehouse. Recently, we have expanded the original project to include approximately 75,000 square feet of additional space for off-site printing, packaging and administrative offices. After a great deal of time and analysis, I am pleased to report that we have decided upon a site at E700 Road and Farmer's Turnpike in rural Douglas County. Our plan at this time is to have the land and building owned by a developer with Berry committed to a long-term lease of the facility.

We are very excited about this project and what it means for Berry Plastics, Douglas County and the City of Lawrence. The need for this new facility is a result of the manufacturing and job growth created by the recently completed Gateway thermoform project. This \$20 million facility will bring 11 new jobs to the County and create numerous temporary construction jobs. In addition, the relocation of a portion of our existing printing equipment to this facility will make space available at the main Lawrence plant for the possibility of further manufacturing expansion and job creation.

To ensure the success of this project, we are requesting that the County Commission approve:

1. Issuance of \$18 million in Recovery Zone Facility Bonds and a 90% tax abatement for 10 years
2. Commitment of \$600,000 for project infrastructure requirements such as improvements to Farmer's Turnpike, water, septic, and the internal access roadway.
3. Commitment to assist in receiving funding from KDOT Economic Development, KDOC Community Development Block Grant funding, and/or other qualified resource(s) as available in the amount of \$1,000,000 to pay for project infrastructure requirements above & beyond the commitment requested in item 2 above.

Please feel free to contact me for any questions or clarifications regarding this request.

Sincerely,

Robert C. Weillminster
Executive Vice President, Corporate Development

BERRY PLASTICS OUTLINE FOR PERFORMANCE AGREEMENT

Incentive Offered

- Issuance of \$21 million in IRBs for the project
- Up to \$600,000 of infrastructure improvements by the County
- Up to \$1,000,000 of assistance from KDOC, KDOT, or other qualified sources
- 90% tax abatement for all taxing jurisdictions in Taxing District 415, effective for 10 years

Performance Agreement

Berry Plastics is to meet the following:

- Construct a distribution center of up to \$21 million in capital investment,
- Hire at least 11 Full Time Equivalent (“FTE”) employees over and above the average employment that Berry has maintained in Douglas County in 2010,
- Maintain these 11 additional FTE employees for the duration of the abatement, and
- Meet low- and moderate-income CDBG requirements if receiving a CDBG grant.
- A “Full time equivalent” (FTE) employee will be any employee on the payroll at the end of the year who has worked more than 35 hours per week for at least 9 months of the year being measured, except that during the first year, 2011, will only require that a position has been on the payroll a minimum of 3 months in order to be eligible.
- In order for the abatement to be received, Berry Plastics must be the occupant of the facility.

Performance Agreement Compliance

Berry will be evaluated for “substantial compliance” each year per the City of Lawrence’s economic development policy. After the first year, substantial compliance will require Berry to certify that they have maintained 11 or more additional FTEs in Douglas County, and that they are the occupant of the distribution center. Findings of compliance will count only toward the amount of abatement received each year.

Each year will be evaluated separately and will be based on the projections in the performance agreement. If targets are not met, Berry can appeal the finding to the County Commission for waiver of non-performance.

Memorandum

City of Lawrence

City Manager's Office

TO: Craig Weinaug, City Manager
CC: Diane Stoddard, Assistant City Manager
Gina Riekhof, Bond Counsel, Gilmore & Bell
FROM: Roger Zalneraitis, Economic Development Coordinator/Planner
DATE: January 27, 2011
RE: Berry Cost-Benefit Model

The following memo provides a brief description of the Berry Plastics expansion proposal, the model used to evaluate the incentives offered, and the results of the model.

Proposal

The City of Lawrence has been assisting Douglas County with the preparation of a cost-benefit analysis for the new Berry Plastics distribution center proposed for the intersection of N 1800 and E 700 roads in the Lecompton Township. Berry estimates that the facility will be approximately 575,000 square feet, and cost up to \$21 million to build. It will result in 11 jobs being relocated to Douglas County, as well as the printing operations at their current facility in Lawrence to be relocated to the new site. The new distribution center will improve the logistics for Berry Plastics production and free up space in their manufacturing center for potential future expansion.

Berry Plastics had requested three incentives for their new project: an Industrial Revenue Bond (IRB) of up to \$21 million; a 10 year, 90% tax abatement; and \$600,000 of capital improvements from the County. An IRB is issued by the City or County. It can help lower interest rates for the company requesting it, and removes the sales tax on construction related material. It does not, however, pose any risk to the City or County as the bonds are financed and paid for exclusively by the private party requesting them. The 90% tax abatement is similar to the tax abatement requested by Berry Plastics in 2006 for their expansion. The capital funding was requested to help with public improvements to N 1800 Road and the waterline leading to the site.

The Cost-Benefit Model

The cost benefit model was developed by the City of Lawrence two years ago. Several modifications were made to the standard model.

First, the model was modified to account for the different taxing jurisdictions in the County. Typically, the model measures the impact of a project and the associated incentives on the City of Lawrence, Douglas County, School District 497 (the Lawrence School District), and the State of Kansas. In this case, the model measured the impact on the County, School District 343 (Perry-Lecompton School District), Lecompton

Township, Lecompton Fire District, Maple Grove Cemetery, the Northeast Kansas Library system, and the State.

Second, the model incorporated jobs retained as well as the potential for future jobs. Oftentimes the only jobs evaluated are the ones that are created specifically by a project. However, the construction of the distribution facility is likely necessary to help retain the employment that occurred as in the 2006 expansion. The 2006 expansion was far more successful than originally projected. As a result, there were almost 300 more jobs created than originally forecast. A significantly larger amount of product was created than was anticipated as well. This resulted in the need for much more storage than Berry had available. The additional storage in the new distribution center is therefore both a result of the 2006 expansion and integral to improving the logistics in order to keep the expansion operating efficiently. Without the distribution center, there is some likelihood that these 300 additional jobs may be lost over the next several years.

Third, the model accounts for the potential of additional jobs in the future. The distribution center will free up space in the manufacturing plant that will allow Berry to compete for new product lines. The model estimates that a new product line might yield as many as 75 new jobs over the next 5 years. Considering that the last expansion yielded over 400 new jobs (this includes both the jobs Berry anticipated as well as the additional 300 jobs that were in excess of their projections), staff believes this is a conservative estimate.

Finally, the model accounts for the fact that this expansion allows for the permanent expansion of the industrial base in Douglas County. Usually, the City only measures costs and benefits associated with an incentive request for 10 or 15 years. However, when a new industrial facility is created, the City evaluates the benefits and costs over the "lifetime" of the facility. Therefore, costs and benefits are captured for more than 15 years in this evaluation.

Discussion of the Results

The output of the model for each taxing jurisdiction is provided in the attachments. Additional detail associated with that output is described in this section.

The model estimates that over the life of the new industrial facility, there will be approximately \$31 million of additional revenues for all of the taxing jurisdictions involved, against expected costs of a little over \$5 million. The reason that the costs are so low is very few of the new jobs will result in new residents in the rural districts. However, these districts will benefit from the property tax on the new distribution facility. As a result, they receive a large amount of revenue but very little in the way of new costs.

Douglas County's costs are more substantive. Almost \$3 million of the costs accrue to the County, while about \$11 million of the revenue does. The County thus accounts for about 35 percent of the total project revenues, but over 60 percent of the costs.

The model also shows that almost \$14 million of the revenue occurs after the 15th year of the project, while only \$700,000 of the costs do so. The costs are heavier in the first 15 years because there are capital upgrades assumed in the model as the project is built, and as new residents move into the County due to the 86 new jobs. The ongoing costs are smaller and accrue primarily to the County and Lecompton Township.

The tax abatement, foregone sales taxes associated with the IRB, and capital construction offered to Berry will result in incentives of about \$7.6 million. These incentives assume that the County debt finances the \$600,000 of improvements, and thus includes about \$150,000 of interest charges. These incentives reduce the net benefits from \$26 million (this is the \$31 million of revenues less the \$5 million of costs) to about \$18 million over the life of the project. The largest reductions occur to Douglas County (\$2.6 million), USD 343 (\$1.951 million) and the State (\$1.7 million). Douglas County's incentives include the 90% abatement, foregone sales tax revenue as a result of the IRB, and \$600,000 of capital assistance. The State incentive includes the 90% abatement and foregone sales tax revenue. The school district relies primarily on property taxes for the local share of its financing and therefore has a large impact as well.

The cost-benefit ratios exceed 1.25 for every taxing jurisdiction. This ratio is typically used to determine whether there are sufficient benefits associated with a proposed incentive deal, and means that there is more than \$1.25 of benefits for every \$1.00 of costs, even after subtracting incentives from the benefits. The lowest benefit-cost ratio is for the County, while the highest is for the Cemetery district. It should also be noted that the cost-benefit ratio exceeds 1.25 for every taxing jurisdiction even in the first 15 years. For example, Douglas County's cost-benefit ratio of 2.35 includes costs and benefits after Year 15. However, if only the first 15 years were evaluated, the cost-benefit ratio for Douglas County would still be 1.59. The reason the ratio remains above 1.25 for every taxing jurisdiction is because of the substantial benefits that accrue from Years 11-15. These can be seen on the charts on page 2 in the output attached.

Model: Berry Plastics- Abatement

Project Summary

Capital Investment in Plant:	\$21,000,000
Annual Local Expenditures by Firm:	\$500,000
New and Retained Jobs:	379
Average Wage per Job:	\$34,214
Indirect Jobs Created and Retained:	251
Average Wage of Indirect Jobs:	\$24,966
Total New Households:	56
Average Value of Home Purchased:	\$194,065
Discount Rate:	6.35%
Cost and Revenue Escalation:	1.00%
Number of Years Evaluated:	15

Incentives

IRB Offered	Yes
Value of IRB Construction Sales Tax:	\$716,133 (Does not include sales tax exemption on machinery and equipment.)
Tax Abatement:	90%
Length of Tax Abatement/s:	10 Years
Value of Tax Abatements, Total:	\$5,793,264
Other Incentives	
Site Infrastructure:	\$764,847
Facility Construction:	\$0
Loans/Grants:	\$0 infrastructure payment from Berry to City and County

Value of All Incentives Offered: \$7,274,244

Value of All Incentives per Job per Year:	\$1,280
Value of Incentives in Hourly Pay:	\$0.62
Value of Incentives per Dollar Invested:	\$0.35

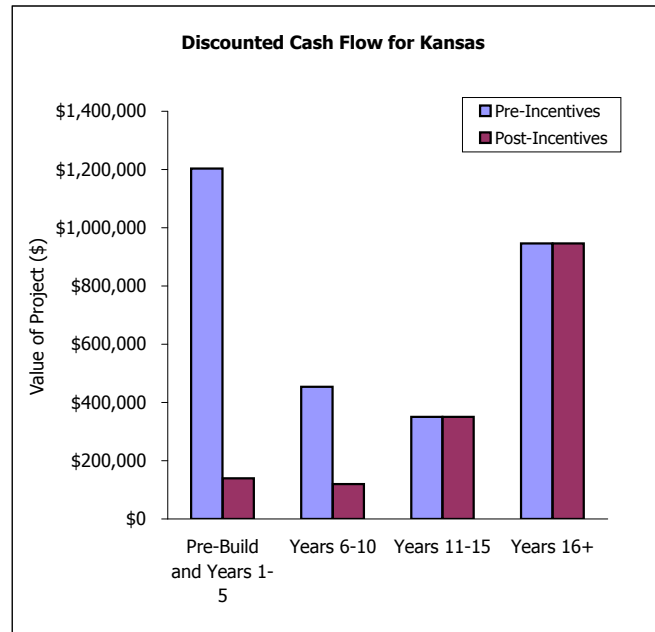
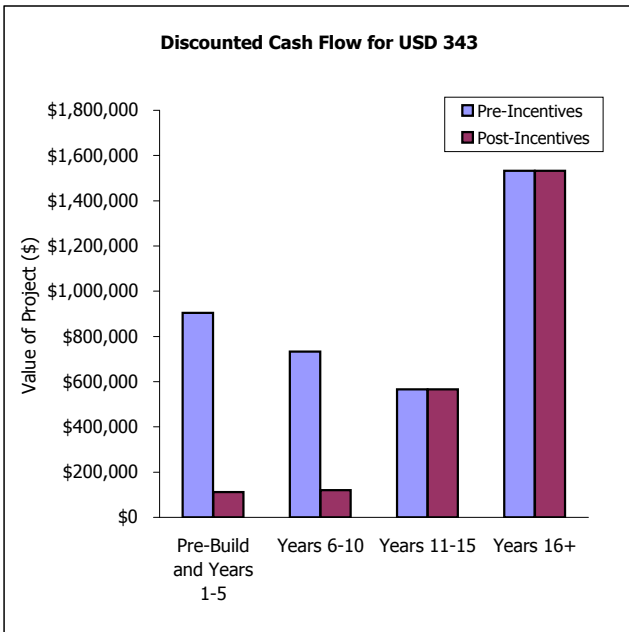
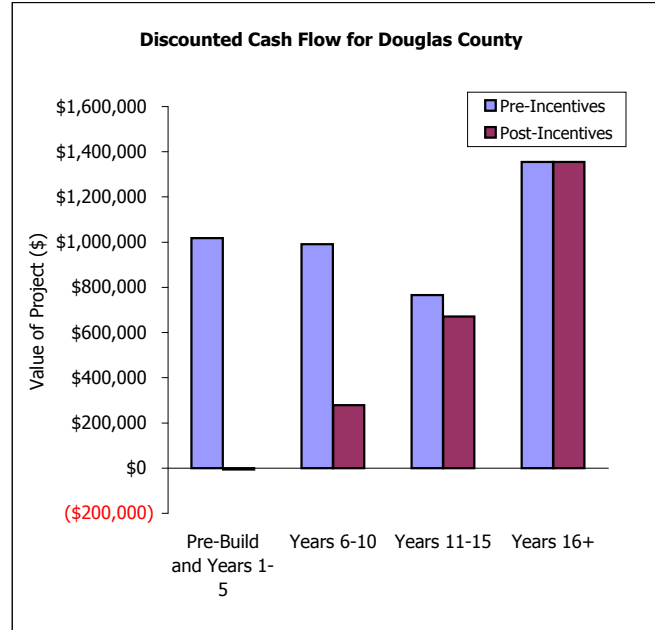
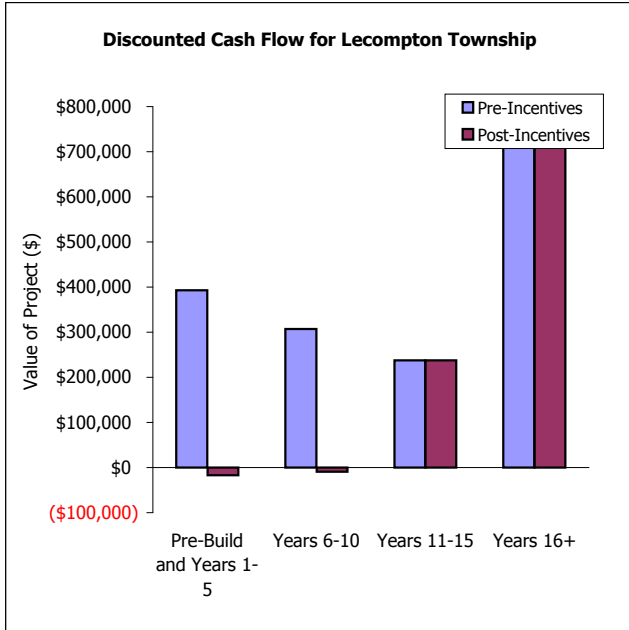
Summary of Results

Returns for Jurisdictions	Lecompton Township	Douglas County	USD 343	State of Kansas
Revenues	\$4,078,305	\$11,217,274	\$7,991,688	\$6,451,216
Costs	\$617,657	\$3,044,034	\$350,262	\$1,039,045
<i>Revenue Stream, Pre-Incentives</i>	<i>\$3,460,648</i>	<i>\$8,173,240</i>	<i>\$7,641,426</i>	<i>\$5,412,171</i>
Value of Incentives Offered	\$1,008,650	\$2,578,983	\$1,951,405	\$1,735,205
Revenue Stream with Incentives	\$2,451,997	\$5,594,257	\$5,690,021	\$3,676,966

