

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JUNE 13, 2012

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Review and approve the Juvenile Justice Authority Grant Conditions for State Fiscal Year 2013 (Pam Weigand);
- (c) Consider approval of 2012 Ford Expedition in the amount of \$30,388.00 from Shawnee Mission Ford using the MACPP contract and authorize Sheriff to make purchase (Sheriff's Office); and
- (d) Authorize the Assistant County Administrator to approve an agreement with Safety National Casualty for Workers' Compensation excess coverage (Sarah Plinsky)

REGULAR AGENDA

- (2) Special Assessments For Yankee Tank Community Improvement District - Receive and consider approval of Statement of Costs, Assessment Roll and Notices of Public Hearing; Establish Date for Public Hearing.
- (3) Consider waiving formal bidding process and authorizes staff to access the State of Kansas (28440) and Western States Contracting Alliance contracts with Motorola Solutions for design and proposal of P25 800MHz Digital Simulcast Radio System; and Consider waiving formal bidding process and authorizes staff to access the State of Kansas and Western States Contract Alliance contracts with Motorola Solutions for Civil Engineering related to system site development in the amount of \$281,194.00 (Scott Ruf)
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Public Comment
 - (d) Miscellaneous

RECESS

RECONVENE

6:35 p.m.

- (5) Consider revisions to the Inverness Park District Plan, **CPA-2-1-12**. *Initiated by City Commission on 1/17/12. Adopt on first reading, Joint City Ordinance No. 8732 and County Resolution for Comprehensive Plan Amendment (CPA-2-1-12) to amend Horizon 2020, Chapter 14, Inverness Park District Plan. (Dan Warner)*
- (6) Reconsider Comprehensive Plan Amendment, **CPA-6-5-09**, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Approved by Planning Commission 7-2 on 4/23/12. (Dan Warner)*
- (7) Adjourn

WEDNESDAY, JUNE 20, 2012

4:00 p.m.

-Consider recommendation for GPS flash AVL fleet management system for Public Works (Keith Browning, Doug Stephens, Jackie Waggoner)

-Boiler for United (Jackie Waggoner)
6:35 p.m.
-Presentation from Fair Grounds CIP Committee

WEDNESDAY, JUNE 27, 2012

4:00 p.m.
-Conduct Public Hearing to consider adoption of Assessment Resolution

WEDNESDAY, JULY 4, 2012 – Cancelled

MONDAY, JULY 9, 2012

8:00 a.m. – 12:00 p.m. – Budget Hearings

TUESDAY, JULY 10, 2012

8:00 a.m. – 12:00 p.m. – Budget Hearings

WEDNESDAY, JULY 11, 2012

FRIDAY, JULY 13, 2012

12:00-1:00 P.M. – Annual Orientation/Training Session (luncheon) with the City Commission to discuss role and expectations of the Planning Commission (City Hall)

MONDAY, JULY 16, 2012

8:00 a.m. – 12:00 p.m. – Budget Hearings

TUESDAY, JULY 17, 2012

8:00 a.m. – 12:00 p.m. – Budget Hearings

WEDNESDAY, AUGUST 8, 2012

6:35 p.m. -Public Hearing for the 2013 Budget

***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.*

AGREEMENT

CONDITIONS OF GRANT

A grant is hereby awarded, commencing on the 1st day of July 2012, from the Kansas Juvenile Justice Authority, hereinafter referred to as "JJA," to the **Douglas County Board of County Commissioners**, hereinafter referred to as "GRANTEE." This grant and conditions, to which both parties agree and which are enumerated below, remain effective until June 30, 2013. Acceptance of block grant funds indicates GRANTEE'S acknowledgement of, and intent to comply with, all the conditions outlined below.

I. GRANTEE AGREES TO:

- A. Utilize grants funds for the development, implementation, operation and improvement of juvenile community correctional services pursuant to K.S.A. 75-7038 through 75-7053 and amendments thereto, as submitted in the GRANTEE'S comprehensive plan and grant application.
- B. Perform intake and assessment functions as required pursuant to K.S.A. 75-7023 and amendments thereto, and in accordance with JJA's Juvenile Intake and Assessment Services Standards.
- C. Perform juvenile intensive supervised probation functions as required pursuant to K.S.A. 75-7034 et seq. and in accordance with JJA's Community Agency Supervision Standards.
- D. Perform case management services for juvenile offenders placed in JJA custody and in accordance with JJA's Community Agency Supervision Standards.
- E. Assume the authority and responsibility for funds received through JJA in accordance with the provisions of the JJA Financial Rules and Guidelines for Graduated Sanctions and Prevention Block Grants.
- F. Convene a juvenile corrections advisory board pursuant to K.S.A. 75-7044 and amendments thereto, and determine and establish an administrative structure for the effective administration and delivery of the comprehensive juvenile justice system.
- G. Provide administrative oversight to enhance the operational and evaluation procedures by assessing program efficiency and effectiveness of juvenile justice programs funded by state block grant funds.
- H. Notify JJA in writing, within ten (10) days of appointment, of administrative changes of the Chairperson for the Board of County Commissioners and Juvenile Corrections Advisory Board, Administrative Contact, Director of Juvenile Intake and Assessment, Community Case Management and Juvenile Intensive Supervised Probation.
- I. Adhere to all applicable Federal and State laws and regulations, the Interstate Compact for Juveniles, K.S.A. 38-1008 *et seq.*, as well as JJA field standards, policies and procedures, and JJA's Financial Rules and Guidelines for Graduated Sanctions and Prevention Block Grants. GRANTEE shall be responsible for any and all costs associated with non-compliance under this section.
- J. Expend JJA funds, including, but not limited to, prevention and/or graduated sanctions in accordance with GRANTEE's funding application approved by JJA.
- K. Acknowledge this grant may be terminated by either party upon a minimum of ninety (90) days written notice to the other party. Upon termination, the unexpended balance of funding distributed to GRANTEE shall be returned to JJA within thirty (30) days.
- L. Acknowledge that if, in the judgment of the Commissioner of JJA, sufficient funds are not appropriated to fully continue the terms of this agreement, JJA may reduce the amount of the grant award.
- M. Follow all applicable state and federal laws related to confidentiality of information in regard to juvenile offenders. This provision is not intended to hinder the sharing of information where necessary to effect delivery of services when undertaken in compliance with applicable laws.

- N. Neither assume nor accept any liability for the actions or failures to act, either professionally or otherwise, of JJA, its employees and/or its contractual agents.
- O. Not consider employees or agents of the GRANTEE as agents or employees of JJA. GRANTEE accepts full responsibility for payment of unemployment insurance, workers compensation and social security, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees engaged in work authorized by this Grant.
- P. Not hold JJA and the State of Kansas, and their employees, officials or agents, liable for any damages or costs arising from the cancellation, voiding, denial or withholding of funds to GRANTEE.
- Q. Submit problems or issues regarding the terms of this grant in writing to the Commissioner of the Juvenile Justice Authority for final review and resolution.
- R. If any provision of this grant violates any statute or rule of law of the State of Kansas, it is considered modified to conform to that statute or rule of law.
- S. Provide each child under its responsibility for placement and care with the protections found in Section 471 of Title IV-E of the Social Security Act and Kansas' Title IV-E Plan and perform candidate for foster care determinations in accordance with Section 471(a)(15) of the Social Security Act. In connection with the performance of services under this Agreement, GRANTEE also agrees to comply with the provisions of the Civil Rights Act of 1964, as amended (78 Stat. 252), Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, the Regulations of the U. S. Department of Health and Human Services issued pursuant to these Acts, the provisions of Executive Order 11246, Equal Employment Opportunity, dated September 24, 1965, the provisions of the Americans with Disabilities Act of 1990, Public Law 101-336 and the Health Insurance Portability & Accountability Act of 1996; in that compliance shall include, but is not limited to, disclosing only that information that is authorized by law, authorized by the juvenile offender or his parent or legal guardian, setting a time limit on the authorization and disclosure, taking safeguards to prevent use or disclosure of the records, keeping an accounting of all requests for records and documenting its efforts to either protect or release relevant records; there shall be no discrimination against any employee who is employed in the performance of this Agreement, or against any applicant for such employment, because of age, color, national origin, ancestry, race, religion, creed, disability, sex or marital status. This provision shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. GRANTEE agrees that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the GRANTEE. GRANTEE further agrees to insert similar provisions in all sub-contracts for services allowed and authorized under this Agreement under any program or activity.
- T. Provide services to applicable juveniles residing or adjudicated in GRANTEE's Judicial District.
- U. Maintain books, records, documents, and other evidence in a manner that accurately reflects receipts and expenditures of all programs funded by this grant.
- V. Not use state funds allocated through this grant to supplant GRANTEE'S present Federal, State or local funding of services or programs.
- W. Maintain records and submit reports containing such information and at such times as required by JJA.
- X. Attend all applicable training sponsored by JJA.
- Y. Enter into agreements with member counties and/or private, public or not-for-profit entities for the delivery of graduated sanctions and prevention services in order to maximize the effective and efficient use of state resources. All agreements between GRANTEE and member counties or subcontractors shall be in writing and shall require compliance with these award conditions. GRANTEE shall be responsible for ensuring member county and/or subcontractor compliance with these grant conditions, JJA Juvenile Intake and Assessment Standards, JJA Community Agency Supervision Standards, the Financial Rules and Guidelines for Graduated Sanctions and Prevention Block Grants, and state and federal law. If requested by JJA, the GRANTEE shall forward a copy of all such agreements to JJA indicating compliance with this condition.

II. JJA AGREES TO:

- A. Establish standards, policies and procedures for Juvenile Intake and Assessment, Community Case Management and Juvenile Intensive Supervised Probation, and provide consultation and technical assistance to GRANTEE for the implementation of the comprehensive juvenile justice system.
- B. Provide oversight necessary to support the Juvenile Justice Reform Act.
- C. Maintain case management purchase of service funds for services in the Case Management Payment System Handbook.
- D. Receive and process invoices for non-Medicaid provider services contained in the Handbook.
- E. Assume responsibility for payment of Medicaid services contained in the Case Management Payment System Handbook.
- F. Delegate authority to Grantee to sign consents necessary in the administration of programs for juvenile offenders in the custody of the Kansas Juvenile Justice Authority to GRANTEE or its designees.
- G. Acknowledge this grant may be terminated by either party upon a minimum of ninety (90) days written notice to the other party. Upon termination, the unexpended balance of funding distributed to GRANTEE shall be returned to JJA within thirty (30) days.
- H. Conduct audits and reviews of GRANTEE to determine their level of compliance with Juvenile Intake and Assessment, Community Case Management, and Juvenile Intensive Supervised Probation standards and the Case Management Payment System Handbook, JJA Financial Rules and Guidelines for Graduated Sanctions and Prevention Block Grants, and all applicable laws, regulations, and policies. In the event of a finding of unsatisfactory compliance with its obligations under this Agreement, or a finding based upon other evidence of a serious violation and/or lack of compliance with Agreement, all applicable Federal and State laws and regulations, as well as JJA field standards, policies and procedures, JJA may withhold part or all of any grant due or to become due to GRANTEE as payment for services rendered hereunder.
- I. Neither assume nor accept any liability for the actions or failure to act, either professionally or otherwise, of GRANTEE, its employees and/or its contractual agents.

APPROVED BY: Chairperson, Board of County Commissioners

Name: _____
(Please Print First Name, MI, and Last Name)

Signature: _____ Date: _____

APPROVED BY: Kansas Juvenile Justice Authority Commissioner

Name: Terri Williams, Acting Commissioner

Signature: _____ Date: _____

OFFICE OF



THE SHERIFF

Steve Hornberger, Undersheriff
111 E 11th St – Operations
Lawrence, KS 66044
(785) 841-0007, fax (785) 841-5168

Ken Massey, Undersheriff
3601 E 25th St – Corrections
Lawrence, KS 66046
(785) 830-1000, fax (785) 830-1085

KENNETH M. MCGOVERN
Sheriff

MEMORANDUM

To: The Board of County Commissioners
County Administrator Craig Weingaertner

From: Sheriff Kenneth M. McGovern 

Date: June 4, 2012

Subject: Consider Recommendation of Vehicle Purchase

The Douglas County Sheriff's Office is requesting authorization to purchase one 2012 Ford Expedition, The purchase would total \$ 30,388.00 and is necessary to ensure the continued reliable operation of our vehicles. The funding for this purchase is currently available in the 2012 Sheriff's Office budget in the vehicle equipment reserve line item.

This vehicle would replace a 2007 Ford Crown Victoria that is currently in operation. The Ford Expedition will also offer four wheel drive capabilities for emergency transports to Osawatomie State or Larned State hospitals during inclement weather.

This purchase would be made utilizing the MACPP joint vehicle bid. Multiple contract awards were given to different dealerships during the MACPP bid process. The purchasing entity determines which dealer to choose based on best pricing, location, etc.

I would like to complete the purchase of this vehicle with Shawnee Mission Ford. Shawnee Mission Ford appears to provide these vehicles with the options needed at the lowest cost.

I recommend that the BOCC authorize the Sheriff to complete the purchase of this vehicle.

Attached, you will find copies of the MACCP bid price for the vehicle. I will be available to answer any questions you may have.

Attachments

DOUGLAS COUNTY, KANSAS
PURCHASE ORDER NO. 117-0601012-3

Vendor Name/Address:

Shwnee Mission Ford
11501 Shawnee Misson Parkway
Shawnee, KS 66203
Attn: Jay Cooper
913-248-2287

Deliver To:

Douglas County Sheriff's Office
3601 E 25th Street
Lawrence, KS 66046
Attn: Lt. Doug Woods

STATE / AREA CONTRACT #: MACPP

Contact: Lt. Doug Woods (785-393-4165)
Date: June 1, 2012

Bill To:

Douglas County Sheriff's Office
111 E. 11th Street
Lawrence, KS 66044
Attn: Kim Hertach

Approved by the BOCC

FUND	DEPT	ACCT	QTY	DESCRIPTION	UNIT LIST PRICE	UNIT DISCOUNT PRICE	TOTAL PRICE
				Comply w/ MACPP contract specifications and contract terms			
100	13010	82000	1	Ford Expedition 4X4		\$29,530	\$ 29,530.00
100	13010	82000	1	Remote Start		\$430.00	\$ 430.00
100	13010	82000	1	3 Identical Keys		\$30.00	\$ 30.00
100	13010	82000	1	Trailing Towing Package		\$395.00	\$ 395.00
100	13010	82000	1	Tempory Tag		\$3	\$ 3.00
				Exterior color: Bright Silver Metallic , Interior color: Light Gray Stone Cloth			
				Warranty: 3 Years/36,000 Miles Bumper- Bumper, 5 Years/100,000 Powertrain			
				TOTAL:			\$ 30,388.00

Approved By: _____

Doug Woods, Lieutenant

Date: _____

MEMO TO: Board of County Commissioners

FROM: Sarah Plinsky, Assistant County Administrator

SUBJECT: Excess Workers' Compensation Insurance Coverage

DATE: June 8, 2011

Douglas County is self insured for Workers' Compensation, but we are required by the State of Kansas to maintain insurance coverage for high claims. In recent history, we have never reached our deductible (retention) on any one claim, which would activate the excess coverage. Our current provider is Safety National Casualty Corporation and our current retention levels are \$450,000 for law enforcement personnel and \$400,000 for remainder of our employees. We increased the retention levels in 2011.

For the 2011 – 2012 Plan year, we switched coverage from Mid West Employers to Safety National. We have had a good relationship with them in the first year. Given that this was our first year with them, we did not bid out the coverage. There is only one other carrier in Kansas, currently. A new carrier is entering the marketplace and we will seek solicitations from them next year.

Market trends for price increases have been upwards of 10% above the increasing cost of payroll. There are several reasons for higher pricing with this coverage. There are severe increases in underlying loss cost trends for excess losses in Kansas, based on actuarial estimates. In addition, rates have not increased on this coverage for several years. In commercial coverage, rate increases tend to be more dramatic and occur less frequently. In addition, our claims experience may indicate to some providers that our risk is higher.

In addition to cost increases, market trends are leading towards higher retention levels for public entities. We have been told by Safety National that in the 2013-2014 plan year, we will need to have a \$500,000 retention.

	Current	Proposal #1	Proposal #2
Retention	\$450,000 Law Enforcement/ \$400,000 Non-Law Enforcement	\$450,000 Law Enforcement/ \$450,000 Non-Law Enforcement	\$500,000 Retention on all employees
Premium	\$70,039	\$79,974	\$72,739

Given that we haven't accessed this coverage and we want to maintain costs where possible, it is staff's recommendation to increase the retention level to \$500,000 on all staff. Staff feels this option is cost effective and prudent given our claims experience and funding model.

RECOMMENDED MOTION

Approve an agreement with Safety National Casualty for Workers' Compensation excess coverage at a \$500,000 retention level for all employees for \$72,739 for June 15, 2012 through June 15, 2013.

EXHIBIT A-1

DOUGLAS COUNTY, KANSAS

**YANKEE TANK COMMUNITY IMPROVEMENT DISTRICT – DAM IMPROVEMENTS
RESOLUTION NO. 11-18**

STATEMENT OF COSTS

Total Estimated Costs	\$1,988,600
Maximum Community Improvement District Costs	180,000
<i>BALANCE*</i>	\$1,808,600

*To be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture

EXHIBIT B

ASSESSMENT ROLL CERTIFICATION

The undersigned having been designated by Douglas County, Kansas (the "County"), to determine the amounts of the respective assessments and to prepare the proposed Assessment Roll therefor in connection with certain internal improvements heretofore authorized by the Board of County Commissioners hereby reports that each and all of said respective assessments have been determined to be as shown on the Schedule(s) attached hereto and made a part hereof by reference as though fully set out herein.

Dated June 13, 2012.

DOUGLAS COUNTY, KANSAS

By _____
Jameson D. Shew, County Clerk

Douglas County, Kansas

Yankee Tank Community Improvement District - Dam Improvements

Project No. 1

Resolution No. 11-18

Draft Version 1

		Totals
Principal	\$180,000.00	180,000.00
Interest		-
Total	180,000.00	180,000.00

Description Owner	PIN Number	Per Lot Percentage			
Tract No. 1		20.790%			
ALVAMAR INC.	113-05-0-40-01-001.12-0		Principal	37,421.11	37,421.11
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	37,421.11	37,421.11
Tract No. 2		3.947%			
ALVAMAR INC.	113-05-0-40-01-001.13-0		Principal	7,105.26	7,105.26
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	7,105.26	7,105.26
Tract No. 3		6.842%			
ALVAMAR INC.	113-05-0-30-01-001.02-0		Principal	12,315.79	12,315.79
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	12,315.79	12,315.79
Tract No. 4		2.632%			
BELVEDERE LC	113-05-0-40-01-002.00-0		Principal	4,736.84	4,736.84
8900 CHURCHILL CIR			Interest		-
WICHITA KS 67206			Total	4,736.84	4,736.84
Tract No. 5		2.632%			
KU ENDOWMENT ASSN	113-05-0-40-01-001.04-0		Principal	4,736.84	4,736.84
PO BOX 928			Interest		-
LAWRENCE KS 66044			Total	4,736.84	4,736.84
Tract No. 6		2.632%			
JOHN W. BRAND JR. WILLIAM E.					
HOFFMAN	113-05-0-40-01-001.05-0		Principal	4,736.84	4,736.84
2031 QUAIL CREEK DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 7		2.632%			
ROBERT G. BILLINGS	113-05-0-40-01-001.06-0		Principal	4,736.84	4,736.84
1611 ST ANDREWS DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 8		2.632%			
MICHAEL A BEERS, TRUSTEE	113-05-0-40-01-003.00-0		Principal	4,736.84	4,736.84
221 W 48TH ST APT 1706			Interest		-
KANSAS CITY MO 64112			Total	4,736.84	4,736.84
Tract No. 9		2.632%			
JAM PROPERTIES LLC	113-05-0-40-01-001.07-0		Principal	4,736.84	4,736.84
901 EASY ST			Interest		-
LAWRENCE KS 66049			Total	4,736.84	4,736.84
Tract No. 10		2.632%			
JAM PROPERTIES LLC	113-05-0-40-01-001.08-0		Principal	4,736.84	4,736.84
901 EASY ST			Interest		-
LAWRENCE KS 66049			Total	4,736.84	4,736.84
Tract No. 11		2.632%			
MICHAEL A FLORY, TRUSTEE					
CHERYL A FLORY, TRUSTEE	113-05-0-40-01-001.11-0		Principal	4,736.84	4,736.84
1921 QUAIL RUN			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 12		2.632%			
FRANCOIS G. HENRIQUEZ II, TRUSTEE					
LAURA A. STEPHENSON, TRUSTEE	113-05-0-30-01-003.00-0		Principal	4,736.84	4,736.84
1436 E 920 RD			Interest		-
LAWRENCE, KS 66049			Total	4,736.84	4,736.84
Tract No. 13		2.632%			
GERLING LLC	113-05-0-30-01-002.00-0		Principal	4,736.84	4,736.84
PO BOX 842			Interest		-
LAWRENCE, KS 66044			Total	4,736.84	4,736.84
Tract No. 14		2.632%			
JOSEPH E. GADZIA	113-05-0-20-01-015.00-0		Principal	4,736.84	4,736.84
1730 LAKE ALVAMAR DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 15		2.632%			

Douglas County, Kansas

Yankee Tank Community Improvement District - Dam Improvements

Project No. 1

Resolution No. 11-18

Draft Version 1

		Totals
Principal	\$180,000.00	180,000.00
Interest		-
Total	180,000.00	180,000.00

Description Owner	PIN Number	Per Lot Percentage			
RICHARD R. VALBUENA					
KELLY A. VALBUENA	113-05-0-40-02-007.00-0		Principal	4,736.84	4,736.84
1100 E 23RD ST			Interest		-
LAWRENCE KS 66046			Total	4,736.84	4,736.84
Tract No. 16		2.632%			
ALVAMAR INC	113-05-0-40-02-006.00-0		Principal	4,736.84	4,736.84
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 17		2.632%			
ALVAMAR INC	113-05-0-40-02-005.00-0		Principal	4,736.84	4,736.84
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 18		2.632%			
ALVAMAR INC	113-05-0-40-02-004.00-0		Principal	4,736.84	4,736.84
1809 CROSSGATE DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 19		2.632%			
RIAN SAND					
AMY J. SAND	113-05-0-40-02-003.00-0		Principal	4,736.84	4,736.84
1720 LAKE ALVAMAR DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 20		2.632%			
MICHAEL C. GERMANN, TRUSTEE					
VICKI L. GERMANN, TRUSTEE	113-05-0-40-02-002.00-0		Principal	4,736.84	4,736.84
1718 LAKE ALVAMAR DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 21		2.632%			
DARREN KLISH					
LAURA KLISH	113-05-0-40-02-001.00-0		Principal	4,736.84	4,736.84
1118 KANZA DR			Interest		-
LAWRENCE KS 66049			Total	4,736.84	4,736.84
Tract No. 22		2.632%			
SANDIP PATEL					
DIPAK PATEL					
ASHISH PATEL	113-05-0-10-03-013.00-0		Principal	4,736.84	4,736.84
4808 W 24TH ST			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 23		2.632%			
TIMOTHY W SCHMIDT					
KIMBERLY J. SCHMIDT	113-05-0-10-03-012.00-0		Principal	4,736.84	4,736.84
1712 LAKE ALVAMAR DR			Interest		-
LAWRENCE KS 66047			Total	4,736.84	4,736.84
Tract No. 24		2.632%			
NORTH TANK LC	113-05-0-10-03-011.00-0		Principal	4,736.84	4,736.84
502 LAWRENCE AVE			Interest		-
LAWRENCE KS 66049			Total	4,736.84	4,736.84
Tract No. 25		2.632%			
RLCC INC	113-05-0-10-02-023.00-0		Principal	4,736.84	4,736.84
1835 FOXFIRE DR			Interest		-
LAWRENCE, KS 66047			Total	4,736.84	4,736.84
Tract No. 26		2.632%			
RODNEY D LAING	113-05-0-10-02-024.00-0		Principal	4,736.84	4,736.84
JANNAH K. LAING			Interest		-
1835 FOXFIRE DR			Total	4,736.84	4,736.84
LAWRENCE KS 66047					
Tract No. 27		2.632%			
RLCC INC	113-05-0-10-02-025.00-0		Principal	4,736.84	4,736.84
1835 FOXFIRE DR			Interest		-
LAWRENCE, KS 66047			Total	4,736.84	4,736.84
Tract No. 28		2.632%			
HARRY GIBSON	113-05-0-10-02-027.00-0		Principal	4,736.84	4,736.84
BECKY GIBSON					

Douglas County, Kansas

Yankee Tank Community Improvement District - Dam Improvements

Project No. 1

Resolution No. 11-18

Draft Version 1

		Totals
Principal	\$180,000.00	180,000.00
Interest		-
Total	180,000.00	180,000.00

Description Owner	PIN Number	Per Lot Percentage		
1832 FOXFIRE DR LAWRENCE KS 66047			Interest	-
Tract No. 29		2.632%	Total	4,736.84
DAVID A. VAUGHN LAURA M. VAUGHN	113-05-0-10-02-028.00-0		Principal	4,736.84
1828 FOXFIRE DR LAWRENCE KS 66047			Interest	-
			Total	4,736.84
Totals				
			Principal	180,000.00
			Interest	-
			Total Principal & Interest	180,000.00

EXHIBIT C

(Published in *The Lawrence Journal-World*, on June 15, 2012)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF DOUGLAS COUNTY, KANSAS

You and each of you are hereby notified that the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a26 *et seq.*, at the Douglas County Courthouse, 1100 Massachusetts, Lawrence, Kansas, on June 27, 2012 at 6:35 P.M. Said public hearing is for the purpose of hearing any and all oral or written objections to proposed assessments in connection with the following described improvements:

**Yankee Tank Community Improvement District – Dam Improvements
Resolution No. 11-18**

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations.

Property Description:

5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 235.75 FT ALONG W LN SD QR TO PT BEG TH ALONG W LN SD QR 179.4 FT TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 65.6 FT TH N20DEG43'33"E 178.9 FT TH N15DEG24'35"W 460.3FT TH N51DEG32'41"W 158.8 FT TO A PT ON W LN SD QR TH N00DEG12'37"W 505.2 FT TH S56DEG36'24"E 369.1 FT TH S41DEG31'01"E 118.4 FT TH S49DEG31'19"W 221.1 FT TH S37DEG17'34"E 177.1 FT TH S15DEG45'12"E 148.1 FT TH S02DEG13'59"W 124.9 FT TH S20DEG32'25"W 234.1 FT TH SLY 130.9 FT TH S86DEG12'11"E 176.7 FT TH S82DEG43'19"E 104.8 FT TH S64DEG29'00"E 197.3 FT TH N62DEG11'28"E 114.2 FT TH N87DEG55'33"E 279.2 FT TH N07DEG19'07"E222 FT TH N78DEG44'32"W 396.8 FT TH N35DEG57'51"W 534 FT TH N64DEG30'13"E 37 FT TH S35DEG41'38"E 548.1 FT TH S84DEG02'14"E 398.9 FT TH S55DEG53'48"E 480.5 FT TH S01DEG50'40"E 46.7 FT TH N83DEG05'46"E 345.7 FT TH S38DEG43'06"E 306.2 FT TH S86DEG47'33"W 334.7 FT TH S69DEG32'12"W 159 FT TH S88DEG16'39"W 51 FT TH N39DEG24'05"W 365 .9 FT TH S86DEG05'46"W 299.7 FT TH S01DEG50'40"E 259.3 FT TH S79DEG52'29"W 71 FT S88DEG01'05"E 190.8 FT TH N01DEG54'56"W 29.9 FT TH S88DEG08'33"W 848.4FT TO PT BEG 18.7A (DIV 2005 400356B03);

5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 415.15 FT ALONG W LN SD QR TO PT BEG TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 65.6 FT TH N20DEG43'33"E 178.9 FT TH N15DEG24'35"W 460.3 FT TH

N51DEG32'41"W 158.8 FT TO PT ON E LN SD QR TH S00DEG12'37"E 870.8 FT TO PT BEG 3.6A (DIV 2005 400356B03);

5-13-19 SW QR THAT PORTION OF 400355KB ANNEXED IN ORD 7550 985/5185 DESC: COM SE CR SD QR N00DEG12'37"W 1285.23 FT ALONG E LN SD QR TO PT BEG TH CONT ALONG SD E LN 505.2 FT TH N56DEG36'24"W 380.8 FT TH S78DEG21'47"W 300.5 FT TH S35DEG54'53"W 140 FT TH S36DEG02'25"E 260.30 FT TH S88DEG57'13"E 160.7 FT TH S51DEG32'41"E 466.5 FT TO PT BEG 6.3A (DIV 2005 400355KB);

HERRMAN ADD BLK 1 LT 1, A SUBDIVISION OF THE CITY OF LAWRENCE(ANNEXED TO CITY OF LAWRENCE ORD NO 7564 ADOPTED 08/13/2002 BK 847/707 REPLACES 400356EA);

5-13-19 COM AT SE COR SEC 5 TH S89DEG46'05"W ALONG S LINE SD SEC 1640.17 FT TH N 0DEG13'55"W 424.92 FT FOR PT BEG:TH N 0DEG16'30"W 266.9 FT TH S76DEG56'32"E 207.28 FT TH S09DEG07'04"W 222.08 FT TH S89DEG43'30"W 165.45 FT TO PT BEG 1.03A;

5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1640.17 FT & N 0DEG13'55"W 424.92 FT FROM SE COR SE 1/4 TH S89DEG43'30"W 113.8 FT TH WLY ON 185 FOOT RADIUS CURVE TO LEFT ARC LENGTH 25 FT TH N08DEG36'W 315.62 FT TH S76DEG56'32"E 189.53 FT TH S 0DEG16'30"E 266.9 FT TO PT BEG 1.061A;

5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1778.89 FT & N 0DEG13'55"W 423.13 FT FROM SE COR SE 1/4 TH SWLY ON 185 FOOT RADIUS CURVE TO LEFT WITH 114.28 FOOT CHORD BEARINGS63DEG59'28"W ARC LENGTH 116.18 FT TH S46DEG00'05"W 27.27 FT TH NWLY ON 310 FOOT RADIUS CURVE TO LEFT WITH 194.04 FOOT CHORD BEARING N62DEG41'W ARC LENGTH 197.36 FT TH N80DEG55'19"W 25 FT TH N29DEG01'57"E 433.64 FT TH S34DEG09'51"E 110 FT TH S08DEG36'E 315.62 FT TO PT BEG 1.816A;

5-13-19 COM AT SE COR SEC 5 TH S89DEG46'05"W ALONG S LINE SD SEC 2377.49 FT TH N 0DEG13'55"W 483.27 FT FOR PT BEG:TH N 0DEG13'55"W 66.01 FT TH ON CURVE TO RIGHT RADIUS 165 FT ARC DISTANCE 65 FT TH N22DEG20'25"E 157.74 FT TH ON CURVE TO LEFT RADIUS OF 435 FT ARC DISTANCE 76.49 FT TH S77DEG44'05"E 362.22 FT TH S29DEG01'57"W 348.91 FT TH N80DEG55'19"W 104.88 FT TH ON CURVE TO LEFT RADIUS 1455 FT ARC DISTANCE 176.8 FT TO BEG 2.61A;

5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 2281.28 FT & N 0DEG13'55"W 831.12 FT FROM SE COR SE 1/4 TH NLY ON 435 FOOT RADIUS CURVE TO LEFT WITH 124.57 FOOT CHORD BEARING N04DEG01'59"E ARC LENGTH 125 FT TH N85DEG48'03"E 286.56 FT TH S34DEG09'51"E 179 FT TH S29DEG01'57"W 84.73 FT TH N77DEG44'05"W 362.22 FT TO PT BEG 1.403A WW35 (ANNEXED TO CITY OF

LAWRENCE ORD NO 7550 ADOPTED 07/23/2002 FILED 05/03/2005 BK 985/5186 REPLACES 400356J)

5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 2306.97 FT & N 0DEG13'55"W 1098.52 FT FROM SE COR SE 1/4 TH N66DEG17'43"E 200.67 FT TH S34DEG09'51"E 245 FT TH S85DEG48'03"W 286.56 FT TH NLY ON 435 FOOT RADIUS CURVE TO LEFT WITH 147.38FOOT CHORD BEARING N13DEG57'06"W ARC LENGTH 148.09 FT TO PT BEG 1.019A;

5-13-19 TR OF LAND IN SE QR DESC AS:BEG AT PT WHICH IS S88DEG09'20"W ALONG S LINE 2306.97 FT & N01DEG50'40"W 1098.52 FT FROM SE COR SE QR TH NLY ON 425 FOOT RADIUS CURVE TO LEFT WITH 176.38 FOOT CHORD BEARING N37DEG17'34"W ARC LENGTH 177.67FT TH N49DEG31'19"E 223.6 FT TH S41DEG31'01"E 188.09 FT TH S35DEG41'38"E 51.23 FT TH S64DEG40'58"W 240.92 FT TO PT BEG 1.077A;

LAKE ESTATES SUB NO 6 BLK 1 LT 1;

LAKE ESTATES SUB NO 3 LT 7, LESS 3.609A D 649/1091;

THE RESERVE AT ALVAMAR BLK 1 LT 21, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 20, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 19, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 18, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 17, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 16, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 15, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 14, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 13, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 12, A SUBDIVISION OF THE CITY OF LAWRENCE;

THE RESERVE AT ALVAMAR BLK 1 LT 11, A SUBDIVISION OF THE CITY OF LAWRENCE;

FOXFIRE ADD NO 5 BLK 2 LT 16, A SUBDIVISION OF THE CITY OF LAWRENCE;

FOXFIRE ADD NO 5 BLK 2 LT 17A, A SUBDIVISION OF THE CITY OF LAWRENCE;

FOXFIRE ADD NO 5 BLK 2 LT 18A, A SUBDIVISION OF THE CITY OF LAWRENCE;

FOXFIRE ADD NO 5 BLK 2 LT 19, A SUBDIVISION OF THE CITY OF LAWRENCE; AND

FOXFIRE ADD NO 5 BLK 2 LT 20, A SUBDIVISION OF THE CITY OF LAWRENCE.

Estimated Cost of Improvements:

\$1,988,600.

Not to exceed \$180,000 to be paid by the Community Improvement District and the remaining amounts to be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture

An Assessment Roll prepared in accordance with the referenced Resolution approved by the Board is on file in the Office of the County Clerk and may be examined by any interested party. At the conclusion of the public hearing, the Board will consider a Resolution levying such special assessments.

DATED June 13, 2012.

/s/Jameson D. Shew, County Clerk

EXHIBIT D

**NOTICE OF HEARING
AND
STATEMENT OF COST PROPOSED TO BE ASSESSED**

June 15, 2012
Douglas County, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on *Schedule I* attached hereto, that there is proposed to be assessed against said property, certain amounts for the costs of certain internal improvements (the "Improvements") heretofore authorized by the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County"). The description of the Improvements, the resolution number authorizing the same and the proposed amount of assessment are set forth on *Schedule I* attached hereto.

You are hereby further notified that the Board will meet on June 27, 2012, at 6:35 p.m., at the Douglas County Courthouse, 1100 Massachusetts, Lawrence, Kansas, for the purpose of considering the proposed assessments.

The proposed Assessment Roll is on file in my office for public inspection. ***WRITTEN OR ORAL OBJECTIONS TO THE PROPOSED ASSESSMENTS WILL BE CONSIDERED AT SAID PUBLIC HEARING***

At the conclusion of the public hearing, the Board will consider a Resolution levying such special assessments. A subsequent Notice of Assessment will be mailed to affected property owners at that time indicating that each property owner may pay the assessment in whole or in part by July 30, 2012. Any amount not so paid within the time period prescribed will be collected in [20] annual installments, together with interest thereon at the rate obtained by the County for its general obligation bonds issued to finance the costs of the Improvements.

Jameson D. Shew, County Clerk

SCHEDULE I-1

**YANKEE TANK COMMUNITY IMPROVEMENT DISTRICT – DAM IMPROVEMENTS
RESOLUTION NO. 11-18**

Description of Property	Amount of Proposed Assessment
Tract No. 1 - 5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 235.75 FT ALONG W LN SD QR TO PT BEG TH ALONG W LN SD QR 179.4 FT TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 65.6 FT TH N20DEG43'33"E 178.9 FT TH N15DEG24'35"W 460.3FT TH N51DEG32'41"W 158.8 FT TO A PT ON W LN SD QR TH N00DEG12'37"W 505.2 FT TH S56DEG36'24"E 369.1 FT TH S41DEG31'01"E 118.4 FT TH S49DEG31'19"W 221.1 FT TH S37DEG17'34"E 177.1 FT TH S15DEG45'12"E 148.1 FT TH S02DEG13'59"W 124.9 FT TH S20DEG32'25"W 234.1 FT TH SLY 130.9 FT TH S86DEG12'11"E 176.7 FT TH S82DEG43'19"E 104.8 FT TH S64DEG29'00"E 197.3 FT TH N62DEG11'28"E 114.2 FT TH N87DEG55'33"E 279.2 FT TH N07DEG19'07"E222 FT TH N78DEG44'32"W 396.8 FT TH N35DEG57'51"W 534 FT TH N64DEG30'13"E 37 FT TH S35DEG41'38"E 548.1 FT TH S84DEG02'14"E 398.9 FT TH S55DEG53'48"E 480.5 FT TH S01DEG50'40"E 46.7 FT TH N83DEG05'46"E 345.7 FT TH S38DEG43'06"E 306.2 FT TH S86DEG47'33"W 334.7 FT TH S69DEG32'12"W 159 FT TH S88DEG16'39"W 51 FT TH N39DEG24'05"W 365 .9 FT TH S86DEG05'46"W 299.7 FT TH S01DEG50'40"E 259.3 FT THS79DEG52'29"W 71 FT S88DEG01'05"E 190.8 FT TH N01DEG54'56"W 29.9 FT TH S88DEG08'33"W 848.4FT TO PT BEG 18.7A (DIV 2005 400356B03)	<p align="center">\$37,421.11</p>
Tract No. 2 - 5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 415.15 FT ALONG W LN SD QR TO PT BEG TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 65.6 FT TH N20DEG43'33"E 178.9 FT TH N15DEG24'35"W 460.3FT TH N51DEG32'41"W 158.8 FT TO PT ON E LN SD QR TH S00DEG12'37E 870.8 FT TO PT BEG 3.6A (DIV 2005 400356B03)	<p align="center">7,105.26</p>

Tract No. 3 - 5-13-19 SW QR THAT PORTION OF 400355KB ANNEXED IN ORD 7550 985/5185 DESC: COM SE CR SD QR N00DEG12'37"W 1285.23 FT ALONGE LN SD QR TO PT BEG TH CONT ALONG SD E LN 505.2 FT TH N56DEG36'24"W 380.8 FT TH S78DEG21'47"W 300.5 FT TH S35DEG54'53"WTH 140 FT TH S36DEG02'25"E 260.30 FT TH S88DEG57'13"E 160.7 FT TH S51DEG32'41"E 466.5 FT TO PT BEG 6.3A (DIV 2005 400355KB)	12,315.79
Tract No. 4 - HERRMAN ADD BLK 1 LT 1 A SUBDIVISION OF THE CITY OF LAWRENCE(ANNEXED TO CITY OF LAWRENCE ORD NO 7564 ADOPTED 08/13/2002 BK 847/707 REPLACES 400356EA)	4,736.84
Tract No. 5 - 5-13-19 COM AT SE COR SEC 5 THS89DEG46'05"W ALONG S LINE SD SEC 1640.17 FT TH N 0DEG13'55"W 424.92 FT FOR PT BEG:TH N 0DEG16'30"W 266.9 FT TH S76DEG56'32"E 207.28 FT TH S09DEG07'04"W 222.08 FT TH S89DEG43'30"W 165.45 FT TO PT BEG 1.03A	4,736.84
Tract No. 6 - 5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1640.17 FT & N 0DEG13'55"W 424.92 FT FROM SE COR SE 1/4 TH S89DEG43'30"W 113.8 FT TH WLY ON 185 FOOT RADIUS CURVE TO LEFT ARC LENGTH 25 FT TH N08DEG36'W 315.62 FT TH S76DEG56'32"E 189.53 FT TH S 0DEG16'30"E 266.9 FT TO PT BEG 1.061A	4,736.84
Tract No. 7 - 5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1778.89 FT & N 0DEG13'55"W 423.13 FT FROM SE COR SE 1/4 TH SWLY ON 185 FOOT RADIUS CURVE TO LEFT WITH 114.28 FOOT CHORD BEARINGS63DEG59'28"W ARC LENGTH 116.18 FT TH S46DEG00'05"W 27.27 FT TH NWLY ON 310 FOOT RADIUS CURVE TO LEFT WITH 194.04 FOOT CHORD BEARING N62DEG41'W ARC LENGTH 197.36 FT TH N80DEG55'19"W25 FT TH N29DEG01'57"E 433.64 FT TH S34DEG09'51"E 110 FT TH S08DEG36'E 315.62 FT TO PT BEG 1.816A	4,736.84
Tract No. 8 - 5-13-19 COM AT SE COR SEC 5 THS89DEG46'05"W ALONG S LINE SD SEC 2377.49 FT TH N 0DEG13'55"W 483.27 FT FOR PT BEG:TH N 0DEG13'55"W 66.01 FT TH ON CURVETO RIGHT RADIUS 165 FT ARC	4,736.84

DISTANCE 65 FT TH N22DEG20'25"E 157.74 FT TH ON CURVE TO LEFT RADIUS OF 435 FT ARC DISTANCE 76.49 FT TH S77DEG44'05"E 362.22 FT TH S29DEG01'57"W 348.91 FT TH N80DEG55'19"W 104.88 FT TH ON CURVE TO LEFT RADIUS 1455FT ARC DISTANCE 176.8 FT TO BEG 2.61A	
Tract No. 9 - 5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 2281.28 FT & N 0DEG13'55"W 831.12 FT FROM SE COR SE 1/4 TH NLY ON 435 FOOT RADIUS CURVE TO LEFT WITH 124.57 FOOT CHORD BEARING N04DEG01'59"E ARC LENGTH 125 FT TH N85DEG48'03"E 286.56 FT TH S34DEG09'51"E 179 FT TH S29DEG01'57"W 84.73 FT TH N77DEG44'05"W 362.22 FT TO PT BEG 1.403A WW35 (ANNEXED TO CITY OF LAWRENCE ORD NO 7550 ADOPTED 07/23/2002 FILED 05/03/2005 BK 985/5186 REPLACES 400356J)	4,736.84
Tract No. 10 - 5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 2306.97 FT & N 0DEG13'55"W 1098.52 FT FROM SE COR SE 1/4 TH N66DEG17'43"E 200.67 FT TH S34DEG09'51"E 245 FT TH S85DEG48'03"W 286.56 FT TH NLY ON 435 FOOT RADIUS CURVE TO LEFT WITH 147.38FOOT CHORD BEARING N13DEG57'06"W ARC LENGTH 148.09 FT TO PT BEG 1.019A	4,736.84
Tract No. 11 - 5-13-19 TR OF LAND IN SE QR DESC AS:BEG AT PT WHICH IS S88DEG09'20"W ALONG S LINE 2306.97 FT & N01DEG50'40"W 1098.52 FT FROM SE COR SE QR TH NLY ON 425 FOOT RADIUS CURVE TO LEFT WITH 176.38 FOOT CHORD BEARING N37DEG17'34"W ARC LENGTH 177.67FT TH N49DEG31'19"E 223.6 FT TH S41DEG31'01"E 188.09 FT TH S35DEG41'38"E 51.23 FT TH S64DEG40'58"W 240.92 FT TO PT BEG 1.077A	4,736.84
Tract No. 12 - LAKE ESTATES SUB NO 6 BLK 1 LT 1	4,736.84
Tract No. 13 - LAKE ESTATES SUB NO 3 LT 7,LESS 3.609A D 649/1091	4,736.84
Tract No. 14 - THE RESERVE AT ALVAMAR BLK 1 LT 21 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 15 - THE RESERVE AT ALVAMAR BLK 1 LT 20 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 16 - THE RESERVE AT ALVAMAR	4,736.84

BLK 1 LT 19 A SUBDIVISION OF THE CITY OF LAWRENCE	
Tract No. 17 - THE RESERVE AT ALVAMAR BLK 1 LT 18 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 18 - THE RESERVE AT ALVAMAR BLK 1 LT 17 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 19 - THE RESERVE AT ALVAMAR BLK 1 LT 16 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 20 - THE RESERVE AT ALVAMAR BLK 1 LT 15 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 21 - THE RESERVE AT ALVAMAR BLK 1 LT 14 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 22 - THE RESERVE AT ALVAMAR BLK 1 LT 13 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 23 - THE RESERVE AT ALVAMAR BLK 1 LT 12 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 24 - THE RESERVE AT ALVAMAR BLK 1 LT 11 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 25 - FOXFIRE ADD NO 5 BLK 2 LT 16 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 26 - FOXFIRE ADD NO 5 BLK 2 LT 17A A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 27 - FOXFIRE ADD NO 5 BLK 2 LT 18A A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 28 - FOXFIRE ADD NO 5 BLK 2 LT 19 A SUBDIVISION OF THE CITY OF LAWRENCE	4,736.84
Tract No. 29 - FOXFIRE ADD NO 5 BLK 2 LT 20 A SUBDIVISION OF THE CITY OF LAWRENCE	<u>4,736.84</u>
TOTAL	\$180,000.00



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

111 East 11th Street, Unit 200
Lawrence, KS 66044

phone: (785) 832-5237
fax: (785) 330-2801

website: www.douglas-county.com
email: eccdept@douglas-county.com

MEMORANDUM

To : Board of County Commissioners
From : Scott W. Ruf, Director of Emergency Communications
Date : June 13, 2012
Re : Regular Agenda item waiving formal bidding process and authorizes staff to access the State of Kansas (28440) and Western States Contracting Alliance contracts with Motorola Solutions for design and proposal of P25 800MHz Digital Simulcast Radio System as expansion of Kansas Department of Transportation KSIS Radio System.

This approval and authorization will allow for formal recognition of Motorola Solutions as the preferred vendor for the project and to complete system design and project costs.

The total cost of this project is estimated at between \$6-7M.

Douglas County Emergency Communications at the direction of the 9-1-1 Advisory Board solicited budgetary proposals from three (3) qualified vendors for the radio project. Proposals were to include a standalone option, expansion of KDOT KSIS Radio System, and expansion of Johnson County Radio System. It was determined that an expansion of the KDOT KSIS Radio System was the best solution. After reviewing submitted proposals Motorola Solutions was the only vendor capable of providing the system best suited for implementation in Douglas County.

<u>Vendor</u>	<u>Option 1 Standalone</u>	<u>Option 2 KDOT Expansion</u>	<u>Option 3 Johnson Cty Expansion</u>
Motorola Solutions	Yes	Yes	Yes
Cassidian Communications		No Proposals Submitted	
TAIT Communications	Yes	No	No

The approval of this phase makes no commitment by the County for any capital expenses related to the overall radio project and its scope is to complete system design and negotiations related to project pricing.

Action Required: Regular Agenda authorization for Emergency Communications Director to advise Motorola Solutions of our intent to negotiate for design and implementation of new P25 800 MHz Digital Simulcast Radio System as expansion of KDOT Radio System in Douglas County.

- SCOTT W. RUF**
Director
- 911 ADVISORY BOARD
- SHERIFF KENNETH MCGOVERN**
Douglas County
Chairman
- CHIEF MARK BRADFORD**
Lawrence Douglas County
Fire-Medical Services
Vice Chairman
- CHIEF TARIK KHATIB**
Lawrence Police Department
- CHIEF RALPH OLIVER**
Kansas University
- CHIEF CHRIS MOORE**
City of Eudora Fire Dept.
Wakarusa Township Fire Dept.



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

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Lawrence, KS 66044

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website: www.douglas-county.com
email: eccdept@douglas-county.com

June 13, 2012

SCOTT W. RUF
Director

911 ADVISORY BOARD

SHERIFF KENNETH MCGOVERN
Douglas County
Chairman

CHIEF MARK BRADFORD
Lawrence Douglas County
Fire-Medical Services
Vice Chairman

CHIEF TARIK KHATIB
Lawrence Police Department

CHIEF RALPH OLIVER
Kansas University

CHIEF CHRIS MOORE
City of Eudora Fire Dept.
Wakarusa Township Fire Dept.

Mr. Jon Martin
Motorola Solutions
P.O. Box 19072
Topeka, KS 66619

Re: Letter of Intent to Negotiate for P25 800MHz Digital Simulcast Radio System

Dear Mr. Martin:

Please accept this letter as notification that Douglas County has approved moving forward into formal negotiations with Motorola Solutions for the design and implementation of our new P25 800MHz Digital Radio System.

We request a formal price quote pursuant to state contract pricing (or better) from Motorola Solutions (as to KS State Contract 28440 & KS State WSCA) for equipment and services related to our project.

This letter, though not binding, is intended to serve as the basis for negotiating a final written agreement which will contain material terms not mentioned in this letter. This letter does not create an exclusive right to negotiate or obligation to continue negotiations. Either party may terminate negotiations at any time in their sole discretion. Partial performance by either party of the terms of this letter, or the efforts by either party to perform due diligence or carry out other acts in contemplation of consummating this transaction, shall not be deemed evidence of intent by either party to be bound by the terms of this letter. The parties will not be bound to an agreement unless and until each party reviews, approves and executes a final and definitive written agreement.

If you have any questions please do not hesitate to contact me. Thank you for your assistance with our project.

Sincerely,

Scott W. Ruf
Director, DGCO Emergency Communications

Cc: Craig Weinaug, County Administrator
Sarah Plinsky, Assistant County Administrator
Board of County Commissioners
911 Advisory Board
Jackie Waggoner, Purchasing Director



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

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MEMORANDUM

To : Board of County Commissioners
From : Scott W. Ruf, Director of Emergency Communications
Date : June 13, 2012
Re : Regular Agenda item waiving formal bidding process and authorize staff to access the State of Kansas and Western States Contract Alliance contracts with Motorola Solutions for Civil Engineering related to system site development.

This is the first of three (3) phases for the new P25 800 MHz Digital Radio Project. Due to the expertise required and the amount of time necessary for this work to be done is the reason for moving forward at this time.

Funds for this first phase are allocated in the County's P25 Radio Project Reserve Account (232-20013).

Douglas County Emergency Communications at the direction of the 9-1-1 Advisory Board solicited budgetary proposals from three (3) qualified vendors for the radio project. Proposals were to include a standalone option, expansion of KDOT KSIS Radio System, and expansion of Johnson County Radio System. It was determined that an expansion of the KDOT KSIS Radio System was the best solution. After reviewing submitted proposals Motorola Solutions was the only vendor capable of providing the system best suited for implementation in Douglas County.

<u>Vendor</u>	<u>Option 1 Standalone</u>	<u>Option 2 KDOT Expansion</u>	<u>Option 3 Johnson Cty Expansion</u>
Motorola Solutions	Yes	Yes	Yes
Cassidian Communications		No Proposals Submitted	
TAIT Communications	Yes	No	No

The approval of this phase makes no commitment by the County for any capital expenses related to the overall radio project and its scope is strictly for preliminary work related to civil engineering, licensing and permitting of system sites.

Action Required: Regular Agenda authorization for Emergency Communications Director, subject to review and approval by County Attorney and County Purchasing to approve Statement of Work and Professional Services Agreement from Motorola Solutions for civil engineering work in the total amount of \$281,194.00.

SCOTT W. RUF
Director

911 ADVISORY BOARD

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STATEMENT OF WORK

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Motorola Solutions, Inc. ("Motorola") presents this scope of work to Douglas County, Kansas, for the initial project which consists of all engineering services such as construction drawings, permitting, governmental approvals, etc., at the Globe water tank site. In addition, at the Globe site, a fenced compound will be built that will include foundations for a new 180-foot self support tower, 35kw generator and a 500 gallon LP fuel tank, 200 amp electrical service and all buried grounding.

In addition to the Globe site, all Engineering services required at the remaining five sites will be performed on this project.

A second and separate contract will be used to install all remaining civil work at all of the sites including a new tower and shelter at the Globe site.

This document delineates the general responsibilities between Motorola and Douglas County as agreed to by contract.

1.1 SITE DEVELOPMENT AT GLOBE WT SITE

Existing water tank with a new 180-foot tower, antennas, PTP, 12x10 MAB equipment shelter, 500 gallon fuel tank and 35 kw generator all in a new fenced compound.

Site Scope Summary

- Engineering services for site drawings and regulatory approvals – Included.
- Site acquisition services – Not included.
- Zoning Services – Included.
- New fenced compound/expansion size – 50-foot x 50-foot.
- Clearing type – Light.
- Road length requiring improvement – 100 feet.
- New power run – 50 feet, Electrical service type – Underground, 200-amp - 120/240-volt, single-phase.
- New shelter size – 12-foot x 10-foot.
- New fuel tank size – 500 gallons, Type – Propane above-ground.
- New generator size – 35 kW, Type – Outdoor.
- New tower to be used for antennas – 180-foot guyed tower-field assembled.
- New tower foundation size – 14 cubic yard, Type – Pier and pad.

Motorola Responsibilities

Site Zoning

Coordinate zoning and permitting of the new tower site such that it is in full compliance with applicable jurisdictional requirements.

