

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, FEBRUARY 15, 2012

6:35 p.m.

### CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;  
(b) Approval of applications for authorized emergency vehicle permits for John E. Steele, Jr.; Duane B. Filkins, and Robert O. Rombach all for the Kanwaka Fire Department; and H. Wayne Riley, William M. Shockley and Jonathan A. Morris for the Lecompton Fire/EMS. (Sheriff's Office);  
(c) Consider approval to Solicit bids for supply of asphaltic concrete (Keith Browning); and  
(d) Acknowledge fee reports for November and December 2011 (Clerk's Office)

### REGULAR AGENDA

- (2) Consider proposal from Tenants to Homeowners for use of land located next United Way Center (Rebecca Buford, TTH Executive Director)
- (3) **-CUP-11-7-11:** Consider a revised Conditional Use Permit for Fred's Boat Storage, located at 568 North 1800 Road. The request amends CUP-8-7-06 to specifically include the covered storage of recreational vehicles, trailers and campers, as well as boats as currently permitted. Submitted by George Roll, Property owner of record. (PC Agenda Item 1; approved 9-0 on 1/23/12) Mary Miller will present the item.
- (4) **-CUP-11-6-11:** Consider a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N1100 and N1000 Roads. The property address is 1297 N 1056 Road. The applicant proposes to sell soil for the nearby US 59 construction project. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record. (PC Item 9; approved 7-0 on 1/25/12) Mary Miller will present the item.
- (5) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments:
  - (c) Public Comment
  - (d) Miscellaneous
- (6) Adjourn

## WEDNESDAY, FEBRUARY 22, 2012

**4:00 p.m.**

Consent: Consider acquisition of Right-of-way for two culverts at N1250 Road intersection with E300 Road and E350 Road (Michael Kelly)

**4:10 pm.**

-Kansas Regional Mutual Aid System training (Teri Smith)

(Ida Kirmse, State & Local Emergency Management Consultants will provide an overview to acquaint local elected and appointed officials with the concepts and tools contained in the newly-developed Kansas Regional Integrated Coordination Plan (KRICP) and the associated Kansas Regional Mutual Aid System (KARMAS). This orientation allows **senior officials** to ask questions and become familiar with this exciting new system, developed under a Homeland Security grant for voluntary use by any agency or jurisdiction within the Northeast and South Central HS Regions.)

**WEDNESDAY, FEBRUARY 29, 2012**

**WEDNESDAY, APRIL 18, 2012** - 4:00 p.m. Only

**WEDNESDAY, JULY 11, 2012** 4:00 p.m. – Cancelled; 6:35 p.m. – Tentatively Cancelled

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

Name: John E Steele Jr.

Street Address: 517 N<sup>c</sup> 1663 RD Phone # (785) 766-3541

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

Make of Vehicle: Chevy 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 <sup>F08-16 m</sup> ~~000000~~  
 \*\*Attach copy of insurance card.

Agency: Kanwaka Fire Dept.

Agency Address: 548 N 1700 RD Law, KS 66049

Agency Head 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 of Applicant

1/2/12  
 Date

Kenneth M. McGovern, Sheriff

2/7/2012 0008  
 Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



**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 #: 2881832-E25-161  
 \*\*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.

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

1/22/12  
 Date

2/7/2012 009  
 Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 S:Forms:emergency vehicle permit authorization



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: DUANE B. FIKINS

Street Address: 327 EISENHOWER DR. Phone # (785) 266-5094

City: LAWRENCE State: Ks. Zip Code: 66049 County: DG

Make of Vehicle: HONDA Year of Vehicle: ~~2007~~ 2008

Style of Vehicle: CIVIC EXL 4-DR. License Tag #: Ks. FF-613

VIN #: 1HGF16998L075228 Driver's License #: K02-54-4317

Vehicle Insurance Company Name: ALLSTATE Policy #: 1 10 291480 04/05  
\*\*Attach copy of insurance card.

Agency: KANWAKA Fire DEPARTMENT

Agency Address: 548 N1700 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

[Signature]  
Kenneth M. McGovern, Sheriff

13-jan-12  
Date

2/7/2012 007  
Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



DOUGLAS COUNTY

APPLICATION FOR AN AUTHORIZED EMERGENCY VEHICLE PERMIT

Please type or print the following information:

Check One:  New  Annual Renewal #010  
(If renewal, attach old permit. Must be renewed annually by January 31.)

Name: ROBERT O. ROMBACH

Street Address: 629 N 1500 Rd Phone # 785 393 9224

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

Make of Vehicle: CHEV CAMARO Year of Vehicle: 2011

Style of Vehicle: CAMARO License Tag #: 5167

VIN #: ZG1FF1ED6B9120445 Driver's License #: K01 30 5659

Vehicle Insurance Company Name: STATE FARM Policy #: \_\_\_\_\_  
\*\*Attach copy of insurance card.

Agency: KANWAKA FIRE DEPARTMENT

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  
[Signature]  
Kenneth M. McGovern, Sheriff

1/19/2012  
Date  
2/8/2010  
Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



**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: H. Wayne Riley

Street Address: P.O. Box 154 Phone # (785) 887-6221

City: Lecompton State: KS Zip Code: 66290 County: PG

Make of Vehicle: Ford Year of Vehicle: 2011

Style of Vehicle: Ranger P/U License Tag #: Fire Fighter Tag 5118

VIN #: 1FTNR4EE9BPA63943 Driver's License #: KS01-51-5043

Vehicle Insurance Company Name: State Farm Policy #: 280-6447-F14-160  
 \*\*Attach copy of insurance card.

**LECOMPTON FIRE/EMS**  
**P. O. BOX 154**  
**LECOMPTON, KS 66050**

Agency: \_\_\_\_\_

Agency Address: \_\_\_\_\_

Agency Head Signature: H. Wayne Riley, FIRE/EMS 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".

H. Wayne Riley  
 Signature of Applicant  
Kenneth M. McGovern  
 Kenneth M. McGovern, Sheriff

12-7-2011 Date  
2/7/2012 Date 015 Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.



**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: GMC Year of Vehicle: 1984

Style of Vehicle: FIAT BED 4x4 License Tag #: K B Ø W D W

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

Vehicle Insurance Company Name: KEY INSURANCE COMPANY Policy #: KK50728657  
 \*\*Attach copy of insurance card.

**LECOMPTON FIRE/EMS**  
**P. O. BOX 154**  
**LECOMPTON, KS 66050**

Agency: \_\_\_\_\_

Agency Address: \_\_\_\_\_

Agency Head Signature: H. Wayne Riley, FIRE/EMS 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".

William M. Shockley  
 Signature of Applicant

Kenneth M. McGovern  
 Kenneth M. McGovern, Sheriff

1-14-2012  
 Date  
2/7/2012 005  
 Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.





**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: Serathan A Morris

Street Address: 225 N Minnesota Phone # (785) 217-7709

City: Lawrence State: KS Zip Code: 66044 County: DG

Make of Vehicle: Dodge Year of Vehicle: 85

Style of Vehicle: D-150 License Tag #: 7641

VIN #: 1B76D14T4F5502343 Driver's License #: K01-61-2102

Vehicle Insurance Company Name: Shelter Ins. Policy #: 15-1-6122937-9  
 \*\*Attach copy of insurance card.

**LECOMPTON FIRE/EMS  
P. O. BOX 154  
LECOMPTON, KS 66050**

Agency: \_\_\_\_\_

Agency Address: \_\_\_\_\_

Agency Head Signature: H. Wayne Riley FIRE/EMS 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

[Signature]  
Kenneth M. McGovern, Sheriff

12-18-11  
Date

2/7/2012 013  
Date Permit #

Authorization granted by County Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

## MEMORANDUM

To : Board of County Commissioners

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

Date : February 6, 2012

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

Public Works department requests BOCC approval to solicit bids for asphaltic concrete material supply for the 2012 maintenance season. Road & Bridge Fund 201 has \$500,000 allocated in the BM-2 line item.