Returns for Jurisdictions, Discounted	Lecompton Township	Douglas County	USD 343	State of Kansas
Discount Rate	6.35%			
Discounted Cash Flow, Without Incentives	\$1,669,411	\$4,129,486	\$3,735,344	\$2,954,387
<i>Benefit/Cost Ratio, Without Incentives</i>	<i>6.17</i>	<i>3.43</i>	<i>22.20</i>	<i>6.10</i>
Discounted Cash Flow, With Incentives	\$942,768	\$2,298,035	\$2,329,530	\$1,556,469
Benefit/Cost Ratio, With Incentives	3.92	2.35	14.22	3.69

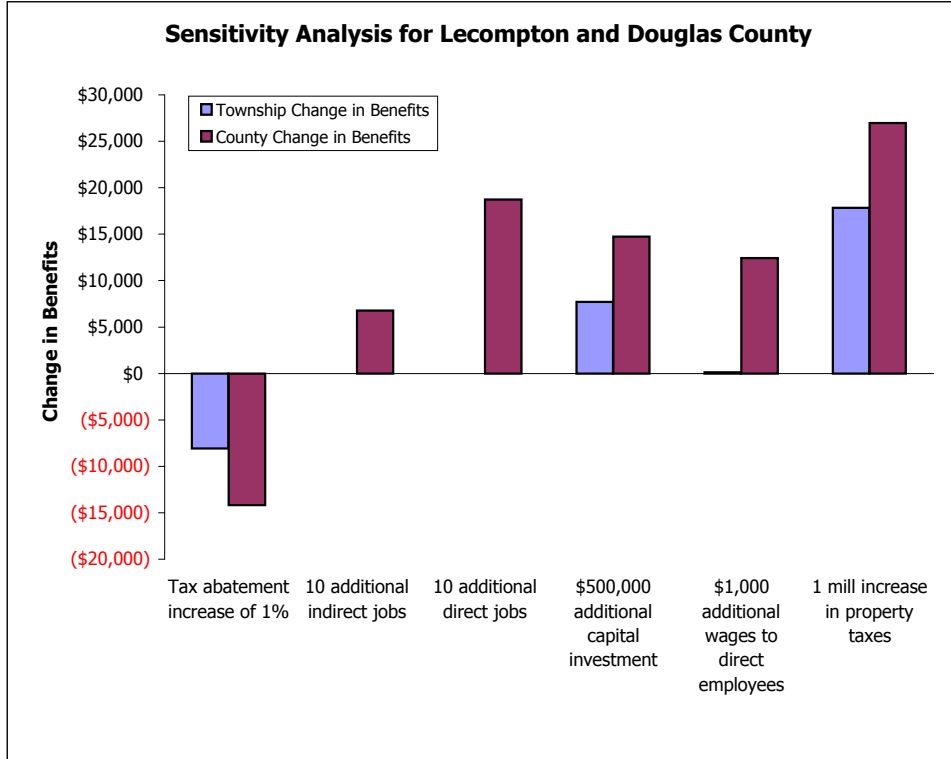
Model: Berry Plastics- Abatement

Benefits and Costs by Time Period, with and Without Abatement



Model: Berry Plastics- Abatement

Sensitivity Analysis



Model: Berry Plastics- Abatement

APPENDIX 1: Annual Results (not Discounted)

<i>Lecompton Township</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$107,902	(\$36,056)	(\$96,409)	(\$24,563)	(\$24,563)
2	\$110,221	(\$3,936)	(\$97,373)	\$8,911	(\$15,651)
3	\$114,545	(\$13,202)	(\$98,347)	\$2,996	(\$12,655)
4	\$118,940	(\$20,474)	(\$99,330)	(\$864)	(\$13,520)
5	\$123,406	(\$27,890)	(\$100,323)	(\$4,808)	(\$18,328)
6	\$125,908	(\$27,539)	(\$101,327)	(\$2,958)	(\$21,285)
7	\$127,154	(\$27,815)	(\$102,340)	(\$3,001)	(\$24,286)
8	\$128,412	(\$28,093)	(\$103,363)	(\$3,045)	(\$27,331)
9	\$129,682	(\$28,375)	(\$104,397)	(\$3,089)	(\$30,421)
10	\$130,966	(\$28,659)	(\$105,441)	(\$3,134)	(\$33,555)
11	\$132,262	(\$28,946)	\$0	\$103,316	\$69,761
12	\$133,571	(\$29,236)	\$0	\$104,335	\$174,097
13	\$134,893	(\$29,529)	\$0	\$105,365	\$279,461
14	\$136,229	(\$29,824)	\$0	\$106,405	\$385,866
15	\$137,578	(\$30,123)	\$0	\$107,455	\$493,320

<i>Douglas County</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	(\$50,990)	(\$50,990)	(\$50,990)
1	\$241,240	(\$8,663)	(\$263,964)	(\$31,387)	(\$82,377)
2	\$251,246	(\$39,663)	(\$221,898)	(\$10,316)	(\$92,693)
3	\$329,149	(\$94,461)	(\$223,607)	\$11,081	(\$81,613)
4	\$405,870	(\$143,250)	(\$225,334)	\$37,286	(\$44,326)
5	\$481,352	(\$193,006)	(\$227,077)	\$61,268	\$16,942
6	\$540,057	(\$223,049)	(\$228,838)	\$88,170	\$105,112
7	\$545,457	(\$225,280)	(\$230,616)	\$89,561	\$194,673
8	\$550,912	(\$227,532)	(\$232,413)	\$90,967	\$285,639
9	\$556,421	(\$229,808)	(\$234,227)	\$92,386	\$378,026
10	\$561,985	(\$232,106)	(\$236,059)	\$93,820	\$471,846
11	\$567,605	(\$234,427)	(\$50,990)	\$282,188	\$754,034
12	\$573,281	(\$236,771)	(\$50,990)	\$285,520	\$1,039,554
13	\$579,014	(\$239,139)	(\$50,990)	\$288,885	\$1,328,439
14	\$584,804	(\$241,530)	(\$50,990)	\$292,284	\$1,620,723
15	\$590,652	(\$243,946)	\$0	\$346,706	\$1,967,430

Model: Berry Plastics- Abatement

APPENDIX 1: Annual Results (not Discounted) (Continued)

USD 343

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$208,598	(\$1,841)	(\$186,519)	\$20,238	\$20,238
2	\$215,060	(\$2,443)	(\$188,385)	\$24,232	\$44,470
3	\$224,770	(\$7,581)	(\$190,268)	\$26,921	\$71,391
4	\$234,653	(\$12,234)	(\$192,171)	\$30,248	\$101,639
5	\$244,711	(\$16,980)	(\$194,093)	\$33,638	\$135,278
6	\$251,713	(\$17,423)	(\$196,034)	\$38,256	\$173,533
7	\$254,230	(\$17,597)	(\$197,994)	\$38,638	\$212,172
8	\$256,772	(\$17,773)	(\$199,974)	\$39,025	\$251,197
9	\$259,340	(\$17,951)	(\$201,974)	\$39,415	\$290,612
10	\$261,933	(\$18,131)	(\$203,993)	\$39,809	\$330,421
11	\$264,553	(\$18,312)	\$0	\$246,241	\$576,662
12	\$267,198	(\$18,495)	\$0	\$248,703	\$825,365
13	\$269,870	(\$18,680)	\$0	\$251,190	\$1,076,555
14	\$272,569	(\$18,867)	\$0	\$253,702	\$1,330,257
15	\$275,295	(\$19,055)	\$0	\$256,239	\$1,586,496

State of Kansas

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$804,857	(\$4,618)	(\$773,963)	\$26,277	\$26,277
2	\$142,918	(\$11,958)	(\$102,603)	\$28,357	\$54,633
3	\$171,300	(\$30,152)	(\$103,629)	\$37,519	\$92,152
4	\$193,581	(\$48,708)	(\$104,666)	\$40,207	\$132,359
5	\$209,570	(\$67,633)	(\$105,712)	\$36,224	\$168,583
6	\$221,147	(\$75,900)	(\$106,769)	\$38,477	\$207,060
7	\$223,358	(\$76,659)	(\$107,837)	\$38,862	\$245,922
8	\$225,592	(\$77,425)	(\$108,916)	\$39,251	\$285,173
9	\$227,848	(\$78,200)	(\$110,005)	\$39,643	\$324,816
10	\$230,126	(\$78,982)	(\$111,105)	\$40,040	\$364,856
11	\$232,427	(\$79,771)	\$0	\$152,656	\$517,512
12	\$234,752	(\$80,569)	\$0	\$154,182	\$671,694
13	\$237,099	(\$81,375)	\$0	\$155,724	\$827,418
14	\$239,470	(\$82,189)	\$0	\$157,281	\$984,700
15	\$241,865	(\$83,010)	\$0	\$158,854	\$1,143,554

Model: Berry Plastics- Abatement

APPENDIX 2: Annual Results (Discounted)

<i>Lecompton Township</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$101,462	(\$33,904)	(\$90,655)	(\$23,097)	(\$23,097)
2	\$97,456	(\$3,481)	(\$86,096)	\$7,879	(\$15,217)
3	\$95,235	(\$10,977)	(\$81,767)	\$2,491	(\$12,726)
4	\$92,986	(\$16,006)	(\$77,655)	(\$676)	(\$13,402)
5	\$90,719	(\$20,503)	(\$73,751)	(\$3,534)	(\$16,937)
6	\$87,034	(\$19,036)	(\$70,042)	(\$2,044)	(\$18,981)
7	\$82,649	(\$18,079)	(\$66,520)	(\$1,951)	(\$20,932)
8	\$78,485	(\$17,171)	(\$63,175)	(\$1,861)	(\$22,793)
9	\$74,531	(\$16,307)	(\$59,999)	(\$1,776)	(\$24,568)
10	\$70,776	(\$15,488)	(\$56,982)	(\$1,694)	(\$26,262)
11	\$67,210	(\$14,709)	\$0	\$52,501	\$26,239
12	\$63,824	(\$13,970)	\$0	\$49,854	\$76,093
13	\$60,609	(\$13,267)	\$0	\$47,341	\$123,435
14	\$57,556	(\$12,600)	\$0	\$44,955	\$168,390
15	\$54,656	(\$11,967)	\$0	\$42,689	\$211,079

<i>Douglas County</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	(\$50,990)	(\$50,990)	(\$50,990)
1	\$226,841	(\$8,146)	(\$248,209)	(\$29,514)	(\$80,504)
2	\$222,149	(\$35,070)	(\$196,200)	(\$9,121)	(\$89,625)
3	\$273,659	(\$78,536)	(\$185,911)	\$9,213	(\$80,413)
4	\$317,306	(\$111,992)	(\$176,164)	\$29,150	(\$51,262)
5	\$353,856	(\$141,884)	(\$166,931)	\$45,040	(\$6,222)
6	\$373,315	(\$154,183)	(\$158,185)	\$60,947	\$54,725
7	\$354,544	(\$146,430)	(\$149,899)	\$58,214	\$112,939
8	\$336,716	(\$139,067)	(\$142,050)	\$55,599	\$168,538
9	\$319,785	(\$132,075)	(\$134,614)	\$53,096	\$221,634
10	\$303,705	(\$125,433)	(\$127,570)	\$50,702	\$272,336
11	\$288,434	(\$119,126)	(\$25,911)	\$143,397	\$415,732
12	\$273,931	(\$113,136)	(\$24,364)	\$136,430	\$552,162
13	\$260,156	(\$107,447)	(\$22,910)	\$129,799	\$681,961
14	\$247,075	(\$102,045)	(\$21,543)	\$123,488	\$805,449
15	\$234,651	(\$96,913)	\$0	\$137,738	\$943,187

Model: Berry Plastics- Abatement

APPENDIX 2: Annual Results (Discounted) (Continued)

<i>USD 343</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$196,147	(\$1,731)	(\$175,387)	\$19,030	\$19,030
2	\$190,154	(\$2,160)	(\$166,568)	\$21,426	\$40,456
3	\$186,878	(\$6,303)	(\$158,192)	\$22,383	\$62,839
4	\$183,450	(\$9,565)	(\$150,238)	\$23,648	\$86,486
5	\$179,894	(\$12,483)	(\$142,683)	\$24,728	\$111,215
6	\$173,997	(\$12,044)	(\$135,509)	\$26,444	\$137,659
7	\$165,248	(\$11,438)	(\$128,695)	\$25,115	\$162,774
8	\$156,939	(\$10,863)	(\$122,224)	\$23,852	\$186,626
9	\$149,047	(\$10,317)	(\$116,078)	\$22,653	\$209,278
10	\$141,553	(\$9,798)	(\$110,241)	\$21,514	\$230,792
11	\$134,435	(\$9,305)	\$0	\$125,130	\$355,921
12	\$127,675	(\$8,837)	\$0	\$118,838	\$474,759
13	\$121,255	(\$8,393)	\$0	\$112,862	\$587,621
14	\$115,158	(\$7,971)	\$0	\$107,187	\$694,808
15	\$109,368	(\$7,570)	\$0	\$101,797	\$796,606

<i>State of Kansas</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$756,818	(\$4,342)	(\$727,768)	\$24,708	\$24,708
2	\$126,367	(\$10,573)	(\$90,721)	\$25,073	\$49,781
3	\$142,422	(\$25,069)	(\$86,159)	\$31,193	\$80,974
4	\$151,340	(\$38,080)	(\$81,827)	\$31,434	\$112,408
5	\$154,061	(\$49,719)	(\$77,712)	\$26,629	\$139,037
6	\$152,868	(\$52,466)	(\$73,805)	\$26,598	\$165,635
7	\$145,181	(\$49,828)	(\$70,093)	\$25,260	\$190,895
8	\$137,881	(\$47,322)	(\$66,569)	\$23,990	\$214,885
9	\$130,948	(\$44,943)	(\$63,222)	\$22,784	\$237,669
10	\$124,364	(\$42,683)	(\$60,043)	\$21,638	\$259,307
11	\$118,110	(\$40,537)	\$0	\$77,574	\$336,880
12	\$112,171	(\$38,498)	\$0	\$73,673	\$410,553
13	\$106,531	(\$36,562)	\$0	\$69,968	\$480,521
14	\$101,174	(\$34,724)	\$0	\$66,450	\$546,972
15	\$96,087	(\$32,978)	\$0	\$63,109	\$610,080

Model: Berry Plastics- Abatement

Project Summary

Capital Investment in Plant:	\$21,000,000
Annual Local Expenditures by Firm:	\$500,000
New and Retained Jobs:	379
Average Wage per Job:	\$34,214
Indirect Jobs Created and Retained:	251
Average Wage of Indirect Jobs:	\$24,966
Total New Households:	56
Average Value of Home Purchased:	\$194,065
Discount Rate:	6.35%
Cost and Revenue Escalation:	1.00%
Number of Years Evaluated:	15

Incentives

IRB Offered	Yes
Value of IRB Construction Sales Tax:	\$672,375 (Does not include sales tax exemption on machinery and equipment.)
Tax Abatement:	90%
Length of Tax Abatement/s:	10 Years
Value of Tax Abatements, Total:	\$1,407,978
Other Incentives	
Site Infrastructure:	\$0
Facility Construction:	\$0
Loans/Grants:	\$0 infrastructure payment from Berry to City and County

Value of All Incentives Offered: \$2,080,353

Value of All Incentives per Job per Year:	\$366
Value of Incentives in Hourly Pay:	\$0.18
Value of Incentives per Dollar Invested:	\$0.10