Site Engineering

- Prepare site construction drawings showing the layout of various new and existing site components.
- Conduct site walks to collect pertinent information from the sites (e.g., location of Telco, power, existing facilities, etc.).

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- Perform a boundary and topographic survey for the property on which the communication site is located or will be located.
- Prepare zoning drawings that can be used to describe the proposed site installation in sufficient detail.
- Prepare record drawings of the site showing the as-built information.
- Provide an expert witness for up to 2 day(s) to attend or testify at public meetings and/or hearings to provide expert testimony to assist in obtaining zoning approvals.
- Perform NEPA Threshold Screening, including limited literature and records search and brief reporting, as necessary to identify sensitive natural and cultural features referenced in 47 CFR Chapter 1, subsection 1.1307 that may potentially be impacted by the proposed construction activity. This does not include the additional field investigations to document site conditions if it is determined that the proposed communication facility “may have a significant environmental impact” and thus require additional documentation, submittals, or work. Regional Environmental Review (RER) report submittals if required by FEMA have not been included.
- Perform a cultural resource study, as needed to identify sensitive historical and archaeological monuments that might be impacted by proposed construction.
- Conduct up to 35-foot deep soil boring test at tower location and prepare geotechnical report of soil conditions at locations of guyed tower base and each guy anchor point. Grouting of boring holes or access by Automatic Traction Vehicle (ATV)—mounted rig is not included.
- Conduct construction inspection of foundation steel prior to pour, materials testing of concrete and field density tests of backfill to ensure quality construction.
- Check tower erection for plumbness, linearity and alignment after installation.
- Perform inspection of the site and the work performed by the Contractor to document that the site is built in accordance with the “Site Plans” and document any deviations or violations.
- Research permit requirements (building, utility, construction and FAA permits) for the construction of the proposed site, and determine if the permits are required. If a permit is required, Motorola shall obtain the necessary permit forms and complete the necessary information on behalf of the Customer.
- Submit the completed application forms to the local jurisdiction and apply for applicable permits.

Site Preparation

- Obtain the permits such as electrical, building, and construction permits, and any inspections that may need to be coordinated with the local authorities to complete site development work.
- Provide one-time mobilization costs for the construction crews. Any remobilization due to interruptions/delays that are out of Motorola's control will result in additional costs.
- Perform clear light brush, grub roots and dispose vegetation and shrub growth in the site compound area and a 20-foot path around it (not to exceed 8100 square feet).
- Perform clear light brush, grub roots and dispose vegetation and shrub growth in a 15-foot wide access road to the site (not to exceed 100 feet in length).
- Grade the site compound and 10-foot path around it to provide a level, solid, undisturbed surface for installation of site components (not to exceed 4900 square feet).
- Supply and install gravel surfacing to a depth of 6 inches, underlain with geotextile fabric within the fenced in site compound area, and a 3-foot path around it (not to exceed 3136 square feet).
- Provide a 15-foot wide access road (not to exceed 100 feet in length), including surface grading and graveling.
- Provide silt fence around the compound to control soil erosion (not to exceed 200 linear feet).
- Supply and install 8-foot high chain-link fencing with a ten-foot wide gate around the shelter compound (not to exceed 200 linear feet).
- Perform site touchup (fertilize, seed and straw) disturbed areas not covered with gravel after completion of construction work. Landscaping, decorative fencing or any other aesthetic improvement that may be required by local jurisdictions has not been included and will be handled through a negotiated contract change notice.

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Site Components Installation

- Construct 1 reinforced concrete foundation necessary for a 12-foot x 10-foot shelter.
- Construct 1 concrete slab for 500 gallon above-ground Liquid Propane (LP) fuel tank at 3000 psi with reinforcing steel necessary for foundations.
- Construct 1 foundation for the 35 kW generator with reinforcing steel necessary for foundations.
- 120 / 240 volt, 200 amp, single-phase meter pedestal & hookup for electrical service by the local utility.
- 120 / 240 volt, 200 amp, single-phase underground electrical service including trenching and installation of appropriately sized electrical conductors buried 30 inches below grade from utility meter to the service disconnect located on the building within 50 feet.
- Exterior grounding for W/G Bridge, shelter, fuel tank, generator and fence located in an 2500 Sq. Ft. compound per R56.
- Megger three point grounding test of the site.

Tower Work

- Construct pier and pad type tower foundations including excavation, rebar and concrete (not to exceed 14 cubic yards).

Customer Responsibilities

- If required, prepare and submit EME plans for the site (as a licensee) to demonstrate compliance with FCC RF Exposure guidelines. [Note: Should the customer desire guidance with this task, Motorola is able to recommend resources. Additionally, Appendix A of Motorola's Standards and Guidelines for Communication Sites (R56) discusses Electromagnetic Energy and provides a basic methodology for structuring an FCC compliant program. If the customer does not have a copy of Motorola's Standards and Guidelines for Communication Sites (R56) v 2005, one will be provided.]
- Assist Motorola with permitting for sites as owner/lessee.
- As applicable, coordinate, prepare, submit, and pay for all required permits and inspections for the work that is the Customer's responsibility.
- Review and approve site design drawings within 7 calendar days of submission by Motorola or its subcontractor(s). Should a re-submission be required, the Customer shall review and approve the re-submitted plans within 7 calendar days from the date of submittal.
- Pay for application fees, taxes and recurring payments for lease/ownership of the property.
- Provide personnel to observe construction progress and testing of site equipment according to the schedule provided by Motorola.
- Secure clear and unencumbered title, MOU, or Lease Agreement with the property owner.
- Provide property deed or lease agreement, and boundary survey, along with existing as-built drawings of the site and site components to Motorola for conducting site engineering.
- Provide a right of entry letter from the site owner for Motorola to conduct field investigations.
- Provide additional temporary space for the staging the construction equipment during the construction of new site facilities (tower, shelter, generator, fuel tank etc.).

Assumptions

- All work is assumed to be done during normal business hours as dictated by time zone (Monday thru Friday, 7:30 a.m. to 5:00 p.m.).
- Pricing has been based on National codes such IBC or BOCA. Local codes or jurisdictional requirements have not been considered in this proposal.

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- Site is being constructed at a location where hazardous materials are not present. Testing and removal of hazardous materials encountered during site investigations or construction will be the responsibility of the Customer.
 - A maximum of 30 days will be required for obtaining approved building permits from time of submission, and a maximum of 60 days will be required for zoning approvals from time of submittal.
 - No improvements are required for concrete trucks, drill rigs, shelter delivery, and crane access.
 - If extremely harsh or difficult weather conditions delay the site work for more than a week, Motorola will seek excusable delays rather than risk job site safety.
 - In the absence of geotechnical test data at the sites, normal soil conditions have been assumed. Normal soil is defined as a cohesive soil with net vertical bearing capacity of 4000 pounds per square inch and an allowable net horizontal pressure of 400 pounds per lineal foot of depth to a maximum of 4000 pounds per square foot. Rock, non-cohesive soils or submerged soils are not considered normal soils.
 - For zoning approvals, a maximum of 60 days will be required from time of submittal with attendance at maximum of two (2) required planning meetings.
 - The new tower location will pass the FAA hazard study, zoning, FCC and environmental permitting.
 - The restoration of the site surroundings by fertilizing, seeding and strawing the disturbed areas will be adequate. Additional landscaping or aesthetic improvements (decorative fencing, tree plantings, stealth towers etc.) will not be required.
 - Foundation sizing is based on the tower loading requirements as a result of the RF Antenna System design and the Microwave Antenna System design (i.e. - dish sizes and locations obtained from paper path studies). If after physical path studies, the dish sizes and locations change, then Motorola will then review the impact to tower structure and foundations and revise applicable costs.
 - If as a result of NEPA studies, any jurisdictional authority should determine that a proposed communications facility "may have a significant environmental impact", the environmental impact studies or field testing and evaluation related to such determination have not been included.
 - The site location can be finalized and lease agreement can be reached with the property owner within 60 calendar days after the start of the site acquisition effort.
 - A waiver, if required, to zoning requirements like setbacks, tower height limitations, etc. can be obtained.
 - Underground utilities are not present in the construction area, and as such no relocation will be required.
 - Spoils from the tower foundations can be dispersed on the property and will not be required to be transported to a dump location.
 - Foundations for the shelter, generator and fuel tank are based "normal soil" conditions as defined by TIA/EIA 222-F. Footings deeper than 30 inches, raised piers, rock coring, dewatering, or hazardous material removal have not been included.

Completion Criteria

Site development completed and approved by Douglas County.

1.2 SITE DEVELOPMENT AT FLAIR SITE

- Existing tower site with an existing empty 12-foot x20-foot shelter and 60 kw generator.
- New UPS and shelter up-grade plus antennas and PTP.

Site Scope Summary

- Engineering services for site drawings and regulatory approvals – Included.
- Site acquisition services – Not included.
- Zoning Services – Not included.
- Existing tower to be used for antennas – 1000-foot Guyed Tower.

Motorola Responsibilities

Site Engineering

- Prepare site construction drawings, showing the layout of various new and existing site components.
- Prepare record drawings of the site showing the as-built information.
- Perform National Environmental Policy Act (NEPA) Threshold Screening, including limited literature and records search and brief reporting, as necessary to identify sensitive natural and cultural features referenced in 47 Code of Federal Regulations (CFR) Chapter 1, subsection 1.1307 that may be potentially impacted by the proposed construction activity. This does not include the additional field investigations to document site conditions if it is determined that the proposed communication facility “may have a significant environmental impact” and thus require additional documentation, submittals, or work.
- Provide a structural engineering analysis for antenna support structure, if necessary, to support the proposed antenna system. The structural analysis does not include mapping, structural measurement survey, materials testing, geotechnical investigation, and/or other field investigation to acquire the data. If the tower structure fails the analysis, the cost of any site relocation or modifications to the tower required to support the antenna system will be the responsibility of Douglas County.
- Research permit requirements (building, utility, and construction) for the construction of the proposed site, and determine if the permits are required. If a permit is required, Motorola shall obtain the necessary permit forms and complete the necessary information on behalf of the Douglas County.
- Submit the completed application forms to the local jurisdiction and apply for applicable permits.

Customer Responsibilities at Flair, Stratford, LeCompton, KDOT Sites

- If required, prepare and submit EME plans for the site (as a licensee) to demonstrate compliance with FCC RF Exposure guidelines. [Note: Should the customer desire guidance with this task, Motorola is able to recommend resources. Additionally, Appendix A of Motorola’s Standards and Guidelines for Communication Sites (R56) discusses Electromagnetic Energy and provides a basic methodology for structuring an FCC compliant program. If the customer does not have a copy of Motorola’s Standards and Guidelines for Communication Sites (R56) v 2005, one will be provided.]
- Assist Motorola with permitting for sites as owner/lessee.
- As applicable, coordinate, prepare, submit, and pay for all required permits and inspections for the work that is the Customer’s responsibility.
- Review and approve site design drawings within 7 calendar days of submission by Motorola or its subcontractor(s). Should a re-submission be required, the Customer shall review and approve the re-submitted plans within 7 calendar days from the date of submittal.
- Pay for the usage costs of power, leased lines and generator fueling both during the construction/installation effort and on an ongoing basis.
- Pay for application fees, taxes and recurring payments for lease/ownership of the property.
- Secure clear and unencumbered title, MOU, or Lease Agreement with the property owner.
- Provide as-built drawings of the site and site components to Motorola for conducting site engineering.

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- Provide a right of entry letter from the site owner for Motorola to conduct field investigations.
 - Pay for any upgrade of the antenna support structure necessary to accommodate the new antennas.

Assumptions

- Pricing has been based on National codes such as IBC or BOCA. Local codes or jurisdictional requirements have not been considered in this proposal.
- A maximum of 30 days will be required for obtaining approved building permits from time of submission, and a maximum of 60 days will be required for zoning approvals from time of submittal.
- Structural and foundation drawings of the antenna support structure will be made available to preclude the need for ultrasonic testing or mapping of existing tower structural members.
- Lead paint testing of existing painted towers has not been included.
- Structural analyses for towers or other structures that have not been performed by Motorola will relinquish Motorola from any responsibility for the analysis report contents and/or recommendation therein.
- Completion Criteria.
- Site development completed and approved by Douglas County.

1.3 PROJECT SCHEDULE

Motorola's preliminary schedule indicates total project implementation to be approximately 7-11 months. This preliminary schedule is included for informational purposes only and assumes that all Customer responsibilities as defined above are completed, as required. If site improvements or site/tower approvals are needed these must be completed prior to equipment shipping to the field.

After contract award, an Implementation Schedule will be developed by Motorola's Project Manager and will be submitted to Douglas County for review.

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SECTION 2

PROFESSIONAL SERVICES AGREEMENT

PROFESSIONAL SERVICES AGREEMENT

Motorola Solutions, Inc. ("Motorola") and Douglas County KS ("Customer") enter into this "Agreement," pursuant to which Customer will purchase and Motorola will sell the Services, as described below. Motorola and Customer may be referred to individually as a "party" and collectively as the "parties."

For good and valuable consideration, the parties agree as follows:

Section 1 DEFINITIONS

Capitalized terms used in this Agreement have the following meanings:

- 1.1. "Confidential Information" means any information that is disclosed in written, graphic, verbal, or machine-recognizable form, and is marked, designated, or identified at the time of disclosure as being confidential or its equivalent; or if the information is in verbal form, it is identified as confidential at the time of disclosure and is confirmed in writing within thirty (30) days of the disclosure. Confidential Information does not include any information that: is or becomes publicly known through no wrongful act of the receiving Party; is already known to the receiving Party without restriction when it is disclosed; is or becomes, rightfully and without breach of this Agreement, in the receiving Party's possession without any obligation restricting disclosure; is independently developed by the receiving Party without breach of this Agreement; or is explicitly approved for release by written authorization of the disclosing Party.
- 1.2. "Contract Price" means the price for the Services and Deliverables, excluding any applicable sales or similar taxes, as set forth in Section 3.1.
- 1.3. "Deliverables" means all written information (such as reports, specifications, designs, plans, drawings, or other technical or business information) that Motorola prepares for Customer in the performance of the Services and is obligated to provide to Customer under this Agreement. The Deliverables, if any, are more fully described in the Statement of Work.
- 1.4. "Effective Date" means that date upon which the last party executes this Agreement.
- 1.5. "Force Majeure" which means an event, circumstance, or act that is beyond a party's reasonable control, such as an act of God, an act of the public enemy, an act of a government entity, strikes or other labor disturbances, hurricanes, earthquakes, fires, floods, epidemics, embargoes, war, riots, or any other similar cause.

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1.6. "Proprietary Rights" means the patents, patent applications, inventions, copyrights, trade secrets, trademarks, trade names, mask works, know-how, ideas and concepts, processes, methodologies, tools, techniques, and other intellectual property rights.

1.7. "Services" means those professional services to be provided by Motorola to Customer under this Agreement, the nature and scope of which are more fully described in the Statement of Work.

1.8. "Statement of Work" means the statement of work attached hereto as Exhibit A and incorporated herein by this reference. The Statement of Work describes the Services and Deliverables (if any) that Motorola will provide to Customer under this Agreement, and the other work-related responsibilities that the parties owe to each other. The Statement of Work may contain a performance schedule.

Section 2 SCOPE OF AGREEMENT; TERM

2.1 Motorola and Customer will perform their respective responsibilities as described in this Agreement. Motorola will provide to Customer the Services and Deliverables (if any). To enable Motorola to perform the Services, Customer will provide to Motorola reasonable access to relevant Customer information, personnel, systems, and office space when Motorola's employees are working on Customer's premises, and other general assistance. If the Statement of Work contains assumptions that affect the Services or Deliverables, Customer will verify that they are accurate and complete. Any information that Customer provides to Motorola concerning the Services or Deliverables will be accurate and complete in all material respects. Customer will make timely decisions and obtain any required management approvals that are reasonably necessary for Motorola to perform the Services and its other duties under this Agreement. Unless the Statement of Work states the contrary, Motorola may rely upon and is not required to evaluate, confirm, reject, modify, or provide advice concerning any assumptions and Customer-provided information, decisions and approvals described in this paragraph.

2.2 Motorola will assign qualified employees who have the requisite experience and competencies to perform the Services with reasonable skill and care. Motorola will provide and furnish all material, labor, supervision, tools, apparatus, equipment and incidental expenses for accomplishing the Services with the exception of those items mentioned in this Agreement to be provided by Customer.

2.3 If, as a result of the Services performed under this Agreement, Motorola recommends that Customer purchase products or other services, nothing in this Agreement precludes Motorola from offering or selling the recommended products or other services to Customer. If Customer is a governmental body or agency, it represents that this paragraph does not violate its procurement or other laws, regulations, or policies.

2.4 Customer may request changes to the Services. If Motorola agrees to a requested change, the change must be confirmed in writing and signed by authorized representatives of both parties. A reasonable price adjustment will be made if any change affects the time of performance or the cost to perform the Services. If Customer delays Motorola's performance of the Services, modification of the performance schedule or an increase in the Contract Price may occur.

2.5 Unless terminated in accordance with other provisions of this Agreement, the term of this Agreement begins on the Effective Date and continues until completion of the Services.

2.6 During the term of this Agreement and for twelve (12) months thereafter, Customer will not actively solicit the employment of any Motorola personnel who is involved directly with providing any of the Services.

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Section 3 CONTRACT PRICE AND PAYMENT

3.1 The Contract Price in U.S. dollars is \$_____.

3.2 Any services performed by Motorola outside the scope of this Agreement at the direction of Customer will be considered to be additional Services which are subject to additional charges. Any agreement to perform additional Services will be reflected in a written and executed change order or amendment to this Agreement.

3.3 Motorola will submit invoices to Customer according to a mutually agreed payment schedule or, if there is no payment schedule, on a monthly basis as the Services are performed. Except for a payment that is due on the Effective Date, Customer will make payments to Motorola within twenty (20) days after the date of each invoice. Customer will make payments when due in the form of a wire transfer, check, or cashier's check from a U.S. financial institution. Overdue invoices will bear simple interest at the maximum allowable rate. For Customer's reference, the Federal Tax Identification Number for Motorola Solutions, Inc. is 36-1115800.

3.4 Customer will reimburse Motorola for all documented reasonable travel and other expenses (over and above the normal daily expenses of working and commuting) provided by Motorola in connection with Services furnished under this Agreement.

Section 4 TIME SCHEDULE; FORCE MAJEURE

4.1 All Services will be performed in accordance with the performance schedule included in the Statement of Work, or if there is no performance schedule, within a reasonable time period.

4.2 Neither party will be liable for its non-performance or delayed performance if caused by a Force Majeure. Each party will notify the other in writing if it becomes aware of any Force Majeure that will significantly delay performance. The notifying party will give the notice promptly (but in no event later than fifteen (15) days) after it discovers the Force Majeure.

Section 5 CONFIDENTIAL INFORMATION AND PROPRIETARY RIGHTS

5.1. CONFIDENTIAL INFORMATION.

5.1.1. During the term of this Agreement, the parties may provide each other with Confidential Information. All Deliverables will be deemed to be Motorola's Confidential Information. Each party will: maintain the confidentiality of the other party's Confidential Information and not disclose it to any third party, except as authorized by the disclosing party in writing or as required by a court of competent jurisdiction; restrict disclosure of the Confidential Information to its employees who have a "need to know" and not copy or reproduce the Confidential Information; take necessary and appropriate precautions to guard the confidentiality of the Confidential Information, including informing its employees who handle the Confidential Information that it is confidential and is not to be disclosed to others, but those precautions will be at least the same degree of care that the receiving party applies to its own confidential information and will not be less than reasonable care; and use the Confidential Information only in furtherance of the performance of this Agreement or pursuant to the license granted immediately below.

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5.1.2. The disclosing party owns and retains all of its Proprietary Rights in and to its Confidential Information, except the disclosing party hereby grants to the receiving party the limited right and license, on a non-exclusive, irrevocable, and royalty-free basis, to use the Confidential Information for any lawful business purpose in the manner and to the extent permitted by this Agreement.

5.2. PRESERVATION OF PROPRIETARY RIGHTS.

Each party owns and retains all of its Proprietary Rights that exist on the Effective Date. Motorola owns and retains all Proprietary Rights that are developed, originated, or prepared in connection with providing the Deliverables or Services to Customer, and this Agreement does not grant to Customer any shared development rights. At Motorola's request and expense, Customer will execute all papers and provide reasonable assistance to Motorola to enable Motorola to establish the Proprietary Rights. Unless otherwise explicitly stated herein, this Agreement does not restrict a party concerning its own Proprietary Rights and is not a grant (either directly or by implication, estoppel, or otherwise) of a party's Proprietary Rights to the other party.

Section 6 WARRANTY

Motorola warrants that the Services will be performed in a professional and workmanlike manner and will conform in all material respects to the Statement of Work. This warranty will be for a period of ninety (90) days following completion of the Services. If Motorola breaches this warranty, Customer's sole and exclusive remedy is to require Motorola to re-perform the non-conforming Services or to refund, on a pro-rata basis, the fees paid for the non-conforming Services. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED. Customer acknowledges that the Deliverables may contain recommendations, suggestions or advice from Motorola to Customer (collectively, "recommendations"). Motorola makes no warranties concerning those recommendations, and Customer alone accepts responsibility for choosing whether and how to implement the recommendations and the results to be realized from implementing them.

Section 7 LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the Contract Price or \$250,000, whichever is greater. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT be liable for any commercial loss; inconvenience; loss of use, Time, DATA, GOOD WILL, REVENUES, profits or savings; or other SPECIAL, incidental, INDIRECT, OR consequential damages IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT OR THE PERFORMANCE OF THE SERVICES BY MOTOROLA. This limitation of liability provision survives the expiration or termination of this Agreement and applies notwithstanding any contrary provision. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account.

SECTION 8 DEFAULT AND TERMINATION

8.1 DEFAULT BY A PARTY. If either party fails to perform a material obligation under this Agreement, the other party may consider the non-performing party to be in default (unless a Force Majeure causes the failure) and may assert a default claim by giving the non-performing party a written, detailed notice of default. Except for a default by Customer for failing to pay any amount when due under this Agreement which must be cured immediately, the defaulting party will have thirty (30) days after receipt of the notice of default to either cure the default or, if the default is not curable within thirty (30) days, provide a written cure plan. The defaulting party will

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begin implementing the cure plan immediately after receipt of notice by the other party that it approves the plan. If Customer is the defaulting party, Motorola may stop work on the project until it approves the Customer's cure plan.

8.2. **FAILURE TO CURE.** If a defaulting party fails to cure the default as provided above in Section 8.1, unless otherwise agreed in writing, the non-defaulting party may terminate any unfulfilled portion of this Agreement. In the event of a termination for default, the defaulting party will promptly return to the non-defaulting party any of its Confidential Information. If Customer is the non-defaulting party, terminates this Agreement as permitted by this Section, and procures the Services through a third party, Customer may as its exclusive remedy recover from Motorola reasonable costs incurred to procure the Services (but not additional or out of scope services) less the unpaid portion of the Contract Price. Customer agrees to mitigate damages and provide Motorola with detailed invoices substantiating the charges.

Section 9 DISPUTES

9.1. **SETTLEMENT PREFERRED.** The parties will attempt to settle any dispute arising from this Agreement (except for a claim relating to intellectual property or breach of confidentiality) through consultation and a spirit of mutual cooperation. The dispute will be escalated to appropriate higher-level managers of the parties, if necessary. If cooperative efforts fail, the dispute will be mediated by a mediator chosen jointly by the parties within thirty (30) days after notice by one of the parties demanding non-binding mediation. The parties will not unreasonably withhold consent to the selection of a mediator, will share the cost of the mediation equally, may agree to postpone mediation until they have completed some specified but limited discovery about the dispute, and may replace mediation with some other form of non-binding alternative dispute resolution ("ADR").

9.2. **LITIGATION.** A party may submit to a court of competent jurisdiction any claim relating to intellectual property, breach of confidentiality, or any dispute that cannot be resolved between the parties through negotiation or mediation within two (2) months after the date of the initial demand for non-binding mediation. Each party consents to jurisdiction over it by that court. The use of ADR procedures will not be considered under the doctrine of laches, waiver, or estoppel to affect adversely the rights of either party. Either party may resort to the judicial proceedings described in this section before the expiration of the two-month ADR period if good faith efforts to resolve the dispute under these procedures have been unsuccessful; or interim relief from the court is necessary to prevent serious and irreparable injury to the party.

Section 10 GENERAL

10.1. **TAXES.** The Contract Price does not include any excise, sales, lease, use, property, or other taxes, assessments or duties, all of which will be paid by Customer except as exempt by law. If Motorola is required to pay any of those taxes, it will send an invoice to Customer and Customer will pay to Motorola the amount of the taxes (including any interest and penalties) within twenty (20) days after the date of the invoice. Motorola will be solely responsible for reporting taxes on its income or net worth.

10.2. **ASSIGNABILITY.** Neither party may assign this Agreement without the prior written consent of the other party (which will not be unreasonably withheld or delayed), except that Motorola may assign this Agreement to any of its affiliates.

10.3. **SUBCONTRACTING.** Motorola may not subcontract any portion of the Services without the prior written consent of Customer, which will not be unreasonably withheld or delayed.

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10.4 WAIVER. Failure or delay by either party to exercise a right or power will not be a waiver of the right or power. For a waiver of a right or power to be effective, it must be in a writing signed by the waiving party. An effective waiver of a right or power will not be construed as either a future or continuing waiver of that same right or power, or the waiver of any other right or power.

10.5 SEVERABILITY. If a court of competent jurisdiction renders any part of this Agreement invalid or otherwise unenforceable, that part will be severed and the remainder of this Agreement will continue in full force and effect.

10.6 INDEPENDENT CONTRACTORS. Each party will perform its duties under this Agreement as an independent contractor. The parties and their personnel will not be considered to be employees or agents of the other party. Nothing in this Agreement will be interpreted as granting either party the right or authority to make commitments of any kind for the other. This Agreement will not constitute, create, or be interpreted as a joint venture, partnership or formal business organization of any kind.

10.7 HEADINGS AND SECTION REFERENCES. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers. This Agreement will be fairly interpreted in accordance with its terms and conditions and not for or against either party.

10.8 GOVERNING LAW. This Agreement and the rights and duties of the parties will be governed by and interpreted in accordance with the laws of the State of Illinois.

10.9 ENTIRE AGREEMENT. This Agreement, including Exhibits, constitutes the entire agreement of the parties regarding the subject matter of this Agreement and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to the subject matter. A facsimile copy or computer image, such as a PDF or tiff image, of a signature shall be treated as and shall have the same effect as an original signature. In addition, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document. This Agreement may be amended or modified only by a written instrument signed by authorized representatives of both parties. The preprinted terms and conditions found on any Customer purchase order, acknowledgment or other form will not amend or modify this Agreement.

10.10 NOTICES. Notices required under this Agreement to be given by one party to the other must be in writing and either delivered personally or sent to the address shown below by certified mail, return receipt requested and postage prepaid (or by a recognized courier service, such as Federal Express, UPS, or DHL), or by facsimile with correct answerback received, and will be effective upon receipt:

Motorola Solutions, Inc.	Customer
Attn: _____	Attn: _____
_____	_____
_____	_____
fax: _____	fax: _____

10.11 COMPLIANCE WITH APPLICABLE LAWS. Each party will comply with all applicable federal, state, and local laws, regulations and rules concerning the performance of this Agreement.

DRAFT

10.12. INSURANCE. Motorola maintains General Liability and Automobile Liability insurance coverage in the following amounts: general aggregate, \$5,000,000; products and completed operations aggregate, \$5,000,000; workers' compensation and employers' liability, \$1,000,000 per accident; and automobile liability, \$5,000,000 combined single limit. Upon written request, Motorola will provide to Purchaser a certificate of insurance.

10.13. AUTHORITY TO EXECUTE AGREEMENT. Each party represents that it has obtained all necessary approvals, consents and authorizations to enter into this Agreement and to perform its duties under this Agreement; the person executing this Agreement on its behalf has the authority to do so; upon execution and delivery of this Agreement by the parties, it is a valid and binding contract, enforceable in accordance with its terms; and the execution, delivery, and performance of this Agreement does not violate any bylaw, charter, regulation, law or any other governing authority of the party.

10.14. SURVIVAL OF TERMS. The following provisions survives the expiration or termination of this Agreement for any reason: if any payment obligations exist, Section 3 (Contract Price and Payment); Section 5 (Confidential Information and Proprietary Rights); Section 7 (Limitation of Liability); Section 8 (Default and Termination); Section 9 (Disputes); and all General provisions in Section 10.

In witness whereof, the parties hereto have executed this Agreement as of the Effective Date.

CUSTOMER

MOTOROLA SOLUTIONS, INC.

BY: _____

BY: _____

NAME: _____

NAME: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

DRAFT

Exhibit A
Statement of Work

SECTION 3

PRICING

Motorola is pleased to provide the professional services and civil work as outlined in the Statement of Work portion of this proposal to Douglas County KS for the contracted amount of:

Total Civil and Engineering Cost	\$281,194.00
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A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO THE INVERNESS PARK DISTRICT PLAN.

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

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

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on March 26, 2012 and April 23, 2012 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 2-1-12, to revise the Inverness Park District Plan, after notice by publication in the official city and county newspaper...

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

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission hereby adopts and recommends to the City of Lawrence, Kansas, and Douglas County, Kansas, that they adopt the amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report CPA-2-1-12, revising the Inverness Park District Plan.

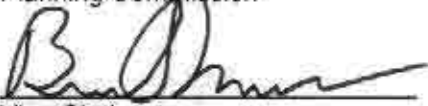
SECTION THREE: The revised and updated Inverness Park District Plan, affixed hereto as Exhibit 1, shall, upon adoption by the City of Lawrence, Kansas, and Douglas County, Kansas, be incorporated into *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as the Inverness Park District Plan.

SECTION FOUR: This resolution together with a certified copy of the amendments to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 23rd day of April, 2012.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Inverness Park District Plan

Lawrence-Douglas County Planning and Development Services

Lawrence-Douglas County Planning Commission – 4/23/12

Lawrence City Commission –

Douglas County Board of County Commissioners –

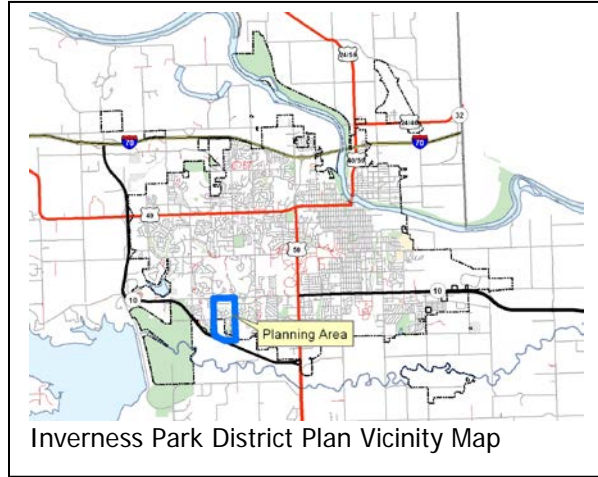
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I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1st draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2nd draft of the Plan was released on July 5, 2011. The Planning

Commission approved the plan at their meeting on July 27, 2011. The Lawrence City Commission approved the plan on September 13, 2011 and the Douglas County Board of Commissioners approved the plan on October 12, 2011.

The Plan was revised provide future land use guidance for the undeveloped portion of the property known as Remington Square. The revised Plan was approved by the Lawrence-Douglas Planning Commission on April 23, 2012.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

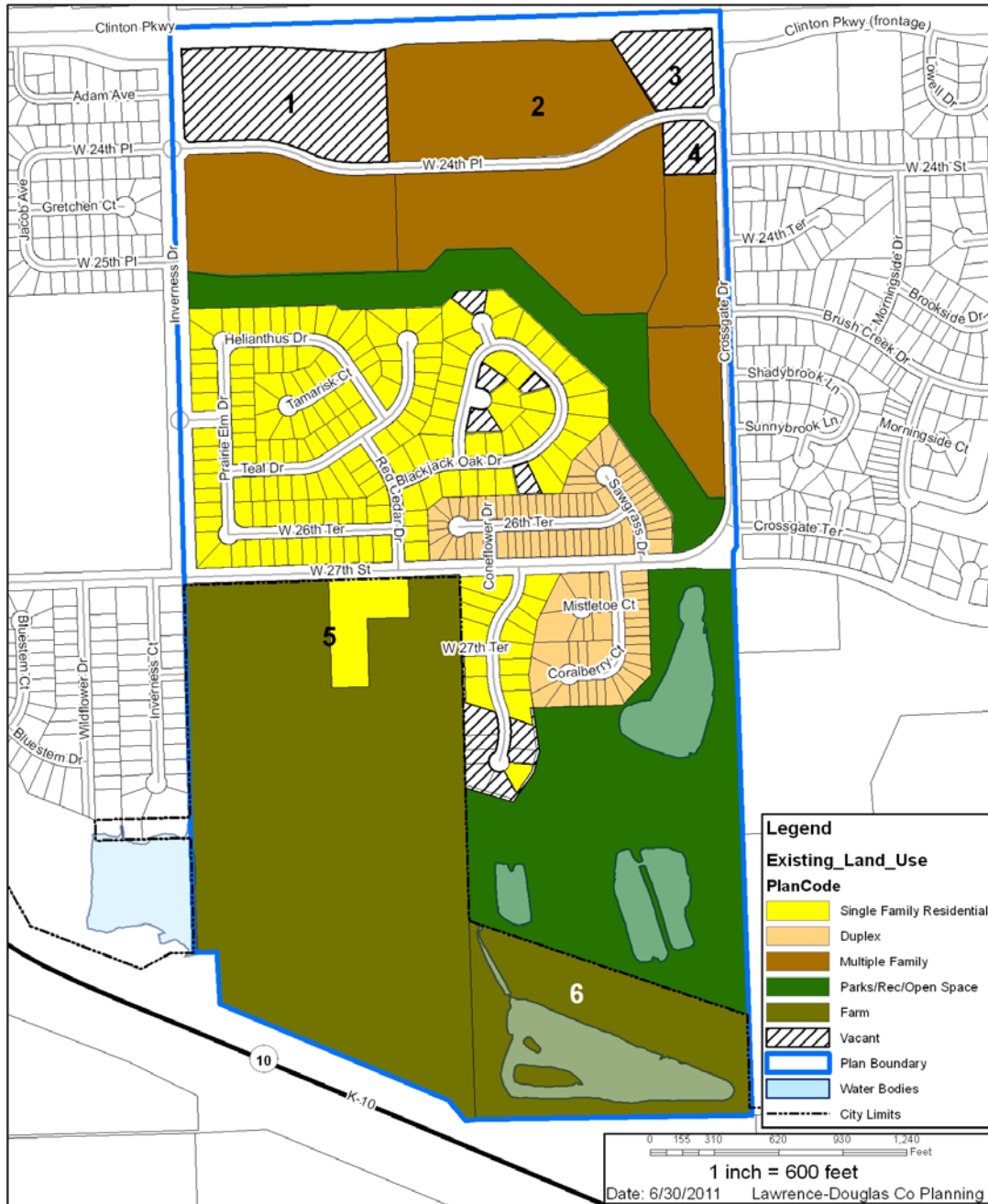
City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	Low or Medium-Density Residential
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
RM15	Multi-Dwelling Residential 15 dwelling units per acre	Medium-Density Residential
PRD	Planned Residential Development	N/A
OS	Open Space	N/A

Table 2-2

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
VC	Valley Channel	N/A

Map 2-1 Existing Land Use

Inverness Park District Plan
Existing Land Use



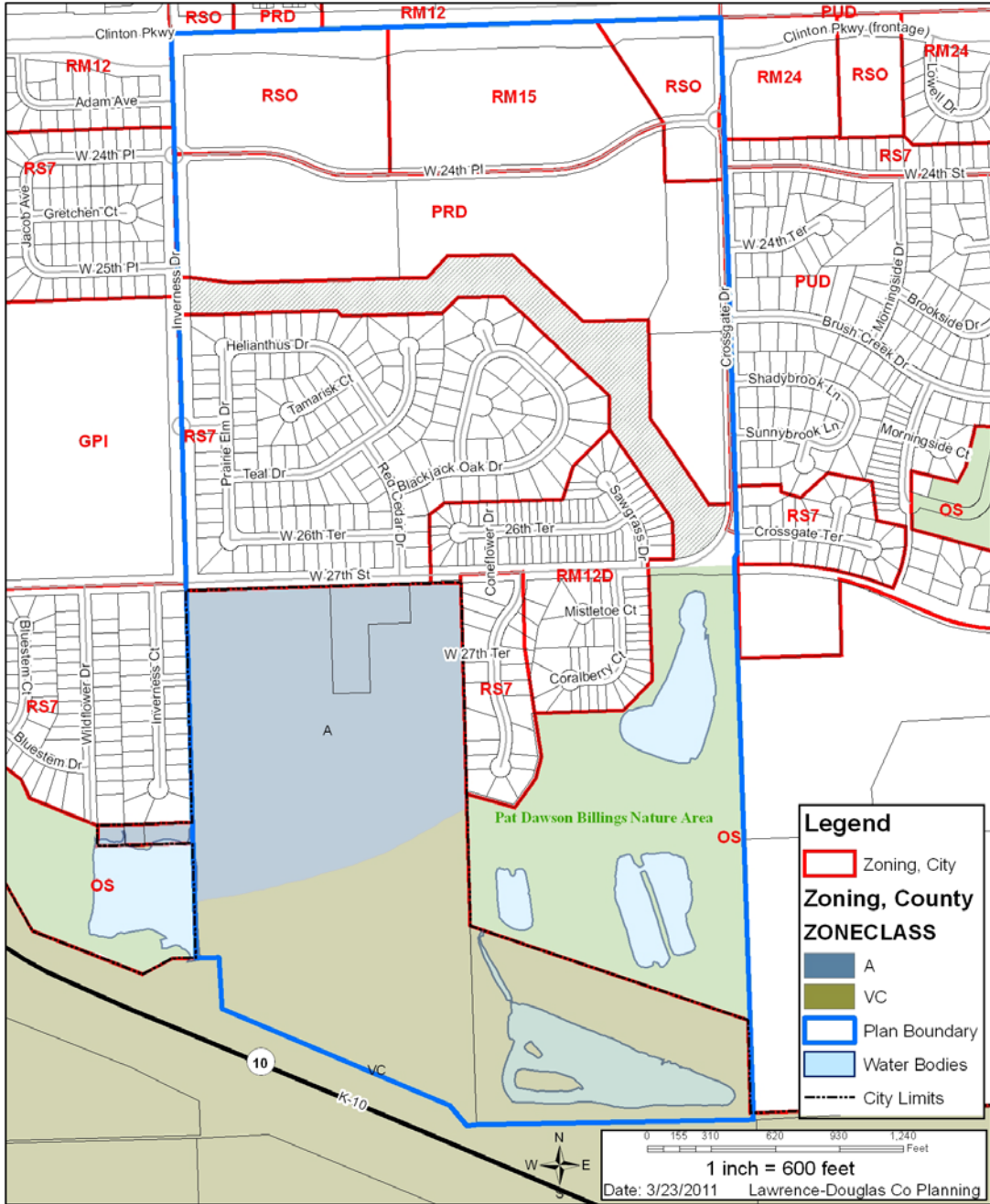
Map 2-1a Aerial

Inverness Park District Plan
Aerial



Map 2-2 Existing Zoning

Inverness Park District Plan
Existing Zoning



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

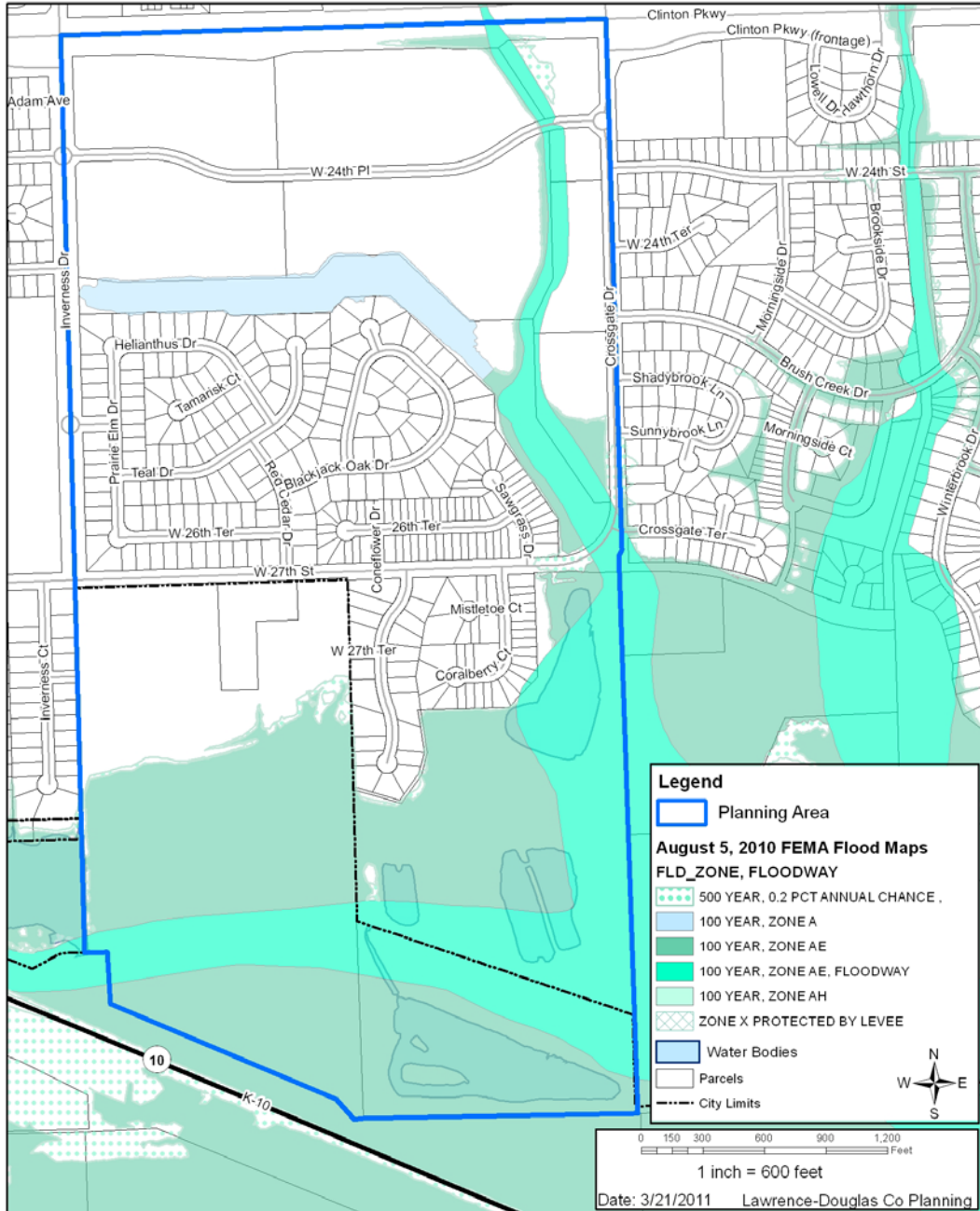
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area

**Inverness Park District Plan
Flood Hazard Area**



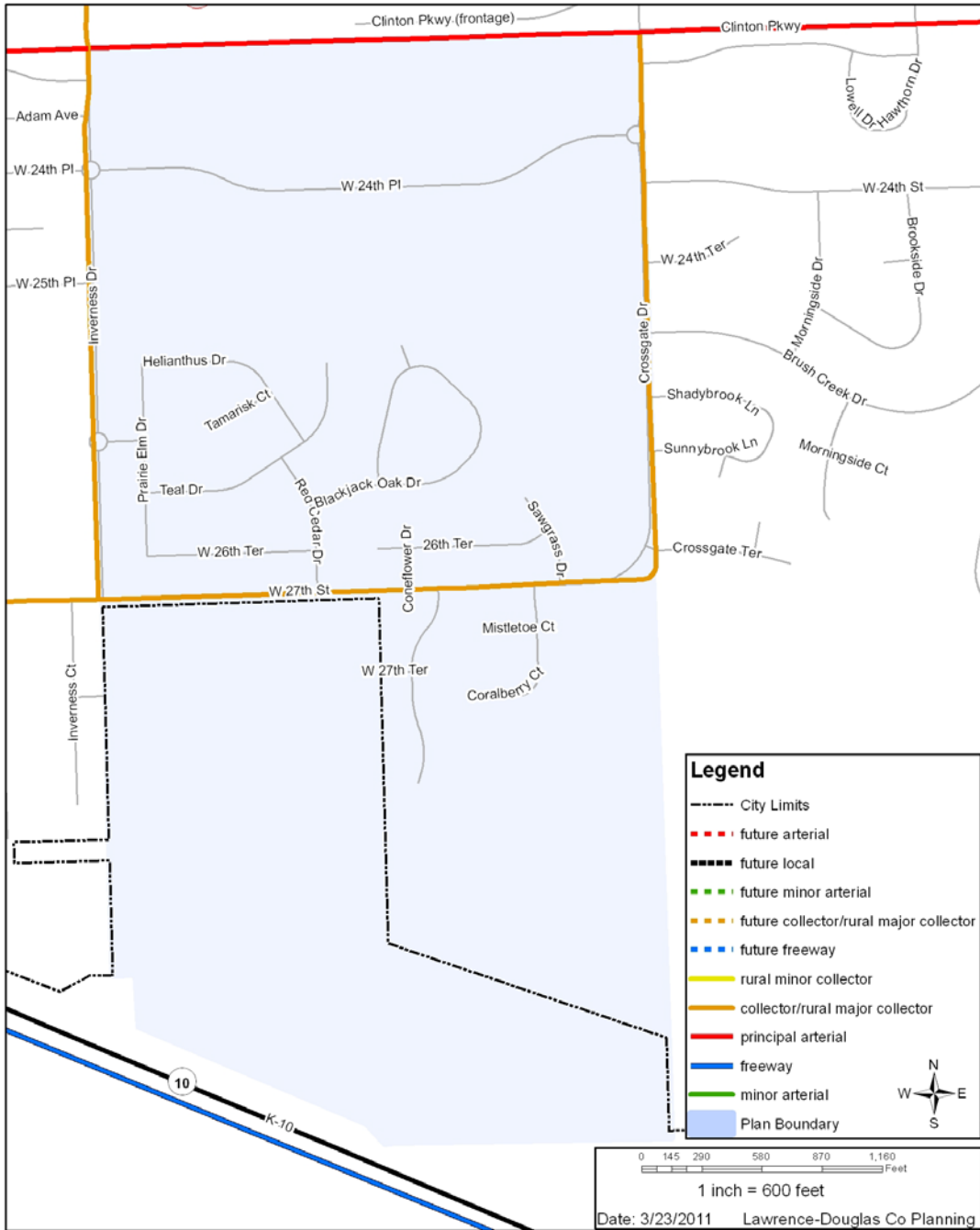
Map 2-4 Parks and Recreation Facilities

**Inverness Park District Plan
Existing and Future Parks and Recreation Facilities**



Map 2-5 Future Thoroughfares

Inverness Park District Plan
Future Thoroughfares



Map 2-6 Bicycle Facilities

Inverness Park District Plan
Bicycle Facilities



F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

Future Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

Residential – Medium Density

The intent of the medium-density residential category is to reflect the development that is currently named Remington Square Apartments. Residential development in the Medium Density Residential category is limited to 1-bedroom, 2-story apartments to reflect the existing Remington Square property.

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east of the existing apartments is separated from the development. This Plan recognizes that the property owner will need to seek a rezoning to a higher density zoning district in order to maintain compliance with the Development Code should the property to the east be divided from the current Remington Square property. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

No additional development density or intensity is anticipated on the Remington Square property with this designation.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM15 (Multi-Dwelling Residential) as developed; RM24 (Multi-Dwelling Residential) if divided, but with no additional density or intensity at the Remington Square property.

Density: 15 dwelling units/acre (24 dwelling units/acre if the property is rezoned after a division)

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

Primary Uses: office, detached dwellings, duplex dwellings

Zoning Districts: RSO (Single Dwelling Residential-Office)

Density/Intensity: 7-15 dwelling units/acre/medium

Commercial Office

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category does not permit residential uses.

Primary Uses: offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

Zoning Districts: CO (Commercial Office)

Density: medium

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

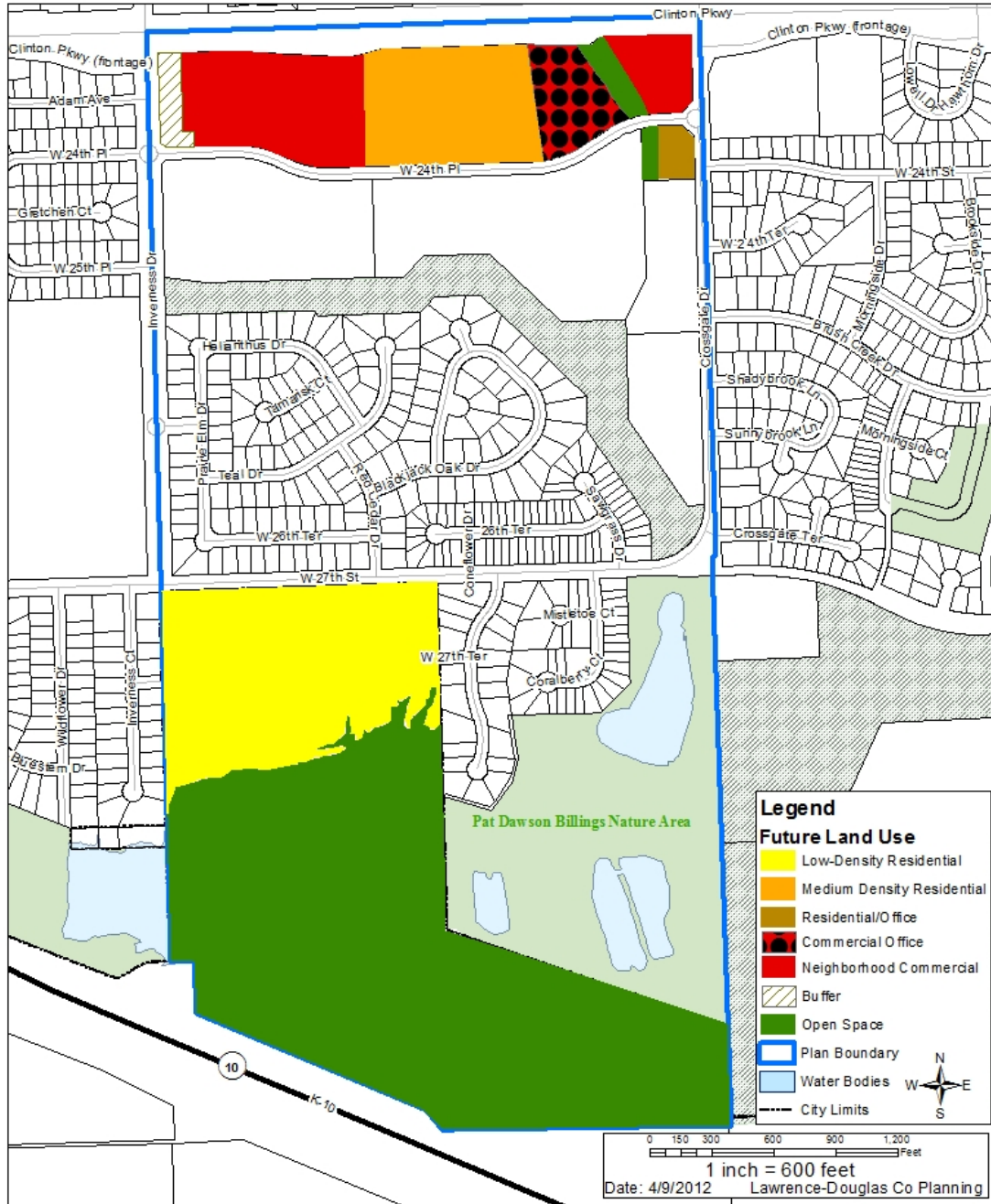
Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

Map 4-1 – Future Land Use

Inverness Park District Plan
Future Land Use



V. Clinton Parkway

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass
Travis E. Glass, Chairman

Arthur E. Heck
Arthur E. Heck

Raymond Ice
Raymond Ice

ATTEST:

Delbert Mathias
Delbert Mathias, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
Who: Planning Commission, City Commission, County Commission
- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
Who: Planning Commission, City Commission, County Commission

ORDINANCE NO. 8732

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND USE PLAN "HORIZON 2020" REVISING THE INVERNESS PARK DISTRICT PLAN; AND ADOPTING AND INCORPORATING BY REFERENCE "THE INVERNESS PARK DISTRICT PLAN, APRIL 2012 EDITION" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

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

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

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on April 23, 2012, by Resolution No. PCR-3-2-12, revised and updated the "Inverness Park District Plan" and approved an amendment to "*Horizon 2020*," the Comprehensive Plan contained in planning staff report CPA-2-1-12; and

WHEREAS, a certified copy of the *Horizon 2020* amendment and the revised "Inverness Park District Plan" contained in planning staff report CPA-2-1-12 and adopted by the Planning Commission in Resolution No. PCR-3-2-12 on April 23, 2012, together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on March 26, 2012 and April 23, 2012, have been submitted to the Governing Body; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

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

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "*Horizon 2020*" by approving the recommendation of the Planning Commission and adopting the amendment to revise and update the Inverness Park District Plan and adopting and incorporating by reference "The Inverness Park District Plan, April 2012 Edition" as

contained in planning staff report CPA-2-1-12 and adopted by the Planning Commission on April 23, 2012.