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

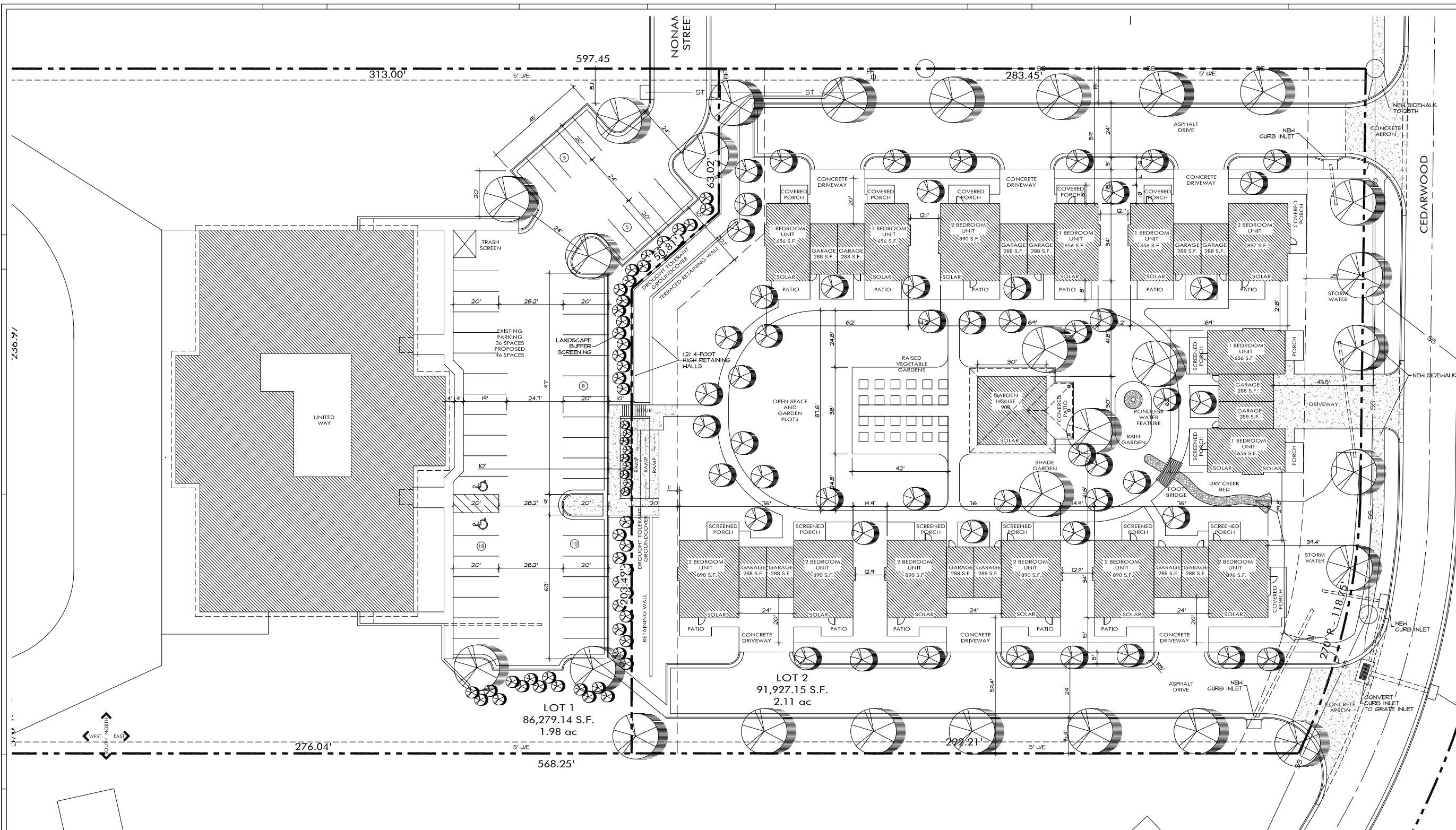
We plan to open bids in mid March. Contracts will be presented to the BOCC for approval thereafter.

Action Required: Consent Agenda approval to solicit bids for supply of asphaltic concrete mix for the 2012 maintenance season.









**TTH - ACTIVE SENIOR HOUSING**  
**UNITED WAY LOT**  
**LAWRENCE, KANSAS**

**Hernly**  
**ASSOCIATES**

920 Massachusetts  
 Lawrence, Kansas  
 66044  
 785 - 749 - 5806  
 FAX 785 - 749 - 1515

**SITE OPTIONS**

Date: 10/21/11  
 Drawn by: HMYERS  
 Checked by:  
 Revisions:

**1 PRELIMINARY SITE PLAN**  
 1" = 20'-0"

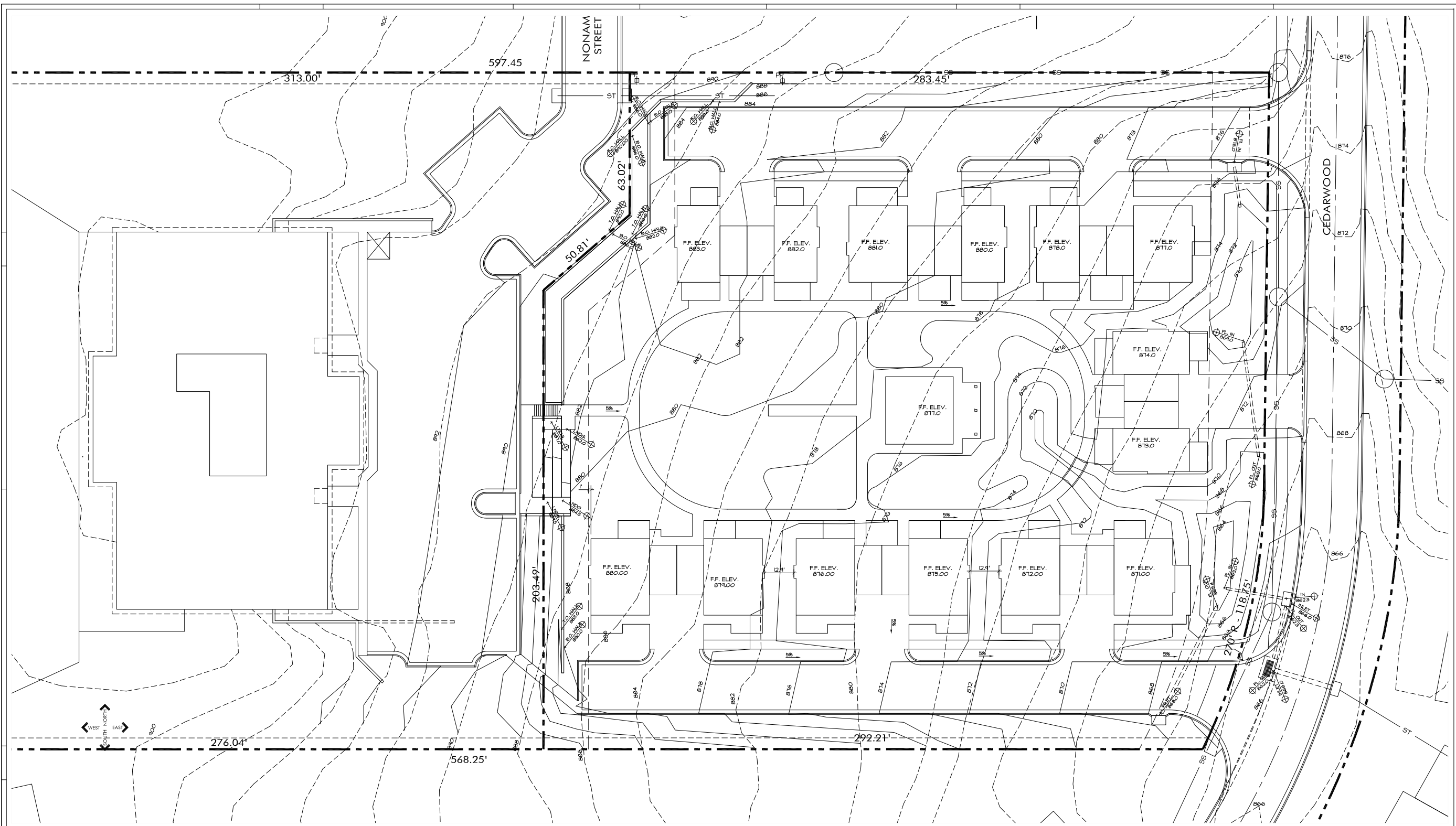
EXISTING SITE AREA	=	4.10 ACRES
PROPOSED LOT 1	=	1.98 ACRES
PROPOSED LOT 2	=	2.11 ACRES
LOT 1 USE - COMMUNITY OFFICES - EXISTING		
LOT 2 USE - ACTIVE SENIOR RENTAL HOUSING		

<b>LOT 2 PRELIMINARY SITE DATA</b>	
SITE AREA	91,927 S.F. = 2.11 AC
EIGHT 2-BEDROOM DUPLEX UNITS	16 BEDROOMS
SIX 1-BEDROOM DUPLEX UNITS	6 BEDROOMS
TOTAL	14 UNITS - 22 BEDROOMS:
DWELLING BUILDING COVERAGE:	15,088 S.F.
PORCHES AND OTHER STRUCTURES	2,532 S.F.
TOTAL BUILDINGS	17,620 S.F.
TOTAL PAVEMENT	27,866 S.F.

TOTAL IMPERVIOUS COVERAGE	45,486 S.F.
TOTAL OPEN SPACE	46,441 S.F.
PERCENT BUILDING COVERAGE	19.2%
PERCENT PAVEMENT COVERAGE	30.3%
TOTAL PERCENT OPEN	50.5%
TOTAL PERCENT IMPERVIOUS	49.5%

**SITE DATA**

**C1.0**



**1 PRELIMINARY SITE GRADING PLAN**

1" = 20'-0"

**TTH - ACTIVE SENIOR HOUSING**  
 UNITED WAY LOT  
 LAWRENCE, KANSAS

**Hernly ASSOCIATES**

920 Massachusetts  
 Lawrence, Kansas  
 66044  
 785 - 749 - 5806  
 FAX 785 - 749 - 1515

SITE GRADING

Date: 12/22/11  
 Drawn by: MYERS  
 Checked by:  
 Revisions:

**C1.1**

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**  
**Joint Hearing with Lecompton Planning Commission**

PC Staff Report  
01/23/12

**ITEM NO. 1 : REVISED CONDITIONAL USE PERMIT FOR FRED'S BOAT STORAGE; 568 NORTH 1800 ROAD (MKM)**

**CUP-11-7-11:** Consider a revised Conditional Use Permit for Fred's Boat Storage, located at 568 North 1800 Road. The request amends CUP-8-7-06 to specifically include the covered storage of recreational vehicles, trailers and campers, as well as boats as currently permitted. Submitted by George Roll, property owner of record. *Joint meeting with Lecompton Planning Commission.*

**STAFF RECOMMENDATION:** Staff recommends approval of the revised Conditional Use Permit for the storage facility subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
  - a. Note 'a' revised to read: "All boat, RV, trailer and camper storage must be stored entirely inside the buildings."
  - b. Note 'c' revised to read: "Conditional use Permit (CUP-11-7-11) replaces the previous permit (CUP-08-07-06) and will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan."
  - c. Note 'd' revised to read: "Screening from the adjacent public road shall be provided by four evergreen trees on approximately 30 ft centers south of the storage facility."
  - d. The approximate location of the 4 trees shall be shown on the plan.