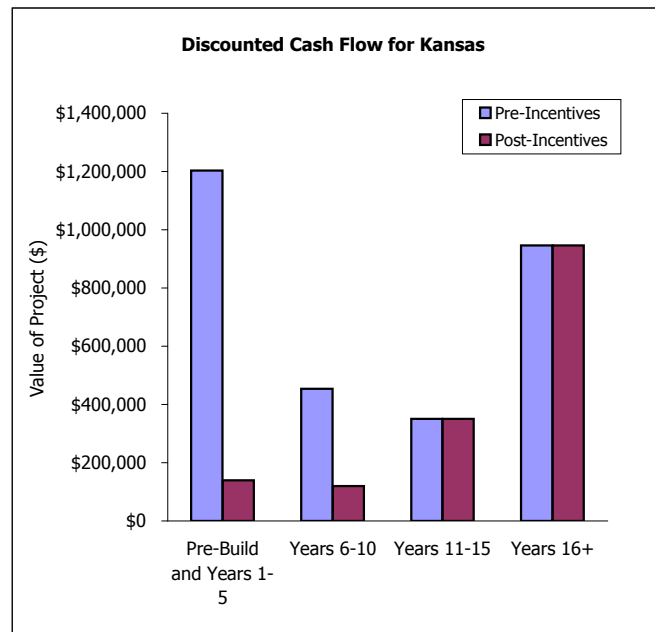
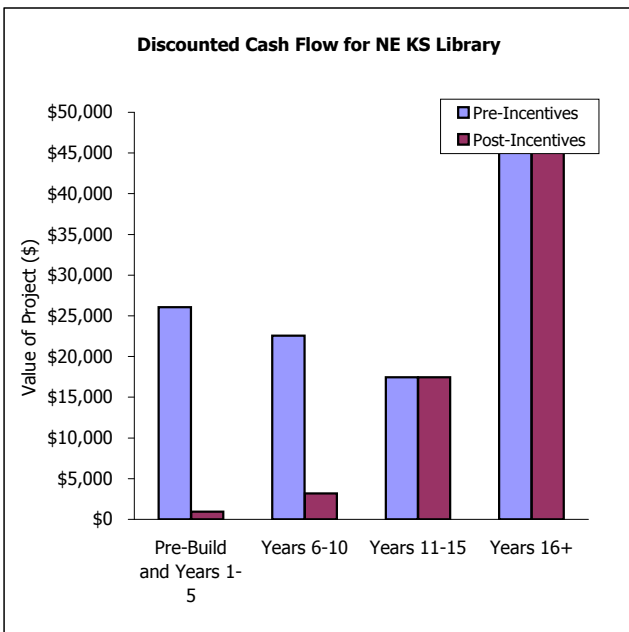
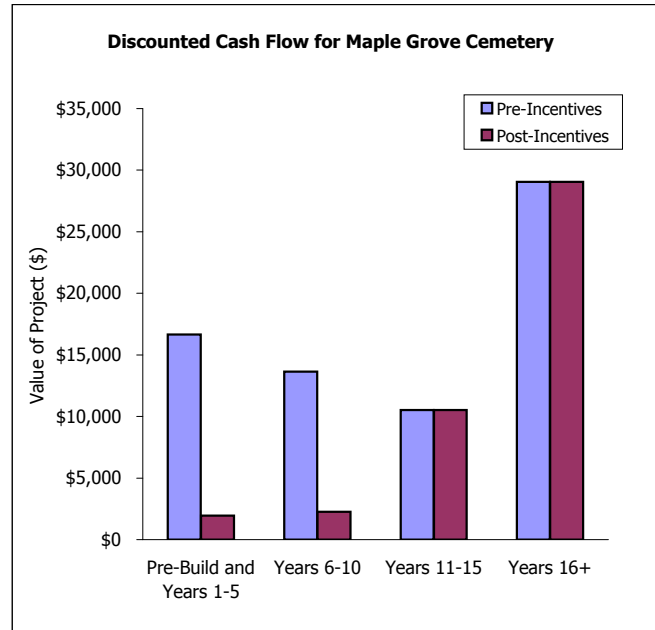
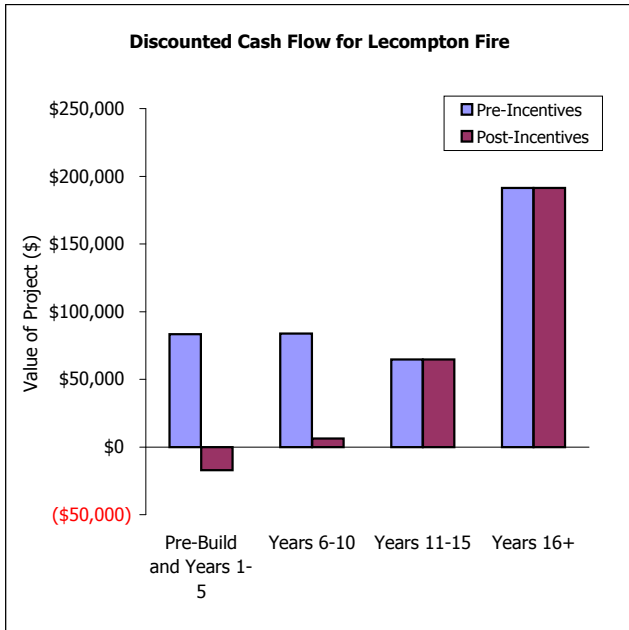
Summary of Results

Returns for Jurisdictions	Lecompton Fire District	Maple Grove Cemetery	NE Kansas Library	State of Kansas
Revenues	\$1,005,566	\$145,903	\$259,605	\$6,451,216
Costs	\$110,699	\$2,508	\$25,461	\$1,039,045
<i>Revenue Stream, Pre-Incentives</i>	<i>\$894,866</i>	<i>\$143,395</i>	<i>\$234,144</i>	<i>\$5,412,171</i>
Value of Incentives Offered	\$247,170	\$36,186	\$61,792	\$1,735,205
Revenue Stream with Incentives	\$647,696	\$107,210	\$172,352	\$3,676,966

Returns for Jurisdictions, Discounted	Lecompton Fire District	Maple Grove Cemetery	NE Kansas Library	State of Kansas
Discount Rate	6.35%			
Discounted Cash Flow, Without Incentives	\$423,115	\$69,871	\$113,522	\$2,954,387
<i>Benefit/Cost Ratio, Without Incentives</i>	<i>7.17</i>	<i>53.74</i>	<i>9.14</i>	<i>6.10</i>
Discounted Cash Flow, With Incentives	\$245,051	\$43,802	\$69,006	\$1,556,469
Benefit/Cost Ratio, With Incentives	4.58	34.07	5.95	3.69

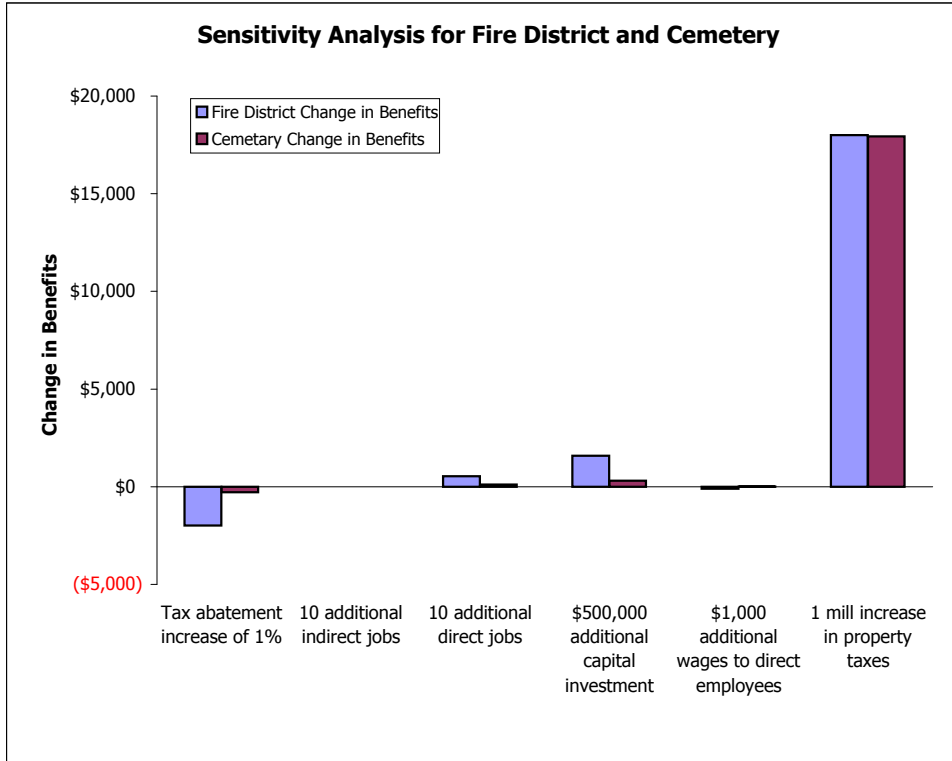
Model: Berry Plastics- Abatement

Benefits and Costs by Time Period, with and Without Abatement



Model: Berry Plastics- Abatement

Sensitivity Analysis



Model: Berry Plastics- Abatement

APPENDIX 1: Annual Results (not Discounted)

<i>Lecompton Fire District</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$26,422	(\$23,289)	(\$23,625)	(\$20,493)	(\$20,493)
2	\$27,118	(\$644)	(\$23,861)	\$2,613	(\$17,880)
3	\$28,255	(\$3,952)	(\$24,100)	\$203	(\$17,677)
4	\$29,412	(\$5,172)	(\$24,341)	(\$101)	(\$17,778)
5	\$30,589	(\$6,415)	(\$24,584)	(\$410)	(\$18,188)
6	\$31,345	(\$4,532)	(\$24,830)	\$1,982	(\$16,206)
7	\$31,658	(\$4,578)	(\$25,078)	\$2,002	(\$14,204)
8	\$31,975	(\$4,624)	(\$25,329)	\$2,022	(\$12,182)
9	\$32,294	(\$4,670)	(\$25,582)	\$2,042	(\$10,140)
10	\$32,617	(\$4,716)	(\$25,838)	\$2,062	(\$8,078)
11	\$32,943	(\$4,764)	\$0	\$28,180	\$20,102
12	\$33,273	(\$4,811)	\$0	\$28,462	\$48,564
13	\$33,606	(\$4,859)	\$0	\$28,746	\$77,310
14	\$33,942	(\$4,908)	\$0	\$29,034	\$106,344
15	\$34,281	(\$4,957)	\$0	\$29,324	\$135,668

<i>Maple Grove Cemetery</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$3,861	(\$55)	(\$3,459)	\$347	\$347
2	\$3,958	(\$19)	(\$3,493)	\$445	\$792
3	\$4,056	(\$71)	(\$3,528)	\$457	\$1,250
4	\$4,200	(\$106)	(\$3,564)	\$530	\$1,780
5	\$4,347	(\$143)	(\$3,599)	\$605	\$2,385
6	\$4,496	(\$135)	(\$3,635)	\$726	\$3,111
7	\$4,541	(\$136)	(\$3,671)	\$733	\$3,844
8	\$4,586	(\$137)	(\$3,708)	\$741	\$4,585
9	\$4,632	(\$139)	(\$3,745)	\$748	\$5,333
10	\$4,678	(\$140)	(\$3,783)	\$756	\$6,089
11	\$4,725	(\$141)	\$0	\$4,584	\$10,672
12	\$4,772	(\$143)	\$0	\$4,630	\$15,302
13	\$4,820	(\$144)	\$0	\$4,676	\$19,978
14	\$4,868	(\$146)	\$0	\$4,723	\$24,700
15	\$4,917	(\$147)	\$0	\$4,770	\$29,470

Model: Berry Plastics- Abatement

APPENDIX 1: Annual Results (not Discounted) (Continued)

Northeast Kansas Library District

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$6,662	(\$2,395)	(\$5,906)	(\$1,639)	(\$1,639)
2	\$6,874	(\$177)	(\$5,965)	\$732	(\$907)
3	\$7,090	(\$340)	(\$6,025)	\$725	(\$182)
4	\$7,566	(\$692)	(\$6,085)	\$789	\$607
5	\$8,051	(\$1,051)	(\$6,146)	\$854	\$1,461
6	\$8,545	(\$1,324)	(\$6,208)	\$1,014	\$2,475
7	\$8,631	(\$1,337)	(\$6,270)	\$1,024	\$3,499
8	\$8,717	(\$1,351)	(\$6,332)	\$1,034	\$4,533
9	\$8,804	(\$1,364)	(\$6,396)	\$1,044	\$5,577
10	\$8,892	(\$1,378)	(\$6,460)	\$1,055	\$6,632
11	\$8,981	(\$1,391)	\$0	\$7,590	\$14,222
12	\$9,071	(\$1,405)	\$0	\$7,665	\$21,887
13	\$9,162	(\$1,419)	\$0	\$7,742	\$29,630
14	\$9,253	(\$1,434)	\$0	\$7,820	\$37,449
15	\$9,346	(\$1,448)	\$0	\$7,898	\$45,347

State of Kansas

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$804,857	(\$4,618)	(\$773,963)	\$26,277	\$26,277
2	\$142,918	(\$11,958)	(\$102,603)	\$28,357	\$54,633
3	\$171,300	(\$30,152)	(\$103,629)	\$37,519	\$92,152
4	\$193,581	(\$48,708)	(\$104,666)	\$40,207	\$132,359
5	\$209,570	(\$67,633)	(\$105,712)	\$36,224	\$168,583
6	\$221,147	(\$75,900)	(\$106,769)	\$38,477	\$207,060
7	\$223,358	(\$76,659)	(\$107,837)	\$38,862	\$245,922
8	\$225,592	(\$77,425)	(\$108,916)	\$39,251	\$285,173
9	\$227,848	(\$78,200)	(\$110,005)	\$39,643	\$324,816
10	\$230,126	(\$78,982)	(\$111,105)	\$40,040	\$364,856
11	\$232,427	(\$79,771)	\$0	\$152,656	\$517,512
12	\$234,752	(\$80,569)	\$0	\$154,182	\$671,694
13	\$237,099	(\$81,375)	\$0	\$155,724	\$827,418
14	\$239,470	(\$82,189)	\$0	\$157,281	\$984,700
15	\$241,865	(\$83,010)	\$0	\$158,854	\$1,143,554

Model: Berry Plastics- Abatement

APPENDIX 2: Annual Results (Discounted)

<i>Lecompton Fire District</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$24,845	(\$21,899)	(\$22,215)	(\$19,269)	(\$19,269)
2	\$23,977	(\$569)	(\$21,098)	\$2,310	(\$16,959)
3	\$23,492	(\$3,286)	(\$20,037)	\$169	(\$16,791)
4	\$22,994	(\$4,043)	(\$19,029)	(\$79)	(\$16,869)
5	\$22,487	(\$4,716)	(\$18,073)	(\$302)	(\$17,171)
6	\$21,667	(\$3,133)	(\$17,164)	\$1,370	(\$15,801)
7	\$20,578	(\$2,976)	(\$16,301)	\$1,301	(\$14,500)
8	\$19,543	(\$2,826)	(\$15,481)	\$1,236	(\$13,264)
9	\$18,560	(\$2,684)	(\$14,703)	\$1,174	(\$12,090)
10	\$17,627	(\$2,549)	(\$13,963)	\$1,115	(\$10,976)
11	\$16,741	(\$2,421)	\$0	\$14,320	\$3,344
12	\$15,899	(\$2,299)	\$0	\$13,600	\$16,944
13	\$15,099	(\$2,183)	\$0	\$12,916	\$29,860
14	\$14,340	(\$2,074)	\$0	\$12,266	\$42,126
15	\$13,619	(\$1,969)	\$0	\$11,650	\$53,776

<i>Maple Grove Cemetery</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$3,630	(\$52)	(\$3,252)	\$326	\$326
2	\$3,499	(\$17)	(\$3,089)	\$394	\$720
3	\$3,372	(\$59)	(\$2,933)	\$380	\$1,100
4	\$3,284	(\$83)	(\$2,786)	\$415	\$1,515
5	\$3,195	(\$105)	(\$2,646)	\$445	\$1,959
6	\$3,108	(\$93)	(\$2,513)	\$502	\$2,461
7	\$2,951	(\$88)	(\$2,386)	\$477	\$2,938
8	\$2,803	(\$84)	(\$2,266)	\$453	\$3,391
9	\$2,662	(\$80)	(\$2,152)	\$430	\$3,821
10	\$2,528	(\$76)	(\$2,044)	\$408	\$4,229
11	\$2,401	(\$72)	\$0	\$2,329	\$6,558
12	\$2,280	(\$68)	\$0	\$2,212	\$8,770
13	\$2,166	(\$65)	\$0	\$2,101	\$10,871
14	\$2,057	(\$62)	\$0	\$1,995	\$12,867
15	\$1,953	(\$58)	\$0	\$1,895	\$14,761

Model: Berry Plastics- Abatement

APPENDIX 2: Annual Results (Discounted) (Continued)

<i>Northeast Kansas Library District</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$6,264	(\$2,252)	(\$5,554)	(\$1,541)	(\$1,541)
2	\$6,078	(\$157)	(\$5,274)	\$647	(\$894)
3	\$5,895	(\$283)	(\$5,009)	\$603	(\$291)
4	\$5,915	(\$541)	(\$4,757)	\$617	\$326
5	\$5,919	(\$773)	(\$4,518)	\$628	\$954
6	\$5,907	(\$915)	(\$4,291)	\$701	\$1,655
7	\$5,610	(\$869)	(\$4,075)	\$665	\$2,320
8	\$5,328	(\$825)	(\$3,870)	\$632	\$2,952
9	\$5,060	(\$784)	(\$3,676)	\$600	\$3,552
10	\$4,805	(\$745)	(\$3,491)	\$570	\$4,122
11	\$4,564	(\$707)	\$0	\$3,857	\$7,979
12	\$4,334	(\$672)	\$0	\$3,663	\$11,642
13	\$4,116	(\$638)	\$0	\$3,479	\$15,121
14	\$3,909	(\$606)	\$0	\$3,304	\$18,424
15	\$3,713	(\$575)	\$0	\$3,138	\$21,562