Section 4. That "The Inverness Park District Plan, April 2012 Edition" approved by Section 3 above, prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be incorporated into *Horizon 2020* and known as the "The Inverness Park District Plan, April 2012 Edition". One copy of said plan shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8732 and Resolution 12-____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "The Inverness Park District Plan, April 2012 Edition" marked as may be deemed expedient.

Section 5. Severability. If any section, clause, sentence, or phrase of this joint ordinance or resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this joint ordinance or resolution.

Section 6. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas this ____ day of _____, 2012.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglas, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
City Attorney

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Mike Gaughan
Chair

Jim Flory
Commissioner

Nancy Thellman
Commissioner

ATTEST:

Jameson D. Shew, County Clerk

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For April 23, 2012 Planning Commission Meeting

RE: CPA-2-1-12: Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to consider changes to the Inverness Park District Plan.

Introduction:

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

The Lawrence-Douglas County Planning Commission reviewed the Inverness Park District Plan at their meeting on March 26, 2012. The Commission took public comment and discussed the Plan. The Commission supported the designation of CO for the currently undeveloped portion of the Remington Square property. The Commission directed Staff to bring back a proposal to designate the currently developed portion of the Remington Square property as Medium Density with a caveat that the developed portion of the property will need a higher density zoning district in the event the undeveloped portion of the Remington Square property is divided for development in the future.

Remington Square Proposal

This proposal designates the existing Remington Square property as Medium Density Residential to reflect the existing density of the development. This proposal also accounts for the fact that if the undeveloped portion is separated from the developed

portion the density of the property will no longer be medium density as it exists today. The Medium Density category recognizes that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

The undeveloped portion is classified as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use. A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (*) that apply to the CO District:

Use	P/S/A	Use Standard
Group Living		
Group Home, General (11 or more)	S	
Community Facilities		
Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	
School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
Utilities, Minor	P*/A*	530
Utilities and Service, Major	S	
Extended Care Facility, General	P	
Medical Facilities		
Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
Recreation Facilities		
Active Recreation	S	
Passive Recreation	P	
Nature Preserve/Undeveloped	P	
Religious Assembly		
Campus or Community Institution	P*	522
Neighborhood Institution	P*	522
Animal Services		
Sales and Grooming	P	
Veterinary	P	

Eating and Drinking Establishments		
Accessory Bar	A*	509
Fast Order Food	P*	511 & 509 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Private Dining Establishments		
Restaurant, Quality	P*	524 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Office		
Administrative and Professional	P*	518
Financial, Insurance & Real Estate	P*	510
Other	P*	537
Parking Facilities		
Accessory	A*	535 – Accessory parking for a use permitted in a C Zoning District may be permitted in an RO or RM Zoning District, provided that the parking area shall be no greater than 10,000 square feet.
Commercial	S	
Retail Sales & Service		
Business Support	P	
Food and Beverage	P*	511 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Mixed Media Store	P*	516 – Gross floor area shall not exceed 5,000 square feet.
Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Residential – ~~High~~ Medium Density

~~The intent of the high density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. The intent of the medium-density residential category is to reflect the~~ In this District Plan, only the area located adjacent to the east of what is development that is currently named Remington Square Apartments is designated for this land use. Residential development in the High Medium Density Residential category is limited to 1-bedroom, 2-story apartments ~~That is a similar use to reflect the existing Remington Square property.~~

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of~~

~~the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east of the existing apartments is separated from the development. This Plan recognizes that the property owner will need to seek a rezoning to a higher density zoning district in order to maintain compliance with the Development Code should the property to the east be divided from the current Remington Square property. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

No additional development density or intensity is anticipated on the Remington Square property with this designation.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM2415 (Multi-Dwelling Residential) as developed; and PD (Planned Development Overlay) District RM24 (Multi-Dwelling Residential) if divided, but with no additional density or intensity at the Remington Square property.

Density: ~~16 dwelling units/acre, not to exceed 24 dwelling units per acre~~ 15 dwelling units/acre (24 dwelling units/acre if the property is rezoned after a division)

Commercial Office

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category **does not** permit residential uses.

Primary Uses: offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

Zoning Districts: CO (Commercial Office)

Density: medium

Neighborhood Commercial

It's also important to note that the Plan as originally approved contains language in the Neighborhood Commercial future land use description discouraging residential development in the commercial district. Therefore, no change is proposed to the Neighborhood Commercial category. Note the existing description below with the emphasis added to the relevant language:

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

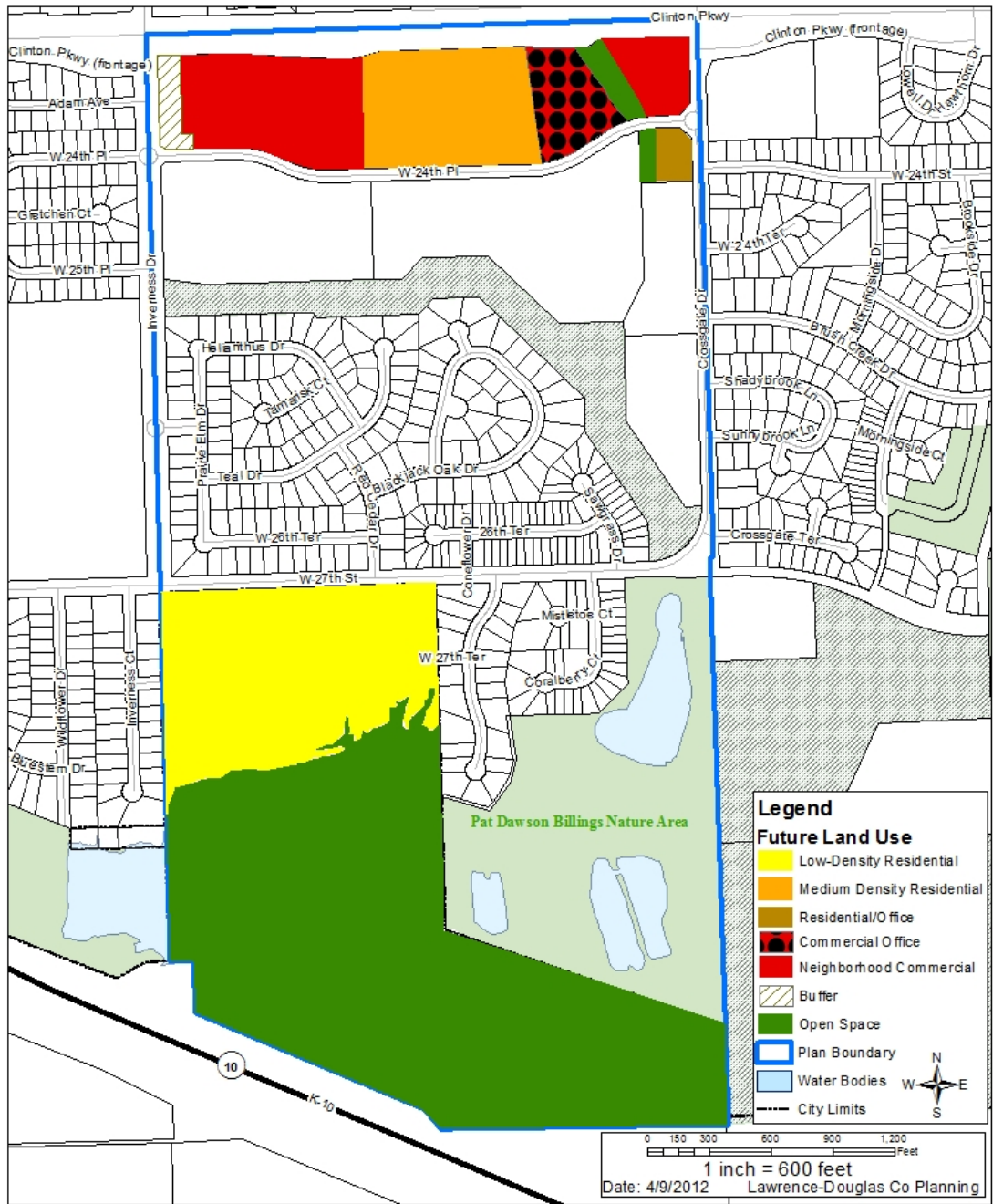
A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Inverness Park District Plan Future Land Use



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/23/12

ITEM NO. 3: CPA-2-1-12 (DDW)

CPA-2-1-12 Amend Horizon 2020, Chapter 14, Inverness Park District Plan, to revise the District Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 3-2-12.

BACKGROUND

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

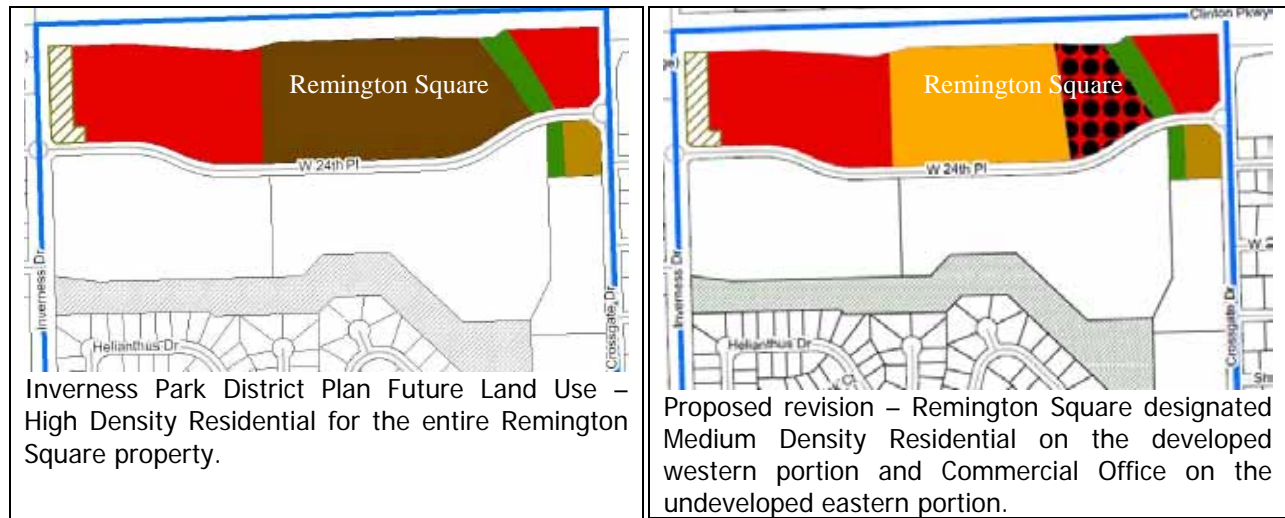
The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

The Lawrence-Douglas County Planning Commission reviewed the Inverness Park District Plan at their meeting on March 26, 2012. The Commission took public comment and discussed the Plan. The Commission supported the designation of CO for the currently undeveloped portion of the Remington Square property. The Commission directed Staff to bring back a proposal to designate the currently developed portion of the Remington Square property as Medium Density with a caveat that the developed portion of the property will need a higher density zoning district in the event the undeveloped portion of the Remington Square property is divided for development in the future.

STAFF REVIEW

The approved *Inverness Park District Plan* designates the entire property known as Remington Square as High Density Residential. This proposal designates the existing Remington Square property as Medium Density Residential to reflect the existing density of the development. This proposal also accounts for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density as it exists today. The Medium Density category recognizes that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.



The proposed revision designates the undeveloped portion of the Remington Square property as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use.

A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (*) that apply to the CO District:

Use	P/S/A	Use Standard
Group Living		
Group Home, General (11 or more)	S	
Community Facilities		
Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	

School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
Utilities, Minor	P*/A*	530
Utilities and Service, Major	S	
Extended Care Facility, General	P	
Medical Facilities		
Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
Recreation Facilities		
Active Recreation	S	
Passive Recreation	P	
Nature Preserve/Undeveloped	P	
Religious Assembly		
Campus or Community Institution	P*	522
Neighborhood Institution	P*	522
Animal Services		
Sales and Grooming	P	
Veterinary	P	
Eating and Drinking Establishments		
Accessory Bar	A*	509
Fast Order Food	P*	511 & 509 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Private Dining Establishments	P*	539
Restaurant, Quality	P*	524 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Office		
Administrative and Professional	P*	518
Financial, Insurance & Real Estate	P*	510
Other	P*	537
Parking Facilities		
Accessory	A*	535 – Accessory parking for a use permitted in a C Zoning District may be permitted in an RO or RM Zoning District, provided that the parking area shall be no greater than 10,000 square feet.
Commercial	S	
Retail Sales & Service		
Business Support	P	
Food and Beverage	P*	511 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Mixed Media Store	P*	516 – Gross floor area shall not exceed 5,000 square feet.
Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the City Commission revising their position on how the undeveloped portion of Remington Square should be developed. This is a revised plan that provides more clarity regarding the recommended future land use designation of the undeveloped Remington Square property.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

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

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan. The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Inverness Park District Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission –
Lawrence City Commission –
Douglas County Board of County Commissioners –**

Proposed revisions are found on pages: 17, 18, 21, and 22. Proposed new language is underlined while proposed deleted language is ~~struck through~~. The proposed new future land use map is located on page 22.

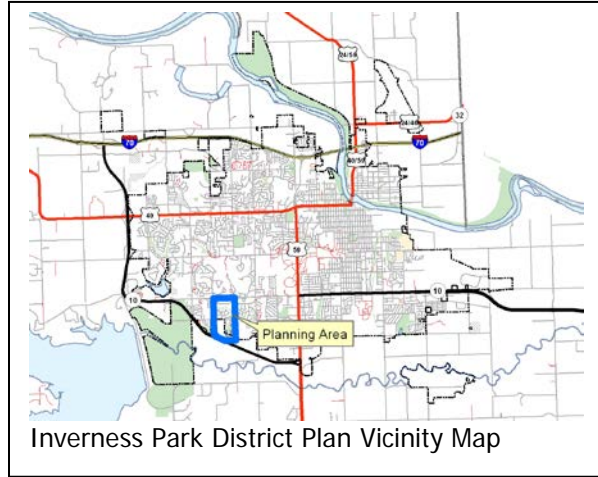
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I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1st draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2nd draft of the Plan was released on July 5, 2011. The Planning

Commission approved the plan at their meeting on July 27, 2011. The Lawrence City Commission approved the plan on September 13, 2011 and the Douglas County Board of Commissioners approved the plan on October 12, 2011.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

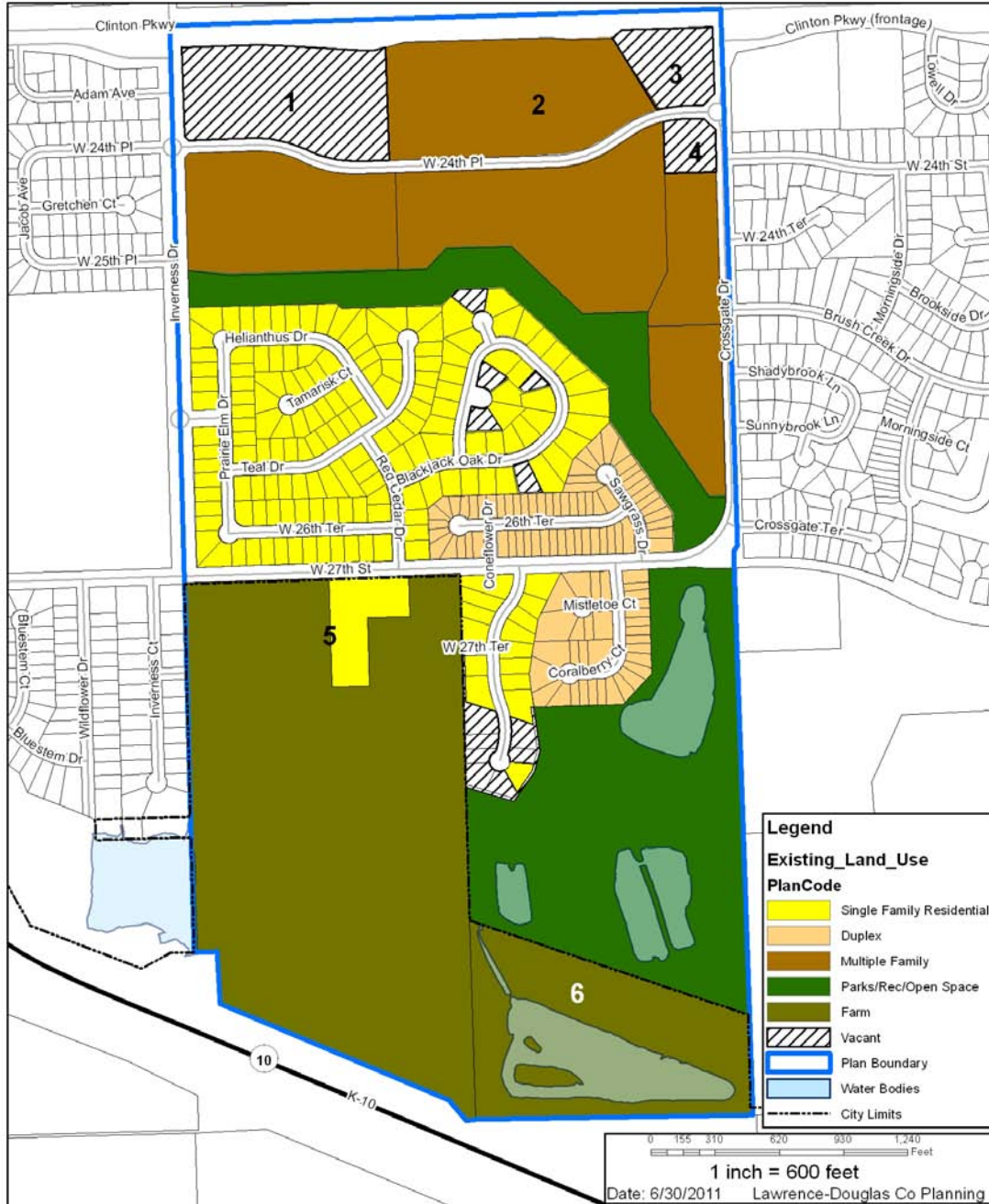
City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	Low or Medium-Density Residential
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
RM15	Multi-Dwelling Residential 15 dwelling units per acre	Medium-Density Residential
PRD	Planned Residential Development	N/A
OS	Open Space	N/A

Table 2-2

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
VC	Valley Channel	N/A

Map 2-1 Existing Land Use

Inverness Park District Plan
Existing Land Use



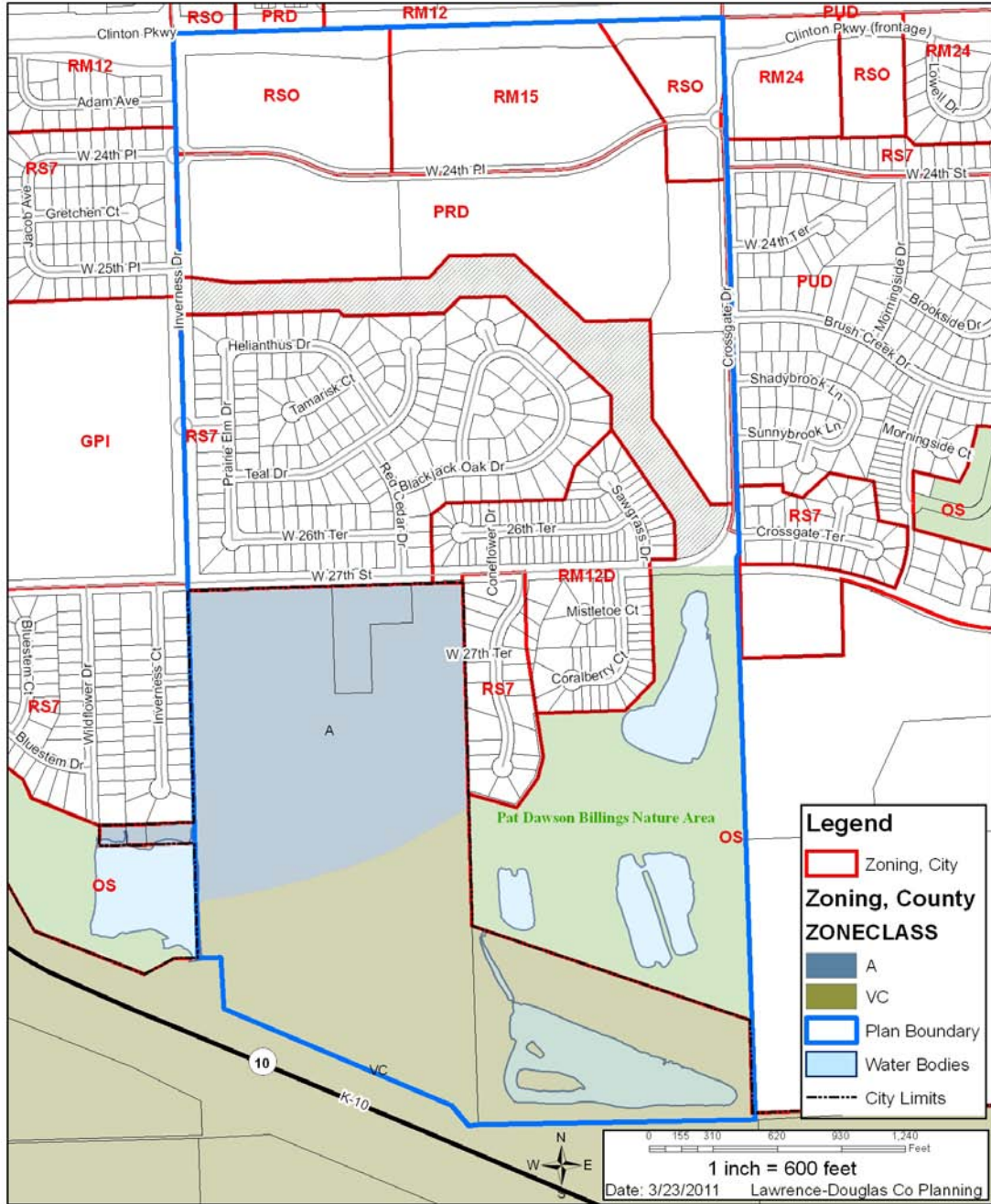
Map 2-1a Aerial

Inverness Park District Plan
Aerial



Map 2-2 Existing Zoning

Inverness Park District Plan
Existing Zoning



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

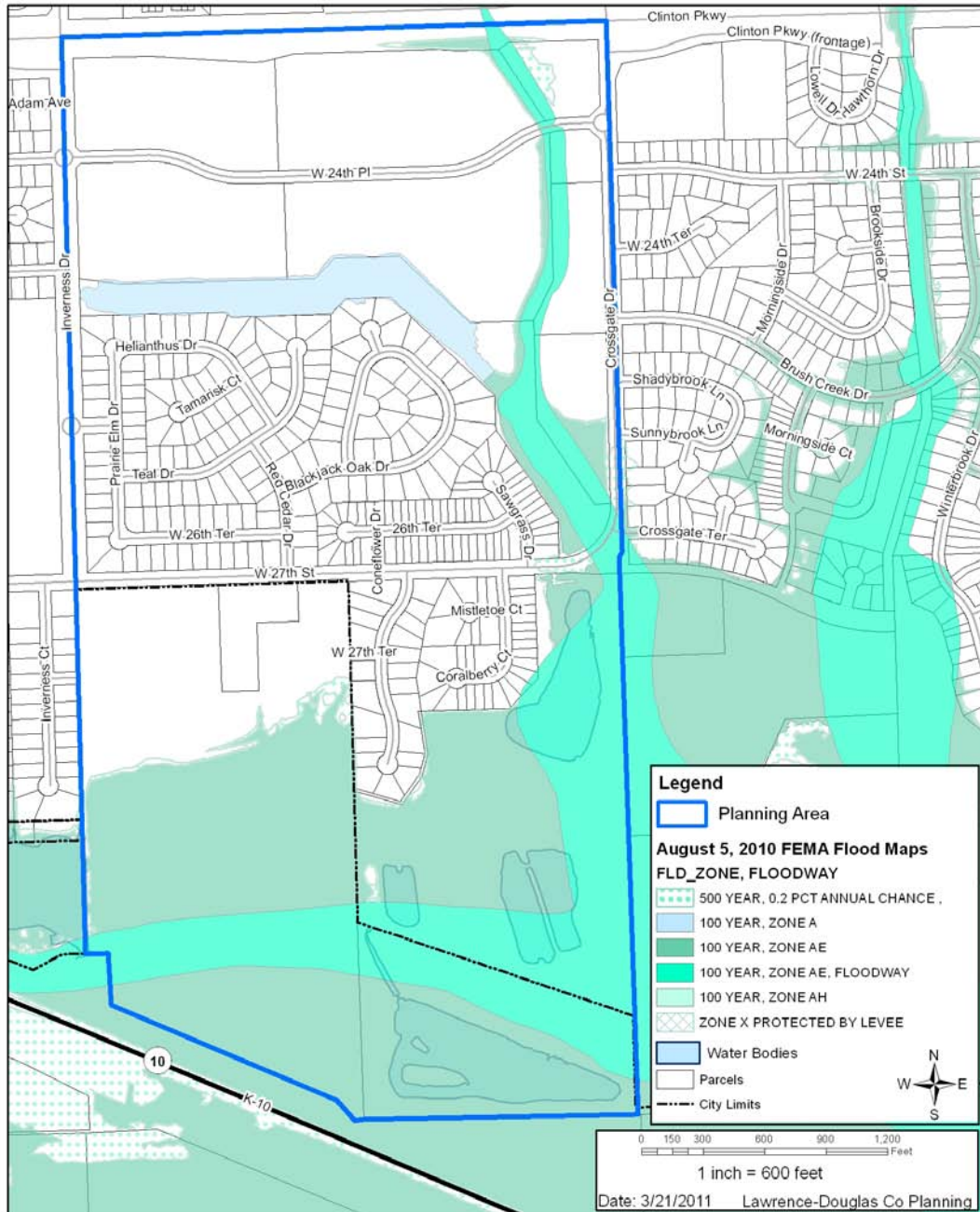
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area

**Inverness Park District Plan
Flood Hazard Area**



Map 2-4 Parks and Recreation Facilities

**Inverness Park District Plan
Existing and Future Parks and Recreation Facilities**



Map 2-5 Future Thoroughfares

Inverness Park District Plan
Future Thoroughfares



Map 2-6 Bicycle Facilities

Inverness Park District Plan
Bicycle Facilities



F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

Future Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

Residential – ~~High~~ Medium Density

~~The intent of the medium-density residential category is to reflect the intent of the high density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is the development that is currently named Remington Square Apartments is designated for this land use. Residential development in the High Medium Density Residential category is limited to 1-bedroom, 2-story apartments. That is a similar use to reflect the existing Remington Square property.~~

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east of the existing apartments is separated from

the development. This Plan recognizes that the property owner will need to seek a rezoning to a higher density zoning district in order to maintain compliance with the Development Code should the property to the east be divided from the current Remington Square property. A plan to develop the undeveloped portion should accompany any proposed division. The plan to develop must be shown to be compliant with this District Plan as any rezoning of the existing development proceeds for review.

No additional development density or intensity is anticipated on the Remington Square property with this designation.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: ~~RM2415 (Multi-Dwelling Residential) as developed; and PD (Planned Development Overlay) District~~ RM24 (Multi-Dwelling Residential) if divided, but with no additional density or intensity at the Remington Square property.

Density: ~~16 dwelling units/acre, not to exceed 24~~ 15 dwelling units/acre (24 dwelling units/acre if the property is rezoned after a division)

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

Primary Uses: office, detached dwellings, duplex dwellings

Zoning Districts: RSO (Single Dwelling Residential-Office)

Density/Intensity: 7-15 dwelling units/acre/medium

Commercial Office

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category does not permit residential uses.

Primary Uses: offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

Zoning Districts: CO (Commercial Office)

Density: medium

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed

certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

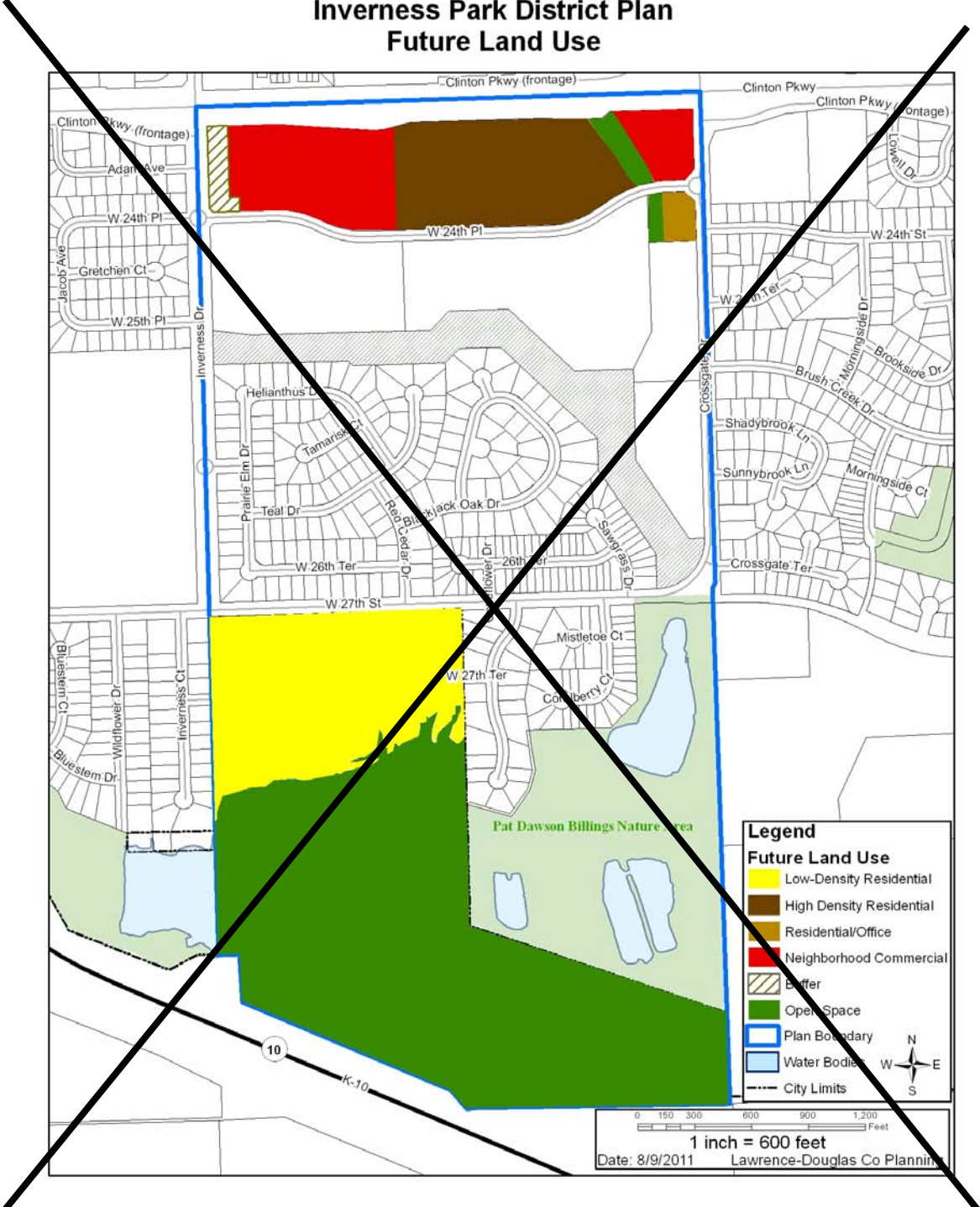
Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

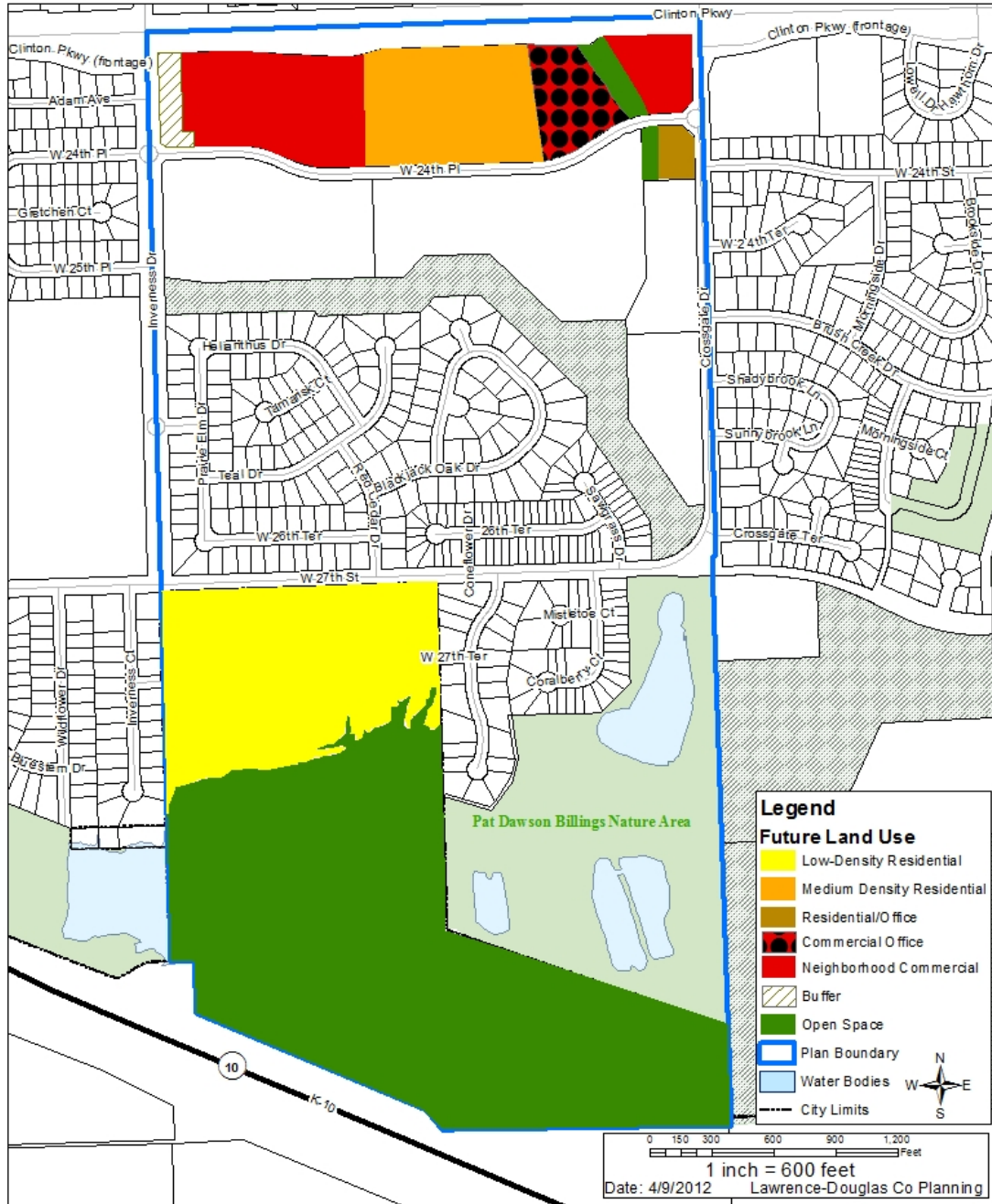
Map 4-1 — Future Land Use

**Inverness Park District Plan
Future Land Use**



Map 4-1 – Future Land Use

Inverness Park District Plan
Future Land Use



V. **Clinton Parkway**

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass
Travis E. Glass, Chairman

Arthur E. Heck
Arthur E. Heck

Raymond Ice
Raymond Ice

ATTEST:

Delbert Mathias
Delbert Mathias, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
Who: Planning Commission, City Commission, County Commission
- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
Who: Planning Commission, City Commission, County Commission

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office
Lawrence, Kansas

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO 3: INVERNESS PARK DISTRICT PLAN; CPA-2-1-12 TO REVISE THE DISTRICT PLAN

Dear Chairman Hird and Planning Commissioners:

We understand that there are two proposed comprehensive plan amendments (CPA) to the Inverness Park District Plan in Horizon 2020. The first proposed amendment is to recommend a Commercial/Office (CO) designation for the five-acre vacant tract on the Remington Square Apartment 15-acre lot. This would require subdividing the currently vacant land from the built-up parcel. However, doing this would render the built-up Remington Square Apartment area non-conforming because, being 5-acres smaller, the current density of the new lot would exceed its official zoning district density allotment, which now is the maximum density allowed for the 15-acre development under its RM15 District zoning. Therefore, the second recommendation of the CPA for the District Plan would be to allow the zoning on the existing apartments to be increased to RM24 in the event that this built-up lot be made smaller by subdividing off the 5-acre tract.

In discussing this issue and its recommended resolution, the Land Use Committee came to the conclusion that this approach would be rewarding a mistake that should not have happened, and could lead the way to rewarding future similar mistakes. This could encourage the practice, with unfortunate consequences.

The Committee had no objections to the vacant land becoming a CO District. However, the Committee did object to the recommendation to rezone the existing apartments to a district with a higher density. The Committee made several alternative suggestions to that of rezoning the existing apartments to RM24:

1. Develop the vacant land with a commercial/office use. Allow the existing apartment complex to be non-conforming. We recognize that this status has some disadvantages.
2. Develop the vacant land with a commercial/office use. Allow the owner to voluntarily eliminate some of the apartments to reduce their density to a conforming status.
3. Continue with the current situation and develop the vacant land as usable open space for the apartment complex.

Thank you for your attention to this issue. We hope that you will take our suggestions seriously.

Sincerely yours,

Milton/Scott
Vice President



Alan Black, Chairman
Land Use Committee

From: Jamie Hulse [mailto:jamiehulse@att.net]

Sent: Monday, April 23, 2012 4:43 AM

To: Dan Warner

Subject: Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

As one PC stated...If you approve this change, you disallow the ability of the owner to donate the five acres to the city as park or green space.

Changing the map confuses planning commissioners and the public into believing the 15 acres is actually divided into 2 lots.

Based on comments by Planning commissioners at meetings, several PC's are already confused about the zoning for the lot directly west of Remington Square, which is currently zoned RSO, but shown as Neighborhood Commercial on the map.

There are PC's who believe the zoning has already been changed.

At the previous PC meeting about this item, one Planning Commissioner said he owned a house on two lots, and decided to sell one of the lots to someone who built a house on it. Neighbors said "you can't do that - it's always been part of your yard."

This is not the same thing. The appropriate comparison would be an owner who had one house on one lot, and had a Planning Map showing his side yard as a separate lot.

Changing the map increases density to the 15 acres to an area that has already maxed out density. I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence, KS 66047

From: Leann Cooper [mailto:lcooper@gcsaa.org]
Sent: Monday, April 23, 2012 8:20 AM
To: Dan Warner
Subject: Tonight: Planning Comm to vote on Inverness Park District Plan

Dear Chair of the Planning Commission,

Please leave the **Inverness Park District Plan Map** showing the 15 acre Remington Square lot as **Medium Density**.

If someone at some point in the future wants to purchase the five acres of open space on the east side of the 15 acre lot, (which would require a lot split and upzoning the 10 acres of apartments), let them go through the planning process, including public hearing.

Just because the developer did not choose to use that acreage as part of the original development, does not mean that it should be treated/zoned differently without additional planning or a public hearing. I'm not really sure why we are still having this discussion, or why we need to continually give our input as neighbors. The neighborhood has been pretty clear as to our feelings on increasing the density in that area!

Please do not change the map to make it look like there are two lots, when there is actually just one. Changing the map increases density to the 15 acres to an area that has already been maxed out. Changing the map confuses everyone.

I am unable to attend the planning commission meeting, which does not reflect my concern for the outcome of the meeting.

Sincerely,

Leann Cooper
4408 Gretchen Ct.
Lawrence, KS 66047

ITEM NO. 3 INVERNESS PARK DISTRICT PLAN (DDW)

CPA-2-1-12: Consider revisions to the Inverness Park District Plan. *Initiated by City Commission on 1/17/12. Deferred by Planning Commission on 3/26/12.*

STAFF REPORT

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Candace Cobb, representing Inverness neighborhood, said they recommending the map stay the same as it was before. She said the owner built the max on the acreage and it was up to the owner to maintain the additional five acres. She said changing the map could be confusing for people who look at it. She said it was built medium density and needed to stay that way.

COMMISSION DISCUSSION

Commissioner Britton asked staff about the League of Women Voters letter about whether they should be concerned about fixing someone else's mistake and incentivizing builders. He asked when Remington Square was originally developed what the plan showed for future zoning.

Mr. McCullough said it showed as undeveloped open space.

Commissioner Britton asked about any plans that showed what the zoning would be in the future.

Mr. McCullough said it was low density, then zoned to RSO, and then rezoned to the current zoning RM15.

Commissioner Britton asked if there was any indication at that time that this would be zoned high density residential.

Mr. McCullough said no.

Commissioner Finkeldei said leaving the map to show medium density went a long way to help show the intent. He said there was an adopted plan that said one thing and City Commission directed Planning Commission to make an amendment to use the undeveloped portion of the property to be future non-residential use. He said the neighbors did not want it to be used for anything in the future. He said City Commission directed the plan to say something and Planning Commission was trying to come up with the best way to say it so it could go back to them for approval. He felt the change improved the language and accomplished the intent of City Commission. He said they had done the best they could do in following City Commission direction.

Commissioner Britton thought the concern about incentivizing or fixing someone's mistake was a legitimate one. He felt the property should be developed in some way and this was a way to least negatively affect the neighbors. He said he echoed Commissioner Finkeldei's comments about the language improvements and what they were trying to accomplish from the direction of City Commission. He said he would support the amendment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the comprehensive plan amendment (CPA-2-1-12) to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Commissioner Hird thanked staff for their work. He said having City Commission direct something for them to consider helped improve the focus He agreed with Commissioner Finkeldei's comments and said he would support the motion.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve and sign Planning Commission Resolution 3-2-12.

Unanimously approved 9-0.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For March 26, 2012 Planning Commission Meeting

RE: CPA-2-1-12: Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to consider changes to the Inverness Park District Plan.

Introduction:

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

Remington Square Proposal

This proposal designates the existing Remington Square property as High Density Residential to account for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density as it exists today. The High Density category would recognize that the property owner would need to rezone the property to a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion.

The undeveloped portion is classified as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use. A summary of the

permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (*) that apply to the CO District:

Use	P/S/A	Use Standard
Group Living		
Group Home, General (11 or more)	S	
Community Facilities		
Cemetery	P*	505
College/University	P	
Cultural Center/Library	S	
Day Care Center	S*	507
Lodge, Fraternal & Civic Assembly	S*	512
Postal & Parcel Service	P	
Public Safety	P	
School	P	
Funeral and Interment	P*	505
Temporary Shelter	S*/A*	544/522
Social Service Agency	P	
Community Meal Program	S/A*	522
Utilities, Minor	P*/A*	530
Utilities and Service, Major	S	
Extended Care Facility, General	P	
Medical Facilities		
Health Care Office, Health Care Clinic	P	
Outpatient Care Facility	P*	519
Recreation Facilities		
Active Recreation	S	
Passive Recreation	P	
Nature Preserve/Undeveloped	P	
Religious Assembly		
Campus or Community Institution	P*	522
Neighborhood Institution	P*	522
Animal Services		
Sales and Grooming	P	
Veterinary	P	
Eating and Drinking Establishments		
Accessory Bar	A*	509
Fast Order Food	P*	511 & 509 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Private Dining Establishments	P*	539
Restaurant, Quality	P*	524 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Office		
Administrative and Professional	P*	518
Financial, Insurance & Real Estate	P*	510
Other	P*	537
Parking Facilities		
Accessory	A*	535 – Accessory parking for a use permitted in a

		C Zoning District may be permitted in an RO or RM Zoning District, provided that the parking area shall be no greater than 10,000 square feet.
Commercial	S	
Retail Sales & Service		
Business Support	P	
Food and Beverage	P*	511 – Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Mixed Media Store	P*	516 – Gross floor area shall not exceed 5,000 square feet.
Retail Sales, General	P*	525 - Floor area does not exceed 10% of all floors of building or all buildings in the office complex.
Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Future land use description changes (the amended future land use map is found at the end of this memo):

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the ~~area located adjacent to the east of what is~~ currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east is separated from the existing development. The Residential – High Density category will permit the property owner to seek a rezoning to a higher density zoning district in order to bring the property's new density into compliance. No additional development density or intensity is anticipated on the Remington Square property with this designation.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM24 (Multi-Dwelling Residential) and ~~PD (Planned Development Overlay) District~~

Density: ~~16 dwelling units/acre, not to exceed~~ 24 dwelling units per acre

Commercial Office

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category **does not** permit residential uses.

Primary Uses: offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

Zoning Districts: CO (Commercial Office)

Density: medium

Neighborhood Commercial

It's also important to note that the Plan as originally approved contains language in the Neighborhood Commercial future land use description discouraging residential development in the commercial district. Therefore, no change is proposed to the Neighborhood Commercial category. Note the existing description below with the emphasis added to the relevant language:

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at

Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

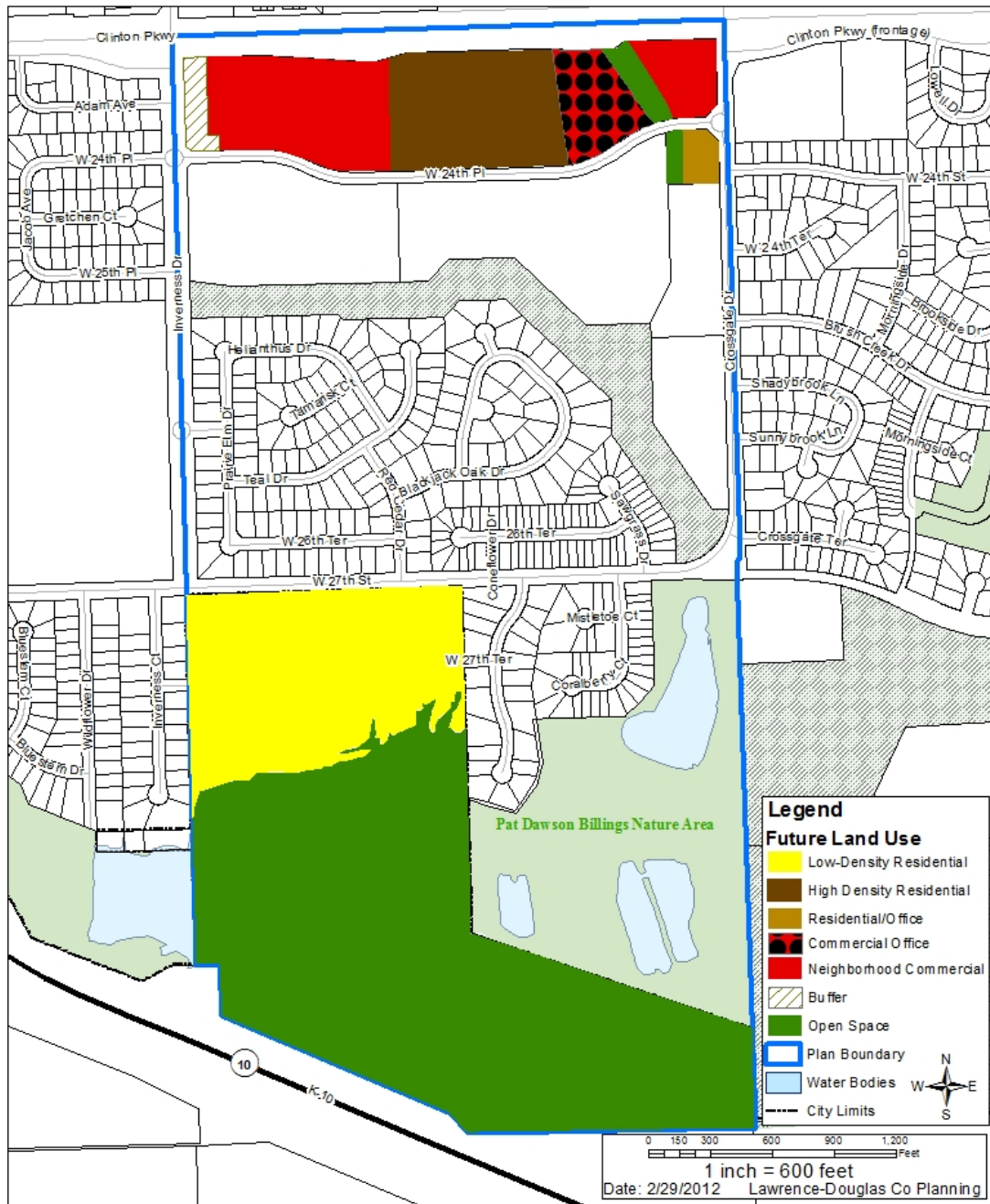
A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Inverness Park District Plan Future Land Use



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
3/26/12

ITEM NO. 2: CPA-2-1-12 (DDW)

CPA-2-1-12 Amend Horizon 2020, Chapter 14, Inverness Park District Plan, to revise the District Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 3-2-12.

BACKGROUND

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan.

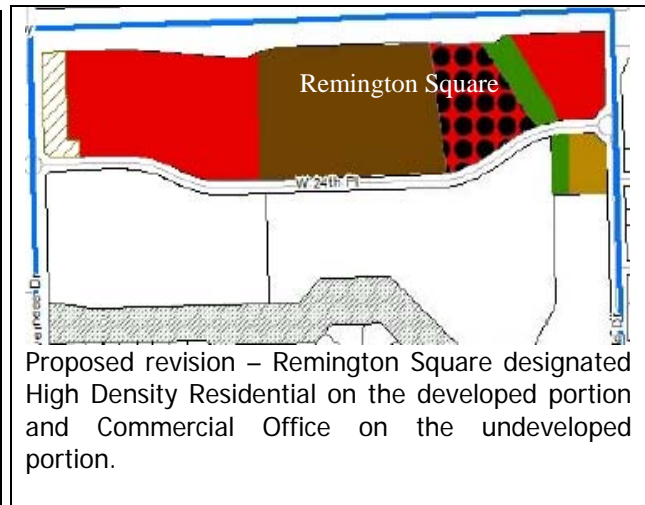
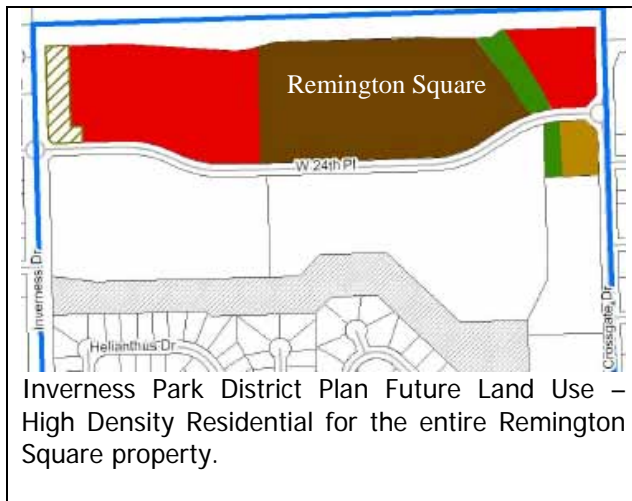
The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

STAFF REVIEW

The approved *Inverness Park District Plan* designates the entire property known as Remington Square as High Density Residential. The proposal to revise the Plan designates the existing development portion of the Remington Square property as High Density Residential to account for the fact that if the undeveloped portion is separated from the developed portion the density of the property will no longer be medium density residential as it exists today. The High Density category would recognize that the property owner would need to rezone the property to

a higher density in order to be compliant with a zoning district after the separation of the undeveloped portion.

The proposed revision designates the undeveloped portion of the Remington Square property as Commercial Office, which the corresponding permitted zoning district would be CO (Commercial Office) District. The CO zoning district does not permit residential uses. It permits office uses, religious uses, some community facilities, medical facilities, etc. The commercial retail that is permitted in this category is limited to mixed use situations within an office development. Commercial retail is generally not permitted as a stand-alone use.



A summary of the permitted uses (P), special use permit (S), and accessory uses (A) for the CO District, including descriptions of particular use standards (*) that apply to the CO District:

Use	P/S/A	Use Standard
Group Living		
Group Home, General (11 or more)	S	
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Industrial Facilities		
Research Service	S	
Adaptive Reuse		
Designated Historic Property	S*	501

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

The proposed amendment is a result of the City Commission revising their position on how the undeveloped portion of Remington Square should be developed. This is a revised plan that provides more clarity regarding the recommended future land use designation of the undeveloped Remington Square property.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, transportation, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

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

The Inverness Park District Plan was approved by the Lawrence-Douglas County Planning Commission on July 17, 2011. The Lawrence City Commission approved the Plan on September 13, 2011 and the Douglas County Board of Commissioners approved the Plan on October 12, 2011.