**Reason for Request:** *"To amend CUP to allow storage (covered) of RVs, trailers, campers as well as boats."*

**KEY POINTS**

- § Per Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County, *boat storage* is a use which may be approved as a Conditional Use. The Regulations do not specifically mention the storage of RVs. The Planning Director and Director of Zoning and Codes determined that the storage of RVs would be similar to the storage of boats, and made the interpretation that the enumerated use in Section 12-319-4.23 of the Zoning Regulations of 'Boat Storage' would include the storage of other recreational vehicles such as trailers, campers, pop-up tents, etc. However, as the applicant's CUP was specifically for the storage of boats, a revised CUP to include RV storage was necessary.
- § The term RV storage includes the storage of trailers, campers, and other recreational vehicles.
- § This Conditional Use Permit replaces the previous permit [CUP-08-07-06] and will be administratively reviewed in 5 years from the approval date and will expire in 10 years from the approval date. Continuation of the use beyond that date will require rezoning or approval of a new CUP.

**DESCRIPTION OF USE**

The subject property, 568 N 1800 Road, contains a residence, barn and 2 pole sheds which are used for boat storage. The applicant has allowed customers to also store RVs, such as trailers and campers, in this facility. After being notified by the County Zoning and Codes Office that the storage of RVs was in violation of the conditions of the approved Conditional Use Permit (CUP-08-07-06), the applicant submitted this application for an amended Conditional Use Permit to bring the



property into compliance.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Board of County Commissioners approval of the revised Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

**PUBLIC COMMENT**

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

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural); residence and boat storage facility.

Surrounding Zoning and Land Use: A (County Agricultural District) in all directions. Existing rural residential homes, wooded areas and agricultural uses. I-70 Turnpike right-of-way abuts the south property line and a commercial dog kennel is located on the property to the east.

<b>Site Summary:</b>	
Subject Property:	10.27 acres
Proposed Buildings:	Two pole sheds currently house the storage. No new buildings are being proposed.

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

The subject property is located in Section 15, Township 12 S, Range 18 E of Douglas County (568 N 1800 Road) and is within 3 miles of Lecompton city limits. Agricultural zoning and related land uses surround subject property. KTA right-of-way for the I-70 Turnpike abuts the property on the south and the property to the east contains a commercial dog kennel. The surrounding area is zoned for agricultural use and includes primarily agricultural and rural residential uses.

**Staff Finding** – Nearby properties are zoned agricultural and contain agricultural and residential land uses as well as an interstate highway. A commercial dog kennel is located on the property to the east.

**II. CHARACTER OF THE AREA**

The subject property is approximately 10.39 acres in size, and slopes gently from the south to the north placing the buildings at a higher grade than the road. According to the 2010 FEMA Floodplain map, the property is not within any floodplain or flood hazard area. The property is developed with a residence, a barn and two 60' x 120' boat storage buildings. The buildings are set back over 600 ft from N 1800 Road.

The surrounding area is agricultural with rural residential uses. There are some commercial/industrial land uses in the area with a commercial dog kennel on the property to the east and 2 properties further east on N 1800 Road have recently been rezoned and have received site plan approval for development of a Berry Plastics Warehouse and The Woods, a corporate retreat. N 1800 Road to the east has recently been improved by the County and is classified as a 'principal arterial'; however, west of the E 600 Road intersection N 1800 is a local road and extends only to the access point of the property to the west of the subject property. (Figure 1)

**Staff Finding** – This agricultural area is characterized by its close proximity to the city of Lecompton and the major transportation network. It is in close proximity to the improved principal arterial; N 1800 Road and Interstate 70 is adjacent to the subject property. Some development is occurring in the area, with the Barry Plastics warehouse and the proposed Woods Corporate Retreat both on N 1800 Road.

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

Applicant's response:

*"It is strategically located between Clinton and Perry Lakes."*

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

**Staff Finding** – A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered. The property has been developed with structures for covered storage and is well suited for the uses to which it has been restricted, as well as the proposed addition of *RV Storage*.

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

**Staff Finding** – The property is not vacant. It is developed with a residence, barn, and pole sheds that are used for covered boat storage.

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

Applicant's Response:

*"There will no detrimental effects to existing structures. I have been using this site since '03 with no negative consequences."*

Section 19-01 of the County Zoning Regulations recognize that *"Certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The proposed revision would allow the storage of RVs within the covered storage facility as well as boats. The Zoning Regulations do not specify 'RV storage' as a use permitted with CUP approval. As *boat storage* is a permitted conditional use and RV storage would be very similar in nature and traffic generation to boat storage, the interpretation was made that RV Storage would be included in the conditional use *boat storage*. In this case, the previously approved CUP specifically limited the facility to 'boat storage' so it is necessary to revise the CUP to allow the storage of RVs.

This is a technical change to bring the CUP into compliance with the actual use of the property. The storage of RVs within the covered storage area is very similar to the storage of boats and should have no negative impact on neighboring properties. The appearance of the facility should remain

the same, and it is expected that the traffic associated with the storage of RVs will follow the same basic pattern as that associated with boat storage.

**Staff Finding** – The addition of RV Storage to the current boat storage facility will not significantly alter the use and should have no detrimental effect on surrounding property.

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

Applicant's Response:

*"Renters of existing spaces do so because of neighborhood restrictions that prohibit boats, trailers, RVs, campers being parked in sight in drives and on streets."*

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner. If the request were denied, the facility could continue to provide covered storage for boats; the only effect this would have on the public is that RVs, such as trailers, could not be stored at this site. As N 1800 Road is a principal arterial which has recently been improved, restricting storage traffic to the subject property to boats does not provide any gain to the public health, safety, or welfare.

On the other hand, the property owner indicated that he receives requests to store RVs in addition to boats, and being limited to storage of only boats he is not able to serve customers that have both or have only RVs. Denial of the request would limit the customer base for the applicant.

**Staff Finding** – As the addition of RV Storage to the CUP would result in no physical change except for different type of traffic on N 1800 Road, the approval or denial of the revision would have little impact on the public health, safety, and convenience. The denial of the request would limit the applicant's customer base.

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

The subject property is not located within an identified urban growth area but is within 1 mile of the city limits of Lecompton. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

**Staff Finding** – The Comprehensive Plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. As recommended by *Horizon 2020*, the proposed request is consistent with the Comprehensive Plan.

## **STAFF REVIEW**

The original CUP [CUP-10-11-02] for Fred's Boat Storage was approved by the Board of County Commissioners in February of 2003. On January 17, 2007, the Board of County Commissioners approved CUP-08-07-06 for an expansion of Fred's Boat Storage subject to various conditions of approval. These included:

1. All Boat Storage must be stored entirely inside the buildings.

2. No non-agricultural storage is permitted outside the buildings.
3. This Conditional Use Permit replaces the previous permit [CUP-10-11-02] and will be re-evaluated by the County Commission in 5 years from the approval date and will expire in 10 years from the approval date. Continuation of the use beyond that date will require rezoning or approval of a new CUP.
4. Screening must be provided for the proposed building from the adjacent public road per Section 19-4(23) of the *County Zoning Regulation*.
5. No signs will be mounted or painted on the roofs of the boat storage buildings.

Condition 1 should be revised to require all the recreational vehicles, trailers, or campers stored to also be inside the buildings.

Condition 3 should be revised to reflect the new approval date of the revised CUP. Condition 4 required that the building be screened from adjacent roads per Section 19-4(23) of the Regulations (current Section 12-319-4.23, due to renumbering). This section states: *“Open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and residentially zoned property.”*

The screening requirement is intended to reduce the visual impact of open storage on neighboring roads or properties. The properties to the east are not residentially zoned but do contain residences. Trees and other vegetation on the west side of these properties provide screening. Given the distance of the structures to the road (over 600 ft), and the nature of the adjacent roadway (Interstate Highway), in addition to the fact that the pole sheds screen the boats fairly well, minimal landscaping should adequately screen the property from the adjacent road. (Figure 2)

The previous CUP did not include specific landscaping requirements; however, the previously approved plan included a berm to the south of the storage facility. Specific landscaping measures should be designated on the CUP to clarify what landscaping is required for compliance. Staff recommends the plan be revised to specify that 4 evergreen trees, planted on 30 ft centers are required south of the southern graveled area. This landscaping, coupled with the deep setback, should provide adequate screening from both N 1800 Road and Interstate 70.