<i>State of Kansas</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$756,818	(\$4,342)	(\$727,768)	\$24,708	\$24,708
2	\$126,367	(\$10,573)	(\$90,721)	\$25,073	\$49,781
3	\$142,422	(\$25,069)	(\$86,159)	\$31,193	\$80,974
4	\$151,340	(\$38,080)	(\$81,827)	\$31,434	\$112,408
5	\$154,061	(\$49,719)	(\$77,712)	\$26,629	\$139,037
6	\$152,868	(\$52,466)	(\$73,805)	\$26,598	\$165,635
7	\$145,181	(\$49,828)	(\$70,093)	\$25,260	\$190,895
8	\$137,881	(\$47,322)	(\$66,569)	\$23,990	\$214,885
9	\$130,948	(\$44,943)	(\$63,222)	\$22,784	\$237,669
10	\$124,364	(\$42,683)	(\$60,043)	\$21,638	\$259,307
11	\$118,110	(\$40,537)	\$0	\$77,574	\$336,880
12	\$112,171	(\$38,498)	\$0	\$73,673	\$410,553
13	\$106,531	(\$36,562)	\$0	\$69,968	\$480,521
14	\$101,174	(\$34,724)	\$0	\$66,450	\$546,972
15	\$96,087	(\$32,978)	\$0	\$63,109	\$610,080

SITE PLAN REVIEW
BOARD OF COUNTY COMMISSIONERS STAFF REPORT
February 2, 2011

A. SUMMARY

SP-11-58-10: a site plan for a warehouse and printing facility on approximately 97.16 acres located northwest of the intersection of N 1800 and E 700 Roads. Site plan was submitted by Paul Werner Architects for Rockwall Farms, LC, property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: I-2 (Light Industrial) District; agricultural land uses and wooded open space.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; agricultural land uses, rural residences, and wooded open space.
[B-2 (General Business with conditions) District rezoning pending for property to the east being platted as Lot 1 Rockwall Farm Addition; development proposal pending for a corporate retreat.]

Site Summary:

Gross Area: 97.16 acres (4,232,289 square feet)

Existing Building Coverage: 0

Phase 1:

Proposed Building Coverage 663,364 sq ft:
600,000 sq ft; warehouse
77,189 sq ft; printing facility and offices
180 sq ft; guardhouse

Proposed impervious surface: 660,659 sq ft

Proposed pervious surface: 2,908,266 sq ft

Phase 2:

Total Building Coverage: 863,364 sq ft

Proposed impervious surface: 846,131 sq ft

Proposed pervious surface: 2,522,794 sq ft

C. STAFF REVIEW

The subject property contains approximately 97.16 acres and is located northwest of the intersection of E 700 and N 1800 Roads. The site plan proposes the construction of a 600,000 square foot warehouse, and a 75,244 square foot printing/office area. In addition a 180 square foot guardhouse will be installed on the east side of the building. The facility will run 3 shifts and will have 70 employees on the largest shift. This facility will provide expansion area for the existing

Berry Plastics warehouse located in Lawrence.

The right-of-way for E 700 Road north of N 1800 Road has been vacated and a shared access easement is being dedicated in this location with the plat for Rockwall Farms Addition. The site plan shows an access drive for Lot 1 outside of the shared access easement. An agreement between Lots 1 and 2 which specifies the maintenance responsibilities and shared use of the access drive should be executed and recorded with the Register of Deeds prior to the site plan being released for building permits.

With the exception of the wooded area on the northern portion of the property the property is currently in agricultural production. (Figure 1) The surrounding area is rural with predominately agricultural uses and rural residences. The site plan shows the lot to the east, Lot 1, Rockwall Farms Addition, on Sheet 1 of the site plan for context as the site plans for the two lots have been coordinated to provide buffering for the lot to the east, which is being site planned for The Woods [SP-11-57-10], a rural corporate retreat. Sheet 2 of the site plan also shows a portion of Lot 1, as the drainage on the eastern half of Lot 2 will be directed into a pond located on Lot 1. General Note 1.6 states that the owner of the warehouse facility will maintain the detention/retention ponds and access road to E 1800 Road. As the detention/retention ponds are located off-site, a maintenance agreement which identifies the detention pond and outlines the maintenance responsibilities should be prepared in a form acceptable to the County Engineer and County Counselor and recorded with the Register of Deeds.

Section 20-810(i)(4) of the Subdivision Regulations require one of the following protection measures be implemented if environmentally sensitive lands are present:

- Execution and recordation of a temporary set aside agreement;
- Establishment of a permanent conservation easement; or
- Placement of the environmentally sensitive lands to be protected within a tract or easement on the plat.

A text amendment [TA-6-12-08] was approved by the City and County Commission to permit the additional option of placing environmentally sensitive lands within a tract or easement on a plat through the adoption of Joint Ordinance 3817 Resolution 10-30 on December 28, 2010. The Rockwall Farms Addition Preliminary Plat was submitted and approved prior to the adoption of the text amendment; so the final plat was revised to show the protected area within a tract but this change is not shown on the preliminary plat. The protection measures approved with the final plat shall also be noted on the face of the site plan.

As this site is for industrial development and the concept plans included a future expansion area, the protected area does not include all the environmentally sensitive area, but protects a contiguous stand of mature trees while accommodating future expansion needs.

The western access drive crosses a Southern Star Easement which contains a buried gas line. The Southern Star representative indicated that a load analysis would need to be provided for approval. The site plan approval will be contingent upon Southern Star's approval of the load analysis and design of the access drive.

The access drive for Lot 1 currently crosses the southeast corner of Lot 2 (Figure 2). The site plan shows an access easement for this portion of the drive. This access easement should be dedicated

by separate instrument prior to the release of the site plan for building permits.

The site plan designates an area for an on-site drip-irrigation system (approximately 5.5 acres, with an equal area shown for a replacement system for a total of 11 acres) and an on-site lagoon system for sewage management. The Lawrence-Douglas County Health Department indicated that either type of sewage management may be utilized. KDHE would be responsible for approving the location of the lagoon and is responsible for issuing the permit for the lagoon, while the Lawrence-Douglas County Health Department is responsible for approving the location and issuing the permit for the drip-irrigation system. Prior to building permits being issued, a permit must be obtained for the sewage management system that is to be utilized.

While the site plan shows on-site sewage management systems, it is possible that the system may need to be located off-site when the final location is determined. At their December 22, 2010 meeting the County Commission approved a variance from Section 20-811(d) of the Subdivision Regulations which requires that platted lots utilize on-site sewage management systems to permit the use of an off-site sewage management system if necessary. If an off-site system is to be utilized, an easement or other mechanism acceptable to the County Health Department and the County Counselor for the off-site system and its connection to the platted lot shall be recorded with the Register of Deeds. The site plan should note that the County Commission approved the variance at their December 22, 2010 meeting with this condition.

Note 2.2 on the site plan identifies the current zoning as 'A and I-2 Zoning'. The County Commission approved the I-2 Zoning for Lot 2 with the reading of Resolution 10-28 at their November 10, 2010 meeting. This note should be revised to show the current zoning as 'I-2' only.

D. Findings

Per Section 19A-5, staff shall first find that the following conditions have been met:

(a) That the proposed use is a permitted use in the district in which the property is located;

The subject property was rezoned from the A (Agricultural) District to the I-2 (Light Industrial) district with Resolution 10-28. This rezoning was approved by the County Commission at their November 10, 2010 meeting. The proposed uses, warehousing and printing, are listed as permitted uses in the IL District in Section 12-312-2.03 of the County Zoning Regulations.

(b) That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;

The drainage study indicated that the site has been designed so that the east portion of the lot will drain into a detention pond located on Lot 1. At the County Engineer's recommendation, the west portion of the Lot 2 will drain into an off-site detention area to the west. These off-site detention systems shall be tied to the development on Lot 2 through an easement or other mechanism suitable to the County Engineer and County Counselor which is recorded at the Register of Deeds Office. The site plan should note the Book and Page Number of the easement or other mechanism. The off-site detention systems shall be developed with the warehouse facility to manage the stormwater flow.

While the warehouse is a large structure with 600,000 sq ft of floor area; the building is oriented perpendicular to N 1800 Road and set back approximately 1000 ft from the road. This location in addition to the topography of the site, which includes an increase in elevation from 1040 along N 1800 Road to 1050 to the north and a return to 1044 for the floor elevation of the building, will minimize the facility's impact on the view from N 1800 Road.

The Zoning Regulations require 1 parking space per 2 employees on the largest shift for a industrial or warehouse establishment. The plan indicates that 70 employees will be employed on the largest shift so 35 parking spaces are required; however, 150 parking spaces will be provided to allow for the increased parking need at shift change. The amount of parking provided should prevent over-crowding of the employee parking area.

The site plan shows the location of the proposed exterior lighting which utilizes 400 watt metal halide lighting fixtures on 25 ft poles. A detail of the lighting fixture was provided as an exhibit for the file. The lighting fixtures are not cut-off fixtures, but the applicant indicated that the surrounding trees should prevent glare to adjacent property owners. In the event that the trees are removed or reduced to the degree that glare occurs to neighboring properties, the lighting fixtures should be revised to a cut off fixture or other measures to reduce glare and light trespass should be utilized. A note to this effect should be added to the plan.

The property to the east, Lot 1 Rockwall Farms Addition, is being site planned for a rural corporate retreat. In order to insure that this industrial use would be compatible with the rural tourism use being proposed to the east, the two properties are being site planned concurrently so the site design and screening methods proposed for Lot 2 can coordinated with the site design of Lot 1. Three berms are proposed between the two properties to minimize the visual impact of the industrial facility on the corporate retreat.

The applicant indicated that the property owner intends to landscape these berms, but due to the fact that they extend over 1500 linear ft he was not comfortable with establishing a landscape plan. The finished floor elevation of the warehouse is 1046, the elevation of the north and central berms are 1058, and the elevation of the southern berm is 1060. The height of the warehouse is approximately 40 ft. The elevation of the cabins on the adjacent property is between 1012 and 1028 and the elevation of the conference center is approximately 1008. Given the distance separating the rural retreat from the warehouse and the change in elevation between the rural retreat and the warehouse, the berms should provide satisfactory buffering.

(c) That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;

A Traffic Impact Study was provided with the rezoning and plat for Rockwall Farms Addition. The County Engineer accepted the study and the following improvements will be made to N 1800 Road:

- 1) The west-bound right-turn lane to the warehouse facility will be extended to accommodate truck traffic;
- 2) An east-bound, left-turn lane will be added to N 1800 Road to allow vehicles accessing the site from the west to move out of the flow of N 1800 Road traffic when entering the Berry site.

- 3) The N 1800 Road access will be constructed with 2 egress lanes and 1 ingress to prevent stacking on site.

These road improvements to N 1800 Road should be noted on the site plan.

The site plan indicates that gates will be installed on access drives around the warehouse and the access drive connecting with the access to Lot 2. These will be lightweight gates that will not be locked but will be operated with a remote. The Lecompton Fire Chief indicated that the gates were acceptable.

A shared access easement was dedicated with the plat of the Rockwall Farms Addition to provide for shared access between Lots 1 and 2; although the applicant indicated that the access at the E 700 Road access point would be the primary access for Lot 1 and the off-site access point to the west would be the primary access for Lot 2. An access easement for the off-site access point to N 1800 Road will be dedicated by separate instrument and the Book and Page No. noted on the face of the site plan. An access easement containing the angled drive into Lot 1 will also be dedicated by separate instrument and the Book and Page Number should be noted on the site plan. An access drive for Lot 1, the Woods, is located on Lot 2 parallel to the east side of the warehouse. An agreement regarding the maintenance of this access drive and the vehicular access for both lots to N 1800 Road should be recorded prior to the release of the site plan for building permits.

- (d) That the site plan provides for the safe movement of pedestrians within the site;**

A walkway links the employee parking area to the printing facility. Per Section 12-31601.01(a) a parking lot with 150 parking spaces shall provide 5 accessible spaces. The plan includes 5 accessible parking spaces near the employee and public entrances.

- (e) That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, or accessways shall be landscaped with a mixture of grass, trees and shrubs;**

Adequate landscaping is provided along the south side of the building. No other landscaping is indicated on the site plan. The site plan notes that any part of the site plan area not used for buildings, or other impervious surfaces, shall be landscaped with a mixture of grass, trees, and shrubs.

- (f) That all outdoor trash storage areas are screened;**

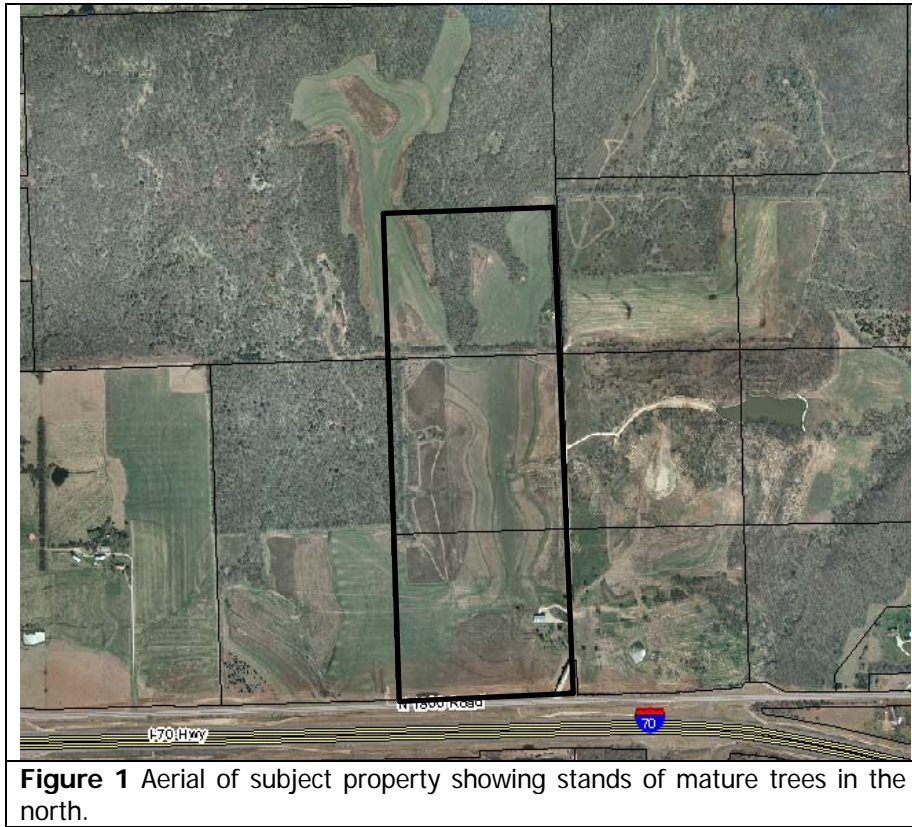
A trash compactor will be located adjacent to the building. This will not be visible from adjacent properties or the road right-of-way; therefore, screening will not be required.