The Lawrence City Commission denied a rezoning request for the Remington Square property on December 12, 2011 to rezone to a higher residential density to accommodate additional multi-family development on the undeveloped portion of the property. Since the Inverness Park District Plan designated the Remington Square property as High Density Residential, the City Commission subsequently initiated a Comprehensive Plan Amendment on January 17, 2012 to change the Inverness Park District Plan. The City Commission directed Planning Staff to make changes to the Remington Square property by planning for the undeveloped portion of the property to be a future non-residential use.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – Inverness Park District Plan – to revise the Inverness Park District Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Inverness Park District Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission –
Lawrence City Commission –
Douglas County Board of County Commissioners –**

Proposed revisions are found on pages: 17, 18, 21, and 22. Proposed new language is underlined while proposed deleted language is ~~struck through~~. The proposed new future land use map is located on page 22.

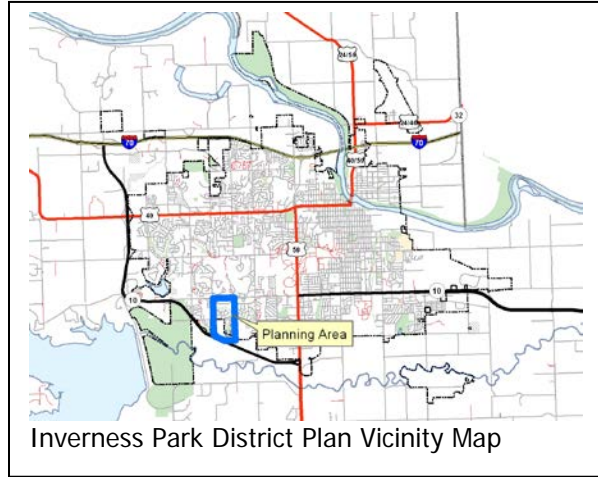
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I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1st draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The 2nd draft of the Plan was released on July 5, 2011. The Planning

Commission approved the plan at their meeting on July 27, 2011. The Lawrence City Commission approved the plan on September 13, 2011 and the Douglas County Board of Commissioners approved the plan on October 12, 2011.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

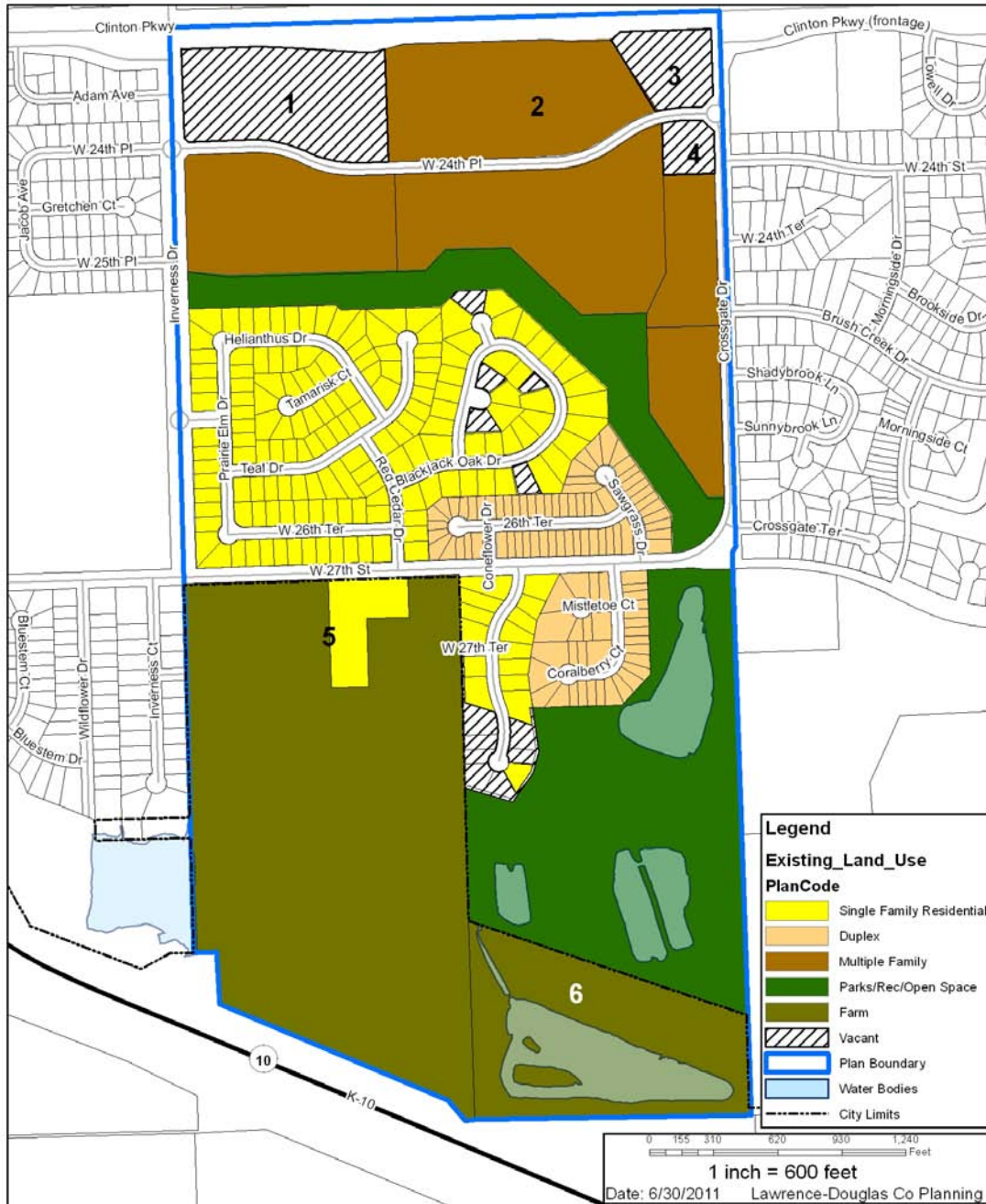
City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	Low or Medium-Density Residential
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
RM15	Multi-Dwelling Residential 15 dwelling units per acre	Medium-Density Residential
PRD	Planned Residential Development	N/A
OS	Open Space	N/A

Table 2-2

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
VC	Valley Channel	N/A

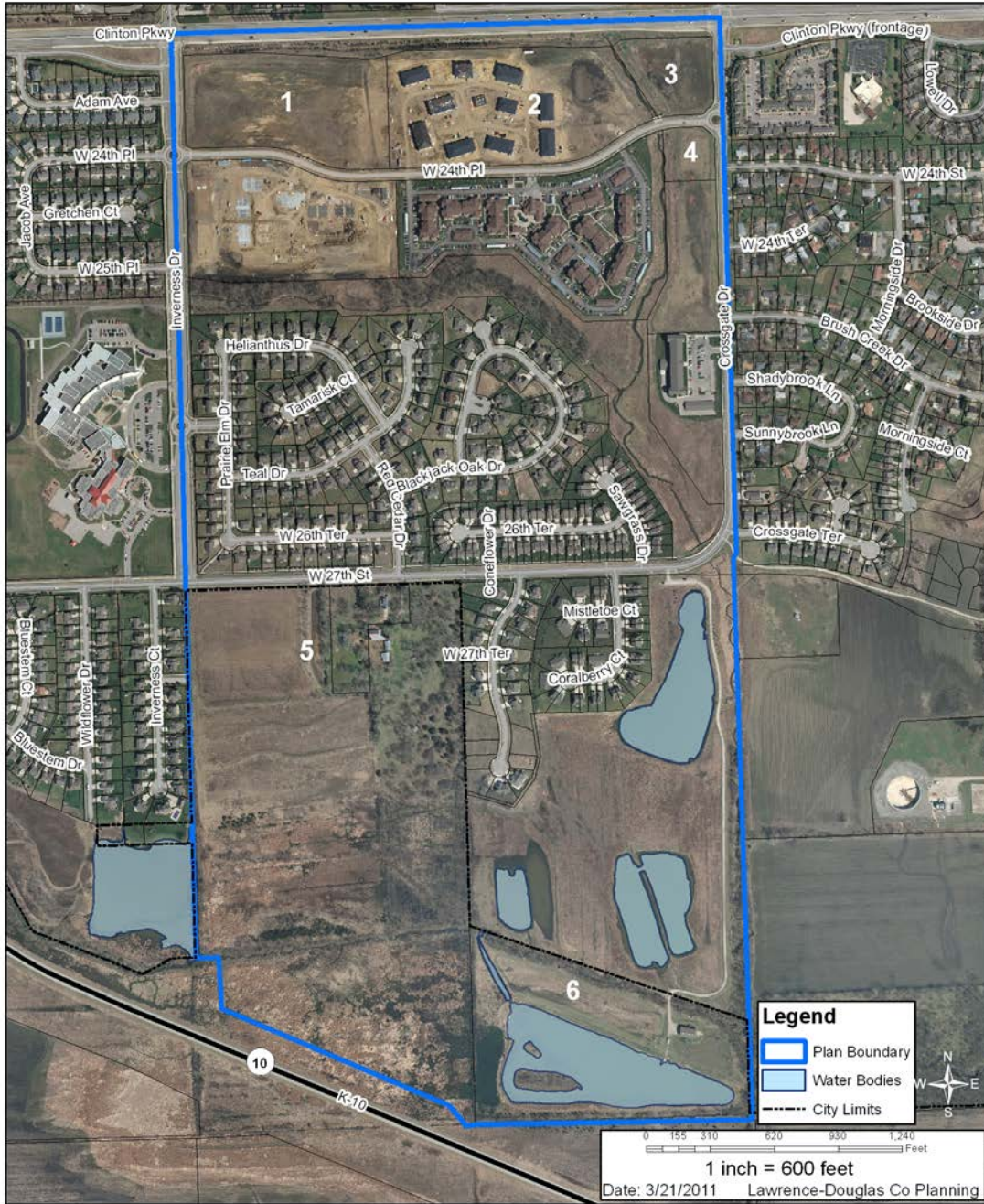
Map 2-1 Existing Land Use

Inverness Park District Plan
Existing Land Use



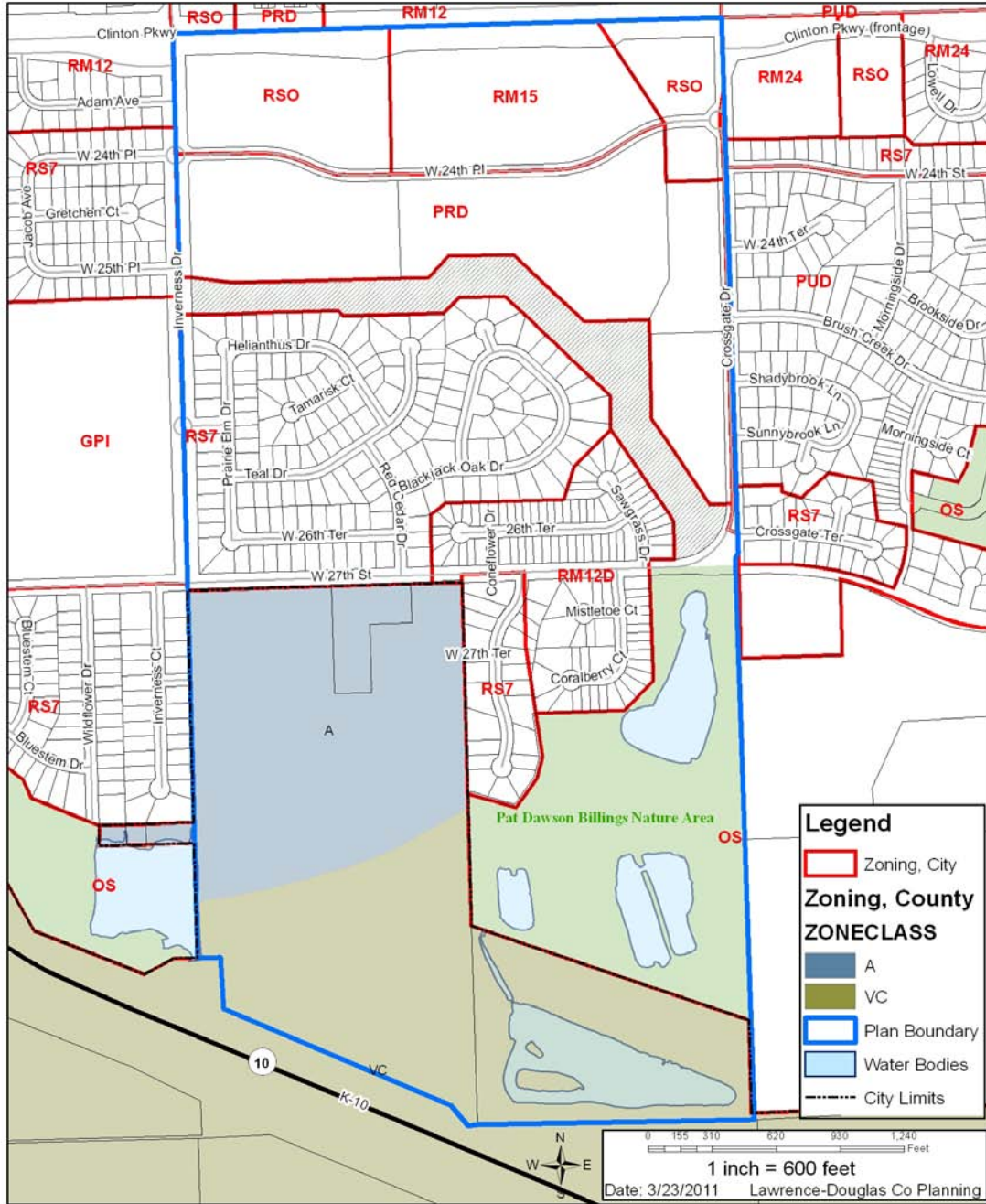
Map 2-1a Aerial

Inverness Park District Plan
Aerial



Map 2-2 Existing Zoning

Inverness Park District Plan
Existing Zoning



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

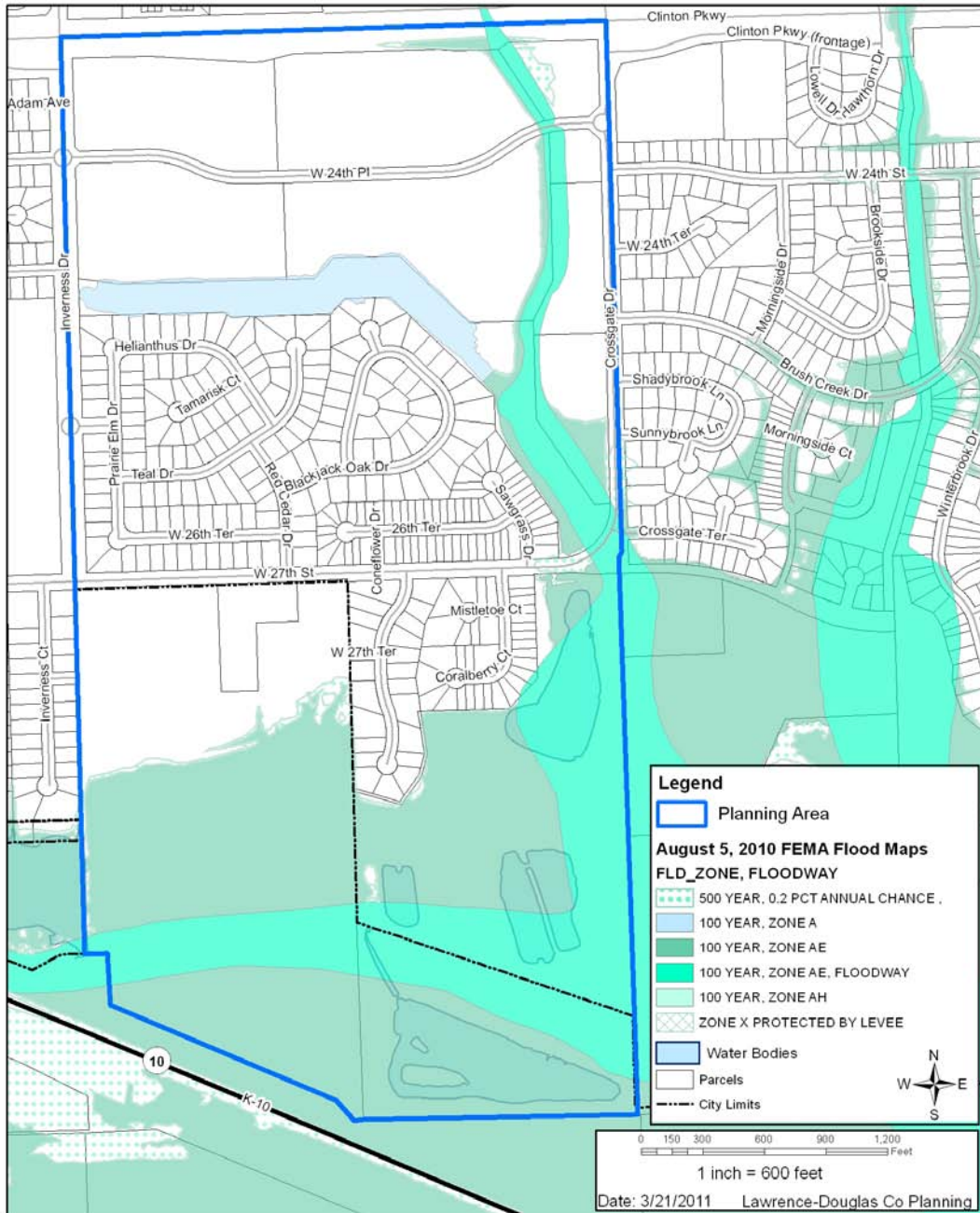
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area

**Inverness Park District Plan
Flood Hazard Area**



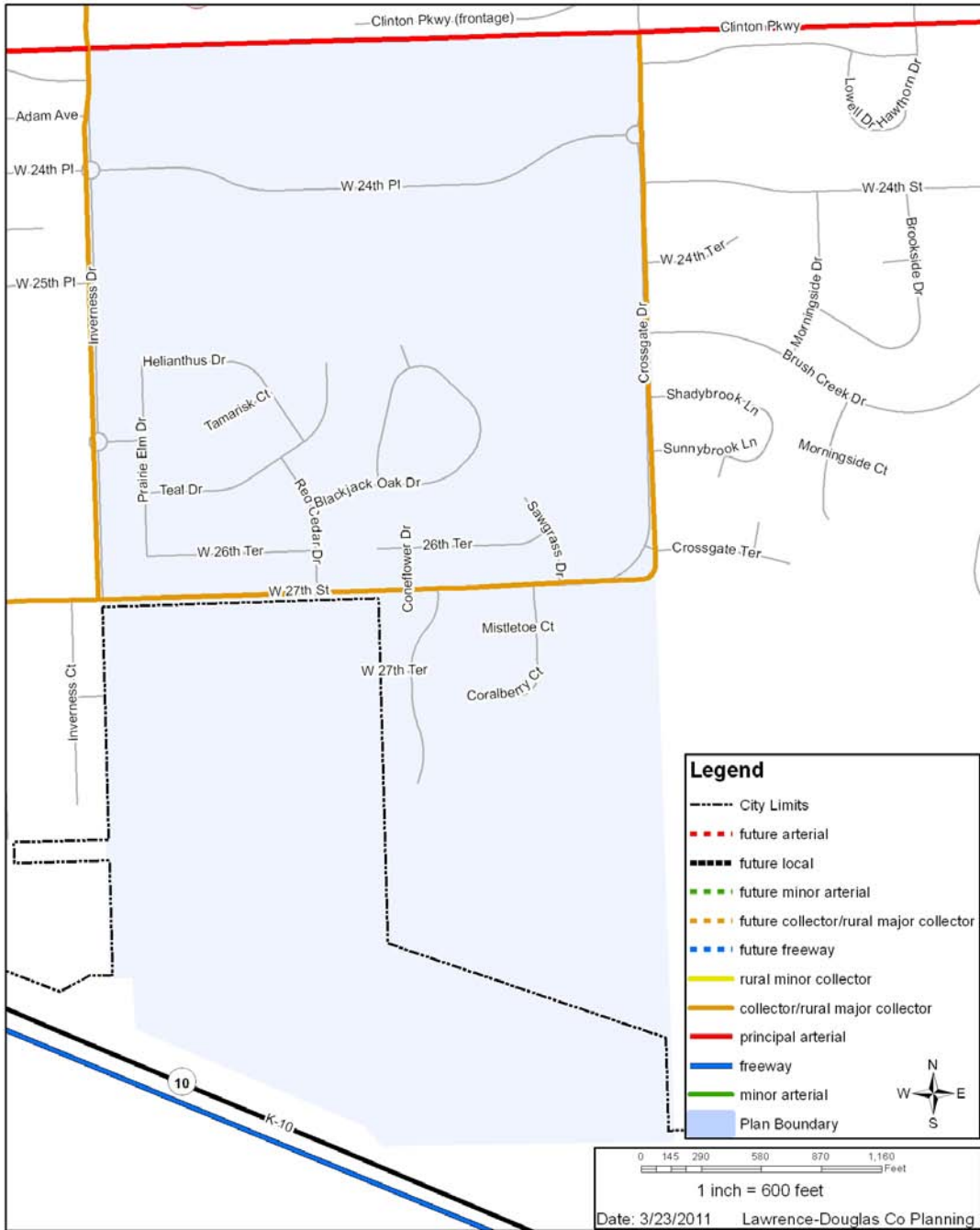
Map 2-4 Parks and Recreation Facilities

**Inverness Park District Plan
Existing and Future Parks and Recreation Facilities**



Map 2-5 Future Thoroughfares

Inverness Park District Plan
Future Thoroughfares



Map 2-6 Bicycle Facilities

Inverness Park District Plan
Bicycle Facilities



F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

Future Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the ~~area located adjacent to the east of what is~~ currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

~~A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.~~

While the existing density of the Remington Square property is medium density, this category recognizes that the property will have a higher density in the event the undeveloped portion to the east is separated from the existing development. The Residential – High Density category will permit the property owner to seek a

rezoning to a higher density zoning district in order to bring the property's new density into compliance. No additional development density or intensity is anticipated on the Remington Square property with this designation.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM24 (Multi-Dwelling Residential) ~~and PD (Planned Development Overlay) District~~

Density: ~~16+ dwelling units/acre, not to exceed~~ 24 dwelling units per acre

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

Primary Uses: office, detached dwellings, duplex dwellings

Zoning Districts: RSO (Single Dwelling Residential-Office)

Density/Intensity: 7-15 dwelling units/acre/medium

Commercial Office

The intent of the Commercial Office category is to function as a medium-intensity office zoning district. It is also intended to prevent strip commercial development by allowing office uses and only limited commercial retail uses and to serve as a land use buffer between Arterial streets and residential neighborhoods. The category allows freestanding office buildings as well as office parks.

The category permits general office uses along with other uses such as medical offices, community facilities, religious institutions, etc. The category permits limited commercial retail uses, generally limited to being a part of a mixed use office development and not as free standing commercial uses. The Commercial Office category does not permit residential uses.

Primary Uses: offices, medical offices, churches, schools, social service agency, post office, limited retail, and banks

Zoning Districts: CO (Commercial Office)

Density: medium

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connections, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

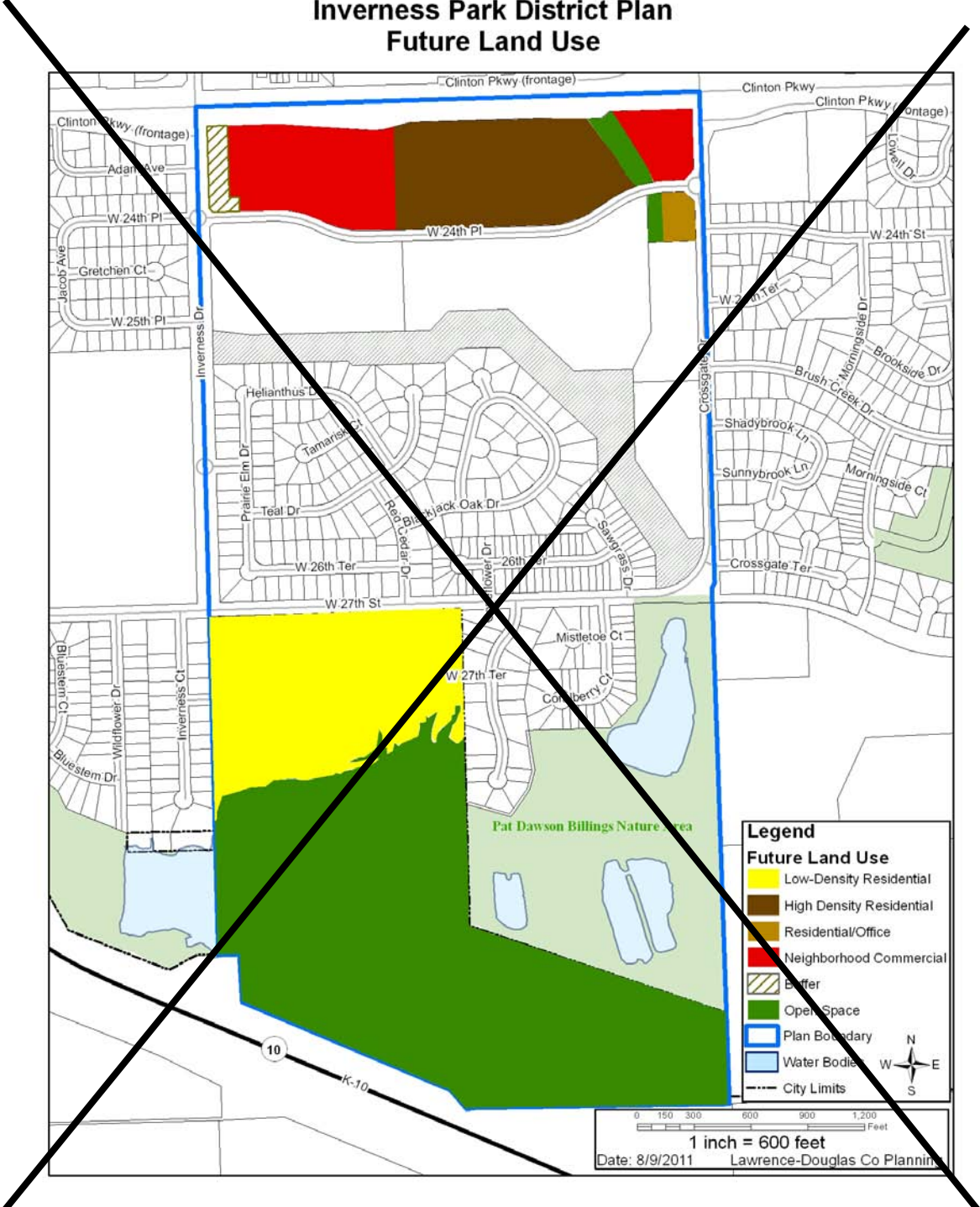
Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

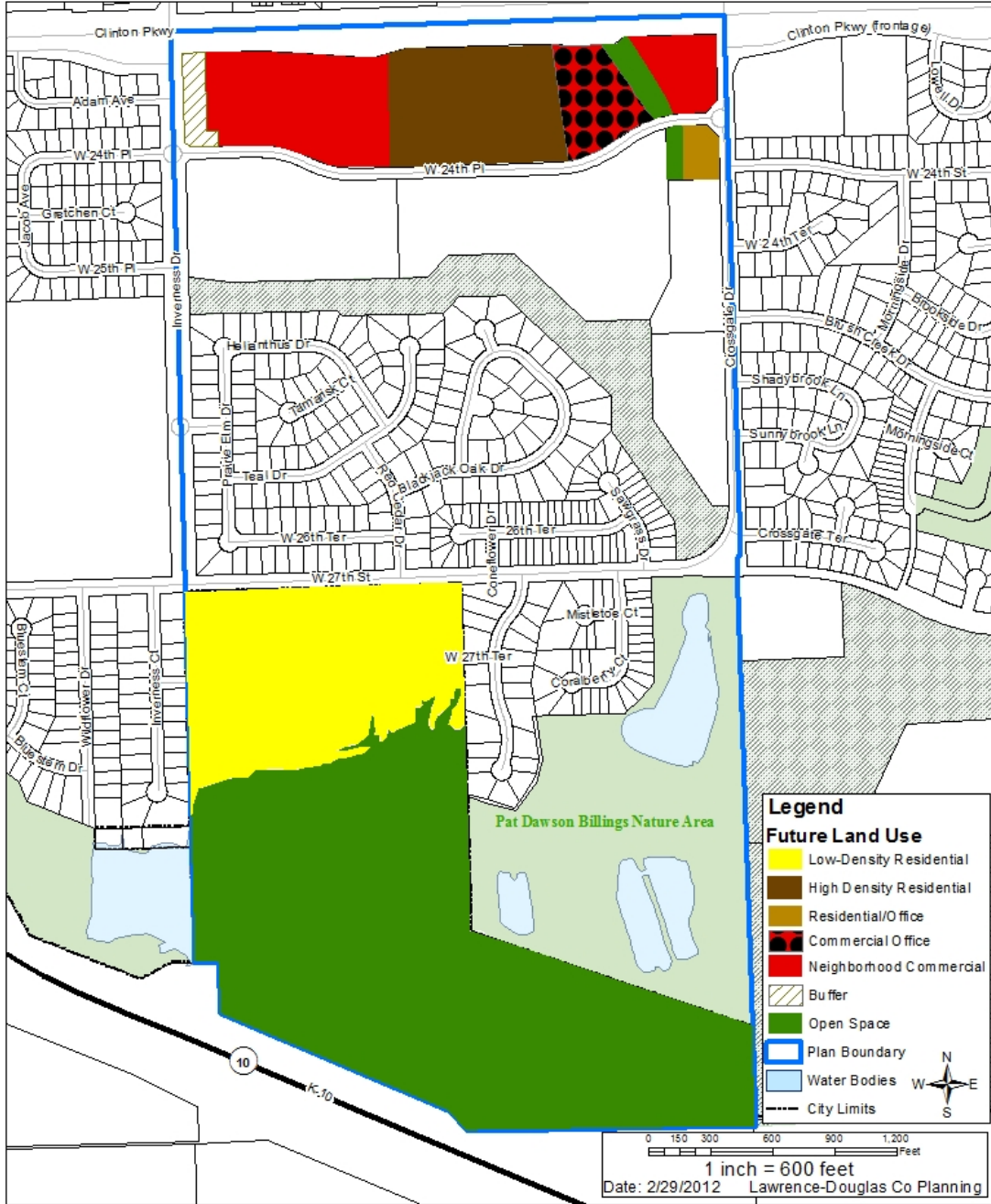
Map 4-1 — Future Land Use

**Inverness Park District Plan
Future Land Use**



Map 4-1 – Future Land Use

Inverness Park District Plan
Future Land Use



V. Clinton Parkway

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass
Travis E. Glass, Chairman

Arthur E. Heck
Arthur E. Heck

Raymond Ice
Raymond Ice

ATTEST:

Delbert Mathias
Delbert Mathias, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
Who: Planning Commission, City Commission, County Commission
- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
Who: Planning Commission, City Commission, County Commission

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GLEE S. SMITH, JR.
OF COUNSEL

Matthew S. Gough
Email: mgough@barberemerson.com

*ADMITTED IN KANSAS AND MISSOURI

March 21, 2012

VIA E-MAIL AND U.S. MAIL

Lawrence/Douglas County
Planning and Development Services Department
Attn: Dan Warner
City Hall - 6 E. 6th Street
Lawrence, KS 66044-0708

Re: *Proposed Amendment to Inverness Park District Plan (the "Plan")*

Dear Dan:

I am writing on behalf of Remington Square, L.C. ("**Remington**"), the owner of 4100 W. 24th Place (the "**Property**"). Remington consents to and supports the adoption of the proposed amendments to the Plan, as described in the March 26, 2012 Planning Commission agenda packet. The City Commission requested that the Planning Commission analyze potential non-residential uses for the undeveloped five-acre portion of the Property, and the proposed amendment appropriately identifies several non-residential options. The undeveloped tract may one day be an ideal site for a church, residential office, or other use permitted in the CO District.

Thank you for your continued hard work and diligence.

Very truly yours,

BARBER EMERSON, L.C.



Matthew S. Gough

MSG:ph

cc: The Lawrence-Douglas County Metropolitan Planning Commission (via e-mail only)
Scott McCullough, Planning Director (via e-mail only)
Remington Square, L.C. (via e-mail only)

From: Jamie Hulse [mailto:jamiehulse@att.net]

Sent: Sunday, March 25, 2012 10:41 PM

To: gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com; squampva@aol.com; clay.britton@yahoo.com; kenzieingleton@hotmail.com; bruce@kansascitysailing.com; cdavis2@ku.edu

Cc: Dan Warner; Scott McCullough

Subject: Vote no to increased density for Inverness Park District Plan

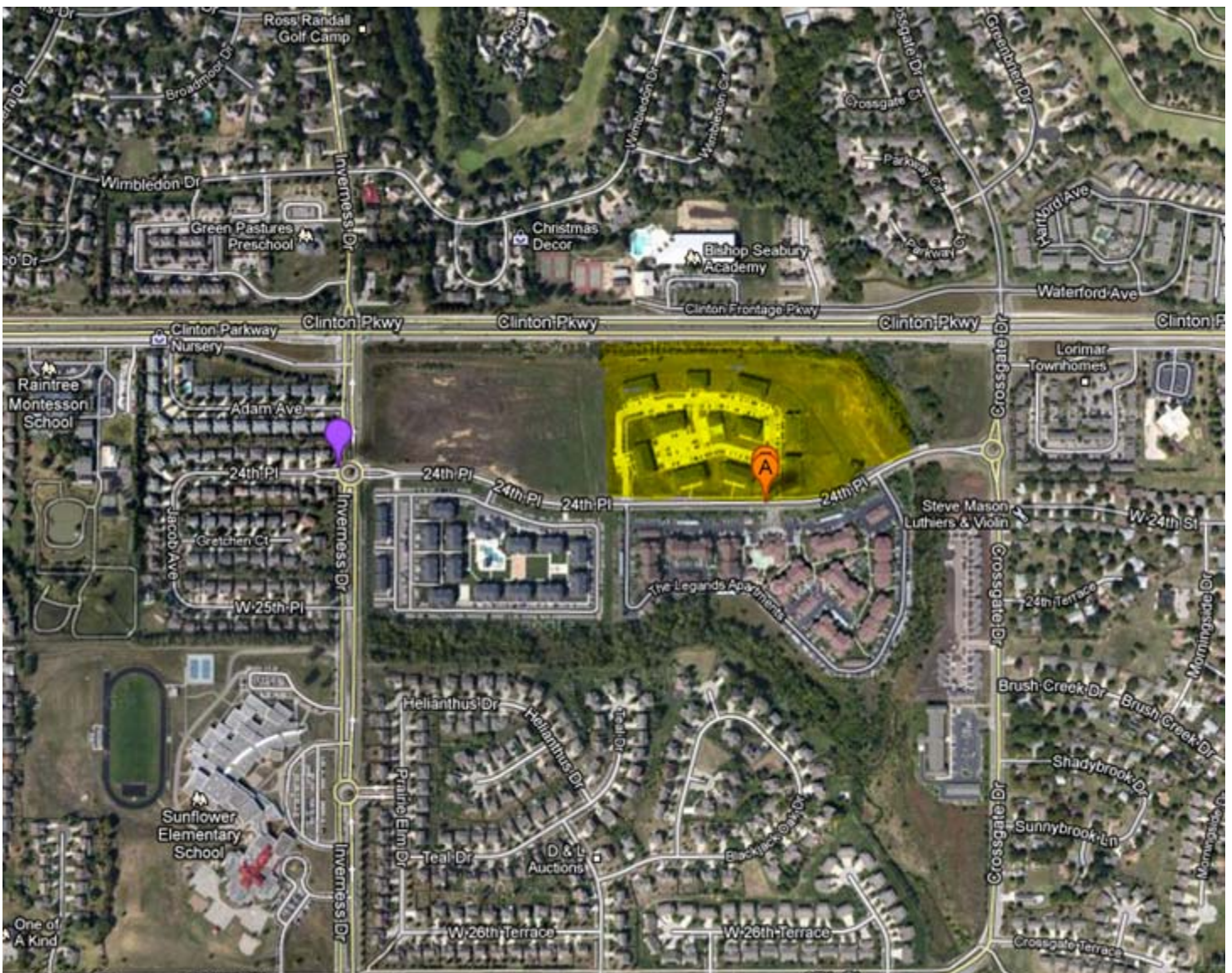
Dear Planning Commissioners,

Please vote no to the proposed change to the Inverness Park District Plan.

Direct Planning Staff to remove RM24 zoning from the Inverness Park District Plan AND to add language that disallows any future multi-family from Inverness Park unless it meets the current zoning (RSO).

In 1999, Planning Staff, Planning Commissioners and City Commissioners all agreed that density for the Inverness Park area should "not exceed 7/10/12 units per acre (depending on lot)", or there would be a **negative impact on existing neighborhoods** (see multiple highlighted areas in attached Planning Staff report).

If Planning Staff/Planning Commissioners/City Commissioners determined in 1999 that more than 12 units an acre would have a detrimental impact on surrounding single family neighborhoods, a position which is still supported by **Horizon 2020**, how can there be any logical justification for doubling that to 24 units an acre 12 years later, when density for the Inverness Park area along W. 24th Place is now at 12-15 units/acre?



Highlighted area = Remington Square 15 acre tract

The 5 acres to the east side of the tract is described in the site plan as "open space". The density is maxed out for the 15 acre tract at 15 dwelling units/acre.

Planning Staff and Remington Square continue to refer to the "open space" as a "vacant 5 acre lot", which has confused people into thinking it is a separate lot.

The difference in landscaping maintenance standards for the eastern 5 acres and western 10 acres adds to the confusion, and appearance that the 5 acres is a "vacant lot".

The eastern 5 acre "open space" is the equivalent of a back yard for a single family home.

(This map shows The Casitas and The Grove, as opposed to the aerial map included in the proposed Inverness Park District Plan.)

- Remington Square asked for RM24 to build more apartments, and the request was denied.
 - Now staff is recommending an increased density of RM24 for the western 2/3 of the 15 acres, to allow the property owner to subdivide the 15 acres, selling the eastern 5 acres for a Commercial Office use.
 - This is the equivalent of me asking for approval to build a duplex in my backyard which has street frontage along Inverness, and having my request denied. Then staff recommends approval of a Commercial Office use for my backyard, because it is "vacant ground".
 - If the proposed change is approved, you are opening the door for increased density for Remington Square, and for the remaining 2 vacant lots. Applicants will argue that increased density is appropriate because of RM24 (exceeds high density) and commercial zoning at the corner of Clinton Parkway and Crossgate.

 - The argument that increasing density from RM15 to RM24 is appropriate and supported by Planning Staff because surrounding properties are either vacant, or are other multi-family complexes, and soon-to-be commercial, is flawed and not valid. Especially when considering the Horizon 2020 references and Planning Staff recommendations in the attached document. Surrounding future property values will actually be negatively impacted MORE with previously approved increased density for Legends Place, The Grove and Remington Square.

 - In Fall 2010, City Commissioners directed Planning Staff to work with neighbors to develop a district plan for the remaining lots that neighbors could support, which would include language for no additional multi-family.
 - Planning Staff presented a plan to neighbors, that included RM24 for Remington Square. Many neighbors expressed frustration, and threw up their hands saying "staff and planning commissioners have never listened to us".
 - For the last year (regarding the Remington Square request), neighbors attended meetings and wrote emails opposing the plan, but every commission approved the district plan anyway...which has completely baffled neighbors.
 - Neighbors supported commercial zoning for HyVee convenience store & carwash at the corner of Crossgate & Clinton Parkway in order to achieve "mixed use", and to avoid the possibility of more apartments.
 - It is inexcusable to now penalize the surrounding neighborhoods for that support by citing Horizon 2020 , saying RM24 next to commercial is an appropriate "step down" or "transition".
-

Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (224)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total		687

-
- Residential densities are defined in **Horizon 2020** as follows:
 - Low density residential development = 6 or fewer dwelling units per acre
 - Medium density residential development = 7-15 dwelling units per acre
 - High density residential development = 16-21 dwelling units per acre
 - 24 dwelling units per acre exceeds the city definition of High Density!

Vote to remove RM24 zoning from the Inverness Park District Plan AND vote to add language that disallows any future multi-family from Inverness Park unless it meets the current zoning (RSO).

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
785-393-2942

AGENDA ITEMS NOS. 16 through 18H.

This document is written to serve as a comprehensive review and report of the planning and zoning items submitted for the 160+ acre tract of land known locally as the "Getto Property", which is located on the south side of Clinton Parkway, between Crossgate and Inverness Drives, and bounded on the south by 27th Street.

The order of presentation of information in this report is: annexation request; rezoning applications [A to RS-2, A to RM-D, A to RM-1, A to RO-1 B, A to PRD-2, A to O-1, A to PCD-1, and A to PCD-2]; and the preliminary plat for the entire tract. Where logical and to prevent repetition, the reviews of the zoning applications have been combined to present the information in a non-repetitive and coherent manner.

[Item No. 16] A-4-4-99: ANNEXATION REQUEST FOR 163.46 ACRES, NW/4 AND NORTH 40 FEET OF THE WEST HALF OF THE SW/4 OF SECTION 10-13-19

Summary: A request to annex approximately 163.46 acres into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Submitted by Peridian Group for the Winnifred and Paul Getto Limited Partnership, the property owners of record.

General Information:

Current Zoning and Land Use A (Agricultural District); agricultural fields.

Surrounding Zoning and Land Use RS-1 (Single-Family Residence) District, RS-2 (Single Family Residence) District, and RM-1 (Multiple-Family Residence) District to the west; developed with an elementary and junior high school complex, single-family residences, and duplexes respectively.

RO-2 (Residence-Office) District, PRD-2 (Planned Residential Development) District, and RM-1 (Multiple-Family Residence) District to the north; developed with an animal hospital, multiple-family residences, private recreation facilities and multiple-family residences, respectively.

RM-2 (Multiple-Family Residence) District and RS-2 (Single-Family Residence) District to the east; developed with multiple-family residences and single-family residences, respectively.

RS-2 (Single-Family Residence) District and A (Agricultural) District to the south; undeveloped agricultural uses.

Annexation Authority: The property owners have petitioned for annexation of this quarter section of ground. This tract is an island within the incorporated boundaries of Lawrence, being adjacent to unincorporated area for only a small distance (approximately 1/8 mile), on the southwest corner of the

tract.

When a property owner petitions for annexation of land which is contiguous to the city limits, Kansas law (K.S.A. 12-510 et seq) provides for annexation by ordinance of the City Commission. The City's policy requires annexation requests for parcels of land over ten acres in size to be forwarded to the Lawrence/Douglas County Planning Commission for review.

The zoning ordinance, Chapter 20 of the City Code, section 20-504 requires that upon annexation property shall be rezoned to a compatible City classification. The related rezoning requests associated with this annexation are Agenda Items Nos. 18A-H. Agenda Item No. 17, a preliminary plat (Inverness Park) submitted for the entire 163 acres, is also included in this report.

Application Review:

Site Characteristics:

The subject property is located within Service Area 1 of the Urban Growth Area identified in H2020 and is anticipated for the nearest term development timing. The property is adjacent to Clinton Parkway, a major arterial as designated in Transportation 2020, and three collector streets; Crossgate Dr., Inverness Dr., and 27th St. The site is undeveloped and has been used for agricultural purposes. A drainageway exists in the form of two separate creeks that flow through the property with the natural slope from northwest to southeast, converging at the southeast corner.

Infrastructure and Utility Extension:

Rural Water: City policy indicates that any compensation required for rural water facilities shall be provided to the City by the developer. The applicant has indicated that there are no rural water facilities on site which are subject to this policy.

Sewer: The preliminary plat submitted with this request for annexation shows the location of an existing sanitary sewer main line through the center of the drainageway on the subject property. Service lines have been proposed to extend to this sewer main from the future development on the property.

Black & Veatch Corporation has reviewed the proposed annexation and rezonings based on criteria presented in the Master Plan for sanitary sewer services for the City of Lawrence and have concluded that the anticipated wastewater flows from this proposed development will not have an adverse impact on the existing sanitary system. A 24-inch sanitary sewer interceptor currently carries wastewater flows along the drainageway from north to south through the subject property. The City Stormwater Engineer has indicated that this existing sanitary sewer line must be relocated because it will be within a drainage easement that will be dedicated with this development. The City Utility Department has stated that the new sanitary sewer line should be upgraded to a larger size in order to handle future increases in capacity. The applicant has agreed to install a larger line which will be included in the preliminary plat for this property.

Private Utilities: Generally, telephone, electric and gas service can be extended to serve the subject property. The surrounding areas to the west, north, and east are platted and utility easements exist to extend service.

Public Right-of-Way Dedications: The subject property is bounded by four existing streets. Rights-of-way for each of these and for streets within the future development would be dedicated as part of the platting process and provide the framework for the developing street network for the area. Coordination will be required between the applicant and adjacent property owners to assure that adequate right-of-way is in place for the public use of the property and can be addressed in more detail during other phases of the development process.

Crossgate Drive along the length of the east property line, 27th St. along the south property line, and Inverness Drive along the west side are proposed collector streets. An 80' total width dedication is necessary for construction of W. 27th St, and 40' of dedication is necessary for both Crossgate Drive and Inverness Drive. Street dedications are a requirement of the platting process. The applicant has proposed a phasing schedule for street improvements within and adjacent to the development. Development of portions of this property will be contingent upon the completion of related infrastructure improvements.

Stormwater Management Improvements:

Substantial stormwater improvements will be necessary on the property in order for development to occur. The applicant has proposed a phasing program for public improvements. The removal of the existing storm structure and county road at the southeast corner of the property (intersection of Crossgate Drive and 27th St.) as well as all drainage channel improvements to Tract 'A' are in the first phase of development. The subsequent replacement of a storm structure is in the second phase of development.

Comprehensive Plan:

Horizon 2020, the City and County's Comprehensive Plan, indicates that this area is suitable for urban development. One of the key features of the Plan states:

"The plan promotes development in the urban growth area through an adopted annexation policy which anticipates well-planned development of fringe areas."

Annexation policy #1 states that the *City of Lawrence will actively seek voluntary annexation of land within the urban growth area as development is proposed*. As shown on the Lawrence Urban Growth Area map (Figure 9), the subject property is within the Urban Growth Area. Additionally, it is within Service Area 1, an area anticipated for development in the near future coincident with the improvements and construction of major utilities and streets. A primary goal expressed in **Horizon 2020** is to encourage development, which is consistent with a service delivery plan and to coordinate development with the reasonable extension of municipal services.

Summary of Comprehensive Plan

The subject property is clearly located within the area most readily anticipated for urban development. **Horizon 2020** supports a definitive approach that utility services and major street improvements should be in place prior to development.

Generally, the majority of this area is suitable for low-density residential development and related uses within that district. The projected land uses identified in these plans are generally reflected in the accompanying rezoning requests associated with the proposed annexation.

SUMMARY OF FINDINGS:

In summary, the comprehensive plan indicates that expansion of the city limits in this area is anticipated and expected. The proposed development intent of the applicant is to rezone this property for a mixture of residential, office, and commercial development.

Municipal utilities, including water and sanitary sewer, are available and can be extended or relocated to serve this property. Primary trunk lines are currently in place and/or can be reasonably extended. Additionally, no Rural Water Districts have facilities located within the subject area.

Staff supports the proposed annexation. The subject area is within Service Area 1 and is reasonably is expected to respond to growth in the form of urban development.

ANNEXATION REQUEST

Staff Recommendation: Staff recommends approval of the petition for annexation of 163.46 acres, known as the "Getto Tract", and forwarding of a recommendation for approval of this petition to the City Commission for approval and annexation.

ZONING APPLICATIONS FOR THE 163.46 ACRES KNOWN AS THE "GETTO TRACT"

**A TO RS-2 , 67.18 ACRES [ITEM NO. 18A] A
RM-D, 11.62 ACRES [ITEM NO. 18B] A RM-
1, 10.35 ACRES [ITEM NO. 18C] A RO-1 B,
13.74 ACRES [ITEM NO.18D] A PRD-2,
17.81 ACRES [ITEM NO. 18E] A O-1, 21.63
ACRES [ITEM NO. 18F] A PCD-1, 6.64
ACRES [ITEM NO. 18G]
A PCD-2, 5.19 + 10.35 ACRES [ITEM NO. 18H]**

The 163 acres, which is the aggregate of the above applications for rezoning, represent the largest privately planned area development proposal submitted in the past several years.

Dial Realty, a contractual purchaser of the above referenced property, has been working with the Peridian Group, Inc., a local planning and engineering firm, to develop plans for the property.

Current and surrounding zonings and land uses were previously listed as part of the annexation report.

CHARACTER OF THE AREA

Proposed areas for RS-2, RM-D, and RM-1 Zoning Districts

The subject property is undeveloped and is the southern half of the 160 acres bounded by Clinton Parkway to the north, Inverness Drive to the west, Crossgate Drive to the east, and 27th St. to the south. This portion of the property has right-of-way frontage on 27th St. to the south, Inverness Drive to the west, and Crossgate Drive to the east. The property is currently used for agricultural purposes and is bordered on the north by a natural drainageway and agricultural land proposed to be rezoned to RO-1 B, PRD-2, and PCD-2 Zoning Districts. Undeveloped RS-2 property and unincorporated county land zoned A (Agricultural) exists to the south. Southwest Junior High School, Sunflower Elementary School, and single-family residences (RS-2 Zoning) exist to the west. Single-family residences (RS-2 Zoning) as part of a PUD development also exist to the east.

Proposed areas for RO-1 B, PRD-2, O-1, PCD-1 and PCD-2

The subject property is undeveloped and is the northern half of the 160 acres bounded by the above-referenced streets. This portion of the property has right-of-way frontage on a proposed local frontage road (24th St.). The property is currently used for agricultural purposes and is bordered on the south by a natural drainageway and agricultural lands proposed to be rezoned to RS-2 and RM-1 Zoning. Single-family and multi-family uses exist to the east and west. Property north of Clinton Parkway contains apartments, a tennis/racquet club and a veterinarian office.

The different rezoning requests received for this portion of the property, if approved, would greatly change the character of the area. The residential predominance would be lessened with the addition of office and commercial development proposed.

- **Staff Findings:** The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A

drainageway flows along the north side of the requests and passes through it to the southeast.

The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]

The subject property is suitable for the current zoning designation. The property is within Service Area 1 as defined in Horizon 2020. The plan document anticipates this area to be incorporated within the near future. Upon annexation the "A (Agricultural)" zoning designation would not be consistent with the City zoning regulations and would also be considered as "unsuitable." The specific property included in this rezoning request is located within the unincorporated area of Douglas County. Section 20-504 of the Code of the City of Lawrence requires:

"Zoning of Newly Annexed Areas. All territory which may hereafter be included within the zoning jurisdiction of the City of Lawrence shall retain its county zoning district designation upon annexation into the city and shall be subject to the provisions set forth in the Zoning Regulations for unincorporated Territory in Douglas County, Kansas. A rezoning request shall be initiated immediately by the property owner or City."

The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. In staff's opinion, the rezoning should be contingent upon the annexation of the subject property.

The property is suited for agricultural uses; however, developmental pressures and surrounding zonings and land uses make continuing agricultural practices less desirable or practical.

- **Staff Finding** - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]

The subject property is currently undeveloped. The existing zoning has been in place since the adoption of zoning in 1966. The individual zoning areas have not yet been annexed and are part of the 160+ acre tract.

- **Staff Finding** - The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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

[This criteria was evaluated separately for the zoning applications based upon similarities in the proposed land uses effects on nearby properties. The reviews were consolidated into 4 segments, which are presented below]

Applicable to zoning applications: Z-4-6-99 (A to RS-2) and Z-4-7-99 (A to RM-D). The surrounding area is currently developed primarily with low-density residential uses. Therefore,

detrimental effects will likely include those impacts that occur with new residential development including increased traffic on collector streets and loss of "open space". Residential development is generally anticipated as the city limits expand to incorporate this area.

- **Staff Finding** - The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate.

Applicable to Z-4-8-99 (A to RM-1)

The surrounding area is currently developed primarily with low-density residential uses. Therefore, detrimental effects will likely include those impacts that occur with new residential development including increased traffic on collector streets and loss of "open space".

The subject property is also directly across Crossgate Drive from an RS-2 development with single-family residences. The proposed rezoning to RM-1 would allow a maximum density of 12 units per acre, a density that would be double the allowed density on the east side of Crossgate Drive without the benefit of a natural buffer, screening, or back-to-back relationship. In staff's opinion, a zoning designation of PRD-1, that allows a maximum density of 7 dwelling units per acre, is more appropriate in this location, and allows for greater street setbacks and more flexibility in design given the property's shape, floodprone tendencies, and developable area. (See **Conformance with the Comprehensive Plan**)

- **Staff Finding** - The most significant detrimental effect anticipated is the location of medium-density residential located across from existing single-family residential development without the benefit of a natural buffer or back-to-back relationship. Rezoning to PRD-1 is more appropriate given the adjacent uses, the properties floodprone tendencies, and the developable area.

Applicable to Z-4-9-99 (A to PRD-2) and Z-4-10-99 (A to RO-1 B)

Areas immediately to the north, east and south of the areas proposed for PRD-2 and RO-1 B are currently undeveloped and have rezoning requests pending. The rezoning of this area is not expected to have a detrimental effect on those areas located within the overall 160 acre tract.