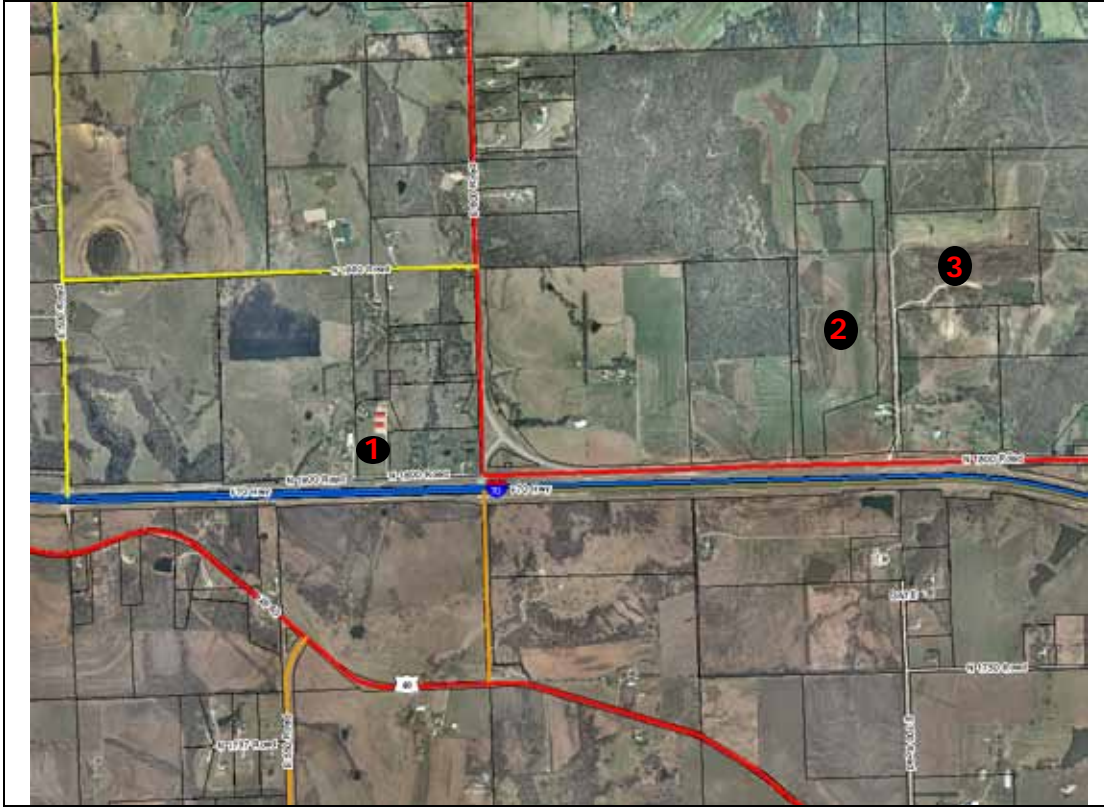
### **Joint Hearing**

County Resolution No 80-5 established the policy that a joint hearing be held for requests within 3 miles of the incorporated cities in Douglas County so that the County Commission would have the benefit of both Planning Commissions' Recommendations.

### **Conclusion**

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. This Conditional Use Permit (CUP-11-7-11) expands the use to include RV Storage and combines with the previous CUP for this property (CUP-08-07-06). The date of approval referenced in condition of approval 1(a) would be the date of approval for CUP-11-7-11. The landscape condition has been revised to specifically designate the type of landscaping which is required for compliance.

Staff recommends approval of CUP (CUP-11-7-11) as conditioned.



**Figure 1a.** Character of area includes major transportation network. (Subject property is identified as #1, Barry Plastics Warehouse and the Woods sites as #2 and #3.)



**Figure 1b.** This detail shows the buildings in relation to the adjacent roadways. N 1800 Road ends at property to west.



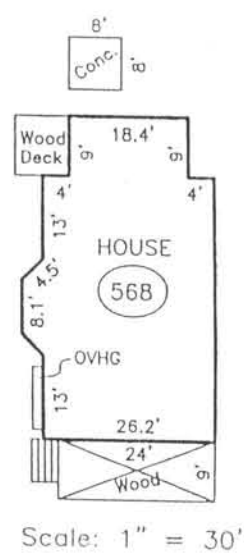
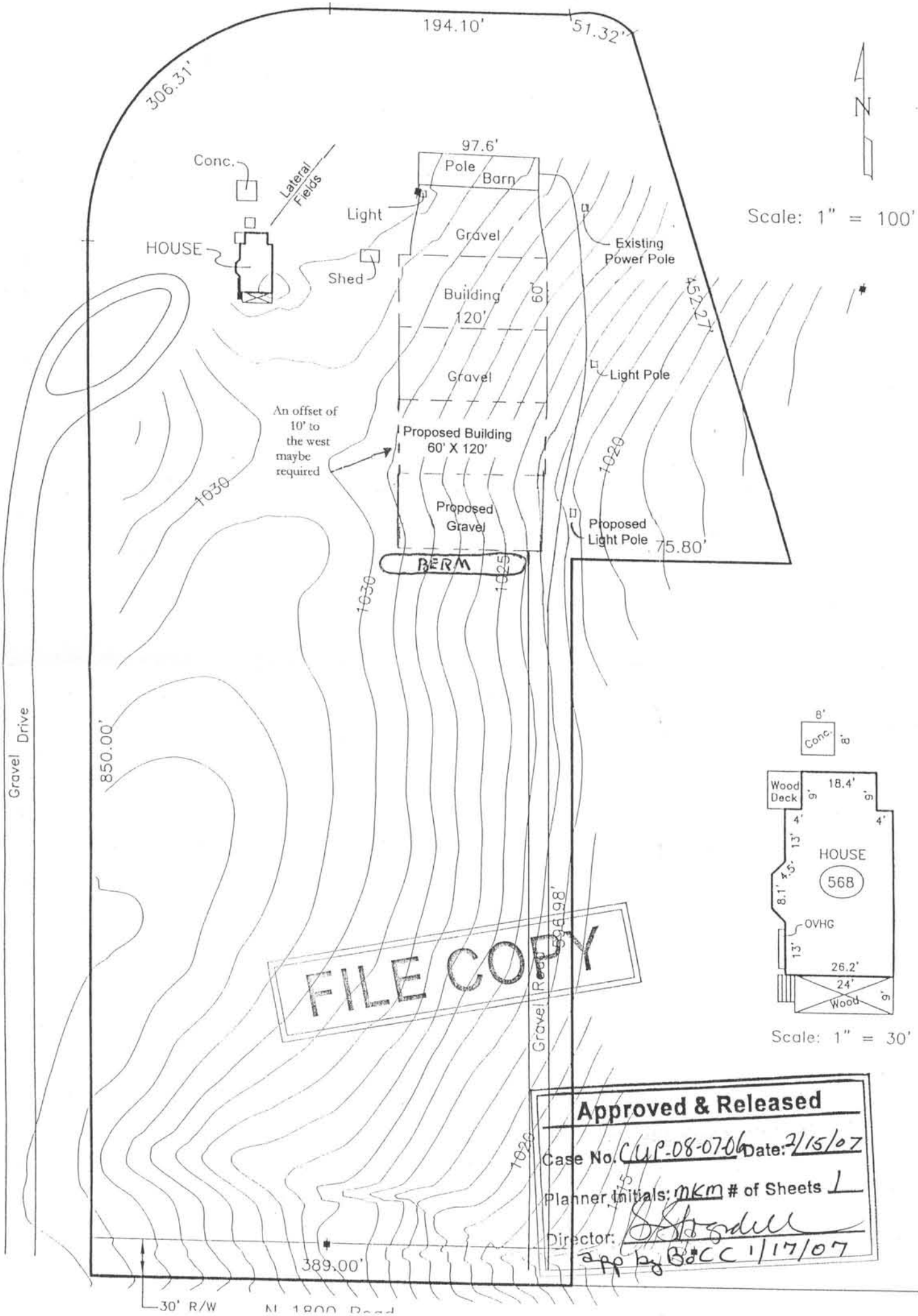
**Figure 2** View of the boat storage building from Interstate 70. (photo from Google maps)