E. CONCLUSION

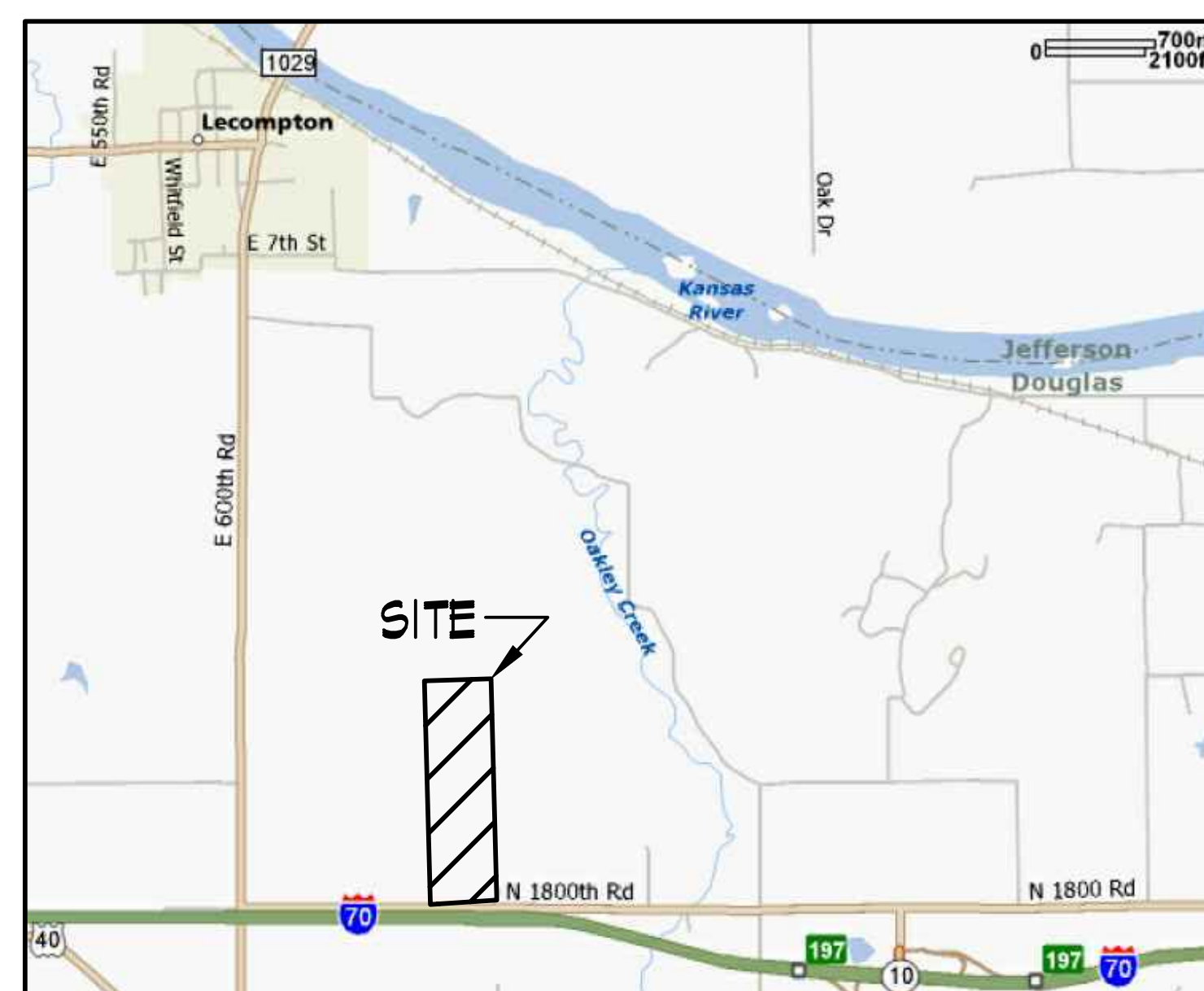
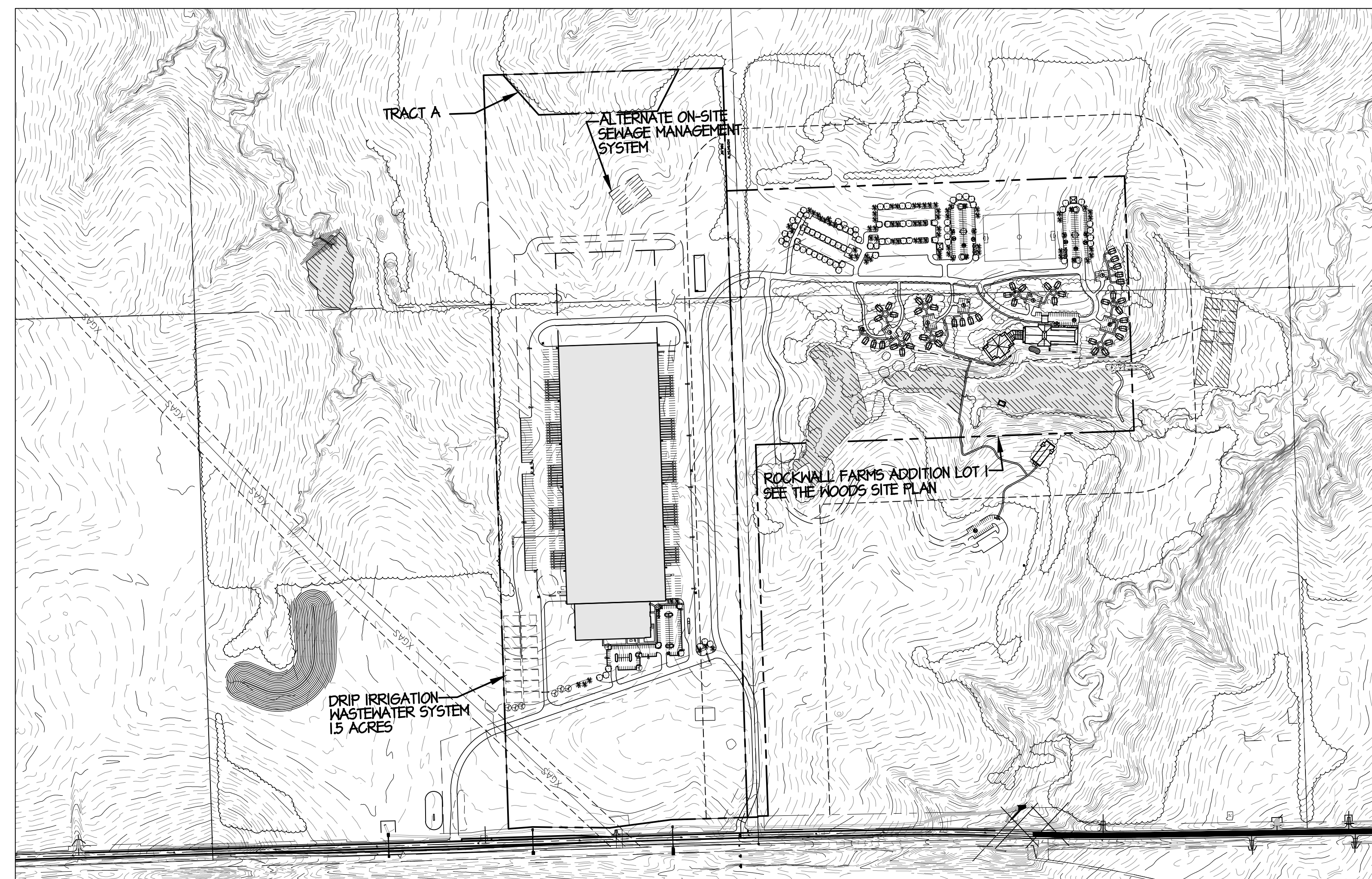
The proposed request, as conditioned, is in conformance with the requirements for the I-2 (Light Industrial) Zoning District. Staff recommends that Site Plan 10-58-10 for a warehouse and printing facility at the northwest corner of the intersection of N 1800 and E 700 Roads be approved subject to the following conditions:

1. The applicant shall provide 4 full-sized copies of the site plan, revised with the following changes:
 - a) Note the protection measures and maintenance responsibility for the environmentally sensitive lands located within Tract A on the plan.
 - b) Revise General Note 1.8 as follows: *"The Board of County Commissioners approved a variance from the requirement to have an on-site sewage management system for platted lots [Section 20-811(d), Subdivision Regulations] at their December 22, 2010 meeting to permit the development to utilize an off-site sewage management system subject to the condition that easements, or other mechanisms acceptable to the Lawrence-Douglas County Health Department and County Counselor, for property containing the off-site sewage management system and its connection to the platted lot shall be dedicated by separate instrument or recorded with the Register of Deeds."*
 - c) Property Information Note 2.2 revised to show I-2 as the current zoning, the subject property is no longer zoned 'A'.
 - d) Show 2 egress lanes and 1 ingress lane on the N 1800 Road access.
 - e) List the Book and Page Number for the off-site access easement for the access drive onto N 1800 Road to the west of Lot 2.
 - f) Include the Book and Page Number for the recorded agreement regarding the maintenance responsibility for the detention ponds to the east of Lot 2 in General Note 1.6.
 - g) List the Book and Page Number for the shared access easement for the entrance to Lot 1.
 - h) List the Book and Page Number for the recorded easement or other mechanism acceptable to the County Engineer and County Counselor for the drainage detention being provided to the west of Lot 2.
 - i) Addition of the following note to the plan: *"In the event that the trees along the west property line are removed or reduced to the degree that glare occurs to neighboring properties, the lighting fixtures shall be revised to a cut off fixture or other means shall be utilized to prevent glare and light trespass to adjacent properties."*
 - j) Add a note to the site plan indicating that the following improvements shall be made to N 1800 Road with this development, per the approval of the County Engineer:
 - o The west-bound right-turn lane to the facility will be extended to accommodate truck traffic;
 - o An east-bound, left-turn lane will be added to N 1800 Road to allow vehicles accessing the site from the west to move out of the flow of N 1800 Road traffic when entering the site.
 - k) Add a note to the plan which states that a revised site plan shall be submitted to the Planning Office and approved by the County Commission prior to development occurring in Phase 2.

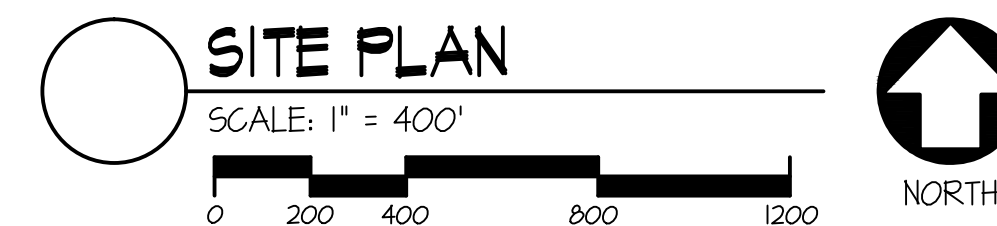
- l) The note regarding road improvements to N 1800 Road may need to be changed to reflect County's participation following the Commission's action on that item.
2. An agreement between Lots 1 and 2 which specifies the maintenance responsibilities and permits shared vehicular access to N 1800 Road should be executed and recorded with the Register of Deeds prior to the site plan being released for building permits.
3. Prior to building permits being issued, a permit must be obtained from the appropriate regulatory agency for the sewage management system to serve Lot 2.
4. Prior to release of the site plan for building permits, documentation of Southern Star's approval of the load analysis and design of the access drive which crosses their easement must be provided to the Planning Office.
5. The property owner shall construct the off-site drainage detention systems to the east, per the drainage study, and west, as recommended by the County Engineer, with the development to provide stormwater management. Occupancy permits shall not be released until the completion of the off-site drainage detention systems which includes a detention area to the west and the pond to the east as identified in the drainage study.
6. Prior to release of the site plan, the preliminary plat shall be revised to include an access easement for the access drive along the east side of the warehouse and returned to the County Commission for acceptance of dedication. The final plat will be revised to reflect the new easement for completion of the administrative review. *(For discussion of options)*
7. The site plan shall not be released until the final plat has been recorded with the Register of Deeds.
8. A maintenance agreement which identifies the off-site detention/retention ponds to the east which the owner of the warehouse facility is responsible for maintaining and which outlines the maintenance responsibilities shall be prepared in a form acceptable to the County Engineer and County Counselor and recorded with the Register of Deeds.
9. The off-site detention system to the west of Lot 2 shall be tied to Lot 2 through an easement or other mechanism suitable to the County Engineer and County Counselor which is recorded at the Register of Deeds Office.
10. Prior to building permits being issued, Lot 1 shall be split so that only that amount of property needed to accommodate the proposed building, parking and associated site elements, and future expansion shown on the site plan for Berry Plastics is maintained. Application to rezone the property to an appropriate zoning district shall be made by the owner of the new remainder lot but the zoning need not be established prior to issuing Berry Plastics a building permit to construct the proposed facility.



BERRY PLASTICS FACILITY



LOCATION MAP



LEGAL DESCRIPTION

LOT 2, ROCKWALL FARMS ADDITION, DOUGLAS COUNTY, KS. CONTAINS 411.6 ACRES MORE OR LESS LOCATED IN SECTION 14, TOWNSHIP 12 SOUTH, RANGE 10 EAST.

GENERAL NOTES:

- PROPOSED USE: LIGHT MANUFACTURING, PRINTING, WAREHOUSE FACILITY - APPROX. 675,000 SQ. FT.
- SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- TRASH COMPACTOR WILL BE LOCATED NEXT TO THE FACILITY.
- HUNTING IS PROHIBITED ON LOTS 1 AND 2 IN ROCKWALL FARMS ADDITION.
- ACCESSORY IDENTIFICATION SIGN TO BE INSTALLED PER DOUGLAS COUNTY ZONING REGULATIONS SECTION 12-310-2.04. SIGN LOCATION TO BE COORDINATED WITH THE COUNTY.
- OWNER OF WAREHOUSE FACILITY TO MAINTAIN DETENTION/RETENTION PONDS & ACCESS ROAD TO E. 1800 ROAD.
- SITE LIGHTING TO BE LOCATED AT THE PERIMETER OF SITE FACING INWARD TO REDUCE GLARE AND LIGHT ON ADJACENT PROPERTIES.
- A VARIANCE FROM SECTION 20-81(D) OF THE SUBDIVISION REGULATIONS WAS APPROVED ON 12-22-10 TO PERMIT AN OFF-SITE SEWAGE MANAGEMENT SYSTEM.

PROPERTY INFORMATION:

2.1 LOCATION:	DOUGLAS COUNTY, LECOMPTON TOWNSHIP, NW 1/4 OF N 1800 RD & VACATED E. 100 RD								
2.2 CURRENT ZONING:	"A" AGRICULTURAL - "1-2"								
2.3 LAND AREA:	411.6 ACRES (14,232,204 SF) ROCKWALL FARMS ADDITION LOT 2								
2.3 SURFACE AREA:	<table border="1"> <tr> <th>PHASE I</th> <th>PHASE II</th> </tr> <tr> <td>BUILDING AREA: 663,364 S.F.</td> <td>BUILDING AREA: 263,364 S.F.</td> </tr> <tr> <td>PAVEMENT AREA: 660,694 S.F.</td> <td>PAVEMENT AREA: 846,131 S.F.</td> </tr> <tr> <td>PERVIOUS AREA: 2,908,266 S.F.</td> <td>PERVIOUS AREA: 2,522,744 S.F.</td> </tr> </table>	PHASE I	PHASE II	BUILDING AREA: 663,364 S.F.	BUILDING AREA: 263,364 S.F.	PAVEMENT AREA: 660,694 S.F.	PAVEMENT AREA: 846,131 S.F.	PERVIOUS AREA: 2,908,266 S.F.	PERVIOUS AREA: 2,522,744 S.F.
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PERVIOUS AREA: 2,908,266 S.F.	PERVIOUS AREA: 2,522,744 S.F.								

UTILITY INFORMATION:

- GAS: GAS SERVICE SHALL BE PROVIDED BY ATMOS ENERGY OR PROPANE SERVICE.
- SANITATION: LAGOON SYSTEM TO BE APPROVED BY KDHE; OR DRIP IRRIGATION WASTEWATER SYSTEM APPROVED BY DOUGLAS COUNTY HEALTH DEPARTMENT.
- ELECTRICITY: SERVICE PROVIDED BY KAN VALLEY ELECTRIC AND/OR WESTAR. EASEMENTS TO BE DETERMINED.
- WATER: PROVIDED BY RURAL WATER DISTRICT #6; A PRIVATE WATER LINE SHALL BE EXTENDED INTO THE SITE PER RWD AGREEMENTS.