Based on the location of the RO-1 B and PRD-2 rezoning requests within the overall 160 acre tract, the property to the west, which is currently developed, would be the most affected. Property to the west is residential in nature with a maximum allowable density range from 6 to 12 units per acre. Stone Meadows South No. 3, zoned RM-1, has an approximate developed density of 6 dwelling units per acre and Stone Meadows South No. 2, zoned RS-2, has an

approximate density of 3 units per acre. The allowable density in an RO-1 B District is 12 units per acre, and the allowable density in a PRD-2 District is 15 units per acre. Without having a development plan for the area requested to be rezoned, it is difficult to determine if enough buffering would be provided to separate the different land uses and what the proposed density would be on the subject area. The RO-1 B zoning district requires a building setback of 25' from the property line. PRD zoning requires a perimeter setback of 30' from the property line.

Sunflower Elementary and Southwest Junior High are located southwest of this request.

In order to limit the allowable density, the area proposed for RO-1 B could be rezoned to PRD-1, with a limit of 7 dwelling units per acre. It would also be possible to rezone to PRD-2 consistent with the proposed PRD-2 to the east, and then limit the density on both. By rezoning to a Planned Residential District, the density can be regulated and other features such as perimeter setbacks and open space can be utilized to ensure adequate buffering between land uses.

There is merit in limiting the allowable density. With 13 acres and an allowable density of 12 units per acre on the RO-1 B, approximately 156 units could be constructed. The PRD-2 district permits development of a maximum of 15 dwelling units which would allow a maximum of 267 units. Obviously, other elements such as setbacks, height and parking requirements might reduce this density, but the allowable density is higher than what is located across Inverness Drive to the west. Development of intensive multiple-family units may have significant traffic effects on the perimeter roads (Inverness and Crossgate) and their respective intersections with Clinton Parkway. Improvements to these perimeter streets will need to be in place prior to multiple-family development to minimize the projected traffic impacts on nearby properties.

- **Staff Finding** - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

Applicable to Z-4-11-99 (A to 0-1); Z-4-12-99 (A to PCD-1); and Z-4-13-99 (A to PCD-2) Areas

Immediately to the south and west of this area are currently undeveloped and have rezoning requests pending. The rezoning of this area is not expected to have a detrimental affect on the areas located within the overall 160 acre tract.

Based on the location of this rezoning request within the overall 160 acre tract, the properties to the east and west, which are currently developed, would be the most affected. Property to the east is residential in nature with a maximum allowable density range from 6 (RS-2) to 21 (RM-2) units per acre. Lorimar Subdivision, zoned RM-2, has an approximate developed density of 18 dwelling units per acre and the Four Seasons Subdivision, zoned RS-2, has an approximate developed density of less than 5 units per acre. Property to the west is residential in nature with a maximum allowable density range from 6 to 12 units per acre. Stone Meadows South No. 3, zoned RM-1, has an approximate developed density of 6 dwelling units per acre and Stone Meadows South No. 2, zoned RS-2, has an approximate developed density of 3 units per acre.

Without having a development plan for the area requested to be rezoned, it is difficult to determine if enough buffering would be provided to separate the different land uses and what the intensity would be on these areas. Additionally, the 0-1 zoning district allows limited commercial uses, the PCD-1 zoning district allows for commercial land uses, and the PCD-2

zoning district allows for *intense* commercial land uses. The Comprehensive Plan does not support commercial development in this area and is restrictive in the placement of office development. (Discussed in more detail under the Comprehensive Plan Review.) Crossgate Drive, based upon the location of this request, would become the major route to this commercial site. In addition to the 5 acres requested for PCD-2 on the northeast corner and the 7 acres requested for PCD-1 adjacent to the west, a five acre tract also proposed for PCD-2 is located south of these requests and adjacent to the single and multiple-family residential area to the east.

It is Staff's opinion that the proposed O-1, PCD-1, and PCD-2 are more appropriate for development using the RO-1 B zoning category (which can be approved using the Lesser Change Table). These modifications to the zoning applications would allow for a residential aspect to be introduced and the allowed uses are less intense, thus not detrimentally affecting the residential property located to the east.

- **Staff Finding** - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the O-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed O-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

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. [This criteria evaluation applies to Z-4-6-99; Z-4-7-99; Z-4-8-99; Z-4-9-99; Z-4-10-99; Z-4-11-99; Z-4-12-99; and Z-4-13-99]

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public's health, safety and welfare.

Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 requests may provide some relative gain to the public's health, safety and welfare by limiting the allowable density and intensity and encouraging the property owner to develop the property in a manner which is consistent with the Comprehensive Plan and the characteristics (density and land use) of the surrounding area.

A rezoning which would introduce residential or office elements, limiting the density and intensity of development, would not pose a hardship upon the applicant since the agricultural restrictions would be removed, but may delay the development timeline for portions of the project. Rezoning the property to less intense uses would benefit the public's health, safety and welfare and would allow the property to conform with the Comprehensive Plan and surrounding land use patterns.

In Staff's opinion, denial of the more intense requests for nonresidential zonings would not destroy the value of the petitioner's property. Those portions of the tract could continue to be either utilized as agricultural, or could be developed under another less intense zoning district. The most obvious hardship to the applicant, if the petitions for RO-1B, 0-1, PCD-1 and PCD-2 were denied, would be the postponement of development on the northern portion of this tract. The proposed land uses in the PRD-2 request area are appropriate, with a density restriction of 12 dwelling units per acre, for development as the City Limits are expanded and utilities and infrastructure are extended. The proposed land uses in the southern portion (RS-2, RM-D) are appropriate for development as the City Limits are expanded and utilities and infrastructure are extended. In staff's opinion, the proposed rezoning to RM-1 could have a negative impact on the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. The property is clearly within the growth pattern for the City of Lawrence.

As stated above, properties to the east and west of the 160 acre tract have already been developed and some property to the south of the 160 tract has been residentially (RS-2) zoned. Property to the north is developed as well.

• **Staff Finding** — Denial of the RO-1B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning

to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of this rezoning request with the City's Comprehensive Plan is based on

key features, goals, policies and recommendations of the plans.

As noted previously, the subject property of 160 acres is within "Service Area 1" which is anticipated as the primary short-term growth area. The land use map shows a designation of low density residential for the majority of the property, and an open space designation for the existing drainageway. Clearly residential land uses are projected for the subject area. The appropriate density/intensity of development is the primary issue for this particular request.

Residential densities are defined in Horizon 2020 as follows:

1. Low density residential development = 6 or fewer dwelling units per acre
2. Medium density residential development = 7-15 dwelling units per acre
3. High density residential development = 16-21 dwelling units per acre

Applicable to zoning applications: Z-4-6-99 (A to RS-2) and Z-4-7-99 (A to RM-D) Low-density residential is defined as, *"reflecting a density of 6 dwelling units per acre.. "*, and, *"While this classification includes densities that would encompass duplex and some townhome housing, emphasis is placed on single-family detached development"*

Horizon 2020 provides a range of applicable densities. However, the Zoning district conveys only one maximum density. Within conventional zoning, it is the site planning process that allows negotiation of the range and mix of density and housing type. The proposed RS-2 district allows a maximum density of approximately 6 dwelling units per acre, and the RM-D district would allow a maximum density of up to 12 dwelling units per acre. The size and shape of the proposed RM-D Zoning District as well as the restriction of development to single family and duplex building types, will together limit the possible developed density of the property. Additionally, a preliminary plat has been submitted with this rezoning that proposes a net density of approximately 8 units per acre.

The Comprehensive Plan supports low and medium density residential where there are similar low and medium density residential uses and where barriers and screening exist between it and more intensive land uses. One of the principal strategies of new residential areas is that, "Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development..."(pg. 43)

Medium density development is recommended at *"selected locations along major roadways, near high-intensity activity areas"* and as *"transitional locations between single family neighborhoods and office/commercial areas."* (Pg. 45)

Additionally, Horizon 2020 states that development should, "promote the integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever possible to buffer low-density developments from other more intensive land uses". The proposed drainageway could be considered as a transition between the proposed land use and the medium density residential proposed to the north and east. The applicant has proposed that a large portion of the drainageway and natural vegetation be retained in "Tract A" as shown on the preliminary plat, creating a setback and screening barrier between the proposed low-density residential and medium-density residential/office uses.

* **Staff Finding** - The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.

Applicable to Z-4-8-99 (A to RM-1) and Z-4-9-99 (A to PRD-2)

Horizon 2020 provides a range of applicable densities. However, the Zoning district conveys only one maximum density. Within conventional zoning, it is the site planning process that allows negotiation of the range and mix of density and housing type. The proposed RM-1 district would allow a maximum density of up to 12 dwelling units per acre. Staff has recommended that the subject property be rezoned to PRD-1

based on the Lesser Change Table, consistent with the staff-recommended PRD-2 to the north and the existing RS-2 district to the east.

The proposed PRD-2 district would allow a maximum density of up to 15 dwelling units per acre. Staff has recommended a maximum allowed density of 12 units per acre for the proposed PRD-2, consistent with the staff-recommended PRD-2 to the west and RO-1 B districts recommended to the north.

The Planning Unit Concept (pg. 44, Horizon 2020) representing one square mile of developed property, shows medium density residential development as a transitional use between low density residential and office or retail and located near the intersections of collector and arterial streets. The Plan also states that medium density development is recommended at "*selected locations along major roadways, near high-intensity activity areas*" and as "*transitional locations between single family neighborhoods and office/commercial areas.*" (Pg. 45) Furthermore, Policy 1.3 of the criteria for location of medium and higher-density residential development states that such development "*should be arranged in small clusters as transitions from more intensive land uses or located at the intersection of major streets.*"

The Comprehensive Plan clearly supports medium density residential as a transition use between lower and higher density residential. One of the principal strategies of new residential areas is that, "*Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development...*". (pg. 43) The RM-1 district allows a maximum of 12 units per acre, a density that is double the potential density of the adjacent RS-2 district. The PRD-2 district allows a maximum of 15 units per acre, a density that is at the high end of the medium density residential category. Additionally, Policy 2.6 (pg. 65) states that "*The number of dwelling units per*

acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, streets and traffic patterns, neighborhood character, and surrounding zoning and land use patterns." (emphasis added)

In staff's opinion, the proposed RM-1 district is not supported by the Comprehensive Plan, and the density of the PRD-2 district is not supported by the Comprehensive Plan. Staff has also determined that the proposed PCD districts proposed to the north of the subject property is not supported by the Comprehensive Plan as outlined in the staff reports of those items (Item No. 18G and 18H) and has recommended a medium density residential/office district (RO-1 B) for those parcels.

As per the Planning Unit Concept described above and the support from the Comprehensive Plan for transitional uses from major arterials, the staff-recommended PRD-1 in place of the RM-1 is appropriate given the adjacent single-family residential development as well as the size and shape of the property. This density would also be appropriate given the natural drainageway and vegetation that exist between it and the proposed higher-density residential to the northwest. The unique shape of the parcel will likely require development with a private street. Development through a PRD provides a mechanism to establish a guarantee for the maintenance of private streets in the long term. The proposed PRD-2 is appropriate with a restriction of a maximum density of 12 dwelling units per acre. This density would be consistent with medium-density residential zoning districts such as the RM-1 and RO-1 B and would provide a transition to the low-density residential proposed to the south.

As stated previously, Horizon 2020 states that development should, "promote the integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever possible to buffer low-density developments from other more intensive land uses". The proposed drainageway would be an appropriate buffer between the PRD-1 (low-density residential) and the medium density residential proposed to the northwest. The applicant has provided a revised preliminary plat that provides retention of a significant amount of vegetation and greenspace within this drainageway

area.

- **Staff Finding** - The proposed request for rezoning to RM-1 is not consistent with the City's Comprehensive Plan, Horizon 2020 with respect to compatibility with surrounding land uses and is not appropriate given staff's recommendations on the residential and commercial zonings to the north. A more appropriate zoning is PRD-1 which would allow a maximum density of 7 units per acre.

The proposed request for rezoning to PRD-2 is generally consistent with the City's Comprehensive Plan, Horizon 2020 with a restriction of a maximum density of 12 units per acre.

Applicable to Z-4-10-99 (A to RO-1 B) and Z-4-11-99 (A to 0-1)

Chapter 7 – Industrial and Employment Related Land Use, Industrial and Employment Related Land Use Categories states *"The Plan designates several areas for future industrial and employment related development"*. This area has not been designated by the plan as a site for future industrial and employment related development. This is evident by the section entitled Lawrence – New Industrial and Employment Related

Areas. This section states *"The plan recommends the development of new employment area. These may include: E. 23rd Street; S. Iowa Street at the South Lawrence Trafficway; and the southeast corner of the intersection of Hwy. 24/40 and N. 3rd Street"* The section states "these may include" the areas listed. It does not necessarily preclude office development from this area, but it is not identified as a site in the Comprehensive Plan.

Goal 2: Compatible Transition from Industrial/Employment-Related Development to Less Intensive Uses states *"Ensure a compatible transition between industrial and employment related developments and less intensive land uses"* As proposed, the RO-1 B and 0-1 districts are located directly adjacent to single and multiple family residential districts. No transition is evident. The office component permitted in the RO-1 B zoning district in the proposed location does not conform to Goal 2, and the 0-1 office district zoning in the proposed location does not conform to Goal 2.

Rezoning the 0-1 district to RO-1 B would permit a mix of residential and office uses in this area.

Policy 2.1: Use Appropriate Transitional Methods builds upon the above statements. The area requested for RO-1 B zoning does not conform to Policy 2.1.

Policy 2.2: Locate Less Compatible Uses Toward the Interior of Industrial Areas states *"Encourage higher intensity and/or less compatible uses to locate in the interior of office research, warehouse distribution and industrial park sites or adjacent to arterial streets rather than adjacent or in close proximity to residential neighborhoods."* This policy indicates that the higher intensity uses should be located along arterial streets. The proposed 0-1 zoning district is located near an arterial street; however, the policy also states higher intensity uses should not be located near residential neighborhoods. Single and multi-family neighborhoods exist immediately to the west. By reducing the intensity of the rezoning request and eliminating or mitigating the commercial aspects, this policy could be met. In order to do this, RO-1 B zoning should be considered.

Policy 2.5: Higher Density Residential Development as Transitional Use states *"Encourage the integration of higher density residential development through compatible design with industrial*

developments and the surrounding low density residential neighborhoods': Though the RO-1 B rezoning does not entail industrial uses, the use of medium and higher density residential as transitional uses is important. The rezoning of the property to PRD-2 with a limit of 12 units per acre would allow for a transition to occur. Property to the north of this area is proposed to be rezoned to office. A medium-high density zoning district with a limit of 12 units per acre would allow for a good transition between the offices proposed along Clinton Parkway and the low density residential proposed south of this site and the existing residential development located west of this area.

• **Staff Finding** - The rezoning to RO-1 B, as proposed, is not consistent with Horizon 2020. Rezoning to PRD-2, with density restrictions, would provide an appropriate transition development between proposed office uses to the north and low-density residential uses to the south.

The rezoning to O-1, as proposed, is not consistent with Horizon 2020. Rezoning to RO-1 B would provide office uses without a more intense commercial component

Applicable to Z-4-12-99 (A to PCD-1) and Z-4-13-99 (A to PCD-2)

Chapter Six – Commercial Land Use states *"The plan strives to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote quality new commercial developments in selected locations"* As demonstrated in the section entitled Lawrence – New Commercial Areas, Community Commercial Centers *"Most new commercial areas planned in the Comprehensive Plan are community commercial locations. New community commercial areas may include the following locations: portions of the intersection of W. Sixth Street and Wakarusa Drive; and intersections along the South Lawrence Trafficway at West 6th Street, West 15th Street, Clinton Parkway, South Iowa Street and El 700 Road. Additionally, a community commercial site may be developed along the Eastern Parkway at its intersection with East 15th Street. The development of these nodes should carefully follow the commercial goals and policies"*. The area requested for the PCD rezoning is not consistent with these recommendations.

Commercial Land Use Goals and Policies, Goal 1: Established Commercial Area Development states *"Encourage the retention, redevelopment and expansion of established commercial areas of the community"* Commercial developments are currently located and planned 1 mile to the west (Clinton Parkway and Wakarusa) and 1/2 mile to the east (Clinton Parkway and Kasold) of this site. These commercial developments are designed to serve the community. Additional commercial property may adversely affect the existing commercial developments. The area requested for the PCD rezoning is not consistent with these plan recommendations.

Goal 3: Criteria for Location of Commercial Development, Policy 3.1 (f) Compatibility with Adjacent Land Uses states *"Encourage the location of commercial "nodes" where they can efficiently utilize local resources; where their adverse impacts on adjacent uses are minimized; and where they will effectively provide the community with desired products, services and employment opportunities"* By examining Figures 12 and 13 in the Plan, the proposed development does not fit the physical definition of "node" as provided in the plan. Additionally, commercial development at this location is not warranted, as commercial facilities fulfilling the needs of the community are located within one mile of the site.

Policy 3.3: Utilize Locational Criteria for Community Centers (a) Use the following criteria in reviewing commercial development requests:

1. *Limit development of community commercial centers to designated intersections of arterial and collector streets and limit total nodal development to not more than 10-30 acres at an individual intersection.* This area is not designated as a commercial intersection. The applicant is proposing a total of approximately 12 acres for commercial development in this general area.
2. *Commercial centers located at the intersection of arterial or collector streets should not extend deeper into the surrounding neighborhood than adjacent nonresidential development.* The proposed

commercial districts would extend further into the surrounding neighborhood as no nonresidential development is adjacent to this site.

3. Corners of designated intersections not developed with commercial uses should be utilized for office, employment-related uses, public uses, parks and recreation, and with extensive on-site screening, higher-density residential uses. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area. The sites are not designated as a commercial intersection in the Plan. Office and higher-density residential uses have been encouraged and are in general conformance with the surrounding land uses, neighborhood characteristic and Comprehensive Plan.

The larger overall development proposes two different commercial rezoning requests at the intersection of Clinton Parkway and Crossgate Drive. The overall size of the requests defines the commercial area as a community commercial development. If each rezoning is looked upon separately, a neighborhood commercial classification could be generated from the Comprehensive Plan. As stated in the section entitled Lawrence - New Commercial Areas, *"The Plan anticipates new neighborhood commercial developments where existing commercial zoning exists. These include: the northeast corner of Peterson Road and Kasold Drive; the southeast corner of the intersection of 15th Street and Wakarusa Drive; the northwest corner of Wakarusa Drive and Clinton Parkway; and the intersection of the South Lawrence Trafficway and Wakarusa Drive"* As demonstrated in this section, this location is not designated as a neighborhood commercial development and is not supported by the Comprehensive Plan.

As defined in the Comprehensive Plan, a **neighborhood** is *an area with social, physical and political identity*. Further, the **neighborhood concept** is defined as *1. Planning concept which suggests that least intensive land uses are located toward the interior of a neighborhood with more intensive land uses at the edges and consideration given to siting to ensure compatibility of adjacent land uses. 2. A neighborhood includes the following defining features a) boundaries – permanent features such as arterial streets or natural barriers; b) population to support neighborhood shopping or school; c) should include at least one park within walking distance of majority of residents; d) more intense uses located at the periphery to minimize conflicts; e) pedestrian orientation; and f) through traffic is discouraged by street design*. With this definition, a neighborhood in this location is much larger than the 160 acre tract and most likely would extend from Wakarusa to Kasold.

The Comprehensive Plan does not support commercial zoning at this location. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

- **Staff Finding** - The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

SUMMARY AND RECOMMENDATIONS

Summary of applications for rezoning and review:

The overall development proposal consists of annexation, platting and related rezoning requests. The 160 acre tract is generally bounded on the north by Clinton Parkway, on the east by Crossgate Drive, on the south by W. 27th Street and on the west by Inverness Drive. A large drainage area is located on the property.

Expansion of the city limits in this area is anticipated and expected with the annexation request. The proposed development intent of the applicant is to rezone this property for a mixture of residential, office, and commercial development. Municipal utilities, including

water and sanitary sewer, are available and can be extended or relocated to serve this property.

The RS-2 and RM-D requests are generally consistent with the adopted comprehensive plan in terms of land use and base density. The RM-1, RO-1B, O-1, PRD-2, PCD-1 and PCD-2 requests are generally not

supported by the adopted comprehensive plan. In Staff's opinion, the Comprehensive Plan generally supports a transition from more intense and higher density land uses along the arterial boundary on the north to low density residential land uses along the collector boundary on the south. Staff has proposed alternative zoning districts which are in general conformance with the Comprehensive Plan.

The applicant proposes to plat in order to create residential, office, and commercial lots. Site plans or development plans will be required for any future development.

- The applicant has generally dedicated sufficient land for streets and utility easements.
- The applicant has provided a phasing sequence of development that includes public improvements for streets, stormwater improvements and sanitary sewer lines. Staff has concerns regarding the timing of the stormwater improvements with respect to the development sequence. The City Stormwater Engineer has conceptually accepted the drainage study and has placed conditions of approval on the preliminary plat.
- The City Traffic Engineer has conceptually accepted the traffic study, although additional information is needed prior to approval of the study.
- The State of Kansas has purchased access rights to Clinton Parkway, allowing no direct access to this property from Clinton Parkway.
- The applicant has requested a variance from the radius of curvature on local streets. Staff is in support of the variance.

A vegetative barrier currently exists along the drainageway. The applicant is proposing to preserve portions of this barrier as shown on the preliminary plat in order to aid in the buffering of land uses.

18A: Summary – Z-4-6-99

The subject area is located at the southwest corner of the development area. A large drainage area is located on the north and east side of this property and would separate the proposed RS-2 district from the more intensive RO-1 B, PRD-2 and RM-1 districts proposed to the north and west. An unimproved primary collector street, W. 27th St., and a partially improved collector street, Inverness Drive, serve the subject property. W. 27th St. will need to be improved, and Inverness Drive will need to be widened as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use and base density. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the

Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-6-99. A to RS-2 [Item no. 18A] - Planning Staff recommends approval of the rezoning of 67.18 acres based upon the findings of fact presented in this report and forwarding of it to the City Commission with a recommendation for approval, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

[Recommended motion: A motion to approve the request to rezone from A to RS-2, based upon the findings of fact and subject to the annexation and approval of the preliminary plat.]

18B: Summary – Z-4-7-99

The subject area is located at the southeast corner of the development area. A large drainage area proposed to be zoned RS-2 is located on the west and north sides of this property and would separate the proposed RM-D and RM-1 districts. An unimproved primary collector street serves the subject property (W. 27th St.) and will need to be improved as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use and base density. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-7-99. A to RM-D [Item no. 18B] - Planning Staff recommends approval of the rezoning of 11.62 acres based upon the findings of fact presented in this report and forwarding of it to the City Commission with a recommendation for approval, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

[Recommended motion: A motion to approve the request to rezone from A to RM-D, based upon the findings of fact and subject to the annexation and approval of the preliminary plat.

18C: Summary – Z-4-8-99

The subject area is located on the east side of the development area. A large drainage area is located on the west and south sides of this property and would separate the property from the proposed RS-2 and PRD-2 districts. A collector street, Crossgate

Drive, serves the subject property and will be improved via a benefit district as part of this development.

The request is not consistent with the adopted comprehensive plan in terms of its compatibility with adjacent uses and proposed density. Staff has recommended approval of a rezoning to PRD-1 based on the Lesser Change Table. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-8-99. A to RM-1 [Item no. 18C] – Planning Staff recommends denial of the rezoning of 10.35 acres to RM-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of rezoning 10.35 acres from A to PRD-1, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Submission and Approval of a Preliminary Development Plan.

[Recommended motion: A motion to approve a rezoning from A to PRD-1, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Submission and Approval of a Preliminary Development Plan.]

18D: Summary–Z-4-9-99

The subject area is located in the central northeast portion of the development area. A large drainage area is located on the south and west sides of this property and would separate the proposed PRD-2 district from the proposed RS-2 and RM-1 districts. A local frontage road will serve the subject property (24th St.) and will be constructed as part of this development.

The request is generally consistent with the adopted comprehensive plan in terms of land use with a maximum density of 12 dwelling units per acre. In staffs opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-9-99. A to PRD-2 [Item no. 18E] – Planning Staff recommends approval of the rezoning of 17.81 acres from A to PRD-2, with restrictions,

and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.

[Recommended motion: A motion to approve a rezoning from A to PRD-2, with restrictions, and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

18E: Summary – Z 4-10-99

The subject area is located on the west side of the development area. A large drainage area is located on the south side of this property and would separate the property from the proposed RS-2 district. A local frontage road will serve the subject property (24th St.) and will be constructed as part of this development.

The request is not consistent with the adopted comprehensive plan in terms of its compatibility with adjacent uses and proposed density. Staff has recommended approval of a rezoning to PRD-2, with a density restriction of 12 dwelling units per acre, based on the Lesser Change Table. This would allow for the necessary flexibility and buffering that needs to occur between this area and the existing single and multiple family development to the west and the proposed development to the east and south. In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

The density of the RO-1 B district is 12 units per acre. The density limitation of 12 on the PRD-2 district would not inhibit the density, except that a 30' perimeter setback is required. The PRD-2 district does not allow the professional offices that are allowed in the RO-1 B district. Office use in this location is not supported by the Comprehensive Plan.

Staff Recommendation on Z-4-10-99, A to RO-1 B [Item no. 18D] – Planning Staff recommends denial of the rezoning of 14.19 acres to RO-1 B based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 14.19 acres to PRD-2, with restrictions, based upon the Lesser Change

Table and the findings in the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for approval.

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

[Recommended motion: A motion to approve a rezoning from A to PRD-2, with restrictions, and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and Approval of a Preliminary Development Plan.]

18F: Summary — Z 4-11-99

The 0-1 subject area is located on the north side of the development area. A local frontage road will serve the subject property (24th St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the 0-1 request. It is Staff's opinion that a RO-1 B zoning district, would allow for the necessary buffering that needs to occur between this area and the existing single and multiple family development to the west and the proposed development to the east and south.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-11-99, A to 0-1 [Item no. 18F] - Planning Staff recommends denial of the rezoning of 21.63 acres to 0-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 21.63 acres to RO-1 B, based upon the Lesser Change Table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

18G: Summary – Z-4-12-99

The subject area is located on the northwest side of the development area. A local frontage road will serve the subject property (24th St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the PCD-1 request. It is Staff's opinion that a RO-1 B zoning district, would allow for the necessary buffering that needs to occur between this area and the existing residential development to the east and the proposed development to the south. The RO-1 B district would allow office uses consistent with the O-1 district without the commercial land uses. Commercial zoning in this area is not supported by the Comprehensive Plan.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-12-99, A to PCD-1 [Item no. 18G] - Planning Staff recommends denial of the rezoning of 6.64 acres to PCD-1 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning Staff recommends approval of the rezoning of 6.64 acres to RO-1 B, based upon the lesser change table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

18H: Summary – Z-4-13-99

The subject area is located on the northwest side of the development area. A local frontage road will serve the subject property (24th St.) and will be constructed as part of this development.

Based on the Comprehensive Plan, the surrounding densities and proposed land uses and zonings within the 160 acre tract, Staff does not support the PCD-2 request. It is Staff's opinion that the RO-1 B zoning district would allow for the necessary buffering that needs to occur between this area and the existing residential development to the east and the proposed development to the south and would provide for the suggested density as stated in the Comprehensive Plan. Commercial zoning in this area is not supported by the Comprehensive Plan.

In staff's opinion, the development of the area is not suitable until major infrastructure improvements have been completed, as discussed in the Annexation Report. Therefore, staff recommends that as a condition of approval, the approval of the rezoning request be contingent upon the approval and publication of the annexation request.

Staff Recommendation on Z-4-13-99, A to PCD-2 [Item no. 18H] - Planning Staff recommends denial of the rezoning of 5.19 acres to PCD-2 based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the Lawrence City Commission with a recommendation for denial. Planning

Staff recommends approval of the rezoning of 5.19 acres to RO-1 B, based upon the lesser change table, and forwarding of it to the Lawrence City Commission with a recommendation for approval.

[Recommended motion: A motion to approve a rezoning from A to RO-1 B, based on the Lesser Change Table and forwarding of it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report.]

[Item No. 17] **PRELIMINARY PLAT OF INVERNESS PARK**

A SUMMARY

Preliminary Plat of Inverness Park is a 160-acre mixed use plat that containing undeveloped land proposed for future residential, office, and commercial development. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on

the south. Submitted by The Peridian Group for Winnifred & Paul Getto Limited Partnership, property owner of record.

B. GENERAL INFORMATION Current Zoning and Land Use A (Agricultural District); undeveloped.

Surrounding Zoning and Land Use RS-1 (Single-Family Residence) District, RS-2 (Single Family Residence) District, and RM-1 (Multiple-Family Residence) District to the west; developed with an elementary and junior high school, single-family residences, and duplexes respectively.

RO-2 (Residence-Office) District, PRD-2 (Planned Residential) District, and RM-1 (Multiple-Family Residence) District to the north; developed with an animal hospital, multiple-family residences, a recreation facility and multiple-family residences, respectively.

RM-2 (Multiple-Family Residence) District and RS-2 (Single-Family Residence) District to the east; developed with multiple-family residences and single-family residences, respectively.

RS-2 (Single-Family Residence) District and A (Agricultural) District to the south; undeveloped agricultural uses.

Site Summary:

Acres	163.46 acres
Total number of lots	195 Single-family
Residential 156	
Duplex Residential	31
Multi-family Residential	2
Residence-Office	1
Office	1
Commercial	3

Rights-of-Way dedicated: Total area = 23.14 acres
Dedication of local streets within RS-2 and RM-D districts
60' street dedication for total length of 24th St.
40' street dedication for east half of Inverness Dr. 40' street dedication for west half of Crossgate Dr. 80' street dedication for the west portion of 27th St. and 40' street dedication for the eastern portion of 27th St.

Easements dedicated: Utility, pedestrian, and drainage easements as shown on the preliminary plat.

Review and Comments From Other Departments/Agencies:

Public Works/Engineering:

1. Cannot do anything without the **geometry.(Provided)**
2. Developer must improve 27th St., Crossgate Drive, and add the additional two lanes planned for Inverness Drive.**(Streets proposed to be improved via Benefit Districts)**
3. 24th St. needs to line up with 24th St. in Four Seasons.**(24th St. configuration OK)**
4. Developer needs to pay for traffic signal at Clinton Pkwy. and Crossgate. **(Condition of Approval)**
5. Plat must be tied to two section corners.**(Condition of Approval)**
6. Sanitary sewer study submitted but not yet **reviewed.(Sanitary sewer study approved by Utilities Department)**
7. Mains must touch each lot. Drawing too small to check.**(OK)**
8. The applicant must talk to the County (Michael Kelly). There may be county sewer fees. This drawing is too small to check their main layout.**(OK)**
9. No access to 27th or Inverness from any lots that touch them.**(Note provided on plat)**
10. All driveways must meet city requirements.**(OK)**
11. The r.o.w. is not called out on all the streets. Where are the collectors? Which are the **locals? (Revised)**
12. What is the offset, Cornflower and Prairie Rose must be 125' minimum.**(OK)**
13. Cul-de-sac scales at 800'.**(OK)**
14. What are the proposed grades? Call out on **preliminary.(Condition of Approval)**
15. Any floodplain?**(Shown on preliminary plat)**
16. Traffic Engineer must approve all street names. Take "Street" and "Terrace" out of Court and 26th Terrace.**(Revised)**
17. Dove and Mourning Dove are confusing. Hidden Valley too close to Hidden Lane in Fall Creek. **(Condition of Approval)**
18. Sunflower already exists on KU. Too many "Prairie's in Prairie Meadow.**(Condition of Approval)**

Stormwater Engineering:

*Drainage study meets the specified requirements and is **approved.***

*Plan documents meet the specified requirements with the following **conditions:***

Conditions of approval:

1. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement." This requirement exists regardless of the City ownership issue.
2. Based on the Stream Cross Sections submittal, the D/E's along the PCD, PRD and RM-1 lots are not wide enough. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' D/E should be widened and identified by width on each property.
3. The existing sanitary sewer must be relocated outside the proposed channel. Provide the necessary U/E and show the system relocation.
4. Identify the box culvert necessary for 24th Street and show this structure on the preliminary plat.
5. The Phase 1 / Phase 2 line is not visible in the residential area. Show this line. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be

completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."

6. The preliminary plat is incomplete. No storm drainage system is shown. Preliminary street grades are not shown. Show all street grades and proposed inlet and pipe locations to justify the D/E layout.
7. Additional D/E's are required within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:
East line Lot 17, Block 6 West line
Lot 14, Block 6 West line Lot 11,
Block 2
West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3

Traffic Engineering:

- Resubmit TIS signed, sealed, and dated.(TIS **signed, sealed, dated**)
- Increase walkability and pedestrian friendliness (suggest connecting streets instead of cul-de-sacs and sidewalks on both sides of the street. This neighborhood will probably cater to families with children due to proximity of schools).(Revised)
- Plan for roundabouts on Inverness @ 24th 27th and access to residential area (this will keep speeds low adjacent to the schools and provide safe crossing points).(Condition of **Approval**)
- Move intersection on 27th St. away from curve at **Crossgate.(Revised)**
- Plan for a 3-lane cross-section for 27th St. and Crossgate Dr.(OK)

Municipal Utilities:

See attached note on impact to downstream sanitary sewers.

Building Inspection: OK.

Parks Department:

1. 10' easements are too small and useless – need at least **25'.(Revised)**
2. SLT bike path not shown on plan – put in trail system before people move in (no surprises for them **later**).(**Existing shown; plat indicates possible path through Tract A**)
3. Keep bikepath above drainage plain and out of tree area.(See **Staff Review**)
4. Make greenbelt at least 400' wide to allow for utility construction and **amenities.(Drainage easement/greenbelt will be approximately 120 – 140' wide as per Stormwater Engineer and Parks Dept.)**
5. Area for neighborhood park – 5 to 10 acres according to adopted plan.(Tract **A will be approx. 14 acres**)
6. See notes about easements on drawings. Should developer put in walks?(Easements will be **dedicated, walks built at site plan stage or as part of public improvements in the RS-2 area**)
7. Is Tract A wide enough for future pathway from schools thru area to 27th and Crossgate? Lots of bridges needed over creek.(Tract `A' **width determined by Stormwater Engineer and ability to provide vegetation and pathway**)
8. Sewer line construction is shown in Riparian Conservation areas. Will this kill existing trees, change the drainage pattern causing more erosion and runoff? Could greenbelt be expanded to more completely protect trees? Perhaps be 300' wide. Will bikepath go

through this greenbelt? Not neighborhood park as shown in this development plan. Where will it be? Could floodplain land along Crossgate be used for open sports playing fields?(See Staff Review)

9. Street tree plan not shown – tree species may need to be site specific for hydric and mesic soil zones.(Street tree plan required at final plat stage)
10. This plan could be improved in design to have less impact on existing trees – there is a direct link between tree protection and reducing storm water runoff.
11. What are the construction procedures for working around trees?
12. Would be interested in walking site with engineers.

Sanitation Department:

OK. This area will be provided with curbside service. Once a week service for cans and bags or polycarts.

Police Department: No comments.

Fire Department:

Install hydrants per City code.(Required hydrants must be shown on plat)

KPL:

Please make all perimeter u/e's 15' minimum.(Revised)

Need 10' We to ends of all cul-de-sacs for street lights.(Revised)

Where is u/e Lot 56 – 63 blocks?(Revised)

KPS:

Kansas Public Service has a 6" steel high pressure gas main on the south side of Clinton Parkway and a 4" plastic high-pressure gas main on the west side of Inverness Dr., as well as a 2" plastic high-pressure gas main on the east side of Crossgate Dr.

Williams Natural Gas:

WGP is clear.

Southwestern Bell:

Increase perimeter u/e's to 15' width u/e along Crossgate.(Revised)

Utility easement along south side of 24th St.(Revised)

If don't want trees disturbed along drainage area, increase width of Life's. (Revised)

STAFF REVIEW

The subject property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. The applicant proposes to plat in order to create residential, office, and commercial lots. Site plans or development plans will be required for any future site development.

Easements/Dedications

The applicant has dedicated sufficient land for streets and utility easements. Additional pedestrian easements have been provided within the single-family residential lots south of the drainageway to allow for greater pedestrian-orientation within the subdivision, to the adjacent drainageway/park, and easier access to the schools to the west. As a condition of approval,

staff has recommended an additional 20' pedestrian easement along the south side of Lots 3 and 4, Block 7 to allow for the construction of a pedestrian and bicycle path that will not remove substantial portions of the vegetative barrier described below.

Stormwater Drainage Study

The City Stormwater Engineer has conceptually accepted the drainage study and has indicated that many more specific pieces of information are needed.

The Tract 'A' must be labeled "Tract 'A', Drainage and Pedestrian Easement". The ownership of this tract is currently in negotiation between the City and the applicant and it must be labeled as a drainage and pedestrian easement irrespective of the ownership issue. Such a designation will allow for the ability to prevent development in the drainage easement and will preserve areas for bike and pedestrian trails.

The Stormwater Engineer has also indicated that the drainage easements widths must be revised, the existing sanitary sewer line must be relocated out of the drainage easement and placed in a separate utility easement, and additional utility easements are needed within the proposed RS-2 zoning district. According to the City Utilities Department, the relocation of the sanitary sewer line should include a larger sanitary sewer line. These conditions of approval are listed at the conclusion of the staff report.

Phasing of Development and Streets

The applicant has informed staff of their intentions regarding the phasing sequence of development.

Phase I of the development is proposed as follows:

- All public improvements for 24th Street and adjacent lots.
- All public improvements for the first 78 single-family residential lots (located in the southwest portion of the plat)
- All public improvements for the drainage channel and sanitary sewer lines.
- Public improvements on Crossgate Drive (via Benefit District) from Clinton Parkway to 24th St.
- Installation of the traffic signal at Clinton Parkway and Crossgate Drive (via Benefit District).
- Demolition of the existing storm structure and county road at the southeast corner of the development as a temporary solution to the stormwater drainage issues.

Phase II of the development is proposed as follows:

- All public improvements to the RM-D area.
- All public improvements for 27th St. from Inverness Drive east to Crossgate Drive (via Benefit District).
- Reconstruction of the county road and the required storm structure.

Phase III of the development is proposed as follows:

- All public improvements for the remaining single-family lots north of those constructed in Phase I.
- All public improvements to Inverness Drive (the addition of the east 2 lanes in a parkway layout) via Benefit District.
- All public improvements to Crossgate Drive from 24th St. south to 27th St.
- Public improvements required for the RM-1 lot adjacent to Crossgate Drive.

Staff is concerned with a number of items within the phasing sequence. First, in staff's opinion, if public improvements for single-family lots are constructed, there should be no access to W 27th St. if it is not improved at the same time. This will not be a burden upon the proposed single-family residential neighborhood, because access to the east will be restricted due to the demolition of the existing storm structure and removal of the existing intersection of Crossgate Drive and 27th Street. This will limit access for existing residents in the Four Seasons area. All travel to the schools will be required to be routed along Clinton Parkway until the storm drainage and intersection improvements are reconstructed, or until 24th St. is completed. Staff has recommended that the traffic signal at the intersection of Crossgate Drive and all improvements to 24th St. must be *completed* prior to the demolition of the intersection of 27th St. and Crossgate Drive. These improvements will provide a safe access for residents in the Four Seasons area to the schools, and will ensure safe left-turning movements for these same residents onto westbound Clinton Parkway. Staff has also recommended that the applicant place a note on the plat that no portion of the bicycle/pedestrian path be removed.

Second, the City Engineer has expressed concern with the condition of Crossgate Drive and the increased traffic that will be using that street in its unimproved state. The applicant has proposed the improvements to Crossgate Drive in the last stages of development via a benefit district. Following the construction of the storm structure in Phase II and improvements to W. 27th St., increased traffic from the proposed RS-2 and schools to the west could create a public safety hazard on the unimproved Crossgate Drive. The construction of Crossgate Drive is currently scheduled to receive KDOT funding in the year 2002. In staff's opinion, public improvements for Crossgate Drive should be constructed in conjunction with the storm structure improvements in the southeast corner of the property.

Traffic Study

The City Traffic Engineer has indicated that the traffic study is conceptually acceptable and has indicated that more information is needed prior to approval of the traffic study. The Traffic Engineer has indicated that the annexation, rezonings, and preliminary plat may be approved with the condition of an approved traffic study.

Access Restrictions

The State of Kansas has purchased the access rights of the property to Clinton Parkway. Therefore, no direct access from this property is allowed on to Clinton Parkway. Staff has recommended as a condition of approval that the applicant provide a note on the face of the plat that the State has purchased the access rights and no direct access is allowed.

Staff is also concerned about properties that may take access onto the collector streets of Inverness Drive and Crossgate Drive close to the intersection of those streets with Clinton Parkway. Staff has recommended as a condition of approval that access be restricted to 24th St. only from all properties that abut that right-of-way.

Variance for Street Radius

The applicant is requesting a variance from the requirement for a radius of curvature on local streets to be 100' as per Sec. 20-607.5 of the Zoning Code. Variances may be granted by the Planning Commission as per Section 21-802 which states that, "In cases where there is a hardship in carrying out the literal provisions of these regulations (such as design criteria pertaining to lot width, lot depth, block depth, etc.), the planning commission may grant a variance from such provisions".

The variance shall not be granted unless all of the following apply:

1. Strict application of these regulations will create an undue hardship upon the subdivider;

2. The proposed variance is in harmony with the intended purpose of these regulations; and,
3. The public health, safety and welfare will be protected.

In staff's opinion, the variance request fulfills all three of the above criteria. In discussions between staff and the applicant, staff indicated that street connectivity was an important aspect of this neighborhood given its proximity to Southwest Junior High and Sunflower Elementary schools and in providing access to the adjacent drainageway for recreational purposes. This increased street connectivity was achieved through the use of the 90-degree eyebrows as shown on the preliminary plat with a radius of curvature of less than 100'. The variance request is in response to staff's concerns and is in harmony with the intended purpose of the regulations which states that the purpose is to, *"assure that the subdivision of land...will be in the public interest and for the general welfare"* Increased street connectivity will ensure that the public health, safety and welfare will be protected. Finally, strict application of these regulations will create an undue hardship upon the subdivider as they are balancing staff's concerns with the existing lot configuration.

Vegetative Barrier

Staff has reviewed the preliminary plat with the understanding that a significant amount of the existing vegetation on the subject property will be preserved. Such a natural buffer has been proposed by the applicant and staff has used this buffer to justify the transition of low-density residential to medium-high-density residential uses in a number of accompanying zoning applications (Items No.18A-H). Therefore, staff recommends that a condition of approval will be a note placed on the plat stating that the existing treeline on the property must be preserved in accordance with the information provided on the preliminary plat. This information indicates a preserved treeline of no less than 40' along the length of the drainageway and up to 110' in some areas. As it is critical to maintain the **existing** vegetation and trees so that a visual and noise barrier is already in place, the planting of new trees and shrubs in these areas is encouraged but is not acceptable as a replacement to the existing vegetation.

Conformance

The plat meets the minimum lot frontage, depth requirements and minimum lot area outlined for all requested zoning districts. The replat is in conformance with the Zoning Ordinance and Subdivision Regulations.

Recommendation: Planning Staff recommends approval of the preliminary plat subject to the following conditions:

1. Revise the preliminary plat to include the following items:
 - a. Show all sidewalks on both sides of collector streets and one side of local streets.
 - b. Show the grades of all streets. The applicant must resubmit the preliminary plat to request a variance if any street grades exceed 10%.
 - c. Show the dimensions of the median on Sunflower Place.
 - d. Show the square footage of all lots.
 - e. Show the required minimum habitable floor area on all lots adjacent to drainage easements and on drainageways.

 - f. Show traffic circles on the preliminary plat at the intersections of Inverness Drive and 24th St., and Inverness Drive and 27^t St.
 - g. Show the dividing line between Phase I and Phase II of the single-family residential

- development.
- h. Provide an additional 20' pedestrian easement along the south side of Lots 3 and 4, Block 7.
 - i. Change the names of Dove Ct., Prairie Rose Ln., and Hidden Valley Ln. to names approved by the City Engineer.
 - j. Provide a note on the plat that the existing treeline on the property must be preserved in accordance with the information provided on the preliminary plat.
 - k. Provide a note on the plat that no portion of the bicycle/pedestrian path may be removed.
 - l. Provide a note on the plat that the State of Kansas has purchased access rights from the property to Clinton Parkway and that no direct access to Clinton Parkway is allowed.
 - m. Provide a note on the plat that all properties abutting 24th St. must take driveway access off of 24th St. only.
2. Approval of the submitted traffic study by the City Traffic Engineer.
 3. Execute phasing of development as shown in the staff report with the exception of:
 - a. Access will be restricted from the single-family residential (RS-2) district until such time as W. 27th St. is improved; and
 - b. Public improvements for Crossgate Drive must be constructed in conjunction with the construction of the storm structure in the southeast corner.
 4. The following items must be submitted and approved by the City Stormwater Engineer:
 - a. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement."
 - b. Provide sufficient width for drainage easements approved by the Stormwater Engineer along the proposed PCD, PRD and RM-1 lots. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' drainage easement must be widened and identified by width on each property.
 - c. Relocate the existing sanitary sewer line outside the proposed channel and provide a larger line to be approved by the Utilities Department. Provide the necessary utility easement and show the system relocation on the preliminary plat.
 - d. Show the box culvert necessary for 24th Street on the preliminary plat.
 - e. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."
 - f. Show the storm drainage system including inlet and pipe locations. These must justify the proposed drainage easement.
 - g. Provide additional drainage easements within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:
 - East line Lot 17, Block 6
 - West line Lot 14, Block 6
 - West line Lot 11, Block 2
 - West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3
 5. Dedicate all drainage easements by separate instrument or through the filing of a final plat. All improvements to be constructed within future right-of-way dedications may not be constructed until the right-of-w
 6. Approval of the annexation request for the subject property.

Chrm. Male reconvened the recessed meeting of Wednesday, June 23, 1999, at 6:32

p.m. on Wednesday, July 7, 1999. Commissioners present: Male, Schenewerk, Ramirez, McElhaney, Heck, Bateman, Plants, Durlinger and Werner.

Swearing in of speakers who were not sworn in at the June 23^d meeting.

Planning Commission considered Items 16, 17, 18A-18H simultaneously. NON-PUBLIC HEARING ITEM

ITEM NO.16: ANNEXATION OF APPROXIMATELY 163.46 ACRES

A-4-4-99: Consider a request for the annexation of approximately 163.46 ac. into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to rezoning requests Z-4-6-99 thru Z-4-13-99 and Preliminary Plat of Inverness Park Addition.]*

ITEM NO. 17: PRELIMINARY PLAT OF INVERNESS PARK ADDITION
PUBLIC HEARING ON VARIANCE REQUEST ONLY

Preliminary Plat of Inverness Park Addition is a 195-lot mixed use development containing approximately 163.46 acres. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Submitted by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to annexation request A-4-4-99 and rezoning requests Z-4-6-99 thru Z-4-13-99.]*

RESUME PUBLIC HEARING ITEMS:

ITEM NO. 18A: REZONING APPROXIMATELY 67.184 ACRES FROM A TO RS-2

Z-4-6-99: A request to rezone approximately 67.184 acres from A (Agricultural District) to RS-2 (Single-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18B: REZONING APPROXIMATELY 11.616 ACRES FROM A TO RM-D Z-

4-7-99: A request to rezone approximately 11.616 acres from A (Agricultural District) to RMD (Residence-Duplex District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18C: REZONING APPROXIMATELY 10.346 ACRES FROM A TO RM-1

Z-4-6-99: A request to rezone approximately 10.346 acres from A (Agricultural District) to RM-1 (Multiple-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the

south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership,

property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18:D REZONING APPROXIMATELY 17.812 ACRES FROM A TO PRD-2 Z-4-9-99: A request to rezone approximately 17.812 acres from A (Agricultural District) to PRD-2 (Planned Residential Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18E: REZONE APPROXIMATELY 13.738 ACRES FROM A TO RO-1B

Z-4-10-99: A request to rezone approximately 17.738 acres from A (Agricultural District) to RO-1 B (Residence-Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18F: REZONING APPROXIMATELY 21.634 ACRES FROM A TO 0-1

Z-4-11-99: A request to rezone approximately 21.634 acres from A (Agricultural District) to 0-1 (Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18G: REZONING APPROXIMATELY 6.643 ACRES FROM A TO PCD-1

Z-4-12-99: A request to rezone approximately 6.643 acres from A (Agricultural District) to PCD-1 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

ITEM NO. 18H: REZONING APPROXIMATELY 5.194 ACRES FROM A TO PCD-2 Z-4-13-99: A request to rezone approximately 5.194 acres from A (Agricultural District) to PCD-2 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

B. STAFF PRESENTATION

Mr. Pedrotti said there were ten items for consideration: an annexation, a preliminary plat and eight rezonings on 160 acres. Clinton Parkway borders the property on the north, Inverness

Drive on the west, Crossgate Drive on the east, and West 27th Street on the south. The proposed rezonings are not supported by Horizon 2020.

t side)

RM-1 (east side)
PCD-1 (corner)
PCD-2 (corner)
PRD-2

Staff has recommended the following:

Staff Recommendation

RO-1 B

PRD-2 (recommends 12 units per acre; 15 units per acre is allowable.)

PRD-1 RO-1 B RO-1 B

PRD-2 (recommends 12 units per acre; 15 units per acre is allowable.)

In accordance with Horizon 2020, Staff anticipates a transition of uses from Clinton Parkway to 27th Street; higher intensity uses adjacent to Clinton Parkway consistent with the surrounding uses, decreasing in intensity as development proceeded south.

The applicant changed their rezoning request from A to RO-1 B for the 21.634 acres originally proposed for rezoning to O-1. During recent meetings, however, Staff understands that the applicant would like to obtain/retain an O-1 zoning for the 21.634 acres with restrictions of allowed uses. Staff's recommendation for rezoning to RO-1 B is erroneously based on the Lesser Change Table. The Planning Commission may withdraw the request for rezoning to O-1, or may table the item to the July meeting and withdraw it at that time.

The applicant has requested the annexation be conditioned on the approval of the rezonings, and Staff agreed to this condition.

Mr. Pedrotti said a variance had been requested on the proposed preliminary plat for a radius of curvature on local streets. There are many issues with the preliminary plat including phasing of development, the sanitary sewer line, and storm water improvements.

Ms. Finger said Staff had met with the applicant and representatives today and they were no longer interested in replacing the O-1 rezoning with RO-1 B. They would like the Planning Commission to consider O-1. The applicant also requests the Planning Commission consider restrictions to the RM-1 zoning along the southeast side of the property rather than PRD-1. Ms. Finger said Staff did not have time to present a formal opinion, and there were issues which needed to be discussed with Legal Services.

C. APPLICANT PRESENTATION

Jim Harpool, with Dial Realty of Kansas City, said they were not in complete agreement with Staff. He said their firm was interested in a quality project. Because of the size of the project, the development will be a neighborhood in itself, but fitting in with the surrounding neighborhood and a part of the community. They had tried to balance public interest as well as the property owners' interest with good design.

Mr. Harpool introduced Bob Walstead, President of Dial Realty Development Corporation, Omaha, Nebraska; Jane Eldredge, attorney; Mike Keeney with Peridian Group, and Michael

Treanor with Michael Treanor Architects. He said Rich Kaplan, Kaplan and Associates, had conducted a market study; Forrest Erickson, G O Systems, conducted soil testing, and John Kahl with Terra Technologies, was the consultant for drainage and the park which goes through the project.

Mr. Harpool said the Getto family had farmed the property for generations and owned an additional 80 acres to the south of this property. They wanted to protect this property by controlling development of this 160 acres and were not interested in dividing the parcel. He felt a master plan for the development would benefit the City.

The project has been ongoing for almost 16 or 17 months with the concept to develop a mixed-use project that incorporated many uses and amenities within walking distance. Describing the adjoining area, Mr. Harpool said Alvarado Golf & Country Club Facility was on the north; multi-family residences on the

northeast corner; the east contains multi-family and single family residences; there are multi-family and single family dwellings to the west, and also two schools. The Getto family owns part of the vacant land to the south. The site is currently undeveloped and the zoning has been in place since 1966. It is surrounded by major streets which all need improvement with the exception of Clinton Parkway. A major issue will be drainage ways from the north to the southeast corner and from the east to the west. The drainage ways are undeveloped and there are drainage problems to the north and east which will not be cleared up until this site is developed. An existing drainage structure on the southeast corner will need to be replaced with a larger structure.

Mr. Harpool said their goal has been to develop a project that respected the surrounding neighborhood by not overpowering surrounding uses, and provide a transition of uses. The Peridian Group and Terra Technologies were employed to retain the natural features of the site by taking advantage of the topography. The linear park (drainage way) through the project uses natural vegetation to minimize the impact on ecological systems, and preserves the trees. A total of approximately 19.5 acres has been dedicated to green space, which doesn't include landscaping on individual parcels. Dial Realty tried to provide a mix of housing, both in building type and economical levels, and limited commercial, office and retail uses so the residents could work close to their home, dine within walking distance, and shop for neighborhood services. A bike/walking path that connects to existing paths is planned.