Fred Roll  
 568 N 1800 Road  
 Lecompton, Kansas 66050

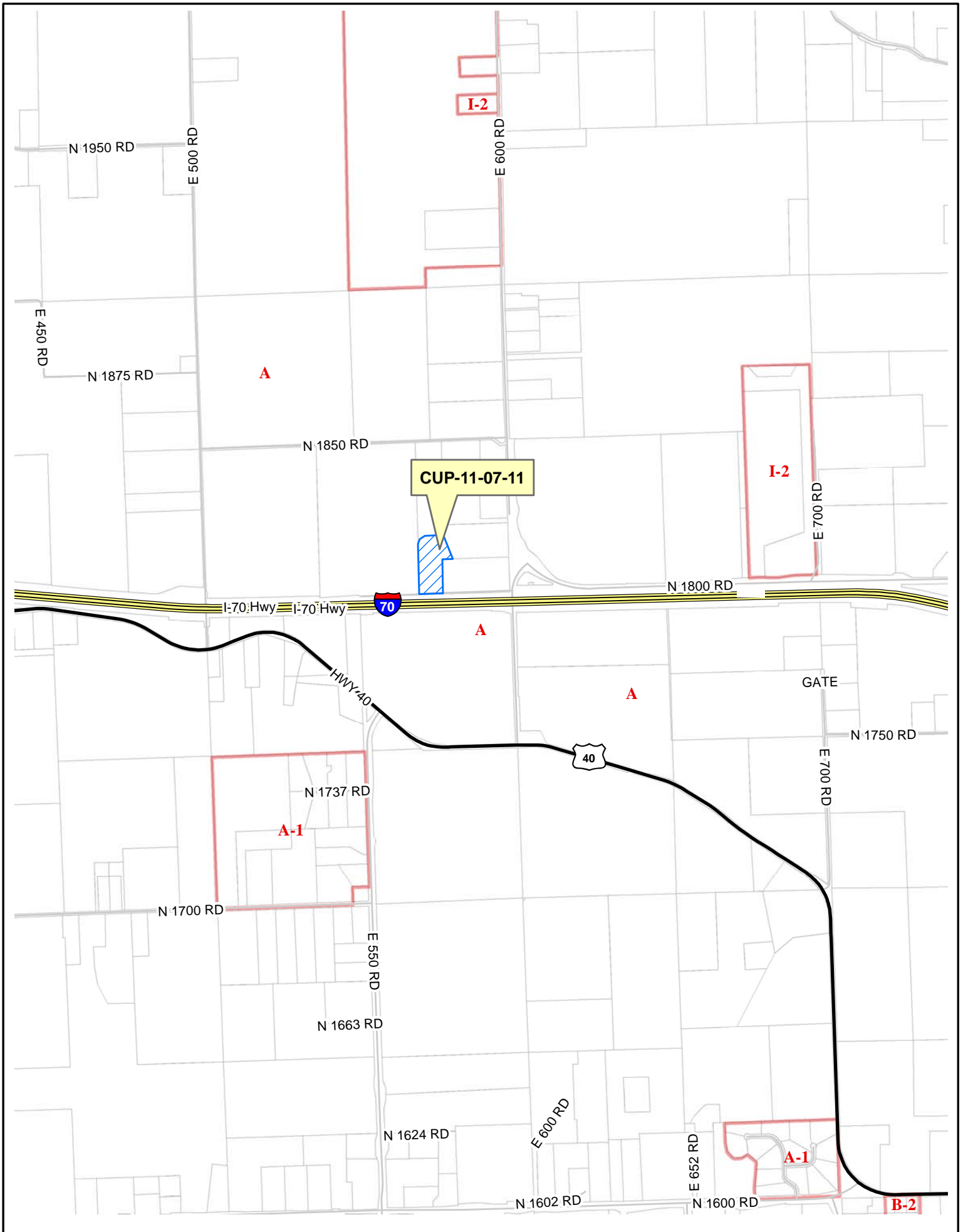
# PLOT PLAN

**Provisions**

- a. All boat storage must be stored entirely inside the buildings.
- b. No non-agricultural storage is permitted outside the buildings.
- c. Conditional Use Permit (CUP-08-07-06) replaces the previous permit (CUP-10-11-02) and will be re-evaluated by the County Commission in 5 years from the approval date and will expire in 10 years from the approval date. Continuation of the use beyond that date will require rezoning or approval of a new CUP.
- d. Screening must be provided for the proposed building from the adjacent public road per Section 19-4(23) of the County Zoning Regulation.
- e. No signs will be mounted or painted on the roofs of the boat storage buildings.



**Approved & Released**  
 Case No. CUP-08-07-06 Date: 2/15/07  
 Planner Initials: mkm # of Sheets L  
 Director: [Signature]  
 App by BACC 1/17/07





**Recess LDCMPC**

**Convene Joint Meeting with Lecompton Planning Commission**

**ITEM NO. 1      CONDITIONAL USE PERMIT FOR FRED'S BOAT STORAGE; 568 N 1800 RD (MKM)**

**CUP-11-7-11:** Consider a revised Conditional Use Permit for Fred's Boat Storage, located at 568 N 1800 Road. The request amends CUP-8-7-06 to specifically include the covered storage of recreational vehicles, trailers and campers, as well as boats as currently permitted. Submitted by George Roll, property owner of record. *Joint meeting with Lecompton Planning Commission.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Fred Roll, said he voluntarily built a berm in front of the second building and planted 22 evergreen trees. He said if he needed to plant more trees he would be happy to do that.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Lecompton Planning Commissioners Mary Jane Hoffer and Amber Nickel were present but had no comment.

Commissioner Singleton asked if the Lecompton Planning Commission had met already and if they had heard any concerns within the community.

Lecompton Planning Commissioners Hoffer and Nickel said no.

**ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to approve the revised Conditional Use Permit for the storage facility subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
  - a. Note 'a' revised to read: *"All boat, RV, trailer and camper storage must be stored entirely inside the buildings."*
  - b. Note 'c' revised to read: *"Conditional use Permit (CUP-11-7-11) replaces the previous permit (CUP-08-07-06) and will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan."*
  - c. Note 'd' revised to read: *"Screening from the adjacent public road shall be provided by four evergreen trees on approximately 30 ft centers south of the storage facility."*
  - d. The approximate location of the 4 trees shall be shown on the plan.

Unanimously approved 9-0.

Lecompton Planning Commissioners voted in favor 2-0.

**Adjourn Joint Meeting**

**Reconvene LDCMPC**

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

PC Staff Report  
1/25/12

**ITEM NO. 9      CONDITIONAL USE PERMIT FOR US 59 HWY BORROW PIT (SLD)**

**CUP-11-6-11:** Consider a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N 1100 and N 1000 Roads. The property address is 1297 N 1056 Road. The applicant proposes to sell soil for the nearby US 59 construction project. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for a borrow pit at 1297 N 1056 Road in the NE1/4 section 26-13-19 and forwarding of this application to the County Commission with a recommendation for approval, based upon the findings of fact presented in the staff report, and subject to the following conditions:

1. Submittal of a revised site plan to show the following revisions and/or additions to the site plan notes as follows:
  - a. The Conditional Use Permit is approved for construction of Highway 59 between N 1000 Road and N 1100 Road and shall expire January 1, 2014 unless a request for an extension is submitted for approval by the Board of County Commission prior to that date.

**Reason for Request:** *"The owner wishes to sell soil for the US-59 roadway improvement on the subject property in conjunction with the existing agricultural uses."*

**KEY POINTS**

- Property is located adjacent to highway construction project.
- Proposed use is for specific project and not intended as a continuous mining operation.

**ATTACHMENTS**

- Area Map
- Site Plan

**GOLDEN FACTORS TO CONSIDER**

**ZONING AND USES OF PROPERTY NEARBY**

- Surrounding area includes both A (Agricultural) and A-1 (Suburban Home Residential) district reflective of the uses in the area.

**CHARACTER OF THE AREA**

- Area is rural with substantial rural residential uses along the highway corridor.

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

- Property is located adjacent to the boundary of the planned roadway improvements.
- Property is sufficiently large enough to accommodate proposed use and necessary setbacks and provide finish grading to return the property to a compatible use.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Approval by the County Commission.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Staff received call from individual requesting copy of the proposed plan.

<b>Site Summary:</b>	
Subject Property:	126.169 acres
Activity Area	21.89 acres (850' x 1122')
Buildings:	Multiple accessory structures located along the east side of the property.

**Summary of Request**

Proposed request is for the removal of soil to be used in the Highway 59 construction project. Soil will be removed and used for construction of a temporary access road (haul road) while the highway is being constructed. Once the highway is constructed, the pit will be used for containment and crushing of construction materials that will then be hauled away. Finally, fill and soil material used in the temporary road will be replaced with stockpiled topsoil. A small 4 acre pond will remain at the conclusion of the project.

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

**GENERAL INFORMATION**

Current Zoning and Land Use: A (Agricultural) District; existing farmland with accessory buildings.

Surrounding Zoning and Land Use: A (Agricultural) District to the north, east, west, and southeast.

A-1 (Suburban Home Residential) District to the south and to the east of Highway 59; developed subdivisions.

The surrounding area includes both A (Agricultural) and A-1 (Suburban Home Residential) District zoning. These two districts have very different purposes. The area is characterized by substantial development of homes along county roads in a suburban residential pattern. Larger agricultural tracts are also located within the surrounding area.

**Staff Finding** – The surrounding area includes both agricultural and residential zoning and land uses.

**II. CHARACTER OF THE AREA**

The subject property is located within the Lawrence Urban Growth Boundary. The area along Highway 59 and between N 1150 Road and the south line of the Urban Growth Boundary includes numerous parcels that have been divided for residential purposes. The average parcel size is 8.5 acres in this area. This contributes to the residential character of the area. This characterization is important to assure that any lasting changes that result from the proposed use, if approved, are consistent with the surrounding residential character of the area. A graphic of the area is provided in Figure 1.

**Staff Finding** – Area is within the influence of the City of Lawrence as established by the Urban Growth Area boundary. The development pattern of the area is suburban in nature characterized by smaller lots, platted subdivisions, and interior subdivision streets as well as linear parcels strip out along County roads.

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

Applicant response: *"The majority of the subject property will remain open space."*

This property is zoned A (Agricultural) District. The purpose of this district is identified in Section 12-306 of the County Zoning Regulations and states: *"...The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."* This district is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the "A" District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open uses of land. This district includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. The County Zoning Regulations also include a number of Conditional Uses listed in Section 12-319 of the Zoning Regulations.

The Code states:

*"Section 12-319-4.05 **Mining and Excavation** to assure the continued development of all natural resources will be made possible through inclusion of known mineral deposits within zones reserved for their development and production, to guarantee that these sources will not be forever lost for the benefit of Douglas county, Kansas:*

- a. Mining excavation and extraction of mineral or raw materials including but not limited to stone, sand, gravel or the other building materials and the manufacturing, processing, storage and selling of said minerals and materials shall be permitted to continue in operation in "A" Agricultural District, "VC" Valley Channel District and Floodway and Floodway Fringe Overlay Districts (only on those areas under lease and on record at the time this resolution goes into effect.)*
- b. Mining, extraction and excavation of raw materials at new locations within Agricultural, Valley Channel districts, in Douglas County, shall require that an approved plan of restoration of land be submitted to the Planning Board for its recommendation to the Board of County Commissioners. This plan shall show that all excavated material will be returned to a level no higher than the elevation of surrounding land, and that proper drainage is provided. All shafts or tunnels must be left in a safe condition when abandoned."*

The proposed use is most similar to and is being reviewed as a *Mining and Excavation* use. A Conditional Use Permit (CUP) does not change the base, underlying zoning. Approval of the request will change the topography of approximately 21 acres of the 126 acre parcel.

The proposed use is immediately adjacent to the Highway construction project thus limiting the required distance trucks will be required to transport the resource to the project. The proposed use is temporary in nature for the life of the construction project. At the conclusion of the project fill and soil material will be used to return a majority of the property back to the original grade with only a small pond remaining.

**Staff Finding** – This proposed activity will not alter the base zoning of the property. The proximity of the property to the construction project allows for the least amount of impact to surrounding properties and can be accomplished with no impact to existing County roads.

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

**Staff Finding** – County Zoning Regulations were adopted in 1966; this property has been zoned “A (Agricultural)” since that adoption. The property includes accessory structures.