DRIVES AND PARKING INFORMATION:

5.1 MAIN DRIVES:	8" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3
5.2 ACCESS DRIVES:	6" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3
5.3 PARKING SURFACES:	5" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3
5.4 ADA PARKING SPACES:	5" CONCRETE PAVEMENT MINIMUM WITH A SUBGRADE OF 6" COMPACTED AB-3
5.5 WALKWAY AREAS:	4" CONCRETE PAVEMENT MINIMUM WITH COMPACTED SUBGRADE
5.6 PARKING REQUIREMENTS:	
USE:	SPACES REQ'D FOR: # REQ'D: # PROVIDED:
INDUSTRIAL ESTABLISHMENT/ WAREHOUSE	1 PER 2 EMPLOYEES ON MAXIMUM WORKING SHIFT 10 EMPLOYEES 35 150

LANDSCAPING NOTES:

SYM	DESCRIPTION	NUMBER	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
	ORNAMENTAL TREES	4	CLEVELAND SELECT PEAR KOUSA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD NORWAY MAPLE	PYRUS CALLERYANA 'CHANTELLEER' CORNUS KOUSA MALUS 'CORALBURST' CERCIS CANADENSIS ACER PLATANOIDES	1 1/2"-2" CAL	B 4 B
	SHADE TREES	12	NORTHERN RED OAK NORWAY MAPLE IMPERIAL HONEY LOCUST PACIFIC SUNSET MAPLE GOLDENRAINTREE DYNASTY ELM	QUERCUS RUPEA ACER PLATANOIDES 'SUPERFORM' GLEDISIA TRICANTHOS 'IMPERIAL' ACER TRUNCATUM X PLATANOIDES 'WARRENRED' KOELREUTERIA PANICULATA ULMUS PARVIFOLIA 'DYNASTY'	1 1/2"-2" CAL	B 4 B
	CONIFEROUS TREES	4	WHITE PINE BLUE SPRUCE	PINUS STROBUS PICEA PUNGENS	6'-8' HT.	B 4 B

- ALL DISTURBED AREAS WILL BE SEEDED, SODDED, OR PROVIDED WITH A GROUND COVER.
- ANY PART OF THE SITE PLAN AREA NOT USED FOR BUILDING, STRUCTURES, PARKING OR ACCESS WAYS SHALL BE LANDSCAPED WITH A MIXTURE OF GRASS (INCLUDING NATIVE GRASS, BROME OR OTHER EQUAL) TREES, AND SHRUBS.

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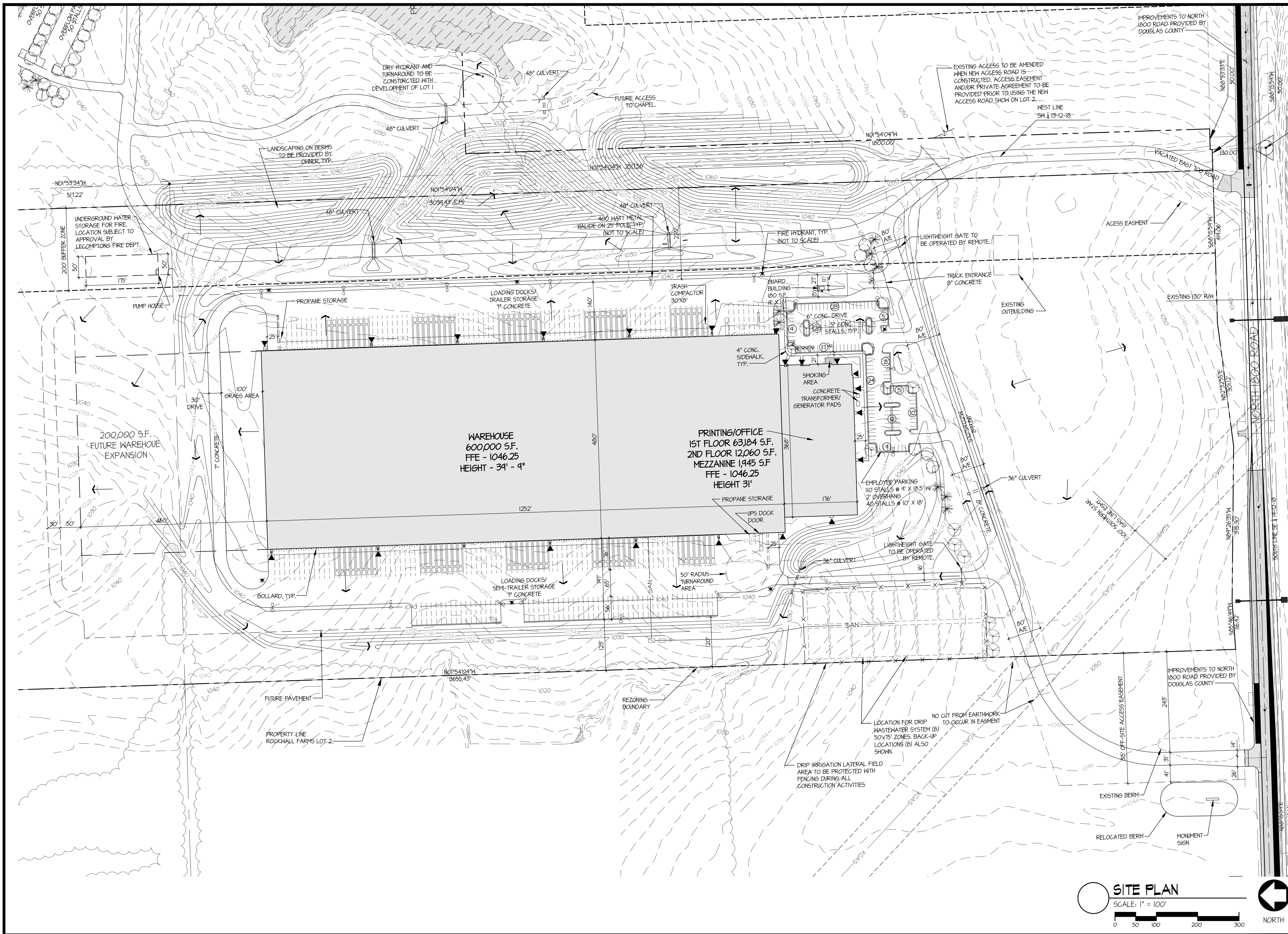
A SITE PLAN FOR
BERRY PLASTICS FACILITY
DOUGLAS COUNTY, KANSAS

PROJECT # 210-610

NOVEMBER 4, 2010

RELEASE: DATE:
1.0 11.4.10
2.0 12.8.10
3.0 1.24.10

SP-1



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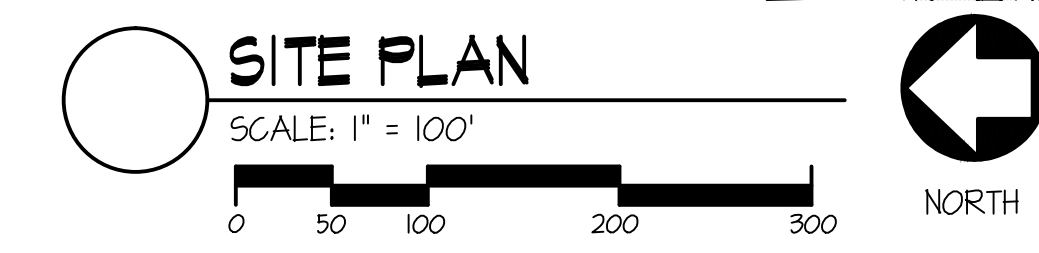
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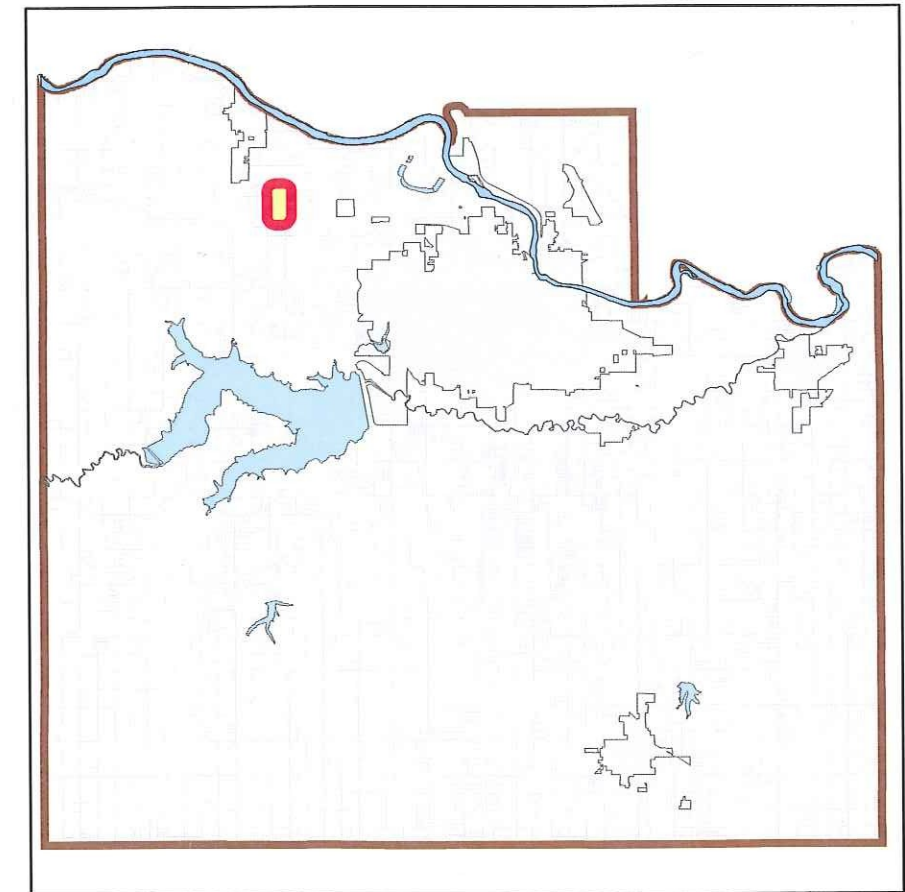
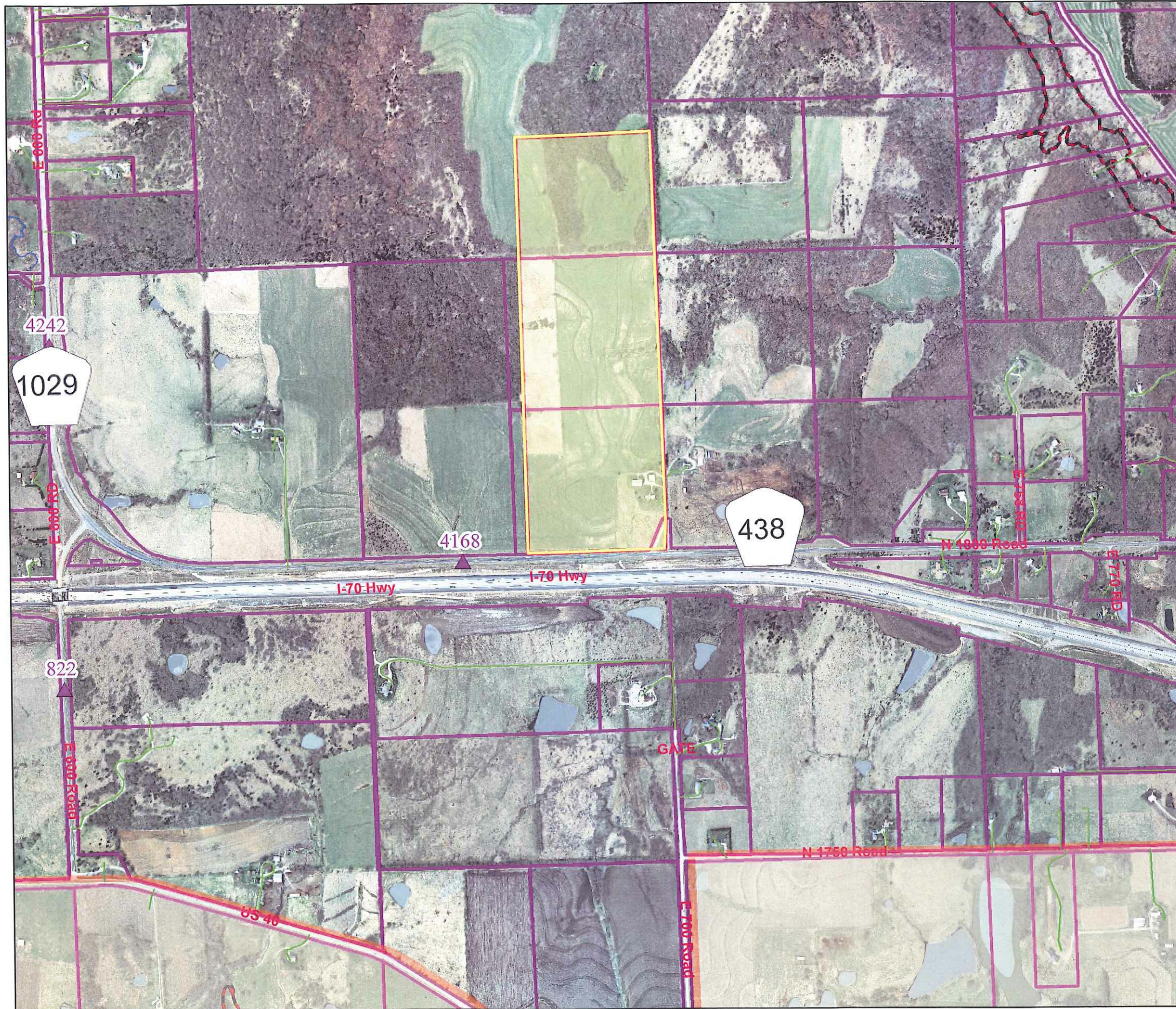
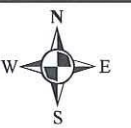
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This map was produced by Douglas County GIS.
It is for reference only and is not intended for conveyances, nor is it a legal survey.

SITE PLAN REVIEW
BOARD OF COUNTY COMMISSIONERS STAFF REPORT
February 2, 2011

A. SUMMARY

SP-11-57-10, a site plan for The Woods, a rural corporate retreat which includes a banquet facility and tavern which are classified as *Personal Services*; lodging which is classified as *Hotels, Motels, or Motor Hotels*; a conference center which is classified as an *Amusement Place*; as well as accessory sports fields and swimming pool which are classified as *Accessory Uses* on approximately 107 acres located northeast of the intersection of E 700 and N 1800 Roads. Submitted by Paul Werner Architects for Rockwall Farms, LC, property owner of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District [B-2 (General Business with conditions) zoning is pending the recording of the final plat]; woodland and agricultural land uses

Surrounding Zoning and Land Use: A (Agricultural) District to the north, east and south; established farms and rural residences with Interstate Highway 70 to the south.

I-2 (Light Industrial) District to the west; agricultural land with development proposal for warehouse facility.

Site Summary:

Gross Area: 107 acres: 58.99 acres Lot 1 Rockwall Farms Addition and 48.01 acres located within the surrounding buffer.

Proposed Building Coverage: 73,920 sq ft: Conference Center building one, 48,000 sq ft, and building two, 24,000 sq ft, plus 1,920 square feet of accessory storage buildings:

C. STAFF REVIEW

The subject property contains 58.99 acres being platted as Lot 1, Rockwall Farms Addition and approximately 48 acres of surrounding buffer area. The property is located northeast of the intersection of E 700 and N 1800 Roads. Portions of the property are heavily wooded with the remainder in agricultural production. The surrounding area is rural with predominately agricultural uses and rural residences. The applicant intends to construct a rural corporate retreat and plans to integrate the structures within the wooded areas. As this is a unique development which will incorporate the environmentally sensitive areas into the design, the Temporary Set Aside Agreement does not note the specific areas to be protected, but rather references the site plan, to

allow the applicant flexibility in locating the cabins and other features. The Temporary Set Aside agreement was drafted with a previously proposed preliminary plat for this property, but has not been recorded. This temporary set aside agreement shall be recorded prior to the recording of the final plat and the site plan should reference the agreement and the Book and Page Number. The plan should also identify the wooded areas which are being protected with this development.

Given the wooded nature of the property, open trash areas would attract wildlife; therefore, the trash receptacles will be completely enclosed.

The County Commission approved a concept plan with the rezoning for this property which showed a 300 ft buffer area. A revised concept plan was provided with the rezoning request for the property to the west, and as these two sites were being master planned together, the Commission approved a reduction in the buffer area along the west property line to 200 ft at their December 8th, 2010 meeting. As a portion of the access drive for the corporate retreat is located off-site, an agreement shall be executed for the maintenance and use of the access drive which shall be recorded with the Register of Deeds prior to the release of the site plan for building permits.