RS-2: Mr. Harpool said single-family residential consists of 154 lots, ranging from \$140,000 to \$400,000. The largest lots will be adjacent to the green belt so additional trees can be saved. They want to create small neighborhoods, and build a residential project that provides access to the park and school. Access points are Inverness and 27th Street. They are in agreement with Staff on this zoning.

RM-D: This is planned for duplexes to provide another level of housing. There are 32 lots for a total of 64 units. Two access points are planned as well as access to the green belt. This zoning will work well with what is planned long term on the south side. Mr. Harpool said they were in agreement with Staff regarding front and rear setbacks, and other conditions.

RM-1: Located on the east side of the project and planned for town homes. To alleviate Staffs concerns about the surrounding single-family residences, they have agreed to restrict the density to 12 units per acre and have proposed a minimum rear yard of 30' along Crossgate. Townhome height will be limited to two stories to minimize impact. Access will be internal to reduce the impact to Crossgate. They will also have access to the greenbelt (drainage way).

PRD-2: Mr. Harpool said they were in agreement with Staff to limit the density to 12 units per acre. Development will be with multi-family with access to the green belts. Access from the project will be 24th Street.

RO-1 B: A specific user has not been identified for this parcel although it could be developed as independent or assisted living. This parcel, too, would also have access to the greenbelt, with

major access off of 24th Street. In accordance with Staffs recommendations, Dial Realty has committed to minimum setbacks along Inverness Drive; the first 200' will be limited to two story dwellings, and three-story buildings will be limited within the first 300', to provide a transition.

0-1: Staff has recommended that this zoning should be RO-1 B with restrictions. Mr. Harpool said an attempt had been made to place high-density uses in the middle, transitioning outward. All access from the 0-1 ground would be off 24th Street with no direct access onto Clinton Parkway. Dial Realty envisioned an office park with three story buildings surrounding courtyards. To address Staffs concern about transition to the west, Dial Realty would propose a minimum building setback of 50' along Inverness, minimum 25' landscape buffer, and a maximum building height of two stories within 200' of Inverness. Although there are many retail uses permitted in the 0-1 zoning Mr. Harpool said they would agree to limit

all retail uses with the exception of a bank or financial institution.

PCD-1 and PCD-2: Mr. Harpool said the original request for the northeast corner had been for PCD-1 for the 6 acres and PCD-2 for 5 acres. Staff has proposed eliminating the PCD-2 and making it part of the RM-1 ground. Dial Realty would propose changing the PCD-2 to PCD-1, agreeing to additional restrictions eliminating automobile uses, liquor sales, bowling alleys and other uses.

Mr. Harpool said the retail zoning was perceived as being "neighborhood" retail, not a massive project, but could also serve adjoining neighborhoods. The buildings would be multi-sided, well landscaped and screened, with no massive amounts of parking. To summarize, Mr. Harpool said it had been a complicated project but felt it was well designed, unique, and financially feasible.

Comm. Bateman noted that the drainage ditch at the southeast corner would be removed in the first phase and not replaced until the second phase. She questioned why there was such a long time span, and what would happen to the area when the drainage area wasn't there.

Mr. Mike Keeney, Peridian Group, said there is a structure in the southeast corner that acts as a dam. When the water cannot get through the structure it backs up through the low, dense, and wooded area. Phase 1a and 1b would develop the residential lots, access off Inverness, improvements to 24th Street up to the planned traffic light, sewers, substantial improvements to the ditch for drainage, and remove the storm structure. Phase 1 should solve the drainage problem by directing the water through the site and into the floodplain. The drainage ditch will be a very wide shallow ditch, looking more like a golf course. Phase 2, which should occur soon after Phase 1, will improve 27th Street and Crossgate Drive.

Comm. Bateman asked why the drainage area was not part of Phase 1. The longer it took to reconstruct the more problems it would create for the neighbors.

Mr. Harpool said the drainage issue will be resolved by removing the structure, which presently acts as a dam. A larger replacement structure will be built but it will take time and money to build which must be provided by the phasing of Phase 2. Taking out the structure in conjunction with the ditch improvement will solve the drainage problem. Mr. McGrew owns lots in the area and favors any improvements; he has made a commitment to solve the drainage problems in conjunction with the City.

Comm. Werner said there was a conflict between the width of the drainage area and the preservation of trees.

Mr. Harpool said Terra Technologies will be in charge of developing a green belt which doesn't have any concrete and will leave as many trees as possible.

Comm. Heck asked what the square footage would be in the proposed retail project. Mr.

Harpool said approximately 52,000 feet.

,Comm. Heck asked what the maximum square footage would be for the acreage.

Mr. Keeney said it would be 25% of the ground coverage, for a maximum of 60,000 feet.

Comm. Heck asked what the minimum setback from Inverness would be along Inverness Drive in the RO-1 B zoning.

Mr. Harpool said 35' on the RO-1 B, 50' on the O-1. Height is restricted adjacent to Inverness. Two stories within 200' and three stories within the 300' range.

Comm. Heck said Staff had recommended approval of the preliminary plat with conditions. He asked if the applicant was in agreement.

Mr. Keeney said two variances were requested. The first variance from the requirement for a radius of curvature on local streets would allow for street connectivity and slowing down traffic. The second variance requests connection to the existing 24" trunk main. The storm water code states that sanitary sewers must be outside of drainage easements. Mr. Voigt supplied a list of five conditions to satisfy concerns, leaving the sanitary sewer in the storm water easement, but flood-proofing it.

Addressing the conditions for approval, Mr. Keeney said they were not opposed to 1-k but wanted to point out that the bridge was a City project and was not sized correctly; right now it acts as a dam. They felt the City should provide the physical bridge with Dial Realty providing installation. Mr. Keeney said they were in agreement with Condition 1-n but felt their cost share of the benefit district for the street light should be 25%. Condition 4-c should be revised to reflect the latest memo received from Chad Voigt. Considering the time line for this project to appear before the City Commission, Mr. Harpool has family commitments on July 20 and they would like to have the hearing scheduled for July 27, 1999.

Comm. Ramirez asked what type of uses were envisioned for the "neighborhood" retail center, and what neighborhood would be served by the uses.

Mr. Harpool listed single tenant users, drugstores, dry cleaners, mortgage offices, tanning salons, Mr. Goodcents, Subway Shop, or a Kinkos. Neighborhood type services and retail that would be quick and convenient. They also envisioned a restaurant that could take advantage of the green space.

Comm. Schenewerk asked Mr. Harpool to compare the area proposed for apartment dwellings to something similar in Lawrence.

Ms. Finger said the townhomes that are just west of Hy-Vee would be comparable, or the Amli Apartments at Alvamar.

Comm. Schenewerk asked if the market study supported that kind of density.

Mr. Harpool said the project would take 7 years to build out and many things could change in the economic market. He felt this development, with its amenities and location, would be supported.

Mr. Werner asked if the apartments in the PRD-2 zoning would be restricted to two stories.

Mr. Harpool said that was hard to answer at this time. Dial Realty wanted to be the master developer of the project and be able set and approve design guidelines in order to maintain a quality development.

Chrm. Male asked if the water problem would be eliminated by removing the bridge.

Mr. Harpool said the drainage problem could be solved with all interested parties working together.

Comm. Heck asked how the Crossgate and 27th Street intersection would be improved. Mr. Keeney described the engineered structure.

Comm. McElhaney thought the drainage problem seemed to be coming from the east and going west and trying to cross Brookside. He asked if this water problem would be addressed.

Mr. Keeney said the ditch would be sized in both directions (north/south and east/west) in an attempt

to address all problems. Curb and guttering on Crossgate Drive as well as the public storm sewer would make a difference.

D. STAFF PRESENTATION

Mr. Pedrotti said Staff had received one letter signed by 55 adjacent property owners, and two additional letters. All letters were in opposition to the project citing numerous objections such as flooding, drainage, density, increased traffic, preservation of existing vegetation, and the sanitary sewer line.

Condition 4-c could be amended to state that any of the conditions requested for the sanitary sewer line would need to be approved by the Storm Water and City Engineers. Mr. Pedrotti said he had received suggestions from the Storm Water Engineer today that outline conditions that would need to be executed if the variance were granted.

Mr. Pedrotti said some of the most recent recommendations proposed by the applicant (maximum height, minimum setbacks and density restrictions) address some of Staff's concerns. However, there are no conventional zonings with these types of restrictions, which would present an enforcement problem. Staff recommended PRD's because they allow for flexibility and restrict uses.

Staff recommended PRD-1 in place of RM-1, allowing 7 units per acre. Today the applicant requested a density of 10 units per acre. Staff would need time to evaluate the proposal.

Discussing the commercial zoning, Mr. Pedrotti presented the planning unit concept from Horizon 2020 depicting a square mile and a neighborhood. Retail centers are located at the intersection of two arterial streets. By this concept, the Inverness Park property would have a collector street intersecting an arterial street. At arterial and collector intersections there are generally medium and low density residential as well as some office. The concept restricts retail

commercial to the intersection of arterials.

Mr. Pedrotti displayed a map showing different land uses of the area surrounding Inverness Park Addition. Applying the Comprehensive Plan, Staff doesn't believe that Inverness Park is a neighborhood within itself. The neighborhood encompasses the whole area and is served by the two commercial centers that are on either side.

Comm. Heck asked what the maximum allowable density would be in a PRD-1 district. Mr.

Pedrotti said 7 units per acre.

Comm. Bateman asked if a bank was retail.

Mr. Pedrotti said a bank is allowed in the O-1 and RO-1 B districts. It is also allowed in commercial districts.

Comm. Bateman asked if a restaurant was retail. Mr.

Pedrotti said it was.

Comm. Bateman asked Staff to comment about the timing or phasing of the drainage area at the southeast corner.

Mr. Pedrotti said Staff had relied on the Storm Water Engineer and the City Engineer to present appropriate conditions for the engineering work.

Comm. Bateman asked if Staff and the Engineers were comfortable with what was proposed. Ms. Finger said their biggest concern was what would happen to the bicycle/pedestrian path because many people in the community use it. At this point it is an unknown.

Mr. Pedrotti said Condition 1-k addressed the bicycle/pedestrian path. Condition 1-n would route traffic out of the way leaving 24th Street as a connection between the neighborhoods.

Comm. Bateman said review comments in the Staff Report indicated that a condition of approval would be that the plat must be tied to two section corners and that the developer would need to pay for a traffic signal at Clinton Parkway and Crossgate. She said these weren't listed in the revised PC Staff Report conditions.

Ms. Finger said she didn't know if the actual plat had been revised to show that, but the final one would.

Comm. Bateman asked if Tract A ownership had been decided. She asked if the decision was important at this time.

Mr. Pedrotti said Tract A was the drainage tract. The decision should be made before the final plat.

Comm. Bateman asked Staff to comment on some of most recent suggestions made by the applicant, and that they would be hard to enforce or control.

Ms. Finger said enforcement was hard in standardized zoning, but not impossible. Unusual setbacks can be put on a plat, but limiting height of buildings would need to be tracked on every site plan. She said the ideas recently presented by the applicant have not been studied or

discussed with legal counsel. Ms. Finger said thought they could be cited as conditions, but wasn't sure how they could occur as conditions.

Mr. Pedrotti said the applicant had proposed extra setbacks and height restrictions for the RO-1 B and the O-1 districts. Staff does concur with those restrictions. The applicant has also proposed to limit the commercial uses on the O-1, which would be limited services 9-A. Staff feels the RO-1 B zoning accomplishes the same goals. Staff has suggested that the RO-1 B district should be PRD-2. This will allow for flexibility the applicant proposed, but would take away the office component.

E. PUBLIC COMMENT

Mr. George Ryan said he lived in the Stone Meadows Development. He wanted to know what density could be in an RO-1 B zoning, and what type of construction could take place. He thought the RS-2 district would generate a lot of traffic with only two outlets. It would also create more traffic on Inverness. He said there was a lot of multi-family residences in the area with the Aberdeen apartment complex and the proposed Aberdeen south. Aberdeen traffic exists onto a frontage road along Clinton Parkway and then exits onto Inverness. He asked if the frontage road would be maintained and how people would be able to make a right turn with the new median.

Mr. Pedrotti said the RO-1 B allows a density of 12 units per acre. Staffs proposal of PRD-2 would also limit the density to 12 units per acre. He asked Mr. Ryan to explain this second concern.

Mr. Ryan said if the intersection at Inverness and Clinton Parkway expanded into four lanes, the frontage road would not be able to access as close to the intersection allowing people to make left turns onto Clinton Parkway. This would force them to make a right turn, do a u-turn across the median to go north on Inverness, or create traffic through the neighborhood.

Mr. Mieras said the Aberdeen South Apartments preliminary development plan proposes that

Scottsdale Road will connect with 27th Street thereby eliminating some of the traffic from the complex. If Inverness were widened to four lanes, a median would eliminate any left turns from the frontage road.

Chrm. Male asked if there would be a median the entire length of Inverness.

Mr. Mieras said future plans are that Inverness Drive will be a boulevard with a median, much like Kasold.

Chrm. Male said that would mean there would be no left turns from the frontage road. Mr.

Mieras said probably not. A traffic circle might eliminate U-turns.

Comm. Durlinger asked if traffic from the frontage road could go south on Inverness and connect with 24th Street to access Crossgate.

Mr. Harpool said that would be possible but a traffic circle had been requested.

Comm. Schenewerk asked when Inverness Drive would be completed.

Mr. Pedrotti said there were four phases and Inverness Drive would be improved in Phase 3. Phase 1 would be the single family development, removing the existing storm structure, installation of a traffic light and improvements to Crossgate from 23^d to 24th. Phase 2 improvements would be the RM-D district and improvements to 27th Street from Inverness to

Crossgate. Phase 3 would be Inverness Drive.

Mr. Scott McDanel said he was concerned about the proposed commercial development that would be within 150' of his property. He said there were already multiple retail stores within a 15 minute walk of his residence. In addition, more houses were needed instead of multi-family dwellings which would only increase the traffic.

Comm. Ramirez asked if the Mr. McDanel would object to offices.

Mr. McDanel said it would depend on the type of office and the amount of traffic it would draw. He was opposed to both offices and retail and would rather have residential.

Mr. Wayne Osness, Managing Partner of Parkway 4000 which is immediately north, said he was concerned with the drainage flow through the property. Three years ago there was considerable damage to their property. The ditch west of their property has been improved but it carries water from 6th Street and there seems to be more and more hard surface all the time. He asked how the drainage or flow capacity south related to the two concrete ditches that go through Clinton Parkway, and how does this fit into the phase plan; would it be done early or late.

Mr. Keeney said the drainage had been engineered to carry the 100-year storm plus another foot of freeboard. The ditch will be engineered first, the sanitary sewer second and the streets will be third.

Chrm. Male asked for a review of the capacity through Clinton Parkway.

Mr. Harpool said future development is sized to continue the present capacity. Staff has restricted when building permits can be pulled thus certain construction cannot be done until a number of infrastructure improvements are in place.

Comm. Bateman said she thought the speaker was asking if the improvements being done from north to south would connect to what was going under Clinton Parkway.

Mr. Keeney said that was correct.

Comm. Werner asked if the first phase of improvements to the ditch would also include the ditch to Clinton Parkway.

Mr. Keeney said that was correct.

Mr. Jacobson said he was responsible for the 55 letters, video footage of the storm and the still photos. He would like to see the property developed as single family residences. Mr. Jacobson said he didn't understand how annexation could take place without specific plans for specific areas. He didn't think there was a need for further commercial development in the area, and there would not be a buffer between the multi-family and single family dwellings. Mr. Jacobson said flooding was a real concern in this area, and he didn't understand how it was possible to put in a drainage ditch and maintain all trees. He expressed concern for the safety of children who walked the flooded streets and who would be rerouted through construction areas during the phasing. Improving 27th Street would only create a raceway. Although annexation is important for local construction economy, he understood that companies from Texas and other areas were approaching the developer for work.

Mr. Brad Boydston said neither the City nor County claim responsibility for the flooded property. He was concerned about the potential for overcrowding the schools in the area.

Chrm. Male asked Mr. Boydston's opinion about removing the drainage structure and closing 27th Street until a later phase.

Mr. Boydston said taking out the two structures might help some, but thought his neighbor and people further south would still flood. He thought it should be done earlier. He said if the bike path were removed it should be replaced with another route for the safety of children.

Mr. Bill Green said improving Hidden Valley downstream and trying to get rid of some of the restrictions south of 27th Street was a good idea. He said the development might not agreeable to everyone but something would be developed on the property sooner or later.

F. APPLICANT'S RESPONSE

Mr. Harpool said that Staff has made clear that the drainage way must be completed. Onsite improvements previously outlined, in conjunction with Mr. McGrew's cooperation, should solve the water problems. It has been made clear that when the bike path is removed it needs to be replaced immediately, or a new structure could be built before taking it out.

Mr. Harpool said there was a lot of cost associated with infrastructure for this project; total over-all cost is estimated at 4 % million dollars. Although the plan may not satisfy everyone they had tried to put together an overall plan which allowed for development of the entire acreage. Dial Realty tried to address many issues, and felt it was a plan which provided the financial feasibility to complete the entire project.

Ms. Eldredge said they had met with Staff and Legal Services Director, Mr. Corliss, about the new restrictions proposed for some of the districts. Mr. Corliss said legal documents could be crafted to set up these conditions in a conventional zoning.

She said the Commission had voiced on several occasions that it would be better planning to annex large tracts of land for development. This project is a large annexation with proposed development. She said Dial Realty specialized in mixed-use development. The development was consistent with the goals and ideals of Horizon 2020.

Ms. Eldredge displayed a map of the existing uses in the surrounding area. The Aberdeen development, in close proximity to this project, is planned as neighborhood commercial. Horizon 2020 indicates there should be neighborhood commercial along 27th Street. Since the developer is requesting this area be zoned residential multi-family, it would be appropriate to use the neighborhood commercial in another location. Ms. Eldredge said Horizon 2020 does not indicate that the identified places for neighborhood commercial are fixed, but identify development standards and where neighborhood commercial is necessary. Ms. Eldredge said this plan proposed neighborhood commercial, which is less than 10 acres, in the scaled down PCD-1.

Comm. Ramirez asked Ms. Eldredge to identify what difficulties would be created if the Planning Commission decided the rezoning on the northern portion didn't comply with Horizon 2020.

Ms. Eldredge said there would be severe economic problems.

Mr. Harpool said it would be both a timing and economic issue. The ground could not be purchased in parcels, and he needed to be assured of the zonings. Mr. Harpool said they had filed a request for RO-1 B zoning in place of the O-1. He said without the requested zonings in the northeast section the project would not be financially feasible.

G. PLANNING COMMISSION DELIBERATION/ACTION TAKEN

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ITEM NO. 16: ANNEXATION OF APPROXIMATELY 163.46 ACRES

A. SUMMARY

A-4-4-99: Consider a request for the annexation of approximately 163.46 ac. into the City of Lawrence. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to rezoning requests Z-4-6-99 thru Z-4-13-99 and Preliminary Plat of Inverness Park Addition.]*

B. ACTION TAKEN

It was moved by Comm. Heck, and seconded, to approve annexation of 163.46 acres [Getto Tract] contingent upon the rezoning and forwarding it to the City Commission with a recommendation for approval.

The motion was approved unanimously (9-0-0).

Ms. Eldredge said the annexation would be contingent upon the zonings being granted. If the zoning is not granted, they did not want the annexation.

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ITEM NO. 17: PRELIMINARY PLAT OF INVERNESS PARK ADDITION PUBLIC HEARING ON VARIANCE REQUEST ONLY

A. SUMMARY

Preliminary Plat of Inverness Park Addition is a 195-lot mixed use development containing approximately 163.46 acres. The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Submitted by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Related to annexation request A-4-4-99 and rezoning requests Z-4-6-99 thru Z-4-13-99.]*

Comm. Heck asked Staffs reaction to changing condition 1-k.

Ms. Finger said the City is not responsible for the bridge because the County installed it using Federal Funds when the South Lawrence Traffic way was built. Since it would be a high cost item the decision could not be made here but would have to be agreed upon by the City Commission or the City Manager.

Comm. Heck asked if the City was responsible for maintaining any of the bridge that is within the . City limits.

Ms. Finger didn't know if an agreement had been worked out between the City and the County.

Comm. Heck said since the original bridge had been improperly installed, he felt it would be too burdensome to expect the applicant to bear the entire cost of replacing it with the correct size.

Ms. Finger said Condition 1-k could state that the parties responsible for the bicycle/pedestrian path issue should be resolved prior to the final plat.

Comm. Heck asked Ms. Finger to respond to the applicant's request regarding Condition 1-n and only wanting to finance 25% of the signalization of Crossgate.

Ms. Finger said it would be a part of City development regulations. She said the condition could state that the actual percentage should be resolved prior to the final plat.

Comm. Ramirez thought the condition should be more specific and state that infrastructure improvements must be addressed before the final plat.

Ms. Finger said Conditions 1-k and 1-n should be predicated on those two issues being resolved prior to the final plat being submitted.

Comm. Heck said Condition 4-c addressed relocating the sanitary sewer line. He asked if Staff had recommended that it would be all right to leave in place if it had the approval of the City Storm Water Engineer.

Ms. Finger said that was correct. B.

ACTION TAKEN

VARIANCE:

It was moved by Comm. Heck, and seconded, to recommend approval of the variance for a radius of curvature on local streets.

The motion carried unanimously (9-0-0).

It was moved by Comm. Heck, and seconded, to recommend approval of the Preliminary Plat for Inverness Park Addition subject to the conditions outlined in the revised Staff Report, with the understanding that conditions 1-k and 1-n are to be resolved prior to the filing of the final plat, and that Condition 4-c be revised to allow the sewer line to remain in place subject to the City Storm Water Engineer.

Ms. Finger said the "filing of the Final Plat" means filing of the Final Plat with Staff.

1. Revise the preliminary plat to include the following items:

- a. Show all sidewalks on both sides of collector streets and one side of local streets.
- b. Show the grades of all streets. The applicant must resubmit the preliminary plat to request a variance if any street grades exceed 10%.
- c. Show the dimensions of the median on Sunflower Place.
- d. ~~Show the square footage of all lots.~~
- e. Show the required minimum habitable floor area on all lots adjacent to drainage easements and on drainageways.
- f. Show traffic circles on the preliminary plat at the intersections of Inverness Drive and 24th St., and Inverness Drive and 27th St.
- g. Show the dividing line between Phase I and Phase II of the single-family residential development.
- h. Provide an additional 29¹15' pedestrian easement along the south side of Lots 3 and 4, Block 7.
- i. Change the names of Dove Ct., Prairie Rose Ln., and Hidden Valley Ln. to names approved by the City Engineer.
- j. Provide a note on the plat that the existing treeline on the property ~~must be preserved in accordance with the information provided on the preliminary plat within Tract `A`~~ **will be preserved to the extent possible as shown on the preliminary plat and that no trees may be removed on Lots 1-4, Block 7 unless in accordance with an approved site plan or final development plan.**
- k. ~~Provide a note on the plat that no portion of the bicycle/pedestrian path may be removed.~~ **Provide a note on the plat that if any portion of the existing bicycle/pedestrian path on the south side of the property is removed, that portion will be re-constructed to provide continuous bicycle and pedestrian access.**
- l. Provide a note on the plat that the State of Kansas has purchased access rights from the property to Clinton Parkway and that no direct access to Clinton Parkway is allowed.
- m. Provide a note on the plat that all properties abutting 24th St. must take driveway access off of 24th St. only.
- n. **Provide a note on the plat that the traffic signal at the intersection of Crossgate Drive and all improvements to 24th St. must be completed prior to the demolition of the intersection of 27th St. and Crossgate Drive.**

2. Approval of the submitted traffic study by the City Traffic Engineer.

3. Execute phasing of development as shown in the staff report with the exception of:

- a. Access will be restricted from the single-family residential (RS-2) district until such time as W. 27th St. is improved; and
- b. Public improvements for Crossgate Drive must be constructed in conjunction with the

construction of the storm structure in the southeast corner.

4. The following items must be submitted and approved by the City Stormwater Engineer:
 - a. Tract 'A' must be labeled "Tract 'A' Drainage and Pedestrian Easement."
 - b. Provide sufficient width for drainage easements approved by the Stormwater Engineer along the proposed PCD, PRD and RM-1 lots. Drainage easement widths must provide the calculated depth of flow plus freeboard as it has been determined on the cross sections. This appears to be 70' each side of CL minimum and more in some locations. The 120' drainage easement must be widened and identified by width on each property.
 - c. Relocate the existing sanitary sewer line outside the proposed channel and provide a larger line to be approved by the Utilities Department. Provide the necessary utility easement and show the system relocation on the preliminary plat.
 - d. Show the box culvert necessary for 24th Street on the preliminary plat.
 - e. Add a note to the plat that states "The proposed public drainage improvements in Tract 'A' shall be completed prior to application for building permits on any lots other than those in Phase 1 of the RS-2 development."
 - f. Show the storm drainage system including inlet and pipe locations. These must justify the proposed drainage easement.
 - g. Provide additional drainage easements within the RS-2 development to provide graded swales for concentrated flow. Provide 15' D/E's at the following:
 - East line Lot 17, Block 6
 - West line Lot 14, Block 6
 - West line Lot 11, Block 2
 - West line Lots 30, 29, 28, 27, 26, 25, and 24, Block 3
5. Dedicate all drainage easements by separate instrument or through the filing of a final plat. All improvements to be constructed within future right-of-way dedications may not be constructed until the right-of-way is dedicated.
6. Approval of the annexation request for the subject property.

The motion carried unanimously (9-0-0).

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ITEM NO. 18A: REZONING APPROXIMATELY 67.184 ACRES FROM A to RS-2

A. SUMMARY

Z-4-6-99: A request to rezone approximately 67.184 acres from A (Agricultural District) to RS-2 (Single-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

B. ACTION TAKEN

It was moved by Comm. Bateman, and seconded, to recommend approval of the request to rezone 67.18 acres from A to RS-2 based upon the findings of fact presented in the Staff Report and subject to the following conditions:

1. Approval and publication of the annexation request.
2. Approval of the Preliminary Plat.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY - The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN — The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.

The motion carried unanimously (9-0-0).

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ITEM NO 18B: REZONING APPROXIMATELY 11.616 ACRES FROM A TO RM-D

A SUMMARY

Z-4-7-99: A request to rezone approximately 11.616 acres from A (Agricultural District) to RMD (Residence-Duplex District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

B. ACTION TAKEN

It was moved by Comm. Bateman, and seconded, to recommend approval of the request to rezone approximately 11.616 acres from A to RM-D based upon the findings of fact presented in the Staff Report and subject to the following conditions:

1. Approval and publication of the annexation request
2. Approval of the Preliminary Plat

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single

and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [z-4-6-99, z-4-7-99, and z-4-8-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

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

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

- The most significant detrimental effect anticipated is the loss of "open space" by adjacent property owners and the introduction of residential development. However, the area is anticipated for residential development, and in the long term, this change is appropriate

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

— The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN – The proposed requests are generally consistent with the City's Comprehensive Plan, Horizon 2020.

The motion carried unanimously (9-0-0).

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ITEM NO. 18C: REZONING APPROXIMATELY 10.346 ACRES FROM A to RM-1

A. SUMMARY

Z-4-8-99: A request to rezone approximately 10.346 acres from A (Agricultural District) to RM-1 (Multiple-Family Residence District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Ms. Eldredge requested that as part of the motion the Planning Commission restrict the density to 10 units per acre, require a minimum 30' rear yard setback, no direct access for the units onto Crossgate, and maximum building height of 35', which would be two-story units. She said covenants reflecting these restrictions would be filed with the Register of Deeds.

Comm. Heck asked if Staff was in agreement with the restrictions.

Ms. Finger said at this time they were not in agreement because there had been no time for research or discussions with Mr. Corliss. She said the Planning Commission could consider a lesser change but the City Commission could not.

Comm. Werner asked if the RM-1 zoning was the reason for the covenants. He asked if these restrictions could be placed on a PRD.

Ms. Finger said the same restrictions could be placed on a PRD.

Ms. Finger said RM-1 density is 10 units; PRD-1 zoning restricts to 7 units per acre. Another option would be a PRD-2 zoning restricting back from 15 to 10 units per acre.

Ms. Eldredge said the setback requirement would then be 35'. She said Mr. Corliss explained that covenants had occurred in the past. She said the City would have the ability to enforce the covenants. The reason for making the covenants as a condition of the zoning is that if the covenants should fail the zoning would fail.

Comm. Durflinger asked what objection there would be to PRD with restrictions. Ms.

Eldredge the difference in the side yard; 35' versus the 30'.

Ms. Finger said the offset would be a smaller yard; 15' from the public street rather than 25'. The front yard is reduced and rear yard is enlarged. The distance of 10' between dwelling units would still be the same. It would also allow for three-stories.

Ms. Eldredge said they were requesting two-story units.

Ms. Finger said their request could be done through covenants, but said she was uncomfortable with 10 units. She said she couldn't recall density ever being restricted in conventional zoning through covenants.

Comm. Durflinger asked what made these covenants different.

Ms. Finger said the City would have to be a party to them or else they would be unenforceable.

Ms. Eldredge said these covenants would be similar to cross-access easements. She said cross-access easements are recorded instruments but these covenants would go further making the City a part of the agreement.

Ms. Finger said they would be most similar to covenants in a PUD.

Comm. Male said he would be comfortable with a PRD-2 zoning and restricting it to 10 units. He didn't think a 30' vs. 35' setback was an issue. There should not be access to Crossgate and two story units would be adequate. He felt there was enough flexibility to make the project work.

Comm. Werner thought 10 units per acre was still too much for the existing houses across the street. He would rather vote for a PRD-1.

Comm. Durflinger felt PRD-2 zoning would be a better vehicle to enable the Planning Commission to place restrictions to appropriately buffer the neighborhood.

Comm. Schenewerk said approving restrictive covenants would be setting a precedent; it would negate the PRD Ordinance and the reasons for its presence might become muddled. He would favor the PRD-2 zoning, restricting it to 10 units per acre.

Ms. Eldredge they were concerned with timing but they would accept the PRD-2 if it could be for the 10 acres. The timing issue would be how long it took to get the two preliminary development plans done as opposed to the site plan.

Comm. Male said after listening to the discussion he had changed his opinion and thought a PRD-1 with lesser density would be more appropriate.

Comm. Ramirez said he was concerned about the density and the amount of traffic that would be generated. He said he would not favor lots facing Crossgate. He did not like the idea of entering into covenants and thought the ordinances should be used. He said one of the criteria to be considered when establishing zoning was the character of the neighborhood and the neighborhood to the east is single family residential. He said the public had expressed their view that this would adversely affect their neighborhood. He thought the PRD-1 zoning would fit without adversely affecting the neighborhood.

B. ACTION TAKEN

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 10.346 acres from A to PRD-1, based on the Lesser Change Table, and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact presented in the staff report and subject to the following conditions:

2. Approval and publication of the annexation request for the subject property.
3. Submission and approval of a Preliminary Development Plan.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA - The character of the area for the RS-2, RM-D, and RM-1 zoning applications [Z-4-6-99, Z-4-7-99, and Z-4-8-99] is undeveloped land used for agricultural

purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the north side of the requests and passes through it to the southeast.

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

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY - The most significant detrimental effect anticipated is the location of medium-density residential located across from existing single-family residential development without the benefit of a natural buffer or back-to-back relationship. Rezoning to PRD-1 is more appropriate given the adjacent uses, the properties floodprone tendencies, and the developable area.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED – The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be

designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN – The proposed request for rezoning to RM-1 is not consistent with the City's Comprehensive Plan, Horizon 2020 with respect to compatibility with surrounding land uses and is not appropriate given staffs recommendations on the residential and commercial zonings to the north. A more appropriate zoning is PRD-1 which would allow a maximum density of 7 units per acre.

The motion carried unanimously (9-0-0).

ITEM NO. 18D: REZONING APPROXIMATELY 17.812 ACRES FROM A TO PRD-2 A

SUMMARY

Z-4-9-99: A request to rezone approximately 17.812 acres from A (Agricultural District) to

PRD-2 (Planned Residential Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff is recommending PRD-2, with the approval and publication of the annexation request, and submission and approval of a Preliminary Development Plan. An additional condition would limit the density to 12 units per acre.

B. ACTION TAKEN

It was moved by Comm. Bateman, and seconded, to recommend approval of rezoning of 17.812 acres from A to PRD-2, with restrictions, and forwarding it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and approval of Preliminary Development Plan.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA – The character of the area for zoning applications RO-1 B, PRD-2, 0-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land

used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

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

RESTRICTED - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY

PROPERTY - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED – The

subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, O-1, PCD-1 and PCD-2

rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the O-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

The proposed request for rezoning to PRD-2 is generally consistent with the City's Comprehensive Plan, Horizon 2020 with a restriction of a maximum density of 12 units per acre.

The motion carried unanimously (9-0-0).

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ITEM NO. 18E: REZONE APPROXIMATELY 13.738 ACRES FROM A TO RO-1 B

A. SUMMARY

Z-4-10-99: A request to rezone approximately 13.738 acres from A (Agricultural District) to RO-1 B (Residence-Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian

Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said the size of the rezoning was actually 13.738 acres and Staff was recommending rezoning to PRD-2 with a maximum gross density of 12 units per acre, which is essentially the same as the adjacent property. The two conditions of approval and publication of the annexation request and submission and approval of a Preliminary Development Plan would also apply.

Ms. Eldredge said the applicant had requested RO-1 B zoning with the three conditions: 35' minimum setback, and maximum height limits of two stories within 200' of Inverness and three stories within 300' of Inverness.

B. ACTION TAKEN

It was moved by Comm. Heck, and seconded, to recommend approval of rezoning of 13.738 acres from A to PRD-2, with restrictions, based on the Lesser Change Table, and forwarding it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the staff report and subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Gross density limited to 12 dwelling units per acre.
3. Submission and approval of a Preliminary Development Plan.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District.

Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA— The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

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

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY

PROPERTY - The removal of the agricultural restrictions are not expected to adversely affect nearby properties; however, the density of the requests may result in negative impacts to adjacent properties. A rezoning to a Planned Residential Development (PRD-1 or PRD-2 with a density restriction of 12 units per acre) would be more appropriate adjacent to the existing single-family residential development to the west. A density restriction of 12 units per acre would also be more appropriate for the area proposed for PRD-2 given the overall nature of the surrounding low-density residential neighborhood.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED — The

subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRO-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN – The rezoning to RO-1 B, as proposed, is not consistent with Horizon 2020. Rezoning to PRD-2, with density restrictions, would provide an appropriate transition development between proposed office uses to the north and low-density residential uses to the south.

The motion carried unanimously (9-0-0).

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ITEM NO. 18F: REZONING APPROXIMATELY 21.634 ACRES FROM A TO 0-1 A

SUMMARY

Z-4-11-99: A request to rezone approximately 21.634 acres from A (Agricultural District) to 0-1 (Office District). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east,

Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff recommends republication and rezoning to RO-1 B, and also approval and publication of the annexation request and approval of the Preliminary Plat.

Ms. Finger said Staff would request the item be tabled until the July 28, 1999 meeting so the RO-1 B zoning could be considered, which would not be a lesser change.

Comm. Werner asked about a POD-1 zoning that with a lesser change. Ms.

Finger said there wasn't any residential in a POD-1.

Comm. Ramirez said he wasn't that concerned about there not being a residential component. He

thought this location would be appropriate for an office setting and what the applicant had in mind. He asked how the other Commissioners would feel about using a POD-1 and applying a Lesser Change Table.

Comm. Bateman asked what would be allowed in the POD-1 besides offices.

Mr. Pedrotti said the POD-1 allows Use Group 7, which are community facilities and public buildings. Use Group 9 allows for professional offices. Use Group 9-A is also permitted. POD-1 zoning is intended to be a non-residential district which can be developed with uses which may buffer more intensive uses from less intensive uses. The POD-2 district allows any use permitted in the POD-1 and professional offices and residential dwelling units. The ordinance also states that residential cannot be built until 50% of the office development has been built.

Comm. Heck said he didn't see any difference between O-1 and POD-1 except that temporary uses are allowed in POD-1.

B. ACTION TAKEN

Ms. Eldredge said the applicant would prefer for this item to be tabled because they would prefer RO-1 B Zoning rather than the POD zoning.

Chrm. Male said this item would be tabled until the July 28, 1999 Planning Commission meeting.

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ITEM NO. 18G: REZONING APPROXIMATELY 6.643 ACRES FROM A TO PCD-1

A. SUMMARY

Z-4-12-99: A request to rezone approximately 6.643 acres from A (Agricultural District) to PCD-1 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff has recommended approval of RO-1 B based on the Lesser Change Table with approval and publication of the annexation request and approval of the Preliminary Plat.

Comm. Heck agreed with Staff that the applicant's request was not consistent with Horizon 2020. He could not find sufficient justification to deviate from Horizon 2020 to allow commercial zoning.

Comm. Male felt sufficient shopping was available with Hy-Vee to the east and potential commercial at 23rd and Wakarusa.

Comm. Werner agreed that commercial zoning was a viable concern for the applicant in order to develop the property. Commercial would be helpful in improving the drainage channel which would help the site. He would consider approval of PCD on this portion, but not the portion to the east. He thought some commercial, or perhaps a restaurant, would compliment the 20 acres. Offices and restaurants do not generate considerable traffic and some commercial would allow for improvements.

Comm. Durlinger said financial concerns should not be the biggest consideration in zoning or development. He said within one-half mile in either direction of this property there was commercial development. He would concur with Staff's recommendation.

Comm. Bateman said commercial uses would permit another strip mall, which have negative connotations, and create considerable traffic which is not needed in the area. She agreed there was sufficient commercial in the area and would recommend the RO-1 B zoning.

Comm. Schenewerk thought zoning from 24th Street to Clinton Parkway should be consistent and the node west of the drainage way should be commercial. He thought the east corner should probably be commercial because it is next to streets with good traffic flow and accessibility. The commercial should be developed with neighborhood needs in mind. He agreed with Staff recommendation on this parcel but the east tract should be zoned PCD-2.

B. ACTION TAKEN

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 6.643 acres from A to RO-1 B based on the Lesser Change Table and forward it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District.

Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA — The character of the area for zoning applications RO-1 B, PRD-2, 0-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

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

- The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY

PROPERTY - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the 0-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed 0-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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

- Denial of the RO-1 B, 0-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the 0-1, PCD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive

Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN — The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

The motion carried (8-1-0). Comm. Werner against.

ITEM NO. 18H: REZONING APPROXIMATELY 5.194 ACRES FROM A TO PCD-2

A. SUMMARY

Z-4-13-99: A request to rezone approximately 5.194 acres from A (Agricultural District) to PCD-2 (Planned Commercial Development). The property is bounded by Clinton Parkway on the north, Crossgate Drive on the east, Inverness Drive on the west, and W. 27th Street on the south. Requested by The Peridian Group for the Winnifred & Paul Getto Limited Partnership, property owner of record. *[Annexation item A-4-4-99, rezoning items Z-4-6-99 thru Z-4-13-99, and the Preliminary Plat of Inverness Park Addition are related.]*

Mr. Pedrotti said Staff had recommended that this property be rezoned to RO-1 B based on the Lesser Change Table with the condition of the approval and publication of the annexation request and approval of the Preliminary Plat.

Ms. Finger said the applicant had an alternate proposal for the portion south of 24th Street.

Comm. Ramirez asked if consideration should be given to rezoning the tract immediately to the south. The tract is isolated on the left by the drainage way and on the north by the road.

Ms. Finger said they could state in the motion that the portion of the PCD which lies south of 24th Street be approved through lesser change to PRD-1 with the same restrictions.

Ms. Eldredge said she wanted to state that the applicant had withdrawn their request based on the zonings approved.

B. ACTION TAKEN

It was moved by Comm. Ramirez, and seconded, to recommend approval of rezoning of 1.48 acres, which lies south of 24th Street, from A to PRD-1 (to be consistent with the tract to the south) based on the Lesser Change Table and forwarding it to the City Commission with a recommendation for approval, based upon the Findings of Fact presented in the body of the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request for the subject property.
2. Approval of the Preliminary Plat.

The motion carried unanimously (9-0-0).

It was moved by Comm. Bateman, and seconded, to recommend approval of rezoning of the remaining 3.7 acres (approximate) from A to RO-1 B based on the Lesser Change Table and forward it to the City Commission with a recommendation for approval, based upon the findings of fact presented in the body of the Staff Report, subject to the following conditions:

1. Approval and publication of the annexation request.
2. Approval of the Preliminary Plat.

Comm. Heck said this parcel would not have the potential for a mass amount of commercial retail and he asked Comm. Schenewerk to discuss his reasoning on rezoning this tract to PCD-2.

Comm. Schenewerk felt commercial uses would have been developed on the interior rather than along primary thoroughfares on the other tract, whereas this tract was right on a thoroughfare and

readily accessible and visible. The extended neighborhood of Wakarusa to Kasold, and from Clinton Parkway south, would have many homes to facilitate neighborhood commercial use. He said this project was a opportunity for a unique development that would be sensitive to east and west but could

also take advantage of the thoroughfare.

Comm. Durflinger asked what the zoning was for the property directly east. Staff responded RM-2 and a traffic light is projected for this project in phase 1. Comm.

Male asked what was allowed in a PCD-1.

Mr. Pedrotti said PCD-1 allowed residential units (attached, detached or mixed), Use Group 7, community facilities; Use Group 9, professional offices; Use Group 11, inner neighborhood commercial uses; Use Group 12, retail stores and personal services.

Chrm. Male asked if that allowed for fast-food restaurants.

Mr. Pedrotti said not in a PCD-1. A regular restaurant would be allowable and a food convenience store including gasoline sales.

Comm. Ramirez said the zoning did not fit within Horizon 2020, and felt it would severely impact the character of the neighborhood. He felt there was ample commercial within walking distance. He thought Clinton Parkway is, or would, be a major gateway to the City and thought additional commercial was not appropriate. He would support the motion.

Comm. Durflinger felt they were creating an island to acquiesce to the request of the applicant and he didn't think it was a necessary component of the neighborhood. He would support the motion.

FINDINGS OF FACT

ZONING AND USES OF PROPERTY NEARBY - The existing zoning is A (Agriculture) District. Surrounding uses of the entire 160-acre property include single-family residential, duplex and a school to the west, multiple-family residential, offices, and a recreation center to the north, single and

multiple-family residences to the east, and undeveloped agricultural uses to the south.

CHARACTER OF THE AREA— The character of the area for zoning applications RO-1 B, PRD-2, O-1, PCD-1, and PCD-2 [Z-4-9-99, Z-4-10-99, Z-4-11-99, Z-4-12-99 and Z-4-13-99] is undeveloped land used for agricultural purposes surrounded by primarily single-family and multiple-family residential land uses. A drainageway flows along the south and east sides of the area.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED - The Zoning Ordinance provides that a rezoning request shall be initiated immediately upon the property's annexation to the City. Consequently, upon annexation, the county zoning designation of A (Agricultural District) would no longer be appropriate for the subject property. Suitability of the land use is directly related to the status of annexation as well as surrounding and anticipated development.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY - Based on the surrounding land uses and current agricultural restrictions, removal of the restrictions is not expected to detrimentally affect nearby property. However, the intensity of proposed zonings and uses allowed in the O-1, PCD-1, and PCD-2 District have potential for negative impacts to adjacent properties. The proposed O-1, PCD-1, and PCD-2 areas are more appropriate for development as RO-1 B, based on the Lesser Change Table.

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LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED — The subject property is currently undeveloped and has remained vacant as zoned since 1966.

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 - Denial of the RO-1 B, O-1, PCD-1 and PCD-2 rezonings, as requested, would protect the public health, safety and welfare. Rezoning the RO-1 B request to PRD-2, with a density restriction of 12 dwelling units per acre and rezoning the O-1, POD-1 and PCD-2 requests to RO-1 B, through the lesser change table, are appropriate based on conformance with the Comprehensive Plan and the surrounding land use pattern. The proposed rezonings to RS-2 and RM-D are appropriate densities for the property and therefore would not have a negative impact to the public health, safety, and welfare. The proposed rezoning to PRD-2 permits multiple-family residential development. With associated infrastructure improvements and by limiting the density, proposed development can be designed to minimize impacts to the public health, safety, and welfare. The proposed rezoning to RM-1 is an inappropriate density for the property and therefore could have a negative impact to the public health, safety, and welfare. Rezoning to PRD-1 is more appropriate given the adjacent uses and the shape and size of the property. Denial of rezonings, which are consistent with surrounding land use density and intensity and the Comprehensive Plan, would impose a hardship upon the landowner. Denial of the rezonings of the property would not destroy its value, although the hardship imposed on the landowner would be the postponement of development on the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN — The rezoning application, as proposed, is not consistent with Horizon 2020. The Comprehensive Plan generally supports a mixture of office and higher density residential land uses.

The motion carried (5-4-0). Commissioners Schenewerk, McElhane, Plants and Werner against.

From: Larry James [mailto:ljplbuzz@sunflower.com]
Sent: Monday, March 05, 2012 7:43 PM
To: Dan Warner
Subject: Inverness Park District

Planning Commission

I still feel that the one thing overlooked is the fact of traffic in and out of this area the way it is right now the people who live in this area blast down 24th street to Kasold Dr. like it's their private driveway. What's it going to take someone's child being hit before you see that entry to this has to be different or something to slow the traffic on 24th east? It's very bad now and this is going to make it worse with a lot more vehicles. The way it looks they have one street West to Inverness or East to Crossgate back to Clinton Parkway or on East on 24th to Kasold that is a lot to route on these small streets. Think about it if you lived in this area would you want all this extra traffic blasting down your streets when there is already a problem with people speeding down your street now!

Thank you
Larry James

From: David Kleier [mailto:dbison@earthlink.net]
Sent: Thursday, March 15, 2012 5:53 PM
To: Dan Warner
Subject: Inverness Park District Plan

Mr. Warner,

As a homeowner south of Clinton Parkway in the Inverness Park area, my biggest concern is increased traffic volume, particularly coming onto Clinton Parkway from Inverness and Crossgate.

Thank you for taking into account existing neighborhood concerns.

David Kleier

-----Original Message-----

From: Stephen Slade [mailto:sfxslade@gmail.com]

Sent: Tuesday, March 13, 2012 3:25 PM

To: Dan Warner

Subject: Inverness Park District Plan - March 1, 2012 letter

Planning Commission:

I had a chance to review the package and wish to express my sincere appreciation to you, the Council and Planning Board for working towards re-zoning the Inverness Park District for other uses in contrast to the high density housing.

The city has a number of options to elect and light commercial use of the property would fit in much better with the area.

Thank you for your work towards this end. I would be there in person but business takes me out of town that week.

Regards,
Stephen Slade
4219 Teal dr
Lawrence KS 66047

ITEM NO. 2 INVERNESS PARK DISTRICT PLAN (DDW)

CPA-2-1-12: Consider revisions to the Inverness Park District Plan. *Initiated by City Commission on 1/17/12.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Jamie Hulse, spoke on behalf of the neighborhood, said neighbors do not support any language in the Inverness Park District Plan that increases density. She stated approval of the plan increases the density to RM24 which exceeds the definition of high density. She said density was already increased for The Grove, Legends Place, and Remington Square to levels that previous Planning staff, Planning Commission, City Commission, and County Commission determined would have a detrimental impact on existing neighborhoods. She said the attorney for Remington Square previously provided property values for every home owner who wrote a letter to Commissioners showing that property values have not decreased. She said she was a realtor for 12 years and she could sell her house for more and the property tax value would be higher if there were offices along the north side of W. 24th Place and if there was a cul-de-sac of one story senior citizen duplexes across the street from the back of her house instead of The Grove. She said there were buyers who would choose to not even consider looking at a house in her neighborhood, which decreases her property value. She said a mixed development would have increased her property value over and above what it is now. She said there was no logical justification for approving a plan that increases density in this location again. She stated if a developer wants to purchase the two remaining vacant lots and build multi-family projects under the current RSO zoning the neighborhood would support that. She said neighbors did not support any changes to the plan that would increase density. She said neighbors have been asking for over three years for staff and Commissioners to create an avenue, plan, or overlay district that would not allow any additional multi-family or increased density for Inverness Park. She said neighbors were frustrated with staff and Planning Commission members and have given up and stop coming to the meetings. She felt the only way to protect the existing neighbors was to add language to the Inverness Park District Plan that states there shall be no additional density increases for future development.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if Remington Square sold off the five acres would it be a non-conforming use unless rezoned.

Mr. McCullough said when City Commission was presented with that issue they believed that it could be appropriate infill development. He said the direction of City Commission to staff was to recognize that five acres exists with infrastructure that could support infill development and to bring forth a plan that could accommodate appropriate uses but recognize that would make Remington Square non-compliant. He said it would hold Remington Square where it was today but would allow five acres to develop in a non-residential way. He said it does not affect the commercial properties on the corners in any way.

Commissioner Finkeldei said he understood the neighbors point when looking at the map it shows high density. He asked if they could leave it medium density on the map but put a note in the plan that says if the five acres was developed as commercial office we would support a rezoning to bring Remington Square into conformity.

Mr. McCullough said banks would look hard at whether it was compliant or not. He said the real issue was zoning it to RM24 to allow the density.

Commissioner Finkeldei said they were going to have to do it and they want the Comprehensive Plan to support the rezoning request. He suggested maybe leaving it medium density but note Planning Commission would support rezoning to RM24 to bring it into compliance.

Commissioner Britton asked if what they would be doing was rezoning to RM24 and saying that the existing Remington Square would be compliant with the zoning and not give it the opportunity to redevelop and have twice as many people there.

Mr. McCullough said that was correct.

Commissioner Britton asked Ms. Hulse if the five acres was developed what would she like to see.

Ms. Hulse said the developer bought the property and chose to max it out speculating that at some point he could come back and ask for an increase in density. She said the neighbors believe it was maxed out and that 24 units per acre was too high for the location. She felt nothing else should go there because it shouldn't be the burden of the homeowners to fix the developers problem. She felt the five acres was the 'backyard' to Remington Square.

Commissioner Burger said as she read the packet she was excited because she thought this would give the neighbors what they want, Remington Square would not be allowed to build anymore apartments.

Ms. Hulse said the neighbors want the plan to say no more increased density and no more multi-family.

Commissioner Burger asked if the plan was approved as is would it give increased density to the five acres if it was sold.

Mr. McCullough said it would prevent any more residential. He said this discussion was fully vetted at City Commission. City Commission recognized the developer took a risk by doing things the way he did, but also believed that some Commission was apt to say yes to some development plan. He said they wanted to get plan support to at least guide the development so that the five acres could be some other type of non-residential use. He said to accommodate the technical glitch of the existing Remington Square the zoning had to be increased. He said that was where the alternative language came into the plan that somehow someday if there was an approved non-residential development plan on the five acres the existing Remington Square would need to be rezoned to make it not non-conforming.

Ms. Hulse said City Commission had their discussion after public comment was closed so all the neighbors opposed what they asked staff to do. She said the same thing could be accomplished by saying no more residential.

Commissioner Belt asked if the same result was achieved by not increasing density and limiting residential.

Mr. McCullough said this was the process. He stated the whole purpose for initiating the plan was from a development master plan that went through different zonings and the City Commission initiated this plan at the neighborhoods request. He said the public process they were involved with now was setting up the plan for the future. He said the idea was that they would be able to say yes to a non-residential plan. He believed the plan should address the issue.

Commissioner Culver said he would support the infill of development of the five acres. He appreciated the neighborhoods concern regarding no more residential. He felt this proposal and approach addressed that. He said he would not support creating a non-conforming use for the existing Remington Square development. He said having the five acres as a commercial office seemed appropriate.

Commissioner Britton said he was struggling with this because when he read it he thought it accommodated the concerns of the neighbors by not having any more multi-family residential. He said the City Commission was probably correct to say that the property would be developed at some point so they should act now and plan for the future. He thought there may be some disconnect in the communication that resulted in some of the comments heard tonight in opposition. He said he has been outspoken about the Inverness Park area and not further developing with multi-family residential. He said he thought this was achieving what the neighbors

wanted and does so in a way that directs the five acres to a use that should be good for the community. He said a church or office building would be consistent with the area. He said he was inclined to support this but he was open to being enlightened to what the problem was.

Commissioner Finkeldei said Ms. Hulse expressed wanting the five acres left empty. He said the neighborhood has taken issue with how the developer went about doing this but he has never seen it that way. He gave the example of Bauer Farm being amended about 14 times and changing immensely. He did not hold that against that the developer. He did not agree with the comment from Ms. Hulse that the five acres was the 'backyard' to Remington Square. He said one option was to have a plan that says it would forever be empty but he did not think that was good for the city. He did see Ms. Hulse's point about the map saying high density. He said he would prefer it stated medium density on the map with a caveat that if a plan came forward and was approved to put CO in that location that the plan would support a rezoning to bring Remington Square into compliance.

Commissioner Liese said he liked Commissioner Finkeldei's idea of the caveat and asked staff to comment.

Mr. McCullough said both ways try to get at framing the unique issue.

Commissioner Hird asked if it was kept RM15 with a note that if a plan for a CO project was brought forward the rezoning of Remington Square would be addressed. He asked if they took that route would they be applying the medium density zoning to the five acre parcel as well.

Mr. McCullough said the density calculation would be for the residential property, not the CO property.

Commissioner Hird asked if a project other than CO came forward.