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

Applicant Response: *“No detriment to nearby property will occur. This CUP request maintains existing agricultural uses on the land while adding employment and revenue opportunities in the northeast Douglas County.”*

This request does not propose to remove restrictions related to the base A (Agricultural) Zoning District. Certain uses may be permitted within the “A” District provided that certain conditions are met. This proposed request is intended to supply material for a significant public improvement project. The area includes numerous existing residences that will be affected by the construction project regardless of the approval or denial of this request.

Section 12-319-1.01 of the County Zoning Regulations recognizes: *“certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”* The proposed use falls under section 12-319-4.05 of the Chapter XII, (Zoning Regulations) of the County Code. The use enumerated in this section is: “Mining and Excavation”.

Approval of a Conditional Use Permit does not remove restrictions imposed by the A (Agricultural) zoning of the property. Approval of the request does not grant a right to the property owner to continue mining or excavating material once the highway project is complete.

The proposed activity is located on the southern portion of the 126 acre parcel. The site plan shows a buffer yard of 115’ along the south property line. South of the subject property is an existing rural residential subdivision (Shank Hill Subdivision) developed with numerous homes. This area includes an existing tree line that will also serve to buffer the homes from the excavation activity. It is to be expected that this activity may be a temporary nuisance to residents during the life of the construction project due to noise, dust and related highway construction activities.

**Staff Finding** – The proposed limits of the excavation boundary and the presence of an existing tree line will mitigate, to some degree, the impact of the activity on the adjacent uses to the south. No long term detrimental impacts are anticipated by the proposed use.

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

Applicant Response: *“No identifiable gain will result by denial of this request; no identifiable hardship will result from its approval.”*

This factor is a test of balance; weighing the relative gain to the public against the hardship imposed upon the property owner/applicant if the application is denied.

The proposed request is directly related to a significant public improvement, that being the reconstruction of Highway 59 a major north/south thoroughfare through Douglas County. Material is needed for the construction of the highway. The closer materials are located to the construction sites the lower the haul costs are associated with the project. The proposed request represents the largest parcel of land in the immediate vicinity of the construction. This larger tract of land is more likely to absorb the impacts of the soil removal (and replacement) than one or more smaller parcels in the same general area. The larger parcel size allows a greater setback from adjacent properties and would be less constrained by operations with limited maneuverability of excavation equipment on a smaller lot.

As the use proposed conveys a specific public benefit, does denial of it convey an unreasonable hardship? In this case, the test of balance weighs in the favor of the property owner/applicant. The hardship imposed by denial of this Conditional Use Permit (CUP) application would require revisions to the Highway project to identify a new source of fill dirt. It is probable that a different location would require heavy vehicle travel on County roads to access the material and haul it to the construction site.

Allowing the use through the approval of a CUP conveys a gain to the public related to the Highway 59 construction project.

**Staff Finding** – Approval of the Conditional Use Permit would allow the efficient continuation of the Highway 59 construction project. The Conditional Use Permit provides a clearly enforceable document regarding the expectation of use of the property and the implementation of final site grading at the end of the construction project.

## VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant Response: *"This request complies with Horizon 2020. The proposed borrow pit operation meets 1) Open Space network and 2) Agricultural Soils specific locational criteria set forth in Chapter 16, Summary of Issues.*

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not address special or conditional use permits. A key feature of the plan states: "The Plan encompasses goals and policies which are representative of the community's desires for the future. It recognizes the numerous plans and projects that are either underway or pending and anticipates that the Plan will be reviewed when significant land use changes occur within the community (pg. 3-1)."

*Horizon 2020* speaks to existing businesses in the county and the need to: "Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future" (Chapter 7). The provision of safe and efficient transportation networks is inherent in policy. This request does not represent an expansion of an existing business but does represent the implementation of planned highway improvements.

Chapter 8 of *Horizon 2020* provides a cross reference to the community's transportation plan, Transportation 2030 which acknowledged Highway 59 improvements as a planned State of Kansas project. Major goals included in Chapter 8 state: "Maintain, Expand and Enhance the Existing Transportation Network" and "Promote Efficient System Management and Operations (pg. 8-2)." The upgrade of this road is implementing its construction consistent with its planned functional classification as a non-interstate freeway/expressway shown in Figure 6.9 *Transportation 2030*.

Chapter 16 of *Horizon 2020* provides guidance regarding environmental features for Douglas County. Among one of the most discussed topics is the classification of soils and the preservation of Class I and II soils. The proposed borrow pit will not disturb identified class I and II soils. Refer to Figure 2 for a map of the soils in the area.

**Staff Finding** – The issuance of special or conditional use permits is not discussed in *Horizon 2020*. However, the Plan does address major thoroughfares planning and environmental features that should be protected. The proposed request is consistent with the adopted long range plans for the community.

## **STAFF REVIEW**

This request is for the approval of a Conditional Use Permit to allow for an excavation of material and construction of a temporary haul road to accommodate the reconstruction of Highway 59. The project is estimated to last approximately two years. Removal of soil within the disturbed area of the site will be from the north to the south. The estimated depth of the pit will be 10'. The access proposed will be located within the KDOT right-of-way and does not require travel over County roads.

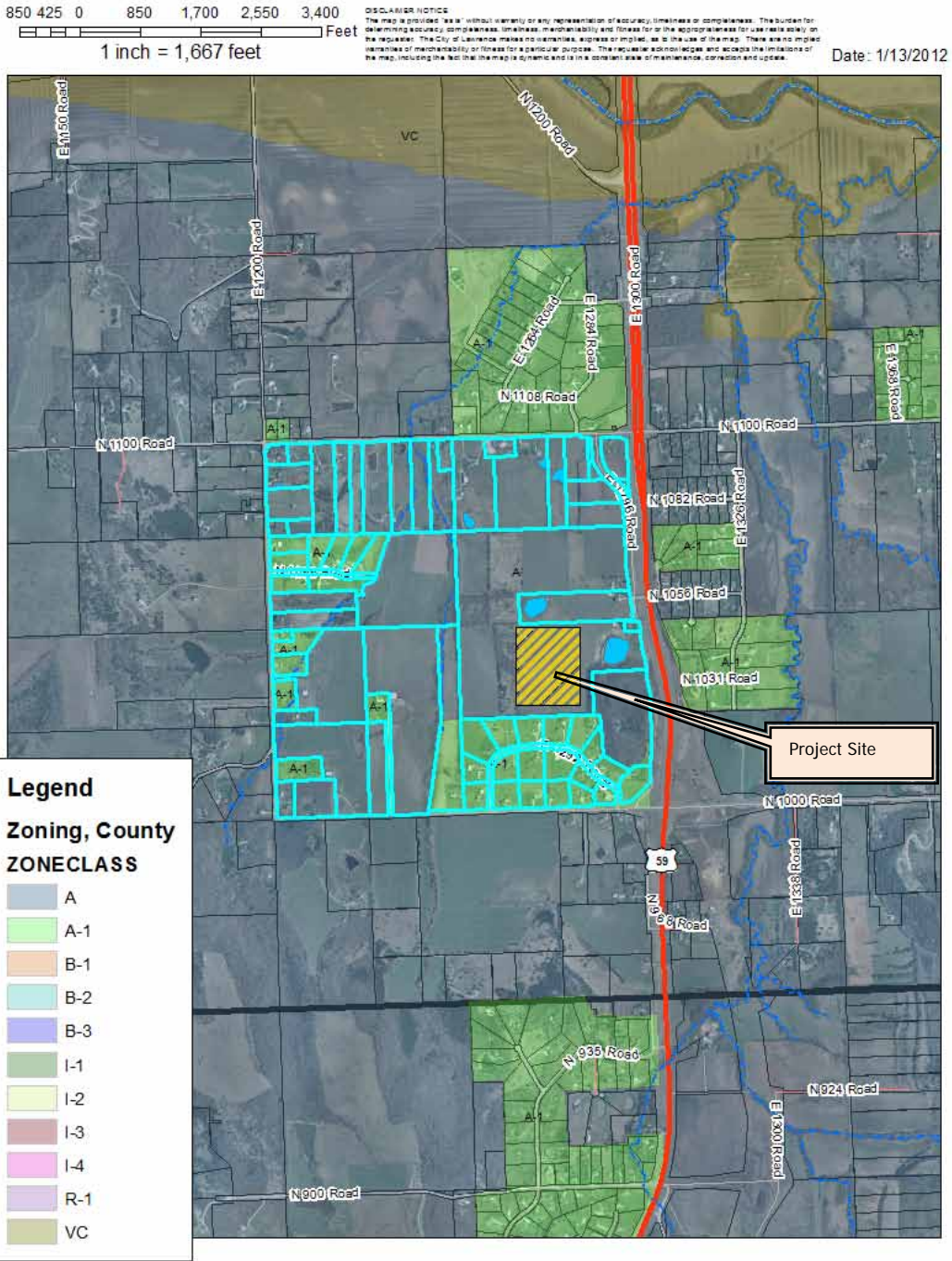
A series of notes on the plan describe the activity and include the temporary stockpiling of topsoil and crushing activities related to the eventual removal of the temporary road. Refuse from the construction project will be hauled from the site for proper disposal. There are no structures proposed with this use. Upon completion the site will include a small pond at the north end of the area where soil had been removed.

This request is for a specific purpose. Approval of the borrow pit to remove soil for the Highway 59 construction project should not be construed to be approval as a continuous mining, excavation or soil removal operation. Upon completion of the Highway 59 project in this area, the Conditional Use Permit shall become void. A note on the face of the plan is recommended to clearly state this intent. This is in effect a time limitation on the Conditional Use Permit.