The chapel should be relocated to the platted lot. The larger parent parcel lost its vested right to a building permit when it is subdivided through the platting of Lot 1. Per Section 20-801(e) of the Subdivision Regulations, a parcel lawfully created within the A District prior to December 31, 2006 that has been maintained in individual ownership, may be used for residential purposes or for another use allowed within the A District without further review under the Subdivision Regulations until the parcel is further subdivided. The parcels containing Lot 1 are being subdivided with the Rockwall Farm Addition and the portion remaining outside of the platted property is no longer vested. In order to be eligible for a building permit, the remainder of the parcel to the south would need to be divided through a Certificate of Survey for residential purposes or through a plat for other uses permitted within the A District. (Figure 1)

D. Findings

Per Section 19A-5, staff shall first find that the following conditions have been met:

(a) That the proposed use is a permitted use in the district in which the property is located;

The subject property is zoned B-2 (General Business, with conditions) District, which permits limited commercial uses. Permitted uses within the B-2 Conditioned Zoning District are:

- a. Any use permitted in the "R-1" Single-Family Residential District.
- b. Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.
- c. Outdoor advertising structure, or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roofline. The permitted 30 square feet of sign

area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.

- d. Personal service uses including barber shops, beauty parlors, photographic or artists' studios, restaurants, (but not drive-in restaurants), taverns, and other personal service uses of a similar character.
- e. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- f. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters.
- g. Bowling alleys and billiard parlors.
- h. Hotels, motels, or motor hotels.
- i. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall or building. See Section 6-2(17) for height and location of sign requirements.
- j. Accessory buildings and uses.

The proposal includes a banquet facility with kitchen, and a tavern, these uses are classified as *Personal Services*; lodging will be provided cabins, which meet the definition of a *Motel*; lodging will also be provided within the conference center, this lodging would be similar to a *Hotel*; the conference center is similar to an auditorium which is classified as an *Amusement Place* and swimming pools and sports fields which are classified as *Accessory Uses*. The uses being proposed for Lot 1 are permitted uses within the B-2 District as conditioned. The site plan refers to the use as a 'country club', this should be revised to 'corporate retreat'.

(b) That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;

The buildings, off-street parking and accessory pool are all located toward the interior of the site. A 300 ft buffer area was approved by the County Commission with the approval of the concept plan with the rezoning request. The buffer area along the west side was later reduced to 200 ft when the County Commission approved a revised concept plan shown with the rezoning of the Berry Plastics facility to the west at their December 8th, 2010 meeting. Berms are proposed within the buffer area on the west and the western portion of Lot 1 to provide screening between the industrial and tourism uses. The arrangement of the site is compatible with adjacent land uses.

(c) That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;

The Douglas County Engineer required that either an access easement for the curved access at the south of The Woods property be provided or that the access drive be straightened onto the platted lot. An access easement for this portion of the drive is shown on the site plan. This easement should be dedicated by separate instrument and recorded prior to the release of the site plan for building permits. The County Engineer reviewed the Traffic Impact Study and recommended a right-turn lane for the Woods property. This lane will be added with the improvements to N 1800 Road. The site plan should show or note that this additional lane will be provided.

- (d) That the site plan provides for the safe movement of pedestrians within the site;**

A walkway has been provided from the parking areas to the country club, and the chapel. The ADA parking spaces have ramps to the sidewalk along the country club. The plan notes that compacted gravel is to be used for the ADA parking spaces.

- (e) That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, or accessways shall be landscaped with a mixture of grass, trees and shrubs;**

The parking areas and buildings are located to the interior of the site and the existing landscaping will buffer them from the adjacent properties. The site plan notes that all disturbed areas will be landscaped with a mixture of trees, ground cover and turf. The wooded areas that are to be undisturbed with the construction of this development must be noted on the plan. The Temporary Set Aside Agreement shall be recorded and the Book and Page Number noted on the final plat. The site plan should also reference that the wooded areas are protected as noted in the Temporary Set Aside Agreement and provide the Book and Page Number.

- (f) That all outdoor trash storage areas are screened;**

The trash storage area will be located near the facilities. The trash storage area must be shown on the plan. Screening is not necessary as the conference center is located within the interior of the site and the trash storage area will not be visible from any adjacent properties.

E. CONCLUSION

The proposed request, as conditioned, is generally consistent with the B-2 conditioned Zoning District. Staff recommends that Site Plan SP-11-57-10 for a rural corporate retreat and accessory sports field be approved subject to the following conditions:

1. The applicant shall submit 4 copies of a revised site plan with the following changes:
 - a. Revise General Note 1.8 to clarify that all wooded areas located beyond the 20 ft buffer surrounding improvements are the protected features referenced in the Temporary Set Aside Agreement.
 - b. Note the proposed use as a 'corporate retreat' rather than a 'country club'.
 - c. Add the following note to the plan: *"A permit for the sewage management system must be obtained before building permits may be issued. If the lagoon system is used, a Kansas Department of Health and Environment permit is necessary. If the drip irrigation system is utilized, a permit from the Lawrence-Douglas County Health Department must be obtained."*
 - d. Add the following note to the plan: *"The Board of County Commissioners approved a variance from the requirement to have an on-site sewage management system for platted lots [Section 20-811(d)] to permit the lot to have an off-site sewage management system subject to the condition that easements, or other mechanisms acceptable to the Health Department and County Counselor, for property containing the off-site sewage management system and its connection to the*

platted lot(s) shall be dedicated by separate instrument or recorded with the Register of Deeds."

- e. Show the trash storage area on the plan.
 - f. The chapel and associated parking shall be relocated to Lot 1, or removed from the plan, as the proposed location is on unplatted property and is located in the required buffer area.
 - g. The site plan shall contain the following note: "*Environmentally sensitive lands shall be protected as required in the Temporary Set Aside Agreement which was recorded at Book_____ Page _____.*"
 - h. Show or note the area that a right-turn lane will be added to N 1800 Road.
 - i. Note the Book and Page Number for the recorded easement or agreement for the off-site sewage management system and connection to Lot 1.
2. An agreement between Lots 1 and 2 which specifies the maintenance responsibilities and permits shared vehicular access to N 1800 Road should be executed and recorded with the Register of Deeds prior to the site plan being released for building permits.
 3. If exterior lighting is proposed, the site plan must be revised to show the location of all exterior lighting.
 4. Permits shall be obtained for the off-site sewage management system prior to the release of building permits.
 5. The access easement for the Lot 1 access drive which is located on Lot 2 shall be dedicated by separate instrument and recorded with the Register of Deeds prior to the site plan being released for building permits.
 6. The final plat for Rockwall Farms Addition shall be recorded prior to the release of the site plan for building permits.

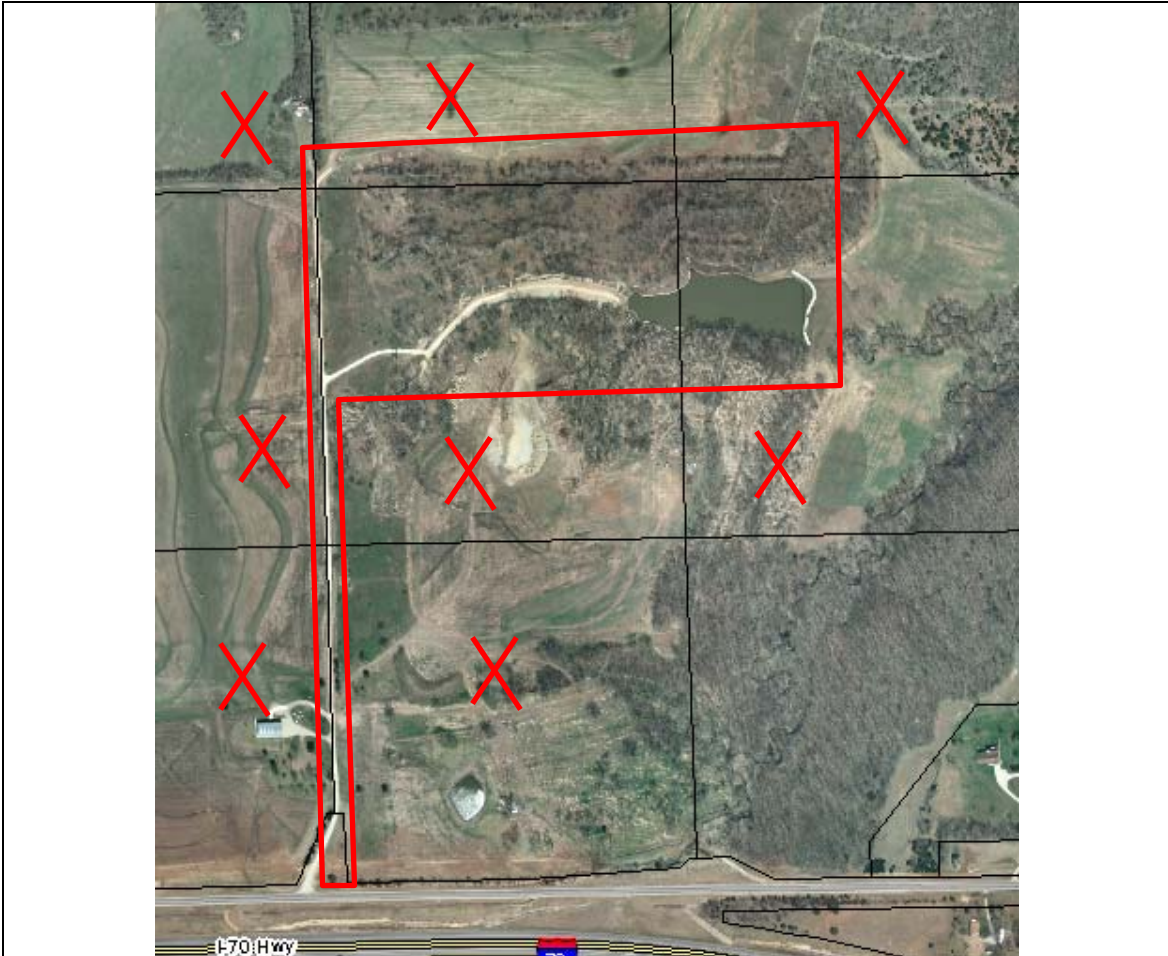
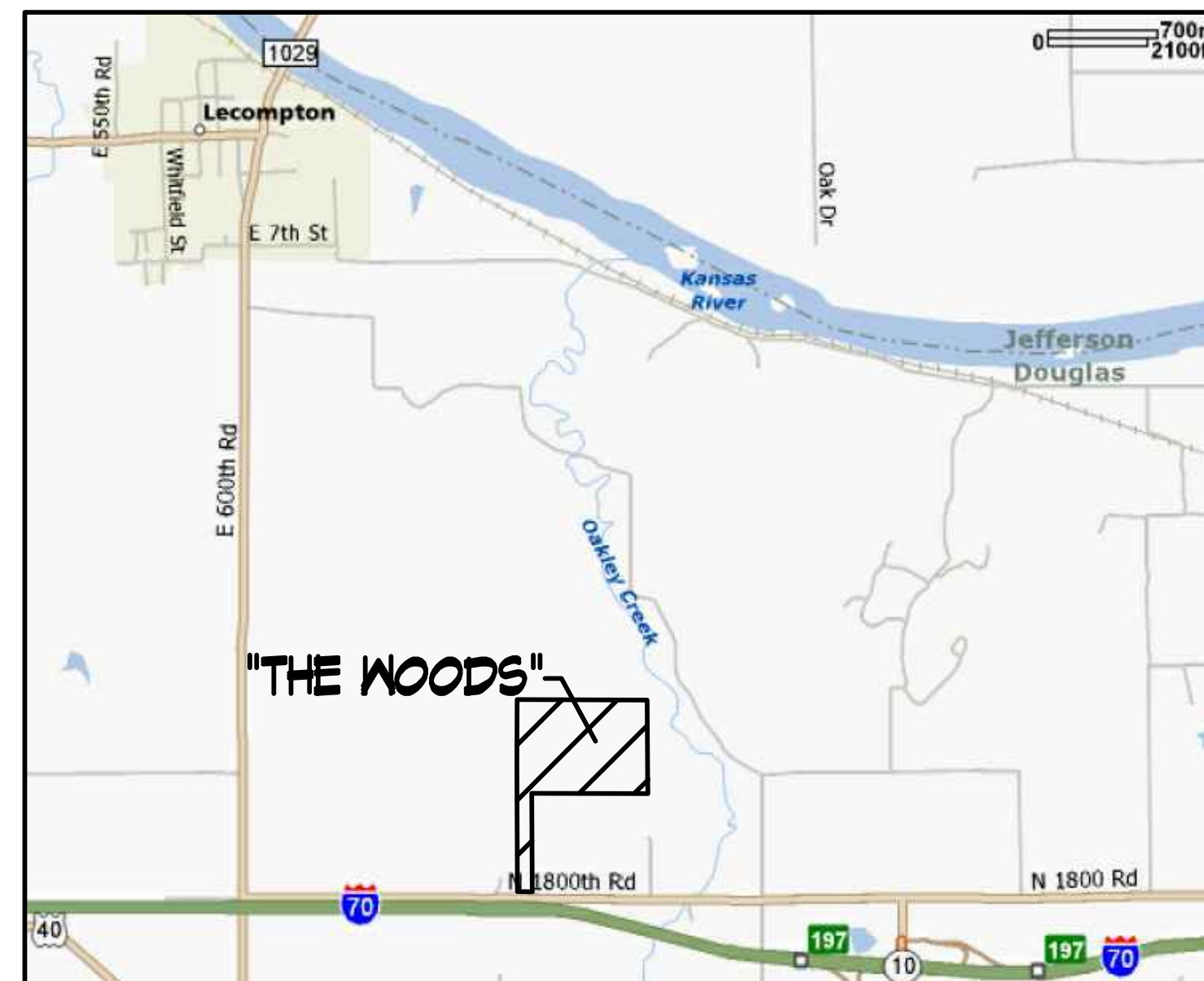
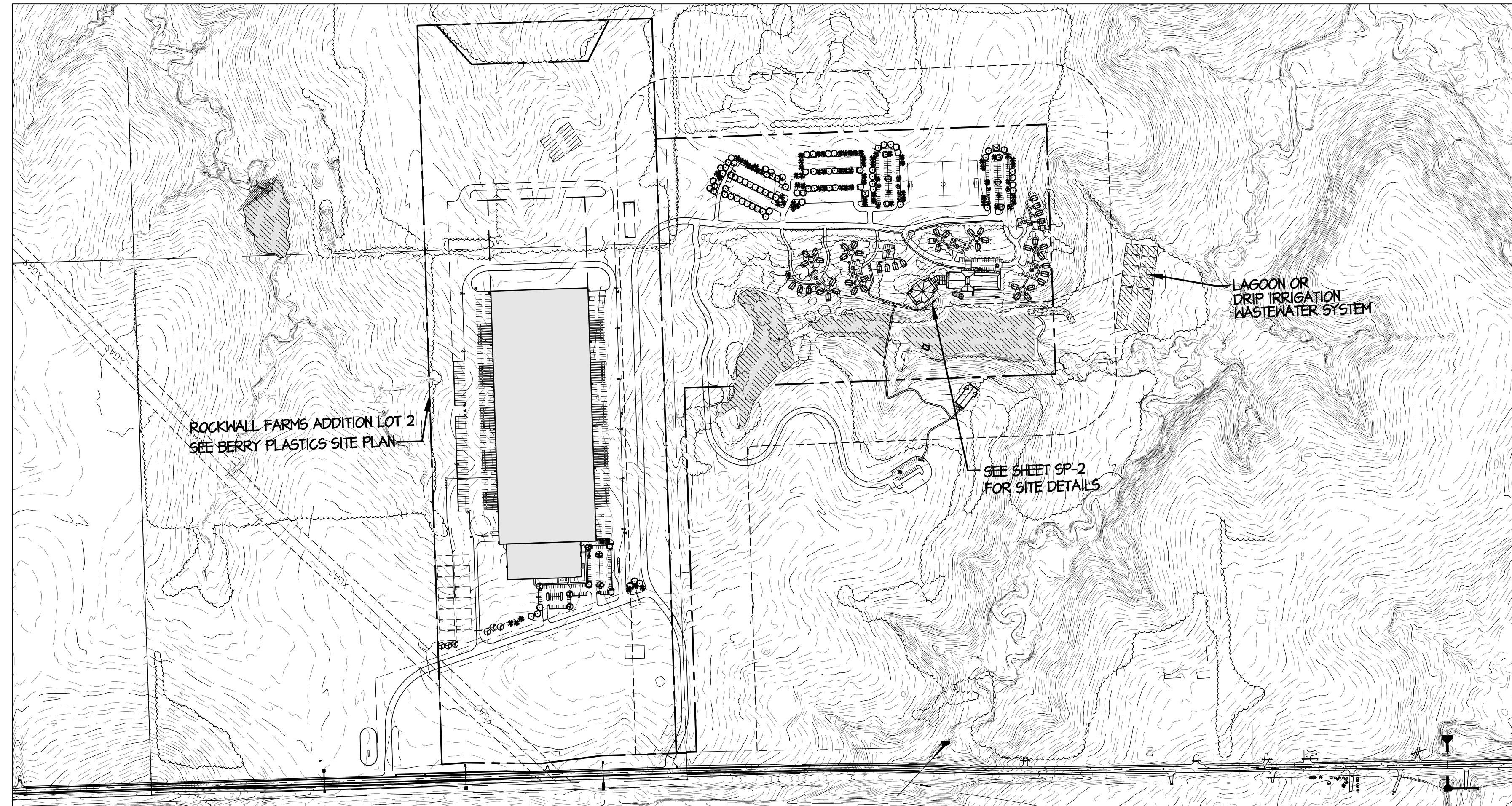


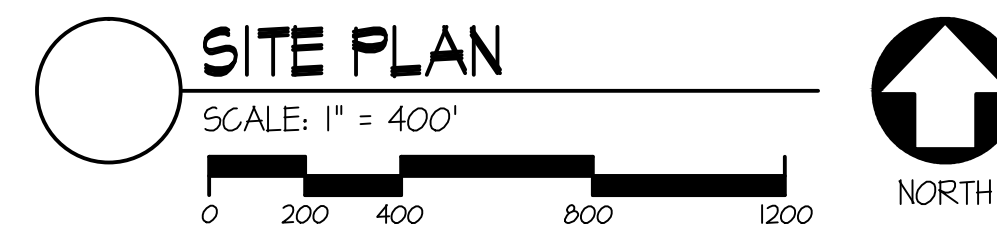
Figure x. Map with *general* plat location showing the remaining parcels which are no longer vested. (X). Platting or division through a Certificate of Survey is necessary before a building permit may be obtained for these remaining parcels.