Mr. McCullough said he interpreted it to keep the CO designation but for the Remington Square piece revise that from high density to medium density with the caveat that if the five acres develops to the CO designation that it recognizes that a rezoning to RM24 may be required to keep it conforming to the zoning code.

Commissioner Hird said he had no objection to that but was concerned about people missing the caveat. He thought it was a snake in the grass waiting for them and they may not realize what a CO project would mean for the density for Remington Square.

Commissioner Finkeldei said it would only affect Remington Square and they already know it. He said if they sell the five acres they have two choices; become a non-conforming use, or ask to be rezoned. He said if they tell Remington Square they are not be allowed to change the density then they will never sell the piece because they will never want to become a non-conforming use. He said even if they sell the five acres to the City of Lawrence to become a park they would still be non-conforming and need to be rezoned to RM24.

Commissioner Hird said if it was deeded to the City of Lawrence that would not be a CO project. He was concerned about creating uncertainty for the neighbors. He said other things other than a CO project might fit there.

Mr. McCullough felt the current language worked but it was a matter of perspective of framing the issue.

Commissioner Blaser inquired about Remington Square selling the actual apartments first.

Mr. McCullough said it would come through the Planning Office and it would put them in a non-conforming state because it goes with the legal boundary of the parcel and it would have to be addressed at that time.

Commissioner Blaser felt they should change it now.

Commissioner Finkeldei said the plan would not change the zoning, the plan effects what happens in the future upon a rezoning request.

Commissioner Blaser agreed with Commissioner Hird and was in favor of proceeding with the plan now. He said if the plan does not go in someone could come in and request RM32 zoning on the five acres. He felt it was safer to do it this way now than the suggested way.

Commissioner Britton said he supported having indications in the plan. He said he would support language that stated the upzoning to RM24 for Remington Square was no indication that there should be upzoning for multi-family residential on the five acres.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve the Comprehensive Plan Amendment, CPA-2-1-12, to the Inverness Park District Plan as presented in the staff report.

Commissioner Hird said he did not feel strongly about either approach but he would rather not delay and could live with Commissioner Finkeldei's suggestion.

Commissioner Britton asked Commissioner Finkeldei to explain what type of motion he would make.

Commissioner Finkeldei said his motion would be to defer the item and send it back to staff to come back with a plan that leaves the map as medium density with a caveat that upon a rezoning it would support Remington Square being brought into compliance.

Commissioner Britton said a deferral may allow for everyone to be on the same page and understand what the amendment would be seeking to accomplish. He said it sounded like it may do a better job of not giving any indication that anything other than commercial would be acceptable on that corner. He agreed with Commissioner Hird that he could go either way.

Motion failed 3-5, with Commissioners Blaser, Culver, and Hird voting in favor. Commissioners Belt, Britton, Burger, Finkeldei, and Liese voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Britton, to defer the Inverness Park District Plan with direction to staff to revise the plan and come back with a plan that shows medium density for Remington Square with some sort of caveat that we would support a rezoning to bring it into conforming use upon proper rezoning of the adjacent five acres.

Motion carried 7-1, with Commissioner Blaser voting in opposition.

fits right in with the values we want to see funded. This had potential to fund itself and hopefully won't need continued funding. He said he was in favor of granting the one time request.

Amyx said he appreciated those comments but thought we had a program set up for these kind of requests. He said some of them had been told no, and he couldn't tell them no and then approve this.

Moved by Carter, seconded by Schumm, to approve request from Heartland Community Health Center for a one-time payment of \$25,000 for a medical biller position. Motion carried 4-1 with Amyx in the negative.

3. **Consider authorizing staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding stormwater sewer improvements. The project is being funded with Sales Tax Revenue.**

David Corliss, City Manager, introduced the project.

Matt Bond, Storm Water Engineer, presented the staff report.

Mayor Cromwell called for public comment.

Ted Boyle, North Lawrence Improvement Association, said he encouraged the Commission to continue to have staff move forward on this project. They had been looking forward to this for many years, since before the drainage system. Many people thinking of flooding as the river, but this is storm water flooding. The railroad tracks act as a dam. Around Lyon's Park we can have 3-4 feet of water standing after a few inches of rain.

Cromwell said it was a simple request to continue our work.

Schumm said it was a slam dunk.

Moved by Carter, seconded by Schumm, to authorize staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding storm water sewer improvements. Motion carried unanimously.

4. **Discuss initiation of changes to the Inverness Park District Plan.**

Dan Warner, Planner, presented the staff report.

Carter asked about the plan the neighbors supported.

Warner said it was one or two, it wouldn't have been three. He wasn't sure they landed on one.

Mayor Cromwell called for public comment.

Scott Meyers said for the 35 that met through that process, the preference was no more multi family and keep it the way it was. He thought we need to look at our zoning laws on multifamily and look at population density. Also to make sure the site planning process clearly defines open space. Those clarifications would have eliminated this whole mess that we had been dealing with for two years.

Dever asked if in the meeting there was agreement for no changes to the plan.

Meyers said not to change the currently approved zoning. No more commercial use. Leave it alone and don't change it. Whether they waffled as a group between one and two, they understood the way it was planned now no one could develop the open space. The emphasis of the neighbors was no more multifamily.

Dever asked about the plan, whether they wanted no changes to the zoning to any of the parcels in the plan.

Meyers said yes.

Jamie Hulse said it was never put to a vote, but what most people thought at the meetings was to come up with a plan that would allow development but no more multifamily. If there was a way to allow commercial instead of multifamily. Her question was whether we could come up with a way to have no more multifamily and Warner had said no, so many people wondered why they were having the meetings. She said that the majority of the Planning Commissioners were not in favor of multifamily which was why they were surprised when it was approved. She said we should stop using the term vacant because it was open space, a piece

of the developed parcel. She said they were in support of having commercial with no option for multifamily.

Cromwell said he wanted to be clear that the idea of accomplishing some commercial on the open ground, she was suggesting some sort of commercial which would require upzoning. He said at Clinton and Inverness Parkway, on slide 5.

Hulse said there was a risk supporting a plan for commercial, because multifamily would be a downzoning.

Cromwell said if there was a way to accomplish that, there may be support for that. He understood that additional multifamily was not attractive to the neighbors.

Hulse said that was correct. The only opposition was from people that lived directly adjacent, and they didn't want a restaurant. Everyone else was supportive.

Cromwell thought he remembered that discussion, but that some people were opposed.

Schumm said he was trying to be very clear. He understood that the NW corner, commercial would be acceptable. The NE corner was Hy-Vee. The 5 acres of open area, did she see something possible there.

Hulse said that would change the density there.

Cromwell said that was what he was trying to ask previously.

Hulse said her feeling was that it was 15 acres, and it was maxed out already. If you choose to leave 5 acres open you shouldn't be able to come back later and make it more dense.

Schumm said previously Hulse had said the neighbors said no more multifamily.

Hulse said nothing at all on the 15 acres.

Carter said we heard clearly no more multifamily. He thought from there we need to determine what is the best use for that area, including the 15 acre lot. The best use may be open space. His concern was how that 5 acres would look. Would that be better open or not?

Schumm said something else to keep in mind was that if we say it is going to be open space, that is good as long as this commission sits here. A new commission could change it,

even to multifamily. He said realistically that 5 acres would get developed at some point. He couldn't see it staying open forever. Does it make sense to decide something positive that should go there?

Amyx said we could redo the district plan, but every Tuesday night we are asked to make decisions on requests that come forward. We are going to make those decisions on the best information offered by staff and the public. Something would probably be built on that 5 acres some day. Some 3 or 4 commissioners some day would probably decide the best use of that land was to develop something, based on the best information available at the time.

Carter said when it comes to this plan, are you...

Amyx said a few years ago we decided neighborhood commercial would be appropriate at the corner. He asked if we were ready to direct staff to initiate that, as far as the text of the district plan.

Carter said it already has that.

Amyx asked if a larger amount. The 5 acres on the east side of Remington Square.

Carter asked if it is the best use of that land is to remain empty or to direct something for that land, even directing that no downzoning to multifamily. He asked if Amyx was in favor of leaving that undeveloped.

Cromwell said currently we have a plan calling for higher density, but without specific zoning. A request came before us and we denied it. The question was if that wasn't what we wanted, maybe we should change the plan to be clear to developers what we want there. We are being asked to provide today clarification of what the future might hold for that area. It is difficult when you see a vacant patch of grass not to think someone would want to develop it someday. That is something we have to consider and that is what we are asked to determine.

Schumm said regarding the 5 acre open space, what can go on there other than multifamily that would fit in a plan like that.

McCullough said small office uses, daycares, service facilities. That open space is considered developed from a land use perspective because it was included in the existing developed Remington Square. The exercise would be to determine what was appropriate.

Schumm said it could be a residential office.

McCullough said yes.

Schumm said it could be written in that no multifamily was allowed.

McCullough said yes. The commercial designation at Inverness is a little more open ended.

Schumm said he lived in a neighborhood with residential office and it works well with the neighborhood.

Cromwell asked how much the actual corner, where the lot line is.

McCullough pointed to the map. He said we were looking at 40,000-50,000 square foot and some outbuildings that could possible fit there.

Carter said one solution might be to take what is in the plan and remove the open space that is part of the 15 acres. He didn't think we wanted to leave the plan unchanged. The other question is whether we want to do more and designate it as something else or open space. Does it really add value as open space or would it be better as commercial.

Schumm asked if planning this was a function of the planning commission.

McCullough said if a change was initiated it would receive a public hearing at the planning commission, and recommendations would come back to the city commission.

Dever said he thought we were talking about making alterations to one portion, not the entire plan. Maybe we are trying to rectify a loophole we had seen. He liked Carter's idea of removing the language. He asked what the densities could be.

McCullough said 16 dwelling units per acre.

Dever said we have to admit that as this area develops the value of those 5 acres will increase and the pressure to develop it will increase. Let's be honest and identify if we are or

are not interested in steering the development of that parcel. We either need to value the RM15 type development and dictate no more development, or identify this parcel and specify a land use.

Cromwell said the best thing we could do was to specify and recognize that someone is going to do something there someday. We should consider now what would be beneficial, recognizing that we don't desire more multifamily. Perhaps some buffer of residential office might be a good design practice. He said he thought that protects the value to the neighborhood and acknowledges some value of development to the area.

Dever said the neighbors were assuming this was open space and that is all that was intended and there should be nothing else.

Cromwell said he agreed with that, but someone would come in later and want to develop it. We needed to acknowledge and plan for that.

Schumm said we heard that argument and didn't know if that was an argument against multifamily or against any development. It would not stay vacant forever. How do we help that be what we want it to be. The neighborhood has said no more multifamily. The answer to the questions Dever posed would be answered at the Planning Commission. A transition between land uses would be considered also.

Amyx asked what is the natural progression. If additional multifamily is not used, what is the natural progression.

McCullough said we would study that and present it to the Planning Commission.

Cromwell said in making a change and saying it is okay to develop that open space as something, what is plausible on the existing developed area.

McCullough said we had tools to apply to that, like conditional zoning.

Cromwell said he would be interested in that.

Carter asked what is typically the transitional development there.

McCullough said the plan has to have specific language. Perhaps it calls out specific categories of land use. It will be difficult to remain at the sector plan level. It will have to be more specific, churches, office, single story buildings.

Cromwell said specificity will be helpful. Calling out specific land uses and preventing additional density will be the best course of action.

Schumm said we all hear substantial comment about notification and we want people to be notified so we don't have backlash that people weren't notified when it comes back to us.

Cromwell said it is difficult to keep up with this but he appreciated everyone's attention in following it.

Moved by Carter, seconded by Schumm, to initiate a text amendment to remove language on the 5 acre parcel specifying it to be high density multifamily and come up with specific appropriate uses for development. Motion carried unanimously.

At 8:43 p.m. the City Commission recessed for a short break.

At 8:52 p.m. the City Commission returned to regular session.

5. Consider land use information related to recently adopted code amendments (TA-6-17-09) for Congregate Living and Multi-Dwelling Structures. (Requested by City Commission at their July 12, 2011 regular meeting and considered at their October 4, 2011 meeting and returned to Planning Commission. Considered by the Planning Commission at their November 14, 2011 meeting.)

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Cromwell said we hadn't talked about what is a basement and what is an attic. He had been in basements that were 4 feet high and some that were 8 foot high.

McCullough said we would have to get to that level of detail.

Cromwell said that becomes difficult. When do you stop being a crawlspace and when do you become a basement.

McCullough said we get into those kinds of discussions.

Carter said we do have strict definitions of what is habitable.

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO THE NORTHEAST SECTOR PLAN.

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

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

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on December 19, 2011, January 23, 2012, April 23, 2012, and May 21, 2012 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 6-5-09, to adopt and approve the Northeast Sector Plan and amend Chapter 14 – Specific Plans to add the Northeast Sector Plan, after notice by publication in the official city and county newspaper.

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

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to adopt the Northeast Sector Plan and amend the Chapter 14 - Specific Plans to add the Northeast Sector Plan.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 14 – Specific Plans, Specific Plans reads as follows:

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission

January 28, 2008 by the Douglas County Board of Commissioners

REVISED

June 14, 2008 by Lawrence City Commission

July 24, 2008 by Douglas County Board of Commissioners

REVISED

October 7, 2008 by Lawrence City Commission

November 10, 2008 by Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission

January 7, 2009 by Douglas County Board of Commissioners

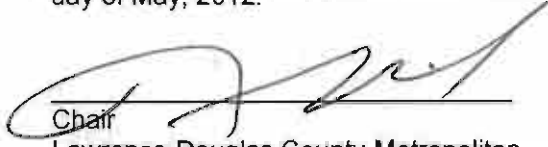
Review Date: 2019

- **Lawrence SmartCode Infill Plan**
Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
Adoption Date: January 27, 2009 by Lawrence City Commission
February 23, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **West of K-10 Plan**
Location: Generally located north and south of Highway 40 and west of K-10 Highway.
It does contain some land east of K-10 Highway
Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **Oread Neighborhood Plan**
Location: Generally located between W. 9th Street and W. 17th Street and between the
KU campus and Massachusetts Street.
Adoption Date: September 28, 2010 by Lawrence City Commission
Review Date: 2020
- **Inverness Park District Plan**
Location: Generally located south of Clinton Parkway between Inverness and Crossgate
Drives, and north of K-10 Highway.
Adoption Date: September 20, 2011 by Lawrence City Commission
November 12, 2011 by Douglas County Board of Commissioners
Review Date: 2021
- **Northeast Sector Plan**
Location: Generally located north and east of Lawrence and north of the Kansas River to
the Douglas County line.

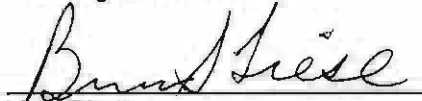
SECTION FOUR: The Northeast Sector Plan attached as Exhibit 1 shall be incorporated as part of Horizon 2020 the Comprehensive Plan of the City of Lawrence and Unincorporated Douglas County.

SECTION FIVE: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 21st day of May, 2012.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

ORDINANCE NO. 8748

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND USE PLAN "HORIZON 2020" PERTAINING TO THE NORTHEAST SECTOR PLAN; AMENDING CHAPTER FOURTEEN, SPECIFIC PLANS TO ADD THE NORTHEAST SECTOR PLAN; AND ADOPTING AND INCORPORATING BY REFERENCE "THE NORTHEAST SECTOR PLAN, MAY 2012 EDITION" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

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

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

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on May 21, 2012, by Resolution No. PCR-5-3-12, adopted and recommended the adoption of the "Northeast Sector Plan" and an amendment to Chapter 14 to add the Northeast Sector Plan, in "Horizon 2020," contained in planning staff report CPA-6-5-09; and

WHEREAS, a certified copy of the Chapter 14 – Specific Plans amendment and the "Northeast Sector Plan" contained in planning staff report CPA-6-5-09 and adopted by the Planning Commission in Resolution No. PCR-5-3-12 on May 21, 2012, together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on December 19, 2011, January 23, 2012, April 23, 2012, and May 21, 2012, have been submitted to the Governing Body; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

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

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "Horizon 2020".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the

Planning Commission and adopting the amendment to Chapter 14 – Specific Plans to add the Northeast Sector Plan and adopting and incorporating by reference “The Northeast Sector Plan, May 2012 Edition” as contained in planning staff report CPA-6-5-09 and adopted by the Planning Commission on May 21, 2012.

Section 4. Chapter 14 – Specific Plans in “*Horizon 2020*”, is hereby amended to read as follows:

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**
Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
Adoption Date: May 10, 2005 by Lawrence City Commission
Review Date: 2010
- **Burroughs Creek Corridor Plan**
Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
Adoption Date: February 14, 2006 by Lawrence City Commission
Review Date: 2011
- **East Lawrence Neighborhood Revitalization Plan**
Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
Adoption Date: November 21, 2000 by Lawrence City Commission
Review Date: 2010
- **Revised Southern Development Plan**
Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
Adoption Date: December 18, 2007 by Lawrence City Commission
January 7, 2008 by the Douglas County Board of Commissioners
Review Date: 2017
- **Southeast Area Plan**
Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O’Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by the Douglas County Board of Commissioners

REVISED

June 14, 2008 by Lawrence City Commission

July 24, 2008 by Douglas County Board of Commissioners

Review Date: 2018

· **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

· **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission

January 7, 2009 by Douglas County Board of Commissioners

Review Date: 2019

· **West of K-10 Plan**

Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway.

Adoption Date: June 9, 2009 by Lawrence City Commission

May 6, 2009 by Douglas County Board of Commissioners

Review Date: 2019

· **Oread Neighborhood Plan**

Location: Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.

Adoption Date: September 28, 2010 by Lawrence City Commission

Review Date: 2010

· **Northeast Sector Plan**

Location: Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.

Section 5. That "The Northeast Sector Plan, May 2012 Edition" approved by Section 3 above, prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be incorporated into *Horizon 2020* and known as the "The Northeast Sector Plan, May 2012 Edition". One copy of said plan shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8748 and Resolution 12-____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable business hours. The police department, municipal judge, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "The Northeast Sector Plan, April 2012 Edition" marked as may be deemed expedient.

Section 6. Severability. If any section, clause, sentence, or phrase of this joint ordinance or resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this joint ordinance or resolution.

Section 7. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas this _____ day of _____,
2012.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglas, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
City Attorney

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of _____
, 2012.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Mike Gaughan
Chair

Jim Flory
Commissioner

Nancy Thellman
Commissioner

ATTEST:

Jameson D. Shew, County Clerk

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For May 21, 2012 Planning Commission Meeting

RE: **CPA-6-5-09:** Consider additional Plan revisions that align with the Planning Commission's approval of Option 3 on April 23, 2012; and, adopt PC Resolution PCR-5-3-12.

The Lawrence-Douglas County Planning Commission approved the Northeast Sector Plan at their meeting on April 23, 2012 by voting to approve Option 3, which amended the future land use plan of the previously approved Northeast Sector Plan. The approval of Option 3 necessitated additional changes to the Plan that will align the other sections of the Northeast Sector Plan with the decision to approve Option 3. Those changes can be found on pages: 3-2, 3-3, 3-6, 3-11, and 3-13 of the Plan.

Further, Staff requests that the Planning Commission also approve Planning Commission Resolution PCR-5-2-12.

Recommendation: Approve the additional changes to the Northeast Sector Plan that align the other sections of the Plan with the decision to approve Option 3; and, approve PC Resolution PCR-5-3-12.

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission –
Douglas County Board of County Commissioners –
Lawrence City Commission –**

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth.



These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.

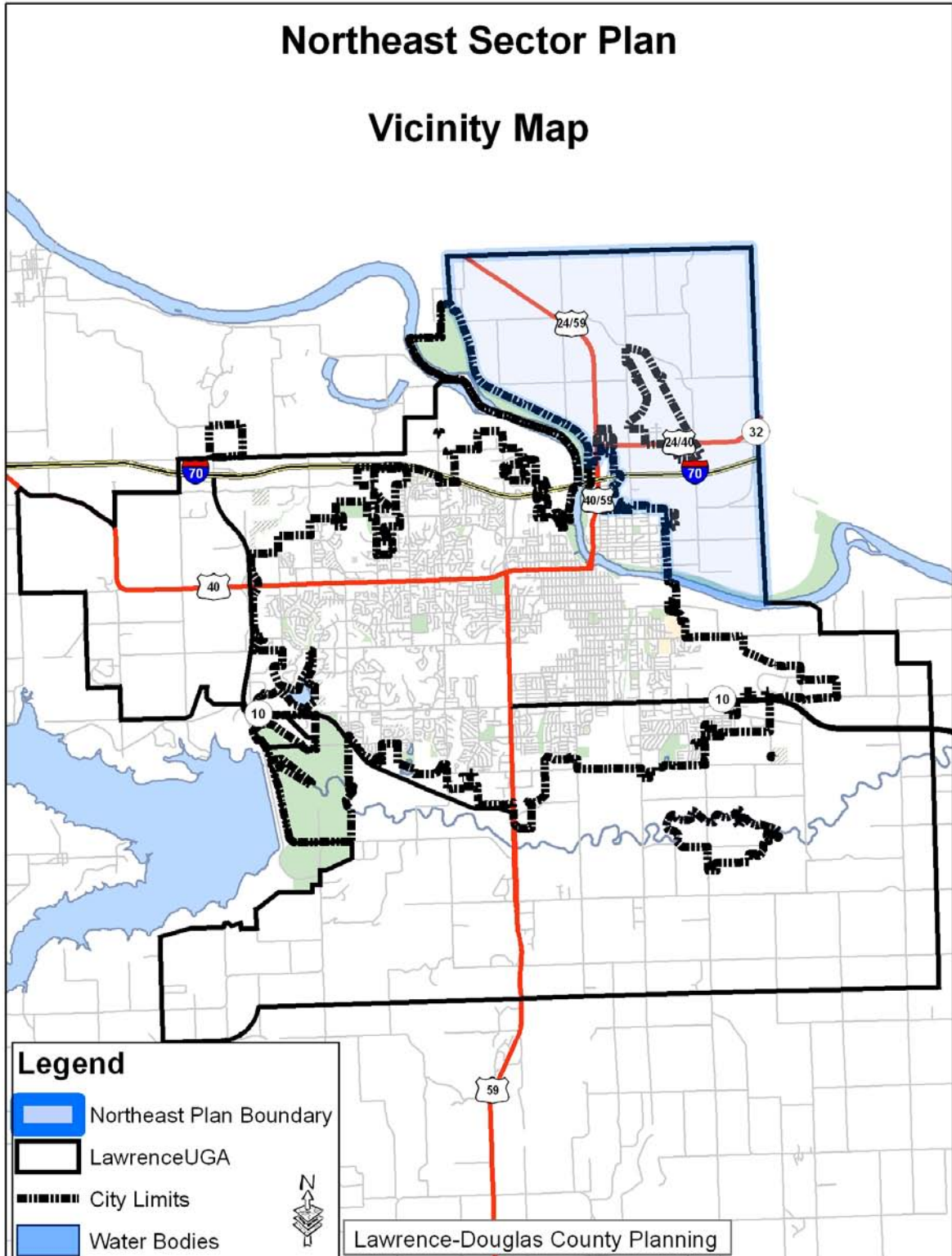
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

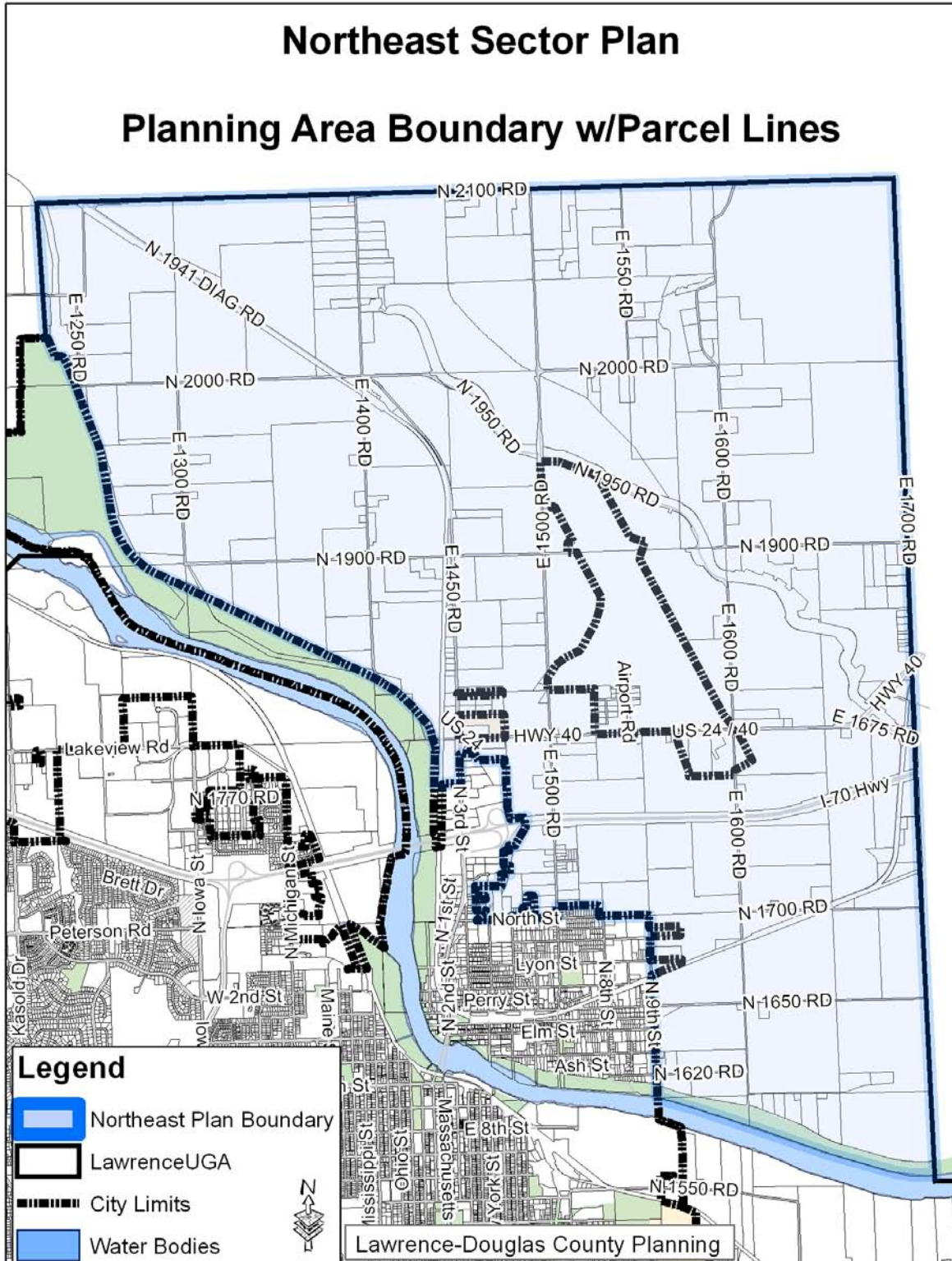
I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



Map 1.2



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

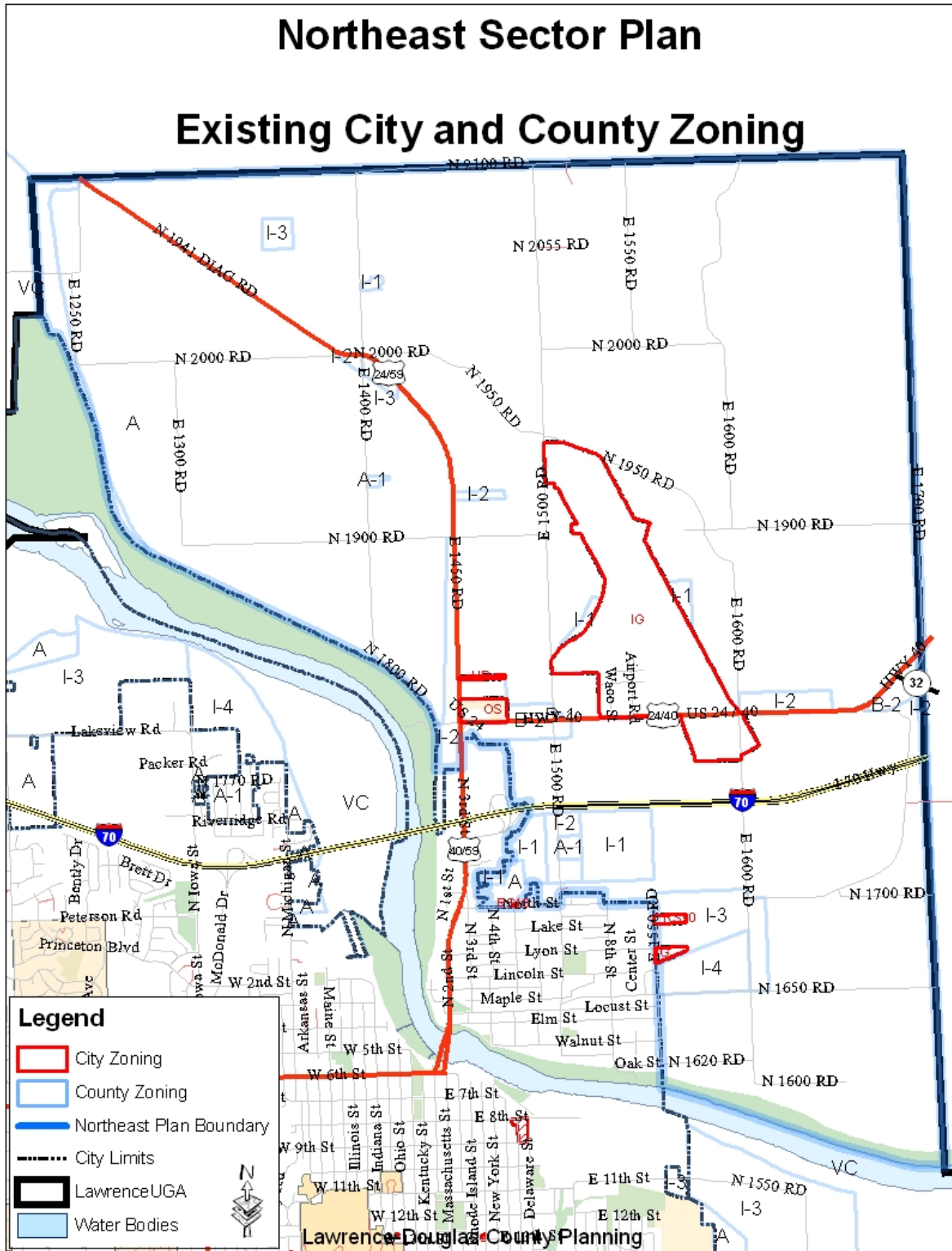
Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

Map 2.2 – Existing Zoning



2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

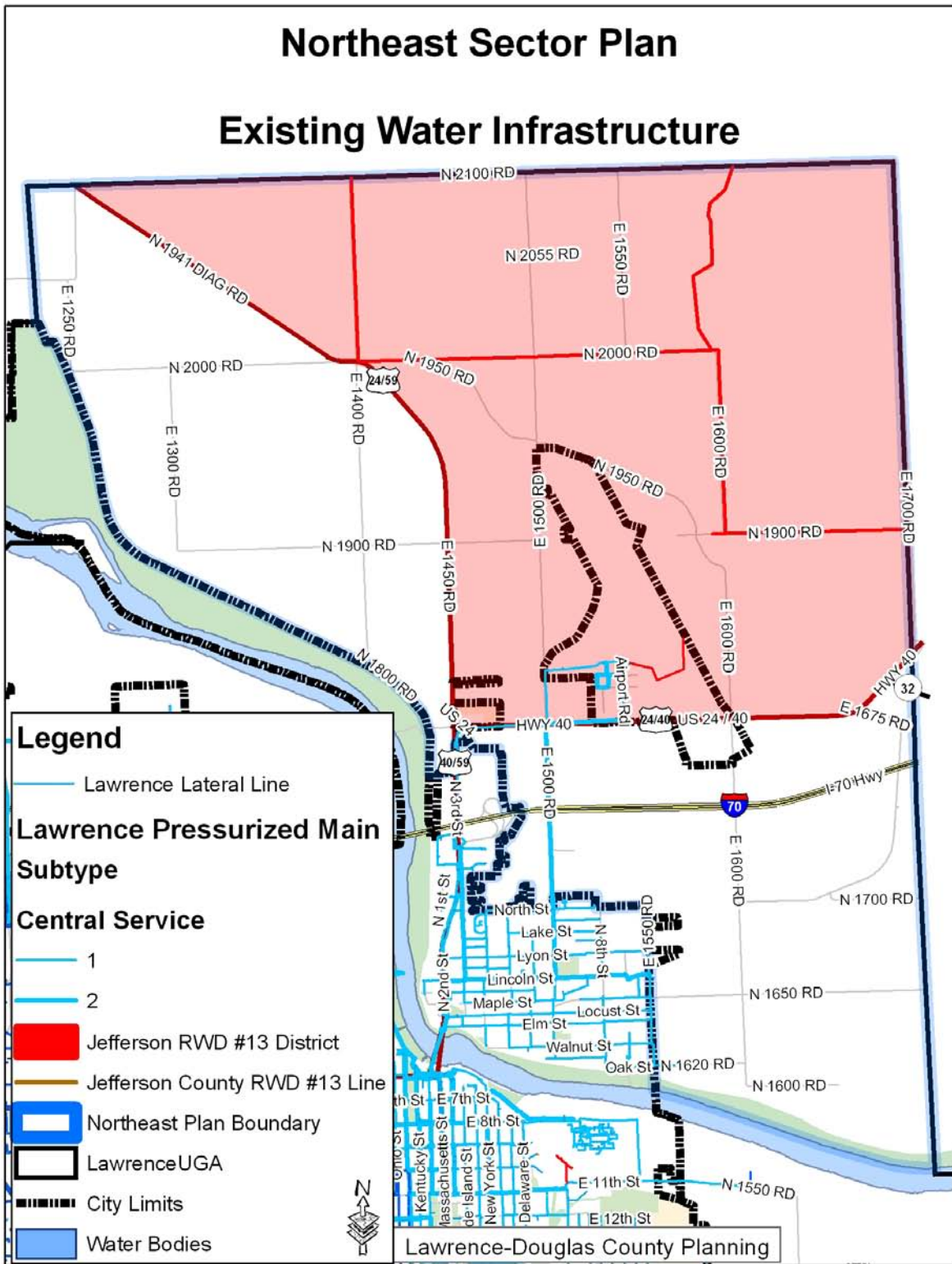
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

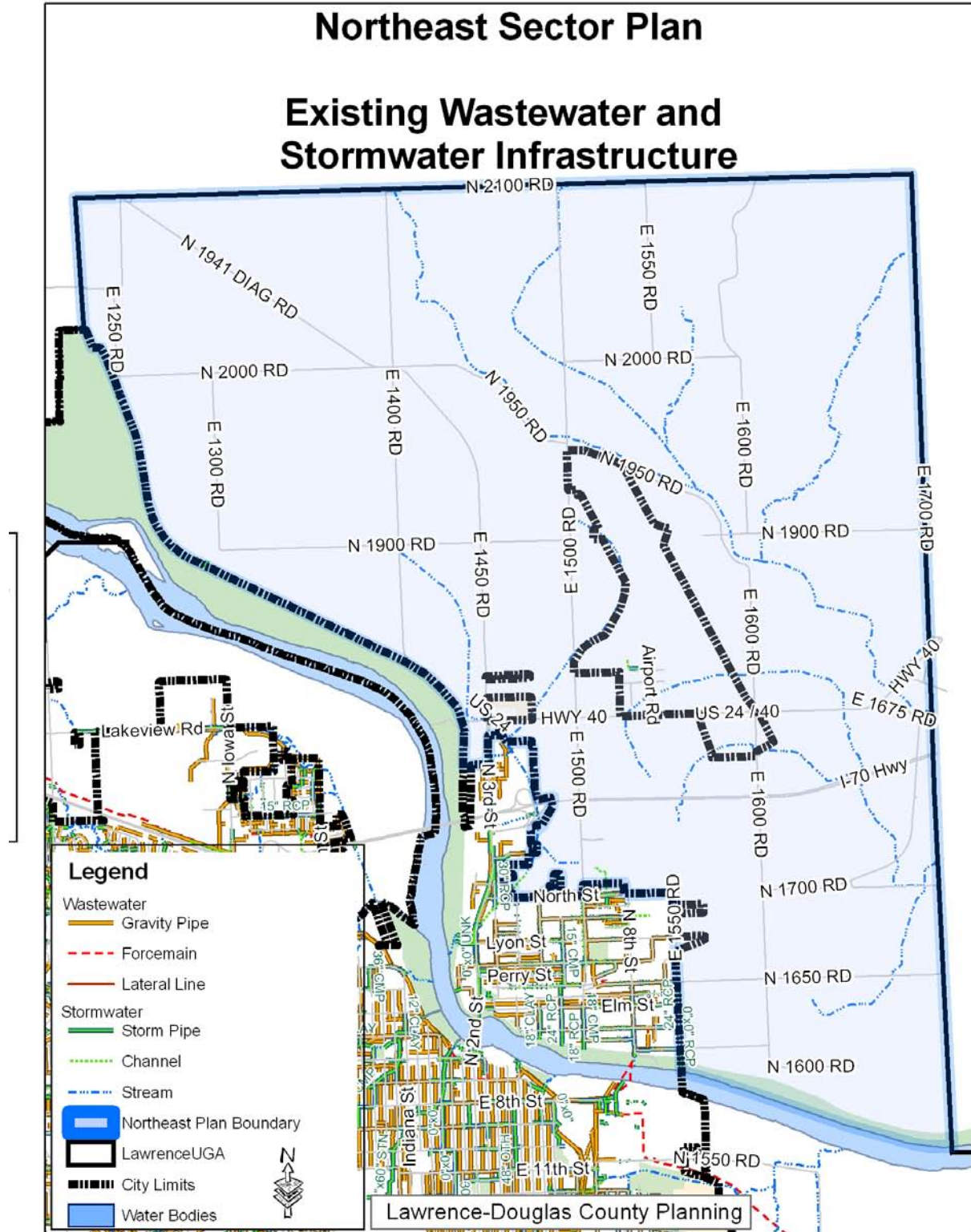
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

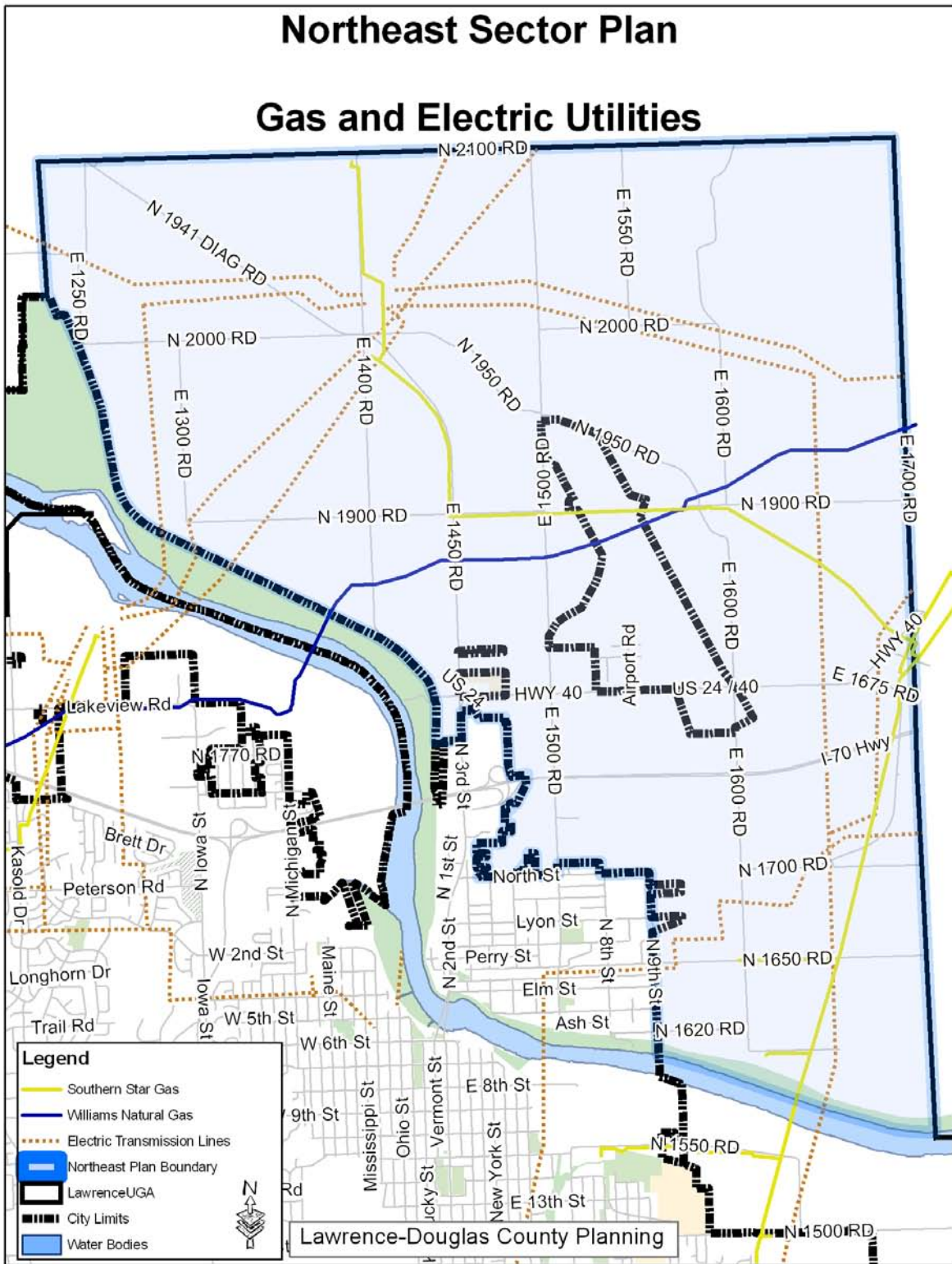
Map 2-3 – Water Infrastructure



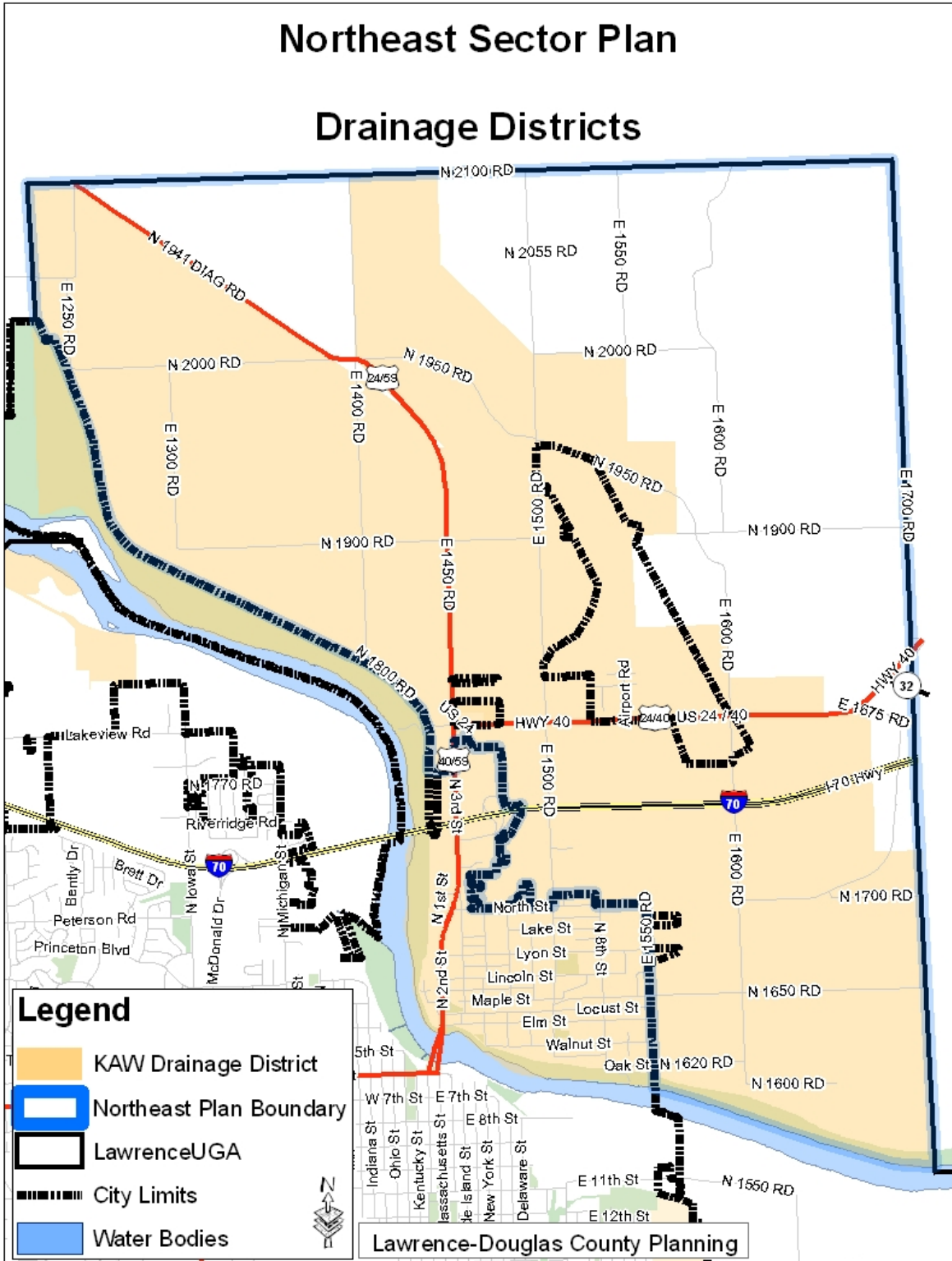
Map 2-4 – Wastewater and Stormwater Infrastructure



Map 2-5 – Gas and Electric Utilities



Map 2-6 Drainage Districts



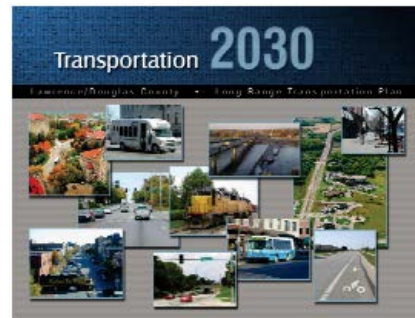
2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



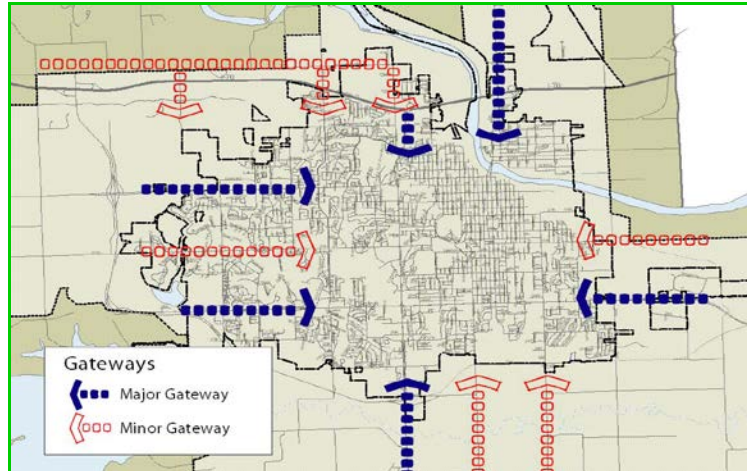
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

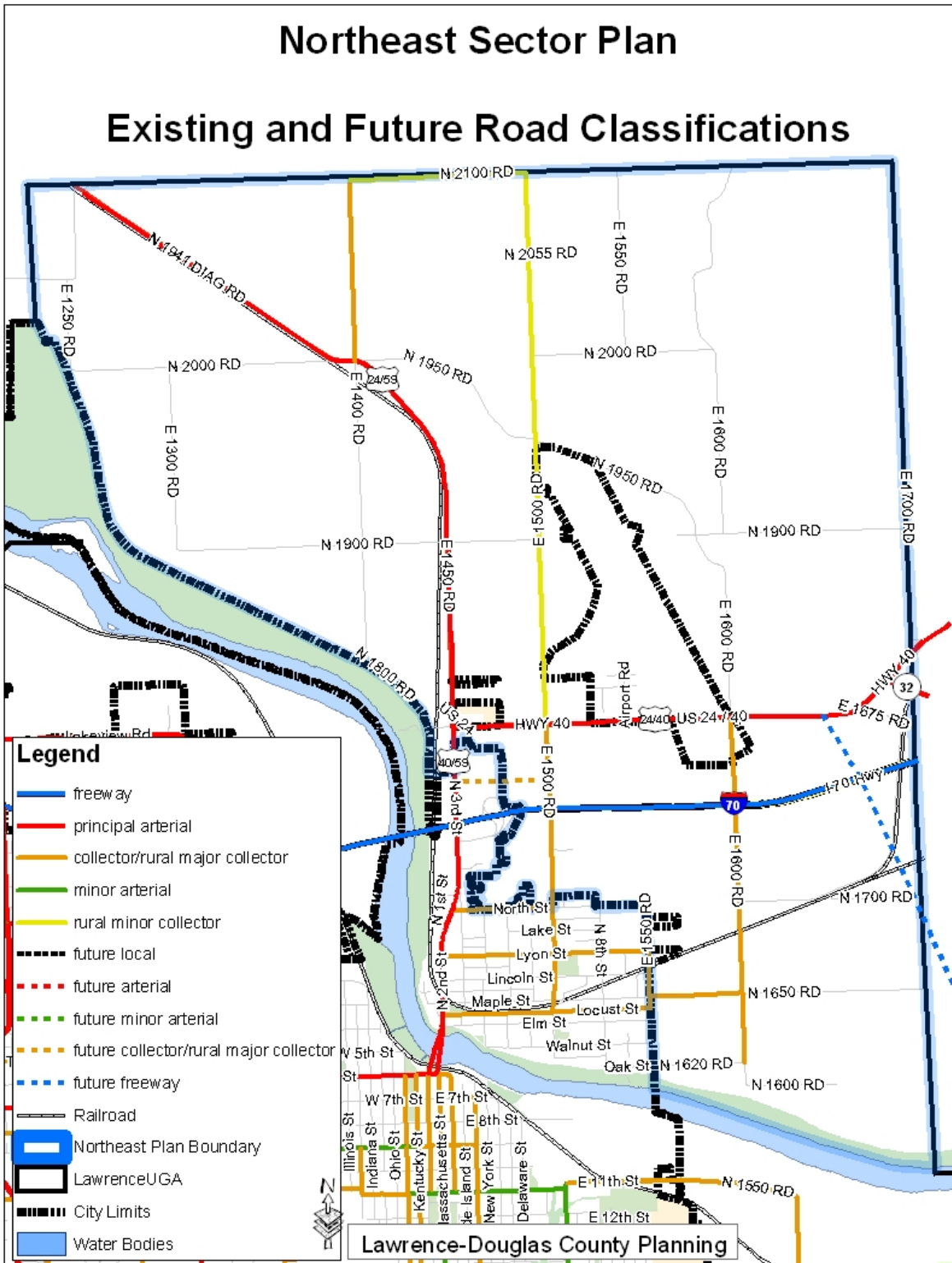


Map 2-8 identifies existing and future bicycle facilities that include:

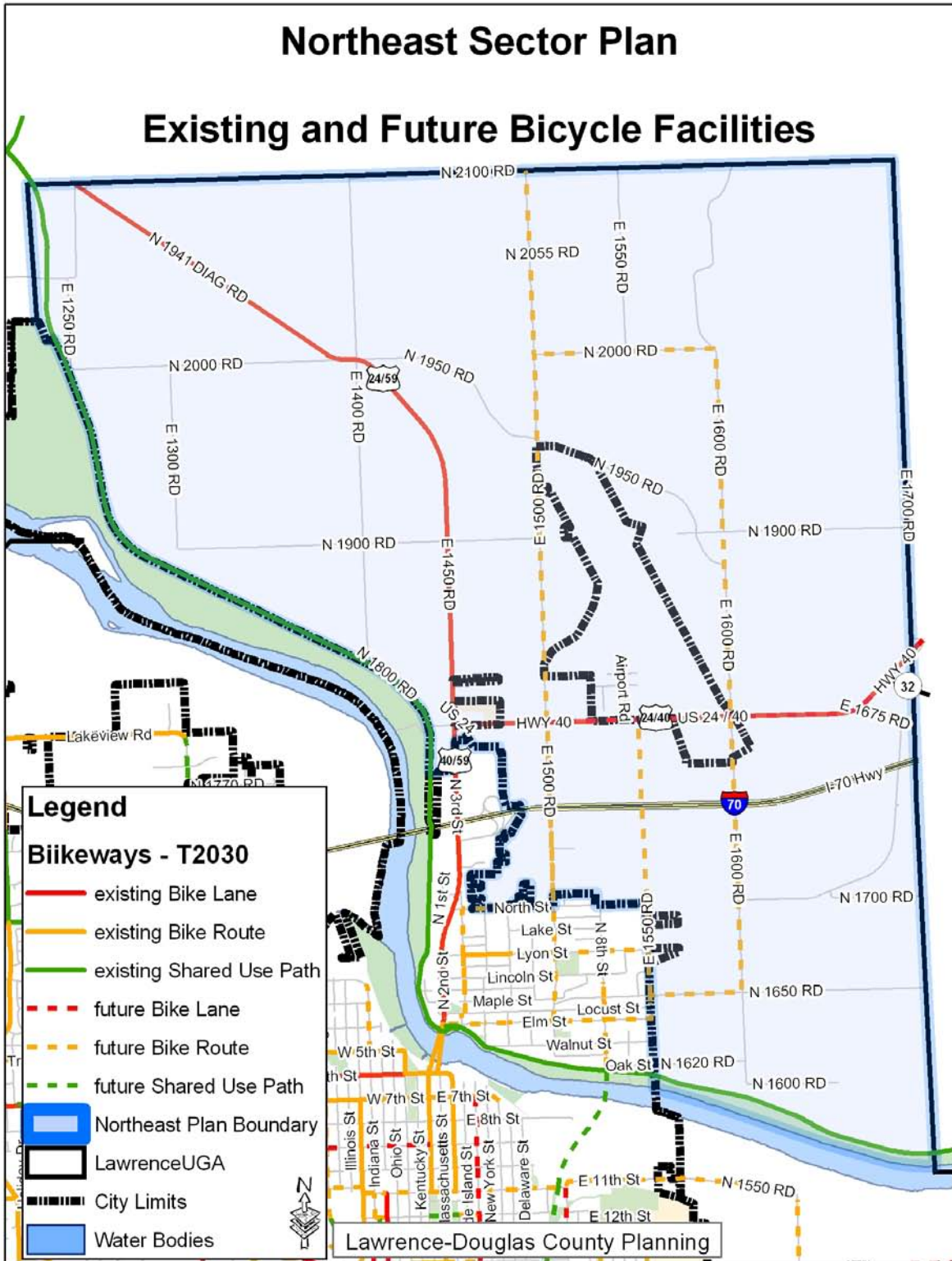
- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