### **Conclusion:**

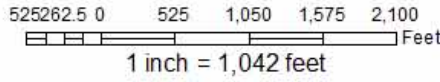
The use proposed is an appropriate application of the Conditional Use Permit regulations in the Zoning Regulations. Staff recommends that a note be added to clearly indicate that the mining operation is restricted to the Highway project and shall not be used for any continued commercial operation.

**Figure 1: Area Zoning and Land Division**





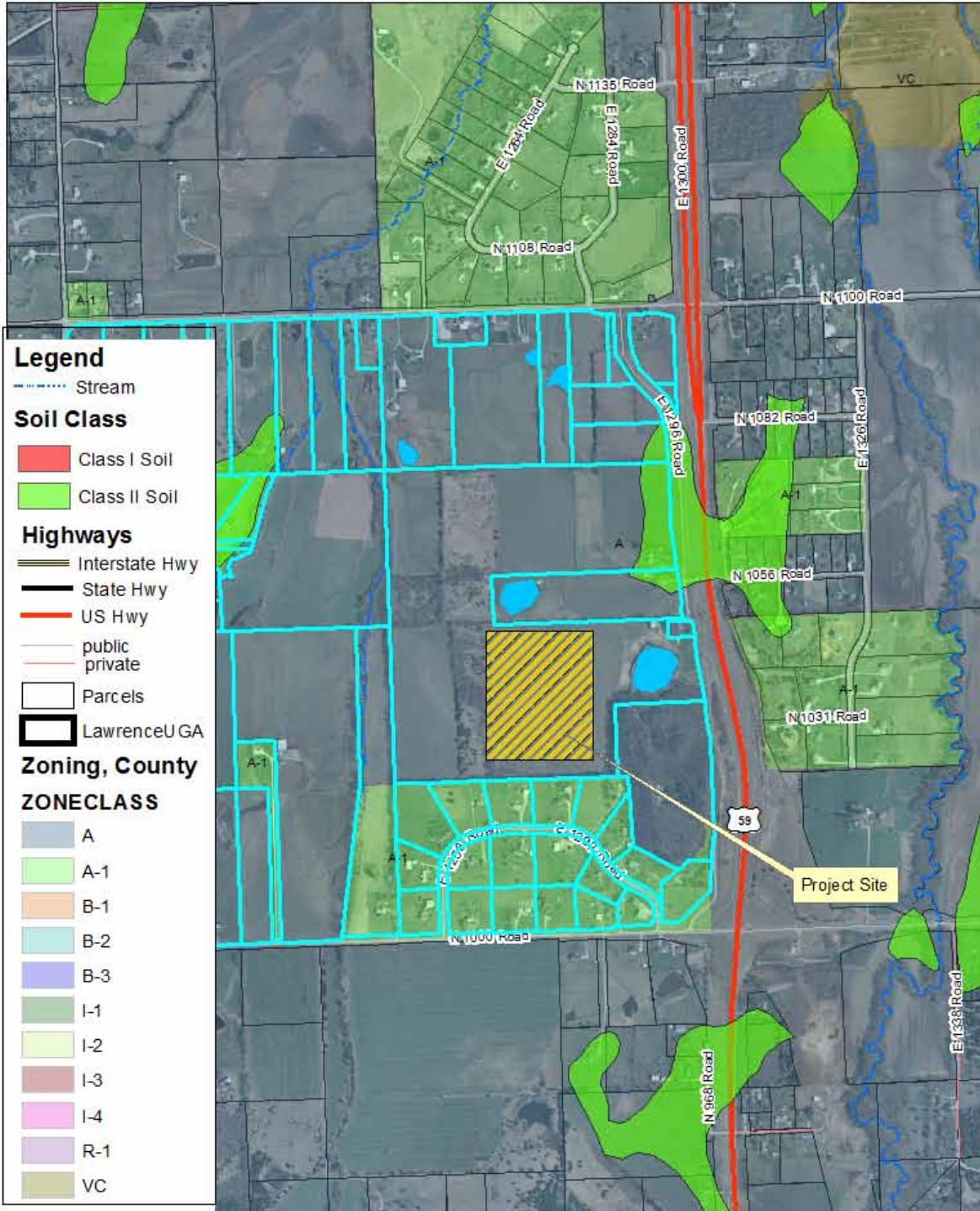
**Figure 2: Soil Designations**



**DISCLAIMER NOTICE**

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

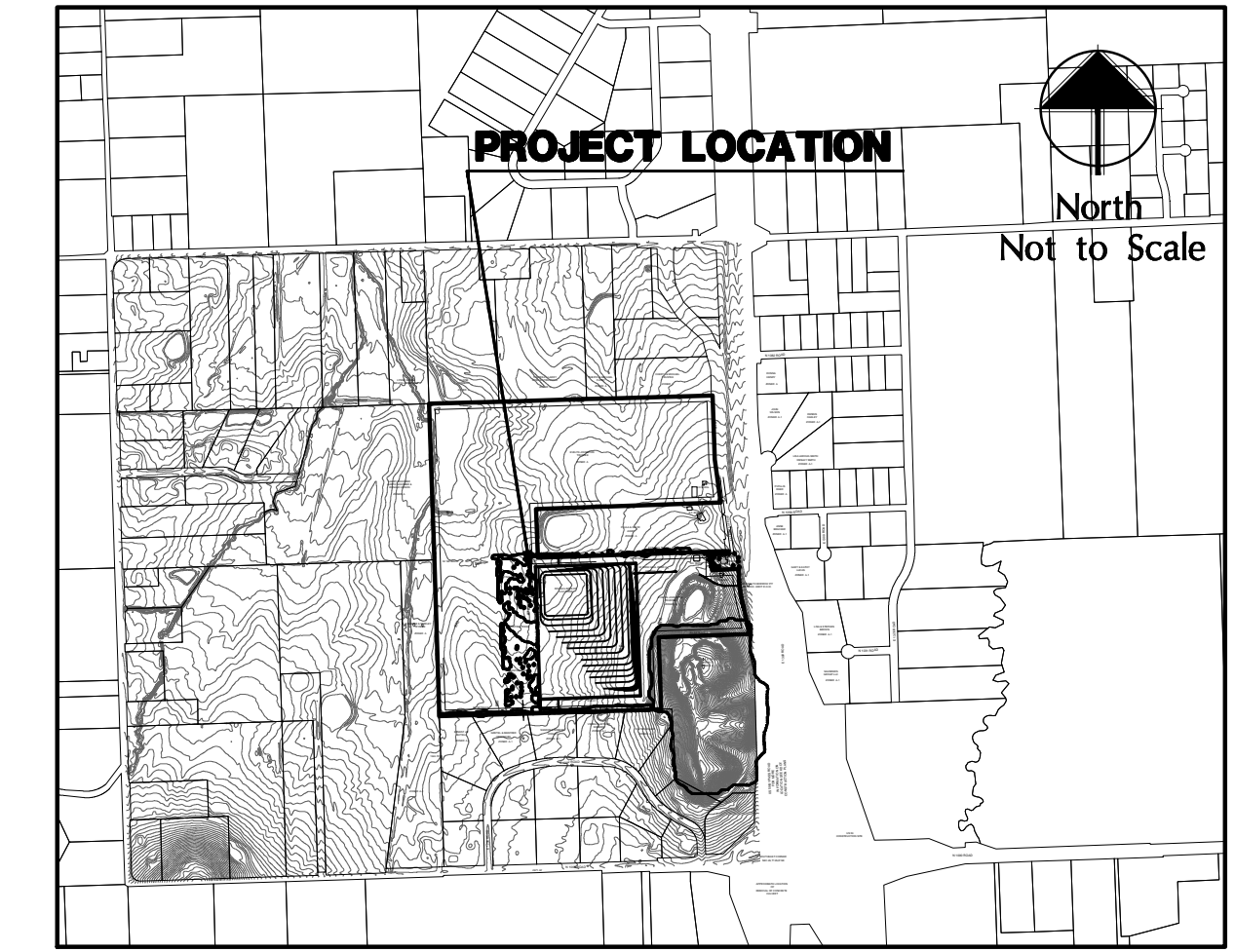
Date: 1/13/2012



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**Location Map**



**General Notes**

- OWNER: EVELYN M JOHNSTON TRUSTEE  
1297 N 1056 ROAD  
LAWRENCE, KS 66047
- CONTRACTOR: KING'S CONSTRUCTION  
205 WAKNUT STREET  
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.  
1310 WAKARUSA DRIVE  
LAWRENCE, KS 66049
  - TOPOGRAPHIC INFORMATION OBTAINED FROM 2006 DOUGLAS COUNTY LIDAR AERIAL DATA.
  - EXISTING LAND USE: AGRICULTURAL
  - PROPOSED LAND USE: BORROW PIT US - 59 HIGHWAY PROJECT; AGRICULTURAL
  - EXISTING ZONING: A
  - PROPOSED ZONING: A
  - THIS SITE HAS BEEN DESIGNED TO COMPLY WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
  - OPERATION OF THE BORROW PIT STRIPPING 6" TO 12" TOPSOIL AS NEEDED STOCK PILE TOPSOIL ON EDGES OF PIT. REMOVE FILL FROM BORROW PIT DELIVER TO CONSTRUCTION SITE EAST SIDE OF US 59 HIGHWAY. HAULING OF FILL ACROSS BYPASS ROAD WITH FLAG MAN REQUIRED BY KDOT DEVELOP POND 3 TO 4 ACRES IN NORTHWEST CORNER OF BORROW PIT. AFTER COMPLETION AND OPENING OF US 59 HIGHWAY, REMOVAL OF BYPASS ROADWAY 1) ASPHALT TO BE HAUL OFF FROM BYPASS ROAD BY OTHERS. 2) SUBGRADE UNDER BYPASS ROAD REMOVED AND USED TO FILL BORROW PIT. CONCRETE CULVERT REMOVED WEST OF 458 AND US 59 HIGHWAY INTERSECTION, CONCRETE FROM CULVERT CRUSHED IN BORROW PIT AND STOCK PILED. REMOVAL OF CRUSHED CONCRETE AND COMPLETE FILL OF BORROW PIT. FROM STOCK PILE OF TOPSOIL, REPLACE TOPSOIL TO ALL DISTURB AREAS AND RESEED