THE WOODS AT ROCKWALL FARMS

A CORPORATE RETREAT



LOCATION MAP



LANDSCAPING NOTES:

SYM.	DESCRIPTION	NUMBER	APPROVED TYPES	BOTANICAL NAMES	SIZE	COND.
○	ORNAMENTAL TREES	51	CLEVELAND SELECT PEAR KOLGA DOGWOOD CORAL BURST CRABAPPLE EASTERN REDBUD NORWAY MAPLE	PYRUS CALLERYANA 'CHANTELIERE' CORNUS KOLGA MALUS 'CORALBURST' CERCIS CANADENSIS ACER PLATANOIDES	1 1/2"-2" CAL.	B & B
✱	CONIFEROUS TREES	50	WHITE PINE BLUE SPRUCE	PINUS STROBUS PICEA PUNGENS	6'-8' HT.	B & B
○	DECIDUOUS SHRUBS	4	DWARF JAPANESE BARBERRY LEATHERLEAF VIBURNUM BEAUTY BUSH DWARF KOREAN LILAC	BERBERIS THUNBERGII 'CRIMSON PYGMY' VIBURNUM RHYTIDOPHYLLUM KOLKATZIA AMABILIS SYRINGA MEYERI 'PALIBIN'	18"-24" HT.	CONT.
✱	EVERGREEN SHRUBS	8	CARMEL CREEPER CREEPING ROSEMARY BLUE PFIZER JUNIPER BAR HARBOR JUNIPER CREEPER ENGLISH YEW	CAENOTHUS GRISEUS HORIZONTALIS ROSEMARY PROSTRATUS JUNIPERUS CHINENSIS 'FITZGERIANA GLAUCA' JUNIPERUS HORIZONTALIS 'BAR HARBOR' TAXUS BACCATA	24"-36" HT.	CONT.
6.1	ALL DISTURBED AREAS WILL BE SEEDED, SODDED, OR PROVIDED WITH A GROUND COVER.					
6.2	ANY DISTURBED PART OF THE SITE PLAN AREA NOT USED FOR BUILDING, STRUCTURE, PARKING OR ACCESS WAYS SHALL BE LANDSCAPED WITH A MIXTURE OF GRASS (INCLUDING NATIVE GRASS, BROME OR APPROVED EQUAL), TREES, AND SHRUBS, EXCEPT WHERE THIS MAY BE PROHIBITED BY A TEMPORARY SET ASIDE AGREEMENT.					
6.3	BERM AT MAIN ENTRANCE TO PROPERTY SHALL BE AT LEAST 250 FEET LONG AND MIN. 3 FEET HIGH WITH ADEQUATE LANDSCAPING TO PREVENT VEHICLE HEADLIGHTS FROM BEING SEEN ON NEST ADJACENT PROPERTY.					

LEGAL DESCRIPTION

LOT 1, ROCKWALL FARMS ADDITION, NORTH 1/2 OF THE WEST 1/2 OF THE SOUTH WEST 1/4 AND THAT PORTION OF THE EAST ONE HALF OF VACATED EAST 100 RD ADJACENT TO SAID TRACT, AND THE NORTH 1/2 OF THE EAST 1/2 OF THE SOUTH WEST 1/4, DOUGLAS COUNTY, KANSAS, CONTAINS 101.34 ACRES MORE OR LESS IN SECTION 13, TOWNSHIP 12, RANGE 18 EAST.

GENERAL NOTES:

- ACCESSORY IDENTIFICATION SIGN TO BE INSTALLED PER DOUGLAS COUNTY ZONING REGULATIONS SECTION 12-310-204. SIGN LOCATION TO BE COORDINATED WITH THE COUNTY.
- NO PROPOSED PARKING LOT LIGHTS AT THIS TIME. PARKING LOT LIGHTS MAY BE INSTALLED IN THE FUTURE PER COUNTY CODE.
- SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH THE MINIMUM PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28CFR PART 36.
- IF WOODED AREAS ARE DAMAGED TO THE POINT WHERE THEY DO NOT PROVIDE A VIEW REDUCING SCREEN, THE APPLICANT WILL PROVIDE A REVISED SITE PLAN WITH ADDITIONAL VIEW REDUCING SCREENING PER APPROVAL OF THE LAWRENCE-DOUGLAS COUNTY PLANNING OFFICE.
- TRASH RECEPTACLES WILL BE LOCATED NEAR THE FACILITIES. EXISTING VEGETATION SHOULD BE SUFFICIENT TO SCREEN THE ENCLOSURES FROM HIGHWAY AND ADJACENT PROPERTY VIEW.
- TRASH AREAS WILL BE ENCLOSED TO PROTECT WILDLIFE.
- IF ANY EXTERIOR LIGHTING IS PROPOSED A PHOTOMETRIC PLAN WILL BE PROVIDED.
- EXISTING VEGETATION MORE THAN 20 FEET BEYOND THE PROPOSED IMPROVEMENTS SHALL BE PROTECTED FROM ALL CONSTRUCTION ACTIVITIES.
- HUNTING IS PROHIBITED ON LOTS 1 AND 2 IN ROCKWALL FARMS ADDITION.

PROPERTY INFORMATION:

- LOCATION: DOUGLAS COUNTY; LECOMPTON TOWNSHIP, NE OF N 1800 RD & E 600 RD
- CURRENT ZONING: 'B-2 WITH CONDITIONS'; GENERAL BUSINESS DISTRICT
- LAND AREA: +/- 58.940 ACRES (2,570,342.88 SF)

ALLOWED USES: PER SITE PLANNING

- THE FOLLOWING IS A LIST OF ALLOWED USES PER THE CONDITIONAL ZONING REGULATIONS FOR THIS SITE:
 - ANY USE PERMITTED IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
 - HOSPITAL OR CLINIC FOR LARGE OR SMALL ANIMALS
 - OUTDOOR ADVERTISING STRUCTURE
 - PERSONAL SERVICE USES INCLUDING BARBER SHOPS, BEAUTY PARLOR, PHOTOGRAPHIC OR ARTISTS' STUDIOS, RESTAURANTS, (NOT DRIVE-IN RESTAURANTS), TAVERNS, AND OTHER PERSONAL SERVICE USES OF SIMILAR CHARACTER
 - RETAIL STORES, INCLUDING FLORIST SHOPS AND GREEN HOUSES IN CONNECTION WITH SUCH SHOPS,
 - ACCESSORY IDENTIFICATION SIGN
 - AMUSEMENT PLACE, SKATING RINK, SWIMMING POOL, OR DANCE HALL IN A COMPLETELY ENCLOSED BUILDING, AUDITORIUM OR THEATER, EXCEPT OPEN-AIR DRIVE-IN THEATERS.
 - BOWLING ALLEYS AND BILLIARD PARLORS
 - HOTELS, MOTELS, OR MOTOR HOTELS
 - ACCESSORY BUILDINGS AND USES

UTILITY INFORMATION:

- GAS: GAS SERVICE SHALL BE PROPANE OR NATURAL GAS PROVIDED BY ATMOS ENERGY.
- SANITATION: THE DEVELOPMENT MAY USE A DRIP IRRIGATION SYSTEM PER DOUGLAS COUNTY HEALTH DEPARTMENT APPROVAL. A PERMIT FROM THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT MUST BE OBTAINED PRIOR TO THE RELEASE OF A BUILDING PERMIT. A LAGOON MAY BE INSTALLED IN LIEU OF A DRIP IRRIGATION SYSTEM PER APPROVAL KDCHE. A PERMIT FROM KDCHE MUST BE OBTAINED PRIOR TO THE RELEASE OF BUILDING PERMIT.
- ELECTRICITY: SERVICE PROVIDED BY KAN VALLEY ELECTRIC; EASEMENTS TO BE DETERMINED IF NECESSARY.
- WATER: PROVIDED BY RURAL WATER DISTRICT #6; A PRIVATE 1-1/2" WATER LINE SHALL BE EXTENDED INTO THE SITE TO PROVIDE WATER SERVICE NOT EXCEEDING 25 GPM CAPACITY. THE DEVELOPMENT WILL USE THE CURRENT WATER METER UNTIL THE DEMAND EXCEEDS AN AVERAGE OF 10,000 GAL/MONTH OVER A 6 MONTH PERIOD.

DRIVES AND PARKING INFORMATION:

- MAIN DRIVES: CHIP AND SEAL SURFACING - MIN. WITH COMPACTED SUBGRADE
- ACCESS DRIVES: 6" COMPACTED GRAVEL - MIN. WITH COMPACTED SUBGRADE
- PARKING SURFACES: 6" COMPACTED GRAVEL W/ COMPACTED SUBGRADE; OVERFLOW PARKING - GRADED GRASS PARKING AREA - MIN.
- ADA PARKING SPACES: 4" CONCRETE PAVEMENT WITH 6" COMPACTED GRAVEL SUBGRADE
- WALKWAY AREAS: 4" COMPACTED FINE GRAVEL - MIN. WITH COMPACTED SUBGRADE
- PARKING REQUIREMENTS:

USE:	SPACES REQ'D FOR:	# REQUIRED:
CHAPEL	1 PER 5 SEATS	150 SEATES
COUNTRY CLUB	1 PER 5 MEMBERS	100 MEMBERS
GUEST ROOMS	1 PER 2 GUEST ROOMS	60 SLEEPING ROOMS
SWIMMING POOL	ACCESSORY USE	NONE
CABINS (1 BDRM)	1 PER SLEEPING ROOM	41 SLEEPING ROOMS
AUDITORIUM	1 PER 5 SEATS	150 SEATS
RESTAURANT	1 PER 100 SQUARE FEET	5,000 SF.
		TOTAL =
		207

5.7 PARKING PROVIDED: 321 STALLS (INCLUDING 18 ADA STALLS)
248 OVERFLOW SPACES

OVERFLOW PARKING SHALL BE PROVIDED IN AREAS AS SHOWN ON PLAN. NOT ALL FACILITIES WILL BE OCCUPIED SIMULTANEOUSLY, PROVIDED PARKING IS ADEQUATE FOR DESIGNED FUNCTIONAL OFFSET USES OF PROPERTIES PROPOSED ON SITE.

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SUITE 300
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BUILDER:
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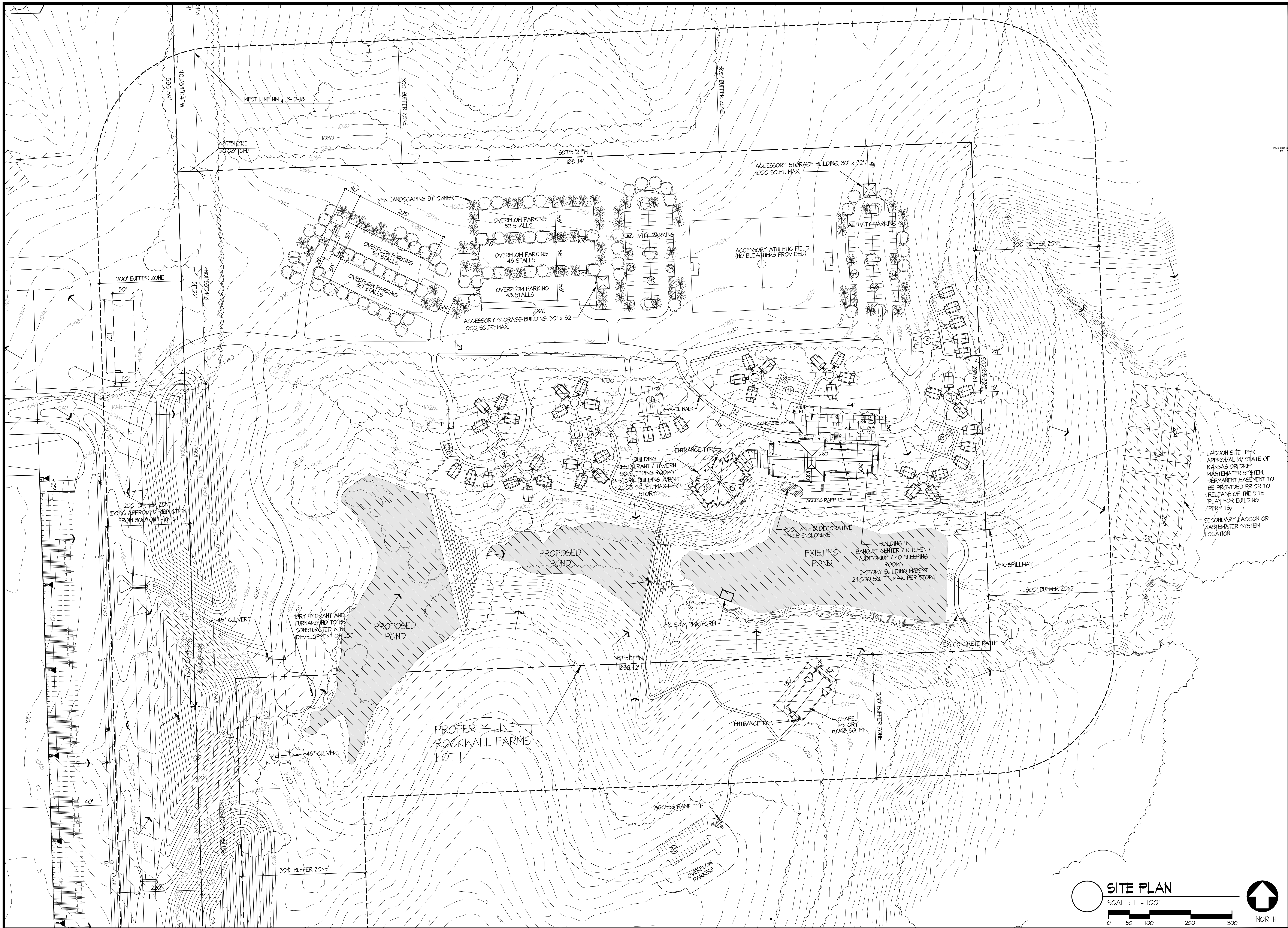
A SITE PLAN FOR
"THE WOODS"
A CORPORATE RETREAT
DOUGLAS COUNTY, KANSAS

PROJECT # 26515

NOVEMBER 2, 2010

RELEASE: 1.0 DATE: 11.2.10
2.0 DATE: 12.17.10
3.0 DATE: 1.24.10

SP-1



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LAGOON SITE PER
APPROVAL W/ STATE OF
KANSAS OR DRIP
WASTEWATER SYSTEM.
PERMANENT EASEMENT TO
BE PROVIDED PRIOR TO
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PLAN FOR BUILDING
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SECONDARY LAGOON OR
WASTEWATER SYSTEM
LOCATION.

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