**Site Summary**

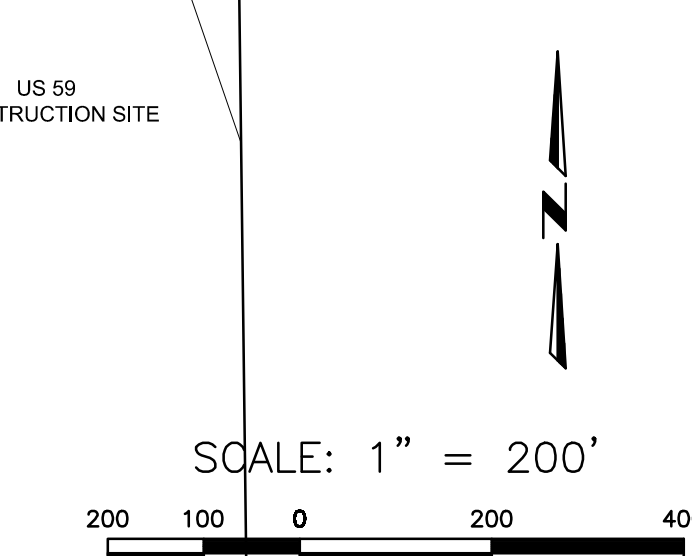
GROSS CUP/SITE AREA:	5,493,207.39 SF / 126.11 AC
PUBLIC RIGHTS-OF-WAY:	0 SF / 0.00 AC
BORROW PIT:	953,700 SF / 21.89 AC

**Legal Description**

A TRACT OF LAND IN THE EAST HALF OF SECTION 26, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

PARCEL #1

COMMENCING FROM THE SOUTHEAST CORNER OF SEC. 26, T13S, R19E; THENCE N 89 56' W ALONG THE SOUTHWEST LINE OF SAID SECTION A DISTANCE OF 2,671.3 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE N 0 01' E ALONG THE WEST LINE OF SAID SECTION SE 1/4 A DISTANCE OF 1,324.78 FEET TO THE NORTHWEST CORNER OF THE 1/4 OF SAID SE 1/4; THENCE S 89 54' 27" E ALONG THE NORTH LINE OF SHANK HILL A DISTANCE OF 855.26 FEET; THENCE N 0 01' E A DISTANCE OF 115.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 0 01' E A DISTANCE OF 1122 FEET; THENCE S89 54' 27" E A DISTANCE OF 850 FEET; THENCE S 0 01' W A DISTANCE OF 1122 FEET; THENCE N 89 54' 27" W A DISTANCE 850 FEET TO THE POINT OF BEGINNING APPROXIMATELY 21.89 ACRES.



A CUP Site Plan for

# BORROW PIT US - 59 HWY

Douglas County, Kansas

Civil Engineering  
Landscape Architecture  
Community Planning  
Surveying

110 Westwood Plaza  
Lawrence, Kansas 66049  
Tel: (785) 843-2410  
Fax: (785) 843-2410  
email: info@landplan-pa.com  
web: www.landplan-pa.com

**Landplan Engineering, P.A.**  
Lawrence, KS • Kansas City, MO • Manhattan, KS  
Blue Springs, MO • The Woodlands, TX

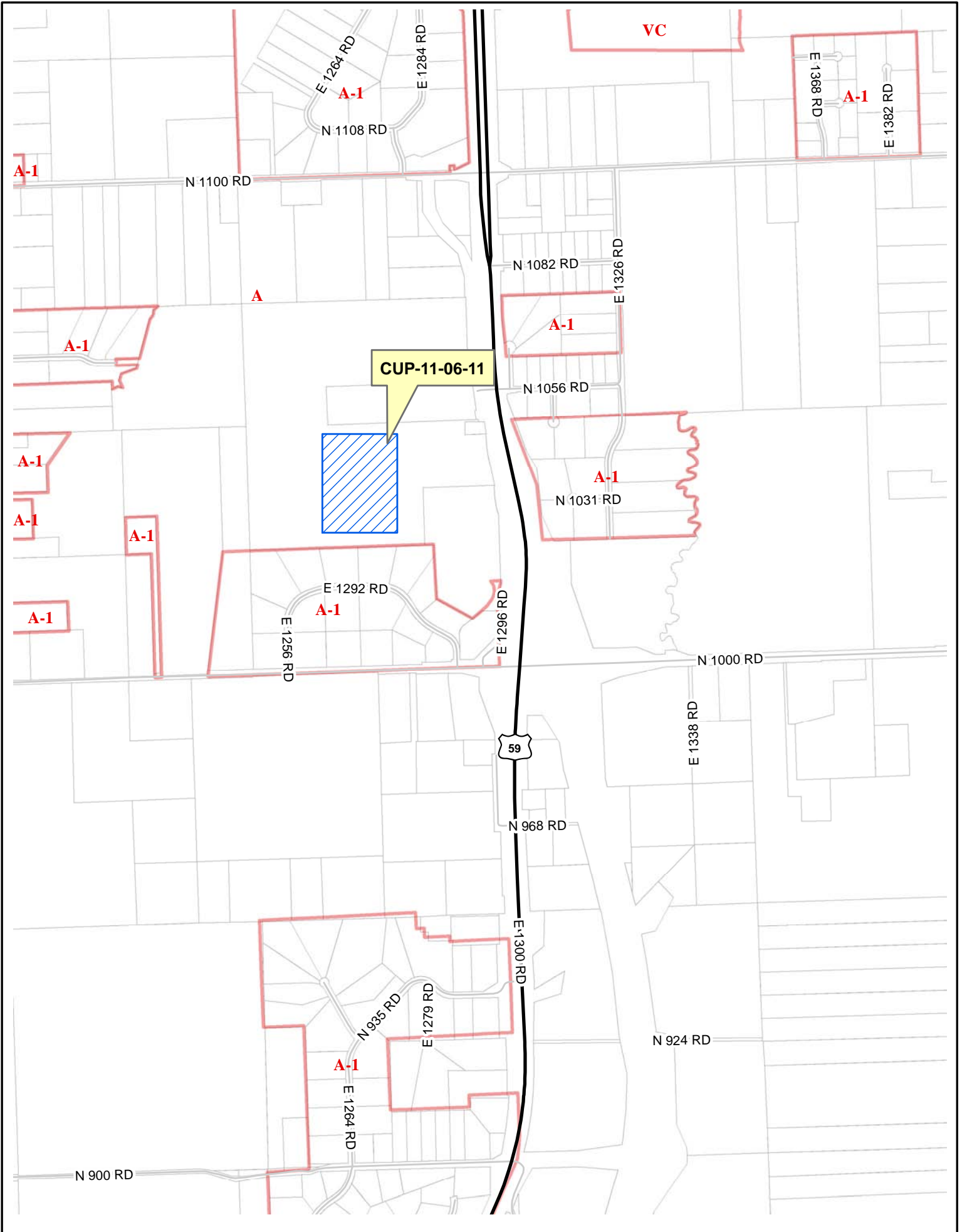
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**US 59 - BORROW PIT  
CONDITIONAL USE PERMIT  
SITE PLAN**  
%&+B% \* FC58

REV	DATE	DESCRIPTION
1	12.14.11	UPDATE PLANS
2	12.16.11	CITY COMMENTS
3	1.10.12	REVISE CONTOURS NO.
4	1.12.12	UPDATED NOTES

DATE: 11/14/11  
PROJECT NO.: 20111255  
DESIGNED BY: LPE  
DRAWN BY: LPE  
CHECKED BY: CLM

ISSUE: A  
SHEET NO.: C-001  
OF 2 SHEETS



**ITEM NO. 9      CONDITIONAL USE PERMIT FOR US 59 HWY BORROW PIT (SLD)**

**CUP-11-6-11:** Consider a Conditional Use Permit for US 59 Hwy Borrow Pit located west of US 59 between N 1100 and N 1000 Roads. The property address is 1297 N 1056 Road. The applicant proposes to sell soil for the nearby US 59 construction project. Submitted by Landplan Engineering, for Evelyn M. Johnston Trustee, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. C.L. Mauer, Landplan Engineering, was present for questioning. He said he agreed with the staff report.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen asked the applicant to explain the process of stockpiling the topsoil.

Mr. Mauer said they will strip off the northern portion first and stockpile to the south which will act like a berm. He said once the excavation was complete the stockpile will go back over the area.

Commissioner Culver said he liked the wording that put an end date to it so that it has a useful life that ends or needs to be reapproved.

**ACTION TAKEN**

Motioned by Commissioner Finkeldej, seconded by Commissioner von Achen, to approve the Conditional Use Permit for a borrow pit at 1297 N 1056 Road in the NE1/4 section 26-13-19 and forwarding of this application to the County Commission with a recommendation for approval, based upon the findings of fact presented in the staff report, and subject to the following condition:

1. Submittal of a revised site plan to show the following revisions and/or additions to the site plan notes as follows:
  - a. The Conditional Use Permit is approved for construction of Highway 59 between N 1000 Road and N 1100 Road and shall expire January 1, 2014 unless a request for an extension is submitted for approval by the Board of County Commission prior to that date.

Unanimously approved 7-0. Student Commissioner Davis voted in the affirmative.