Map 2-7 – Existing and Future Road Classifications



Map 2-8 – Existing and Future Bicycle Facilities



2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

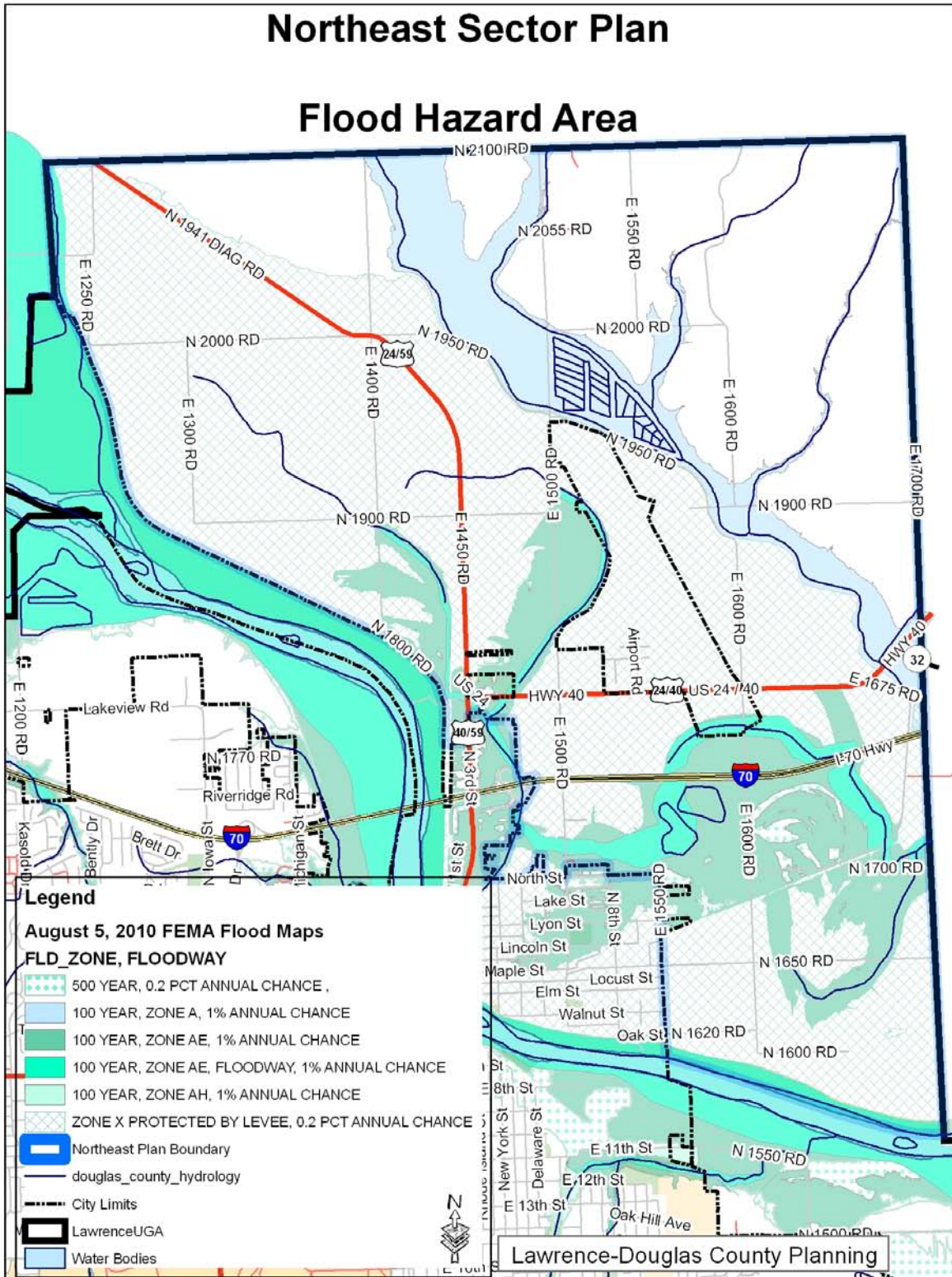
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

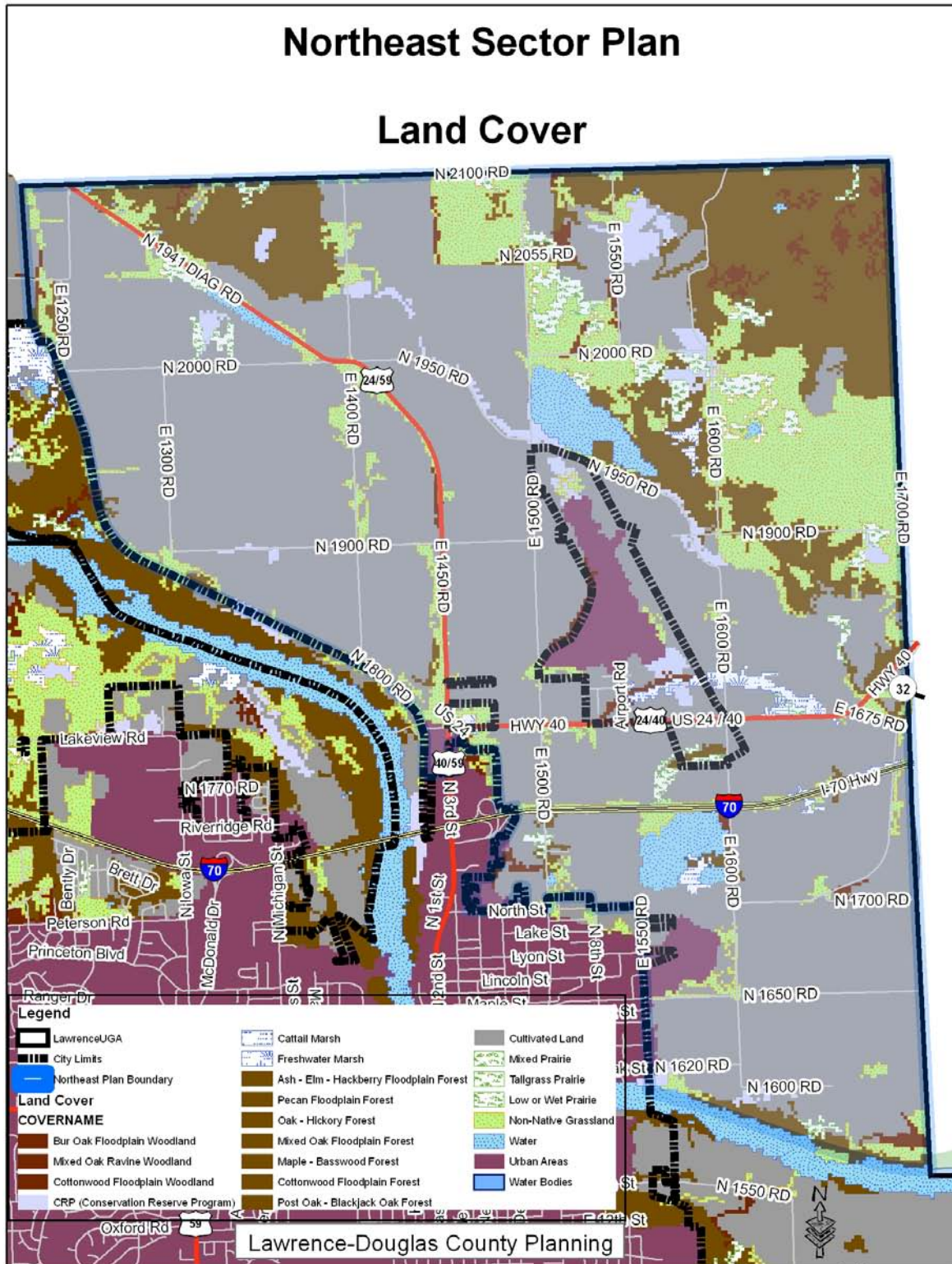
There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

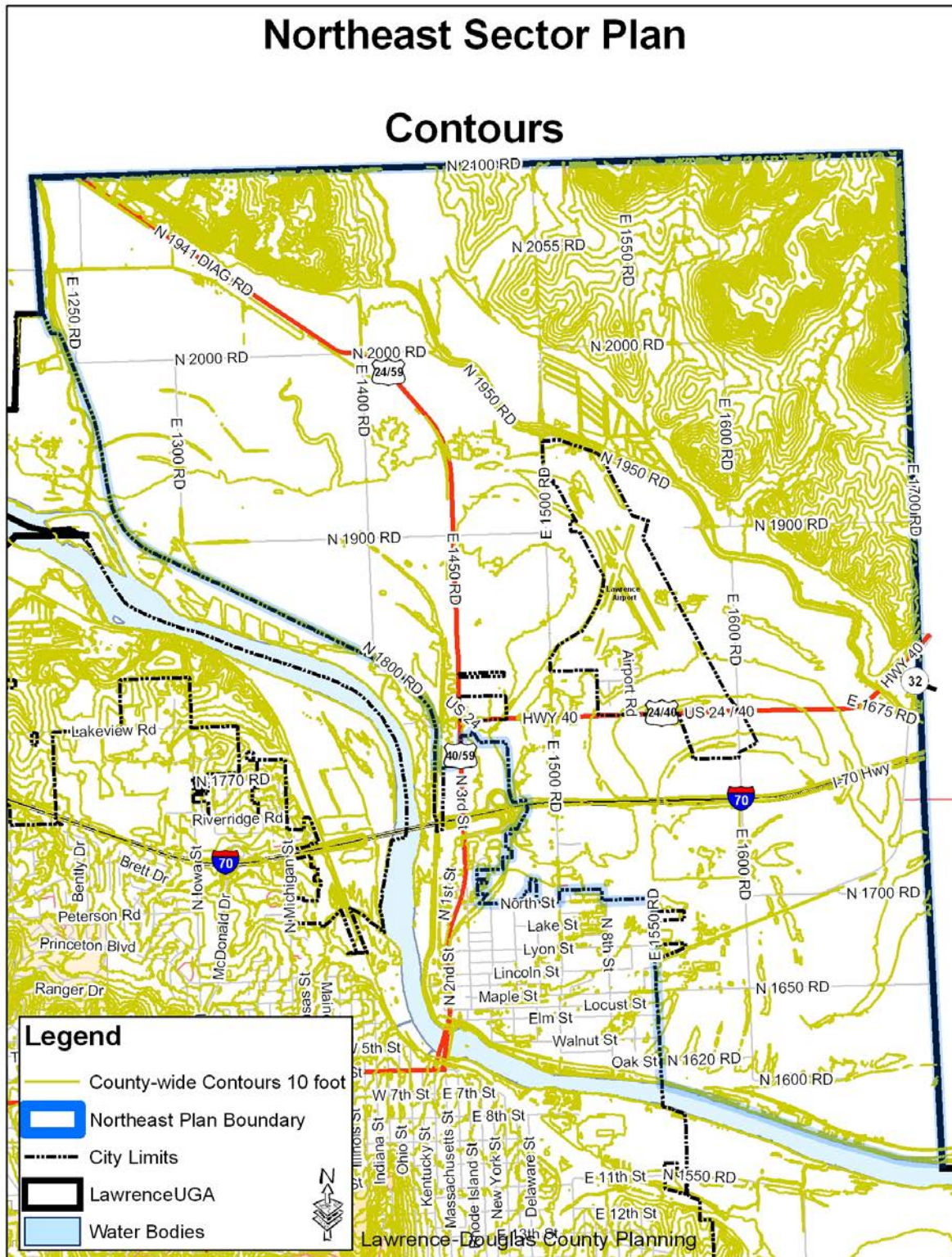
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *“The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service.”* These soils are highly permeable and assist in stormwater management. See Map 2-13.

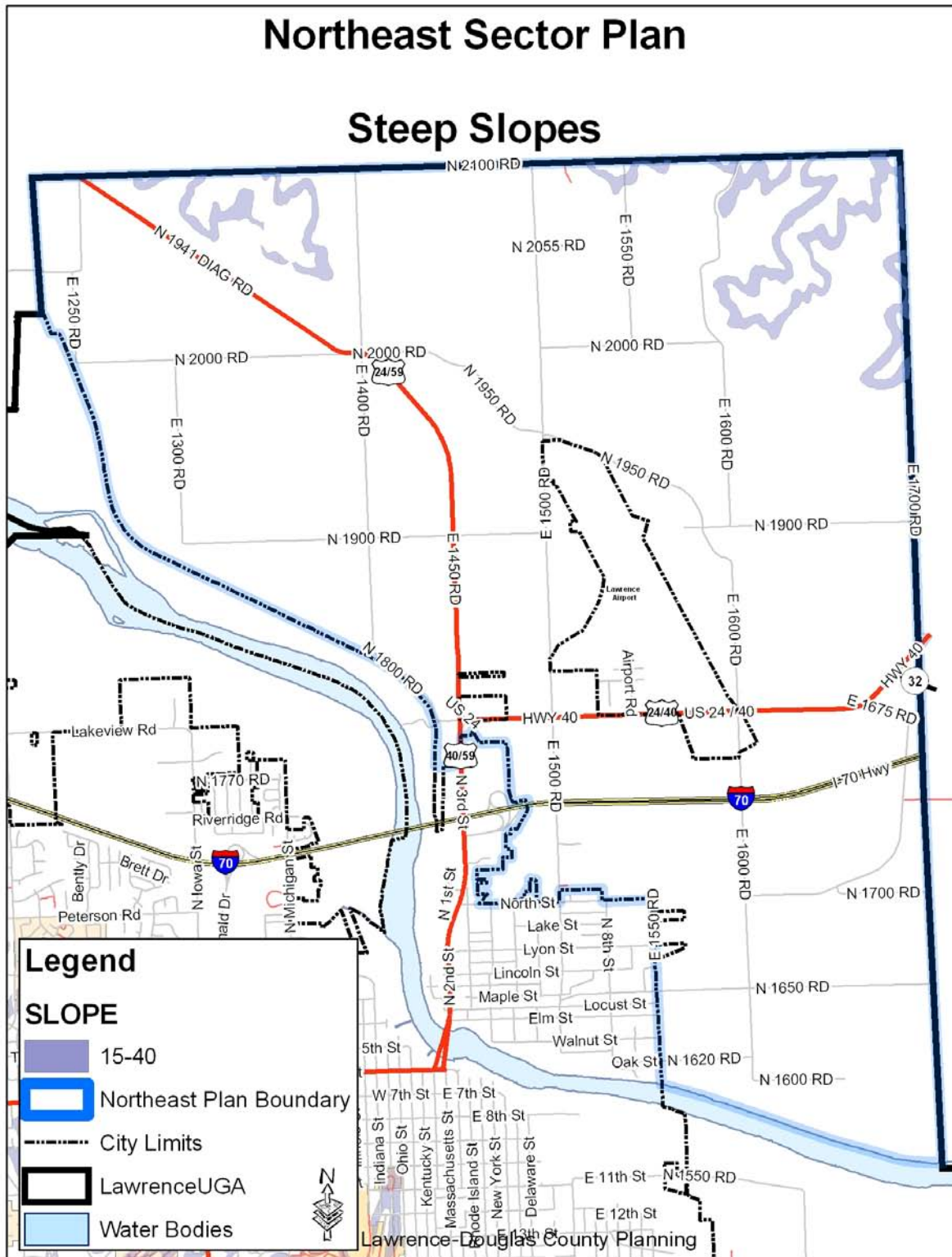
Map 2-9 – Regulatory Flood Hazard Area and Streams



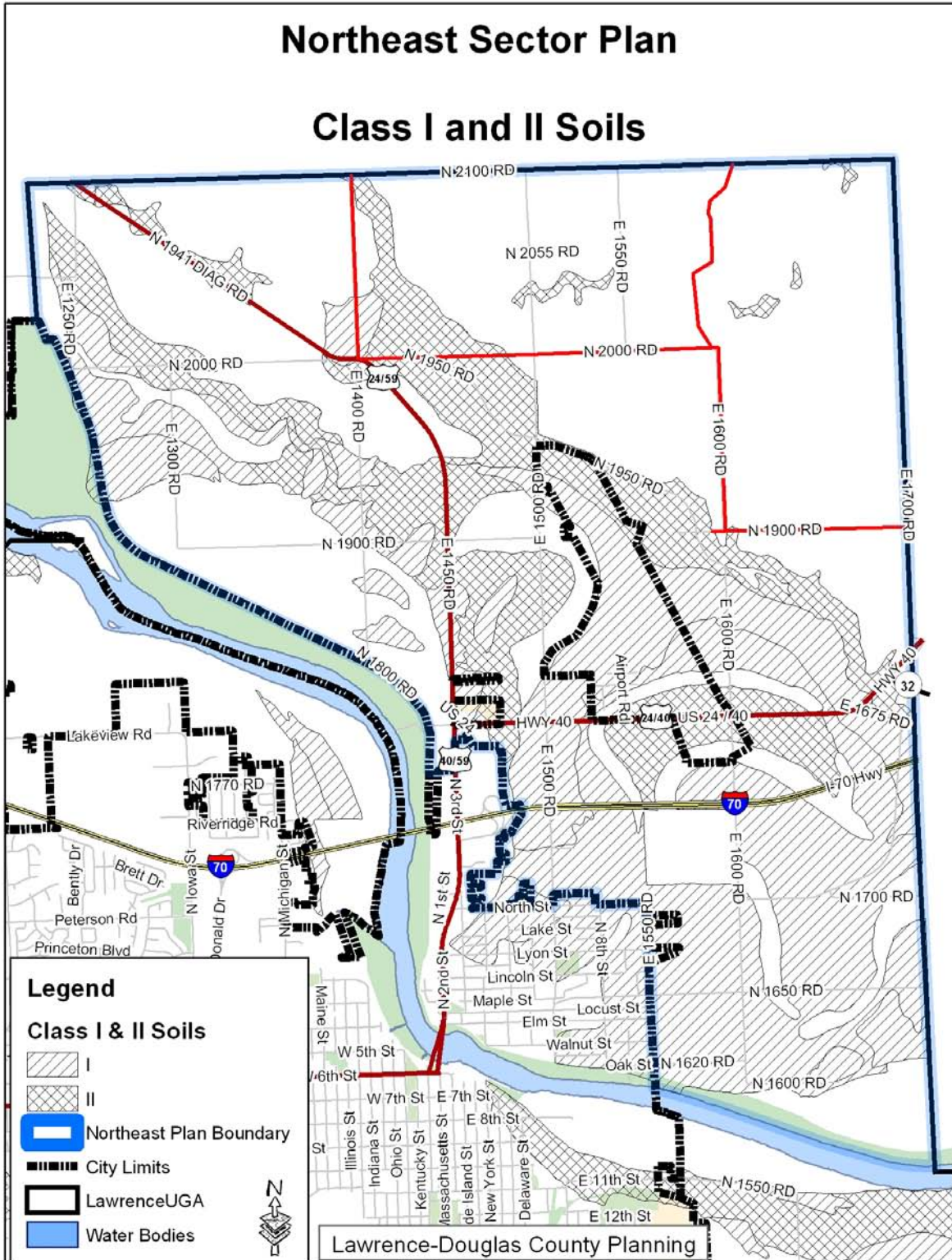




Map 2-12 – Steep Slopes



Map 2-13 – Class I and II Soils



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

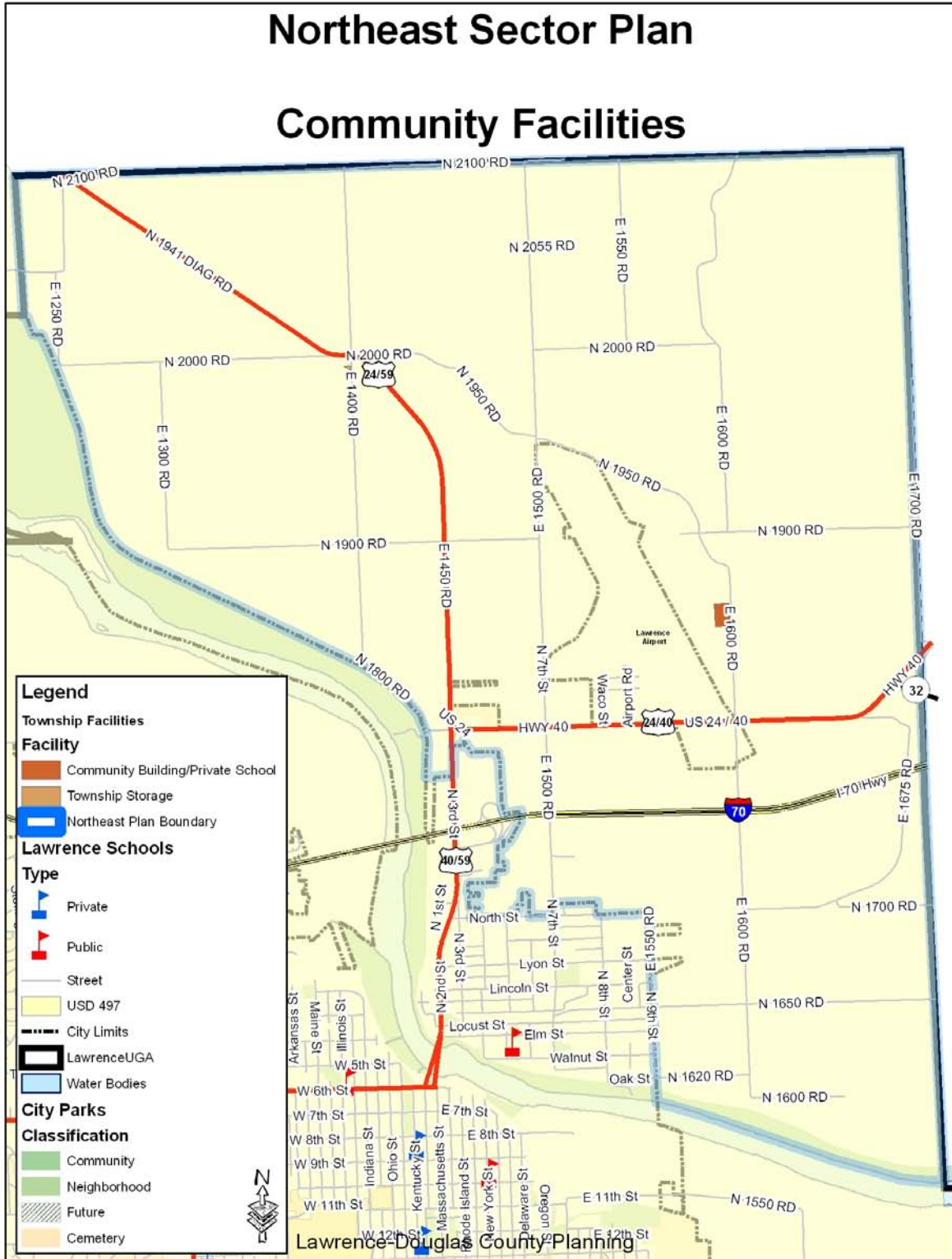
Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

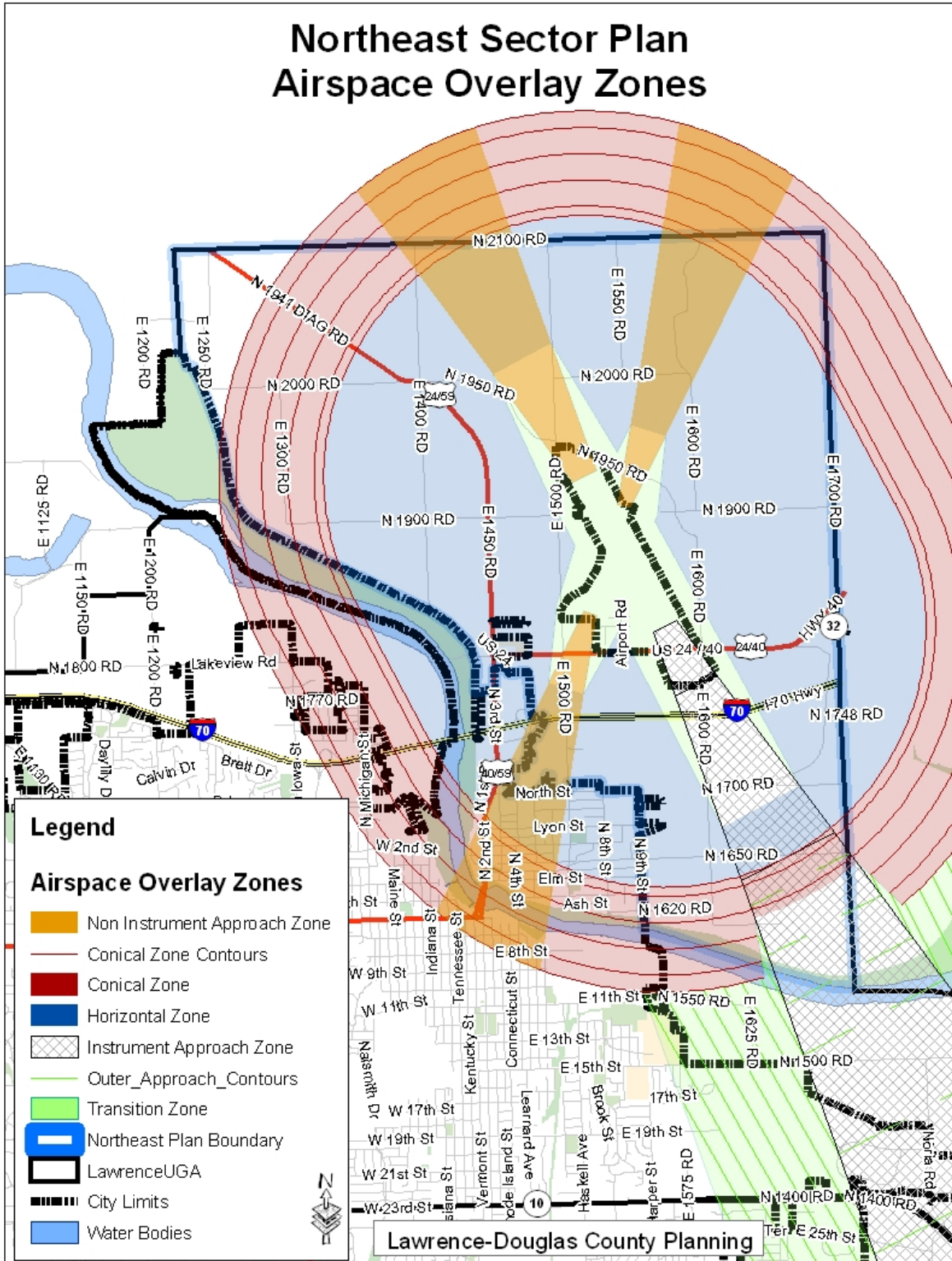
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

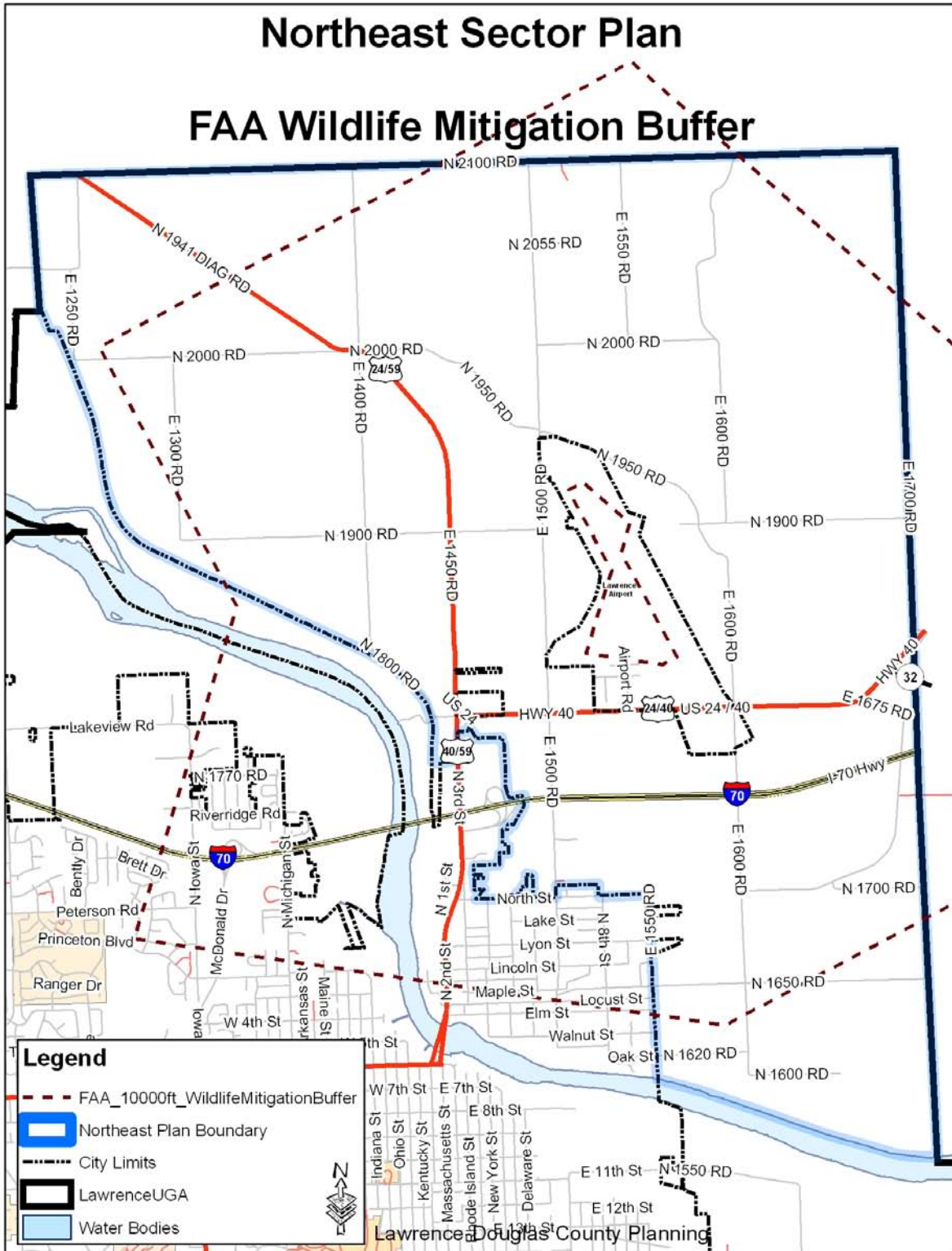
Map 2-14 – Community Facilities



Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- Airport
- Highway 24/40/59
- Interstate 70
- Railroad

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

- ~~1. Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use, designate and support the areas southwest of the Airport and north of I 70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.~~
- ~~2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.~~
3. Support the existing industrial uses within the planning area. ~~Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.~~
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Support the existing limited commercial zoning within the planning area, which isn't expected to urbanize in the future. ~~Per Horizon 2020 Chapter 6 Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.~~
2. ~~Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan~~

~~is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.~~

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils
Flat terrain
Floodplain
Groundwater/Wells
KU Field Station and ecological reserves
Kansas River/Levee
Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. ~~Support the existing industrial uses within the planning area. Support goals and policies of Horizon 2020 Chapter 7 — Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.~~

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. ~~Per Horizon 2020 Chapter 7 — Industrial and Employment Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.~~
5. ~~Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.~~

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain
Floodplain/stormwater challenges
Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Commercial

This category designates the property at 1697 Hwy. 40 and the properties are the northeast and southwest corners of US24/40 and E 1500 Rd. as rural commercial uses that are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District)

Primary Uses: eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales

3.2.1.4 Industrial

The intent of the Industrial category is to recognize the existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Properties in this category may or may not receive urban services.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial), I-2 (Light Industrial), I-3, and I-4 (Heavy Industrial) Districts. Lawrence –IG (General Industrial District).

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology.

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

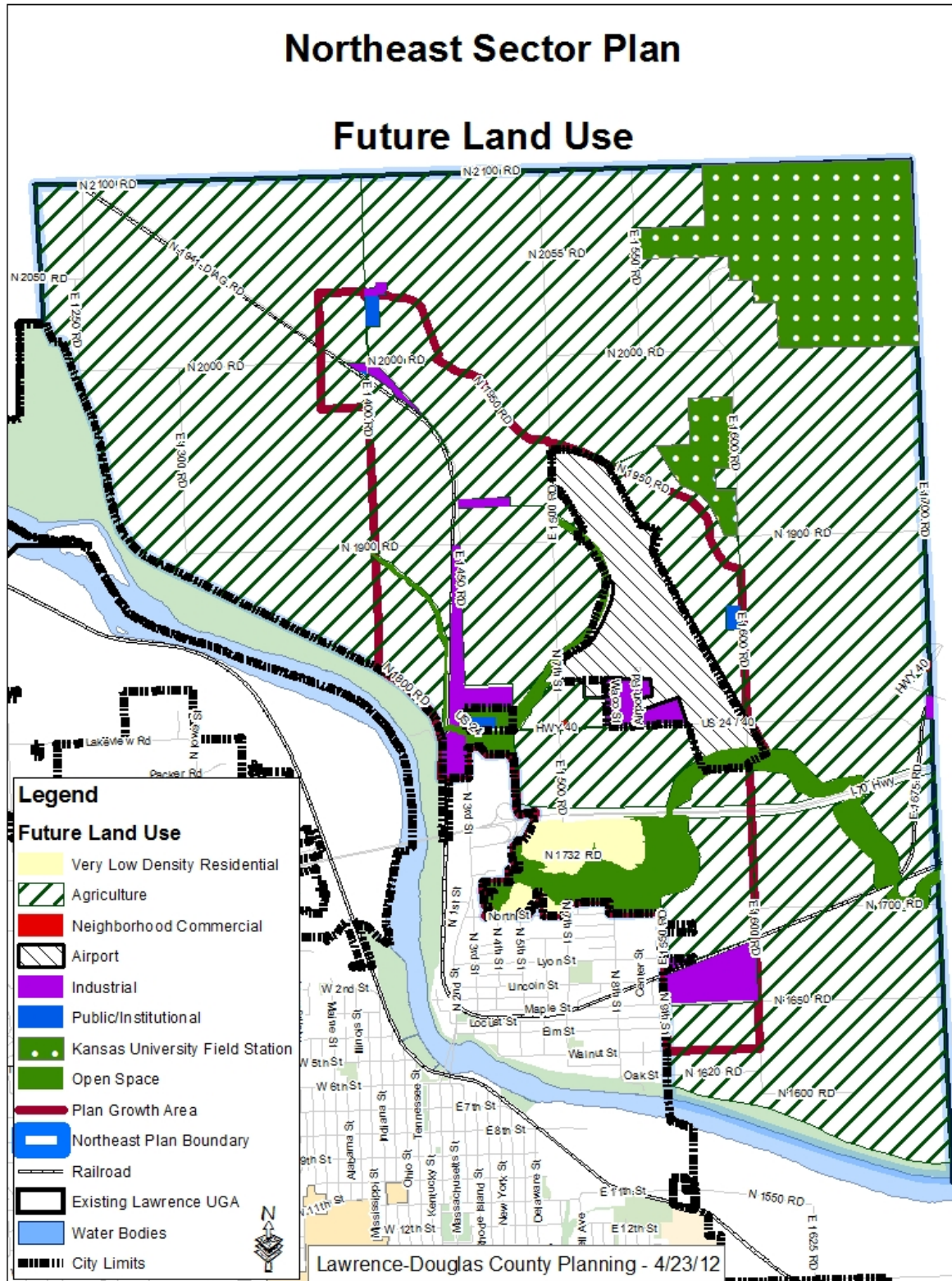
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

~~3.2.1.9 Future Industrial/Employment~~

~~This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).~~

~~A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.~~

Map 3-1 – Future Land Use



3.3 Implementation

1. Amend Horizon 2020 Chapter 7 – Industrial and Employment Related Land Use to designate the Airport and not the area south and west of the airport as a Potential Location for Future Industrial and Employment Related Land Use, and amend Horizon 2020 Chapter 7 – Industrial and Employment Related Land Use to remove Midland Junction as a Potential Location for Future Industrial and Employment Related Land Use.
~~Amend *Horizon 2020* Chapter 6 – Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.~~
2. Amend Horizon 202 Chapter 6 – Commercial Land Use to remove the Neighborhood Commercial Center at E 1500 Rd and US Highway 24/40.
3. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
4. Include the planning area in the future wastewater and water master plan updates.
5. Include the planning area in future long-range transportation plan updates.
6. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
7. Consider implementing regulations that promote no adverse impact for floodplain management.

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 NORTHEAST SECTOR PLAN (DDW)

Consider additional Plan revisions that align with the Planning Commission's approval of Option 3 on April 23, 2012, and adopt PC Resolution PCR-5-3-12.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Blaser asked if the only change was the removal of the snowflakes.

Mr. McCullough said it was just carrying forward their action from last month.

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the additional changes to the Northeast Sector Plan that align the other sections of the Plan with the decision to approve Option 3; and, approve PC Resolution PCR-5-3-12.

Commissioner Finkeldei said he voted against option 3 so he would vote against this motion.

Commissioner Hird said he also voted against option 3 and would vote in opposition to this motion.

Motion carried 7-2, with Commissioners Finkeldei and Hird voting in opposition.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For April 23, 2012 Planning Commission Meeting

RE: CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

Background:

The Northeast Sector Plan was approved the Lawrence-Douglas County Planning Commission by a vote of 5-4 on September 20, 2010. The Douglas County Board of Commissioners considered the Northeast Sector Plan at meetings on May 11, 2011 and June 1, 2011. The County Commission, by a vote of 2-1, referred the Northeast Sector Plan back to the Planning Commission with specific direction. The City Commission reviewed the Northeast Sector Plan at their meeting on August 9, 2011. The City Commission also provided direction to the Planning Commission.

The Planning Commission reconsidered the Northeast Sector Plan at their regular meeting on December 12, 2011. The Commission held a public hearing and discussed the Northeast Sector Plan. The Commission provided direction to reduce the industrially designate acreage west and south of the airport from 300 acres to 125 acres, and to bring back options on the configuration of those 125 acres.

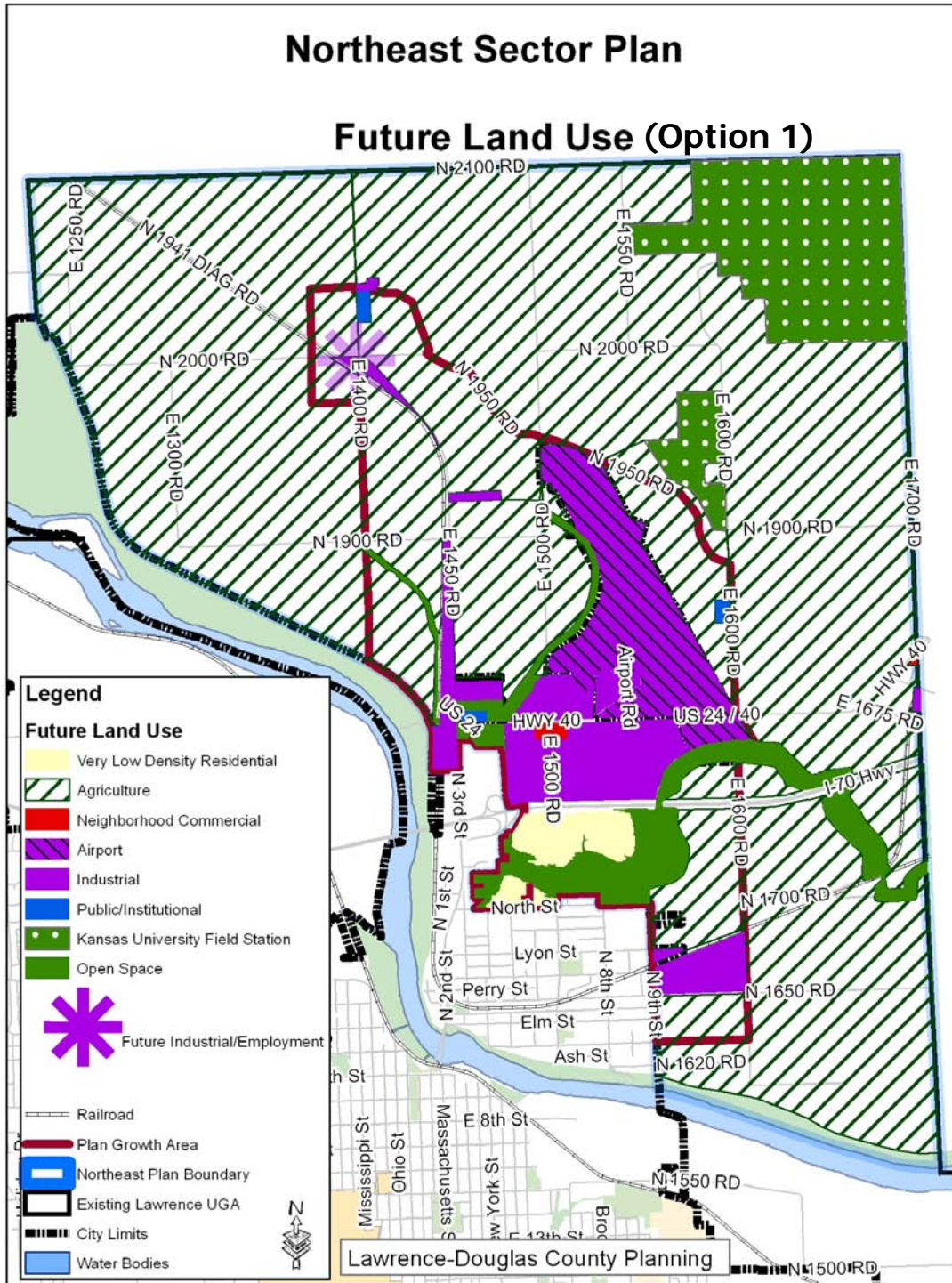
The Commission considered the Plan again at their meeting on January 23, 2012. The Commission held a public hearing and deferred the Plan to be heard again before the current membership of the Commission changes in June. The Commission also wanted to discuss the Plan again at their mid-month meeting on March 14, 2012.

The Commission discussed the Plan at their mid-month meeting on March 14, 2012 and directed staff to bring back future land use options for the Commission to consider, one of which is an option that provides for no future industrial or commercial development south and west of the airport. The future land use options are presented below.

The full NE Sector Plan Planning Commission packet can be found with the December 12, 2011 PC agenda.

Future Land Use Option 1 (from approved Plan)

Approximately 285 acres of Industrial
 Approximately 15 acres of Neighborhood Commercial



Option 1 land use description (approved Plan – no changes)

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Option 2a land use description changes

3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 that are as a rural commercial uses that and are is not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non-ground floor dwellings, civic and public uses,~~ eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, ~~car wash~~

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. ~~Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

3.2.1.5 Industrial/Commercial Mix

The intent of the Industrial/Commercial Mix category is to allow for a mix of commercial and industrial uses proximate to the intersection of Hwy. 24/40 and E. 1500 Rd. that utilize Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in this area. Commercial uses in this category shall be of a Neighborhood Commercial Center nature intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Properties in this category are expected to urbanize.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial and commercial uses shall be no greater than 125 acres. The development should be organized in a contiguous manner. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 acres.

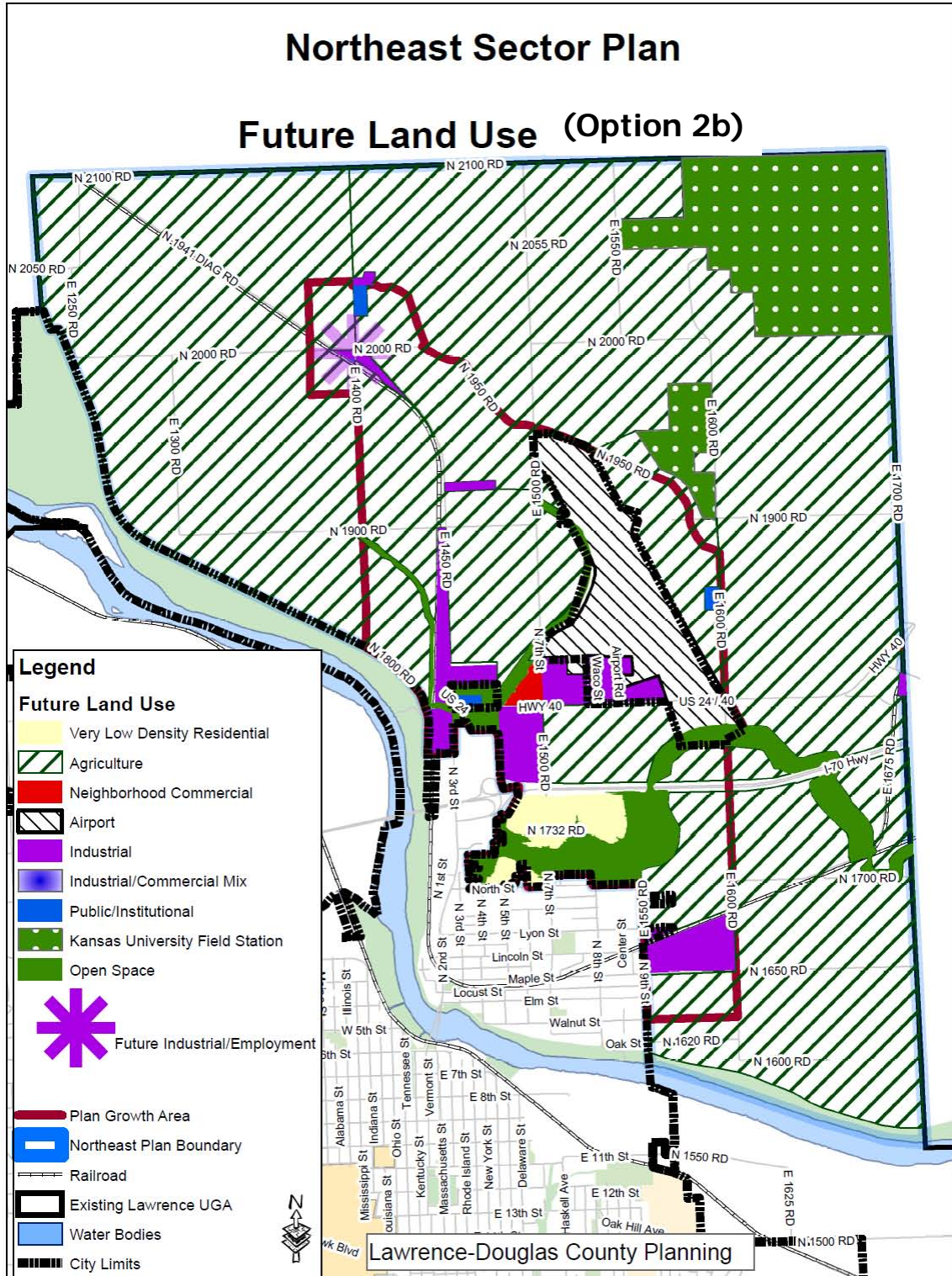
Intensity: Medium-High

Zoning Districts: Lawrence – CN2 (Neighborhood Commercial), MU (Mixed Use), IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses, non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

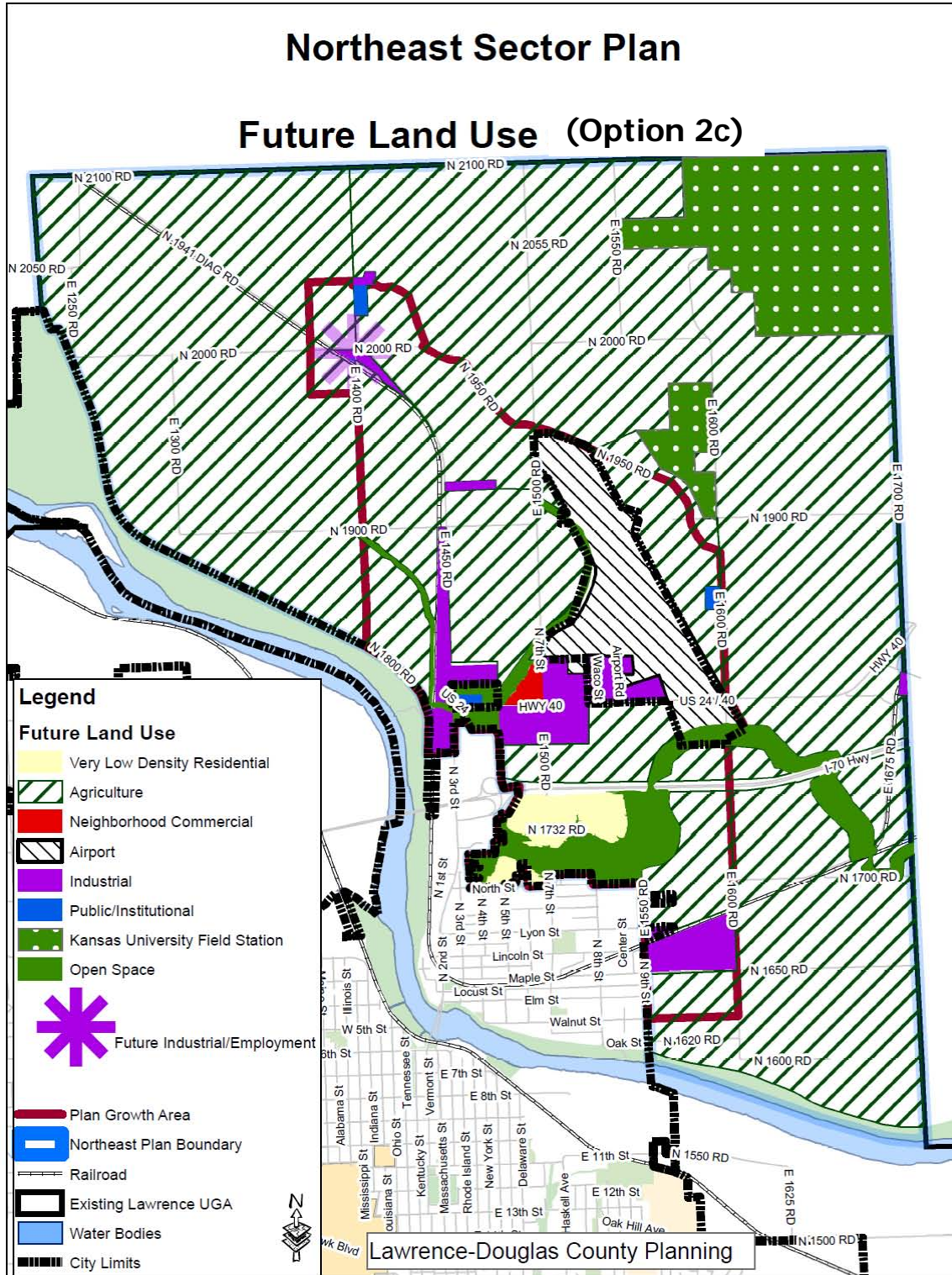
Future Land Use Option 2b

Approximately 105 acres of Industrial south and west of the airport.
 Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7th Street and US 24/40



Future Land Use Option 2c

Approximately 105 acres of Industrial south and west of the airport.
 Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7th Street and US 24/40



Options 2b and 2c description changes

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize at the northwest corner of ~~around~~ Highway 24/40 and E 1500 Rd, and includes approximately 20 acres. ~~Other areas designated are rural and currently exist and are~~ This category also includes the property at 1697 Hwy. 40 that is an existing rural commercial use and is not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 to E. 1550 Rd. and south of Highway 24/40 is also classified as industrial.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to

Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial uses shall be no greater than 105 acres. The development should be organized in a contiguous manner that is most intense at the intersection of Hwy. 24/40 and E 1500 Rd. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 commercial and industrial acres.

Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. ~~The industrial~~ Properties in this category is are expected to urbanize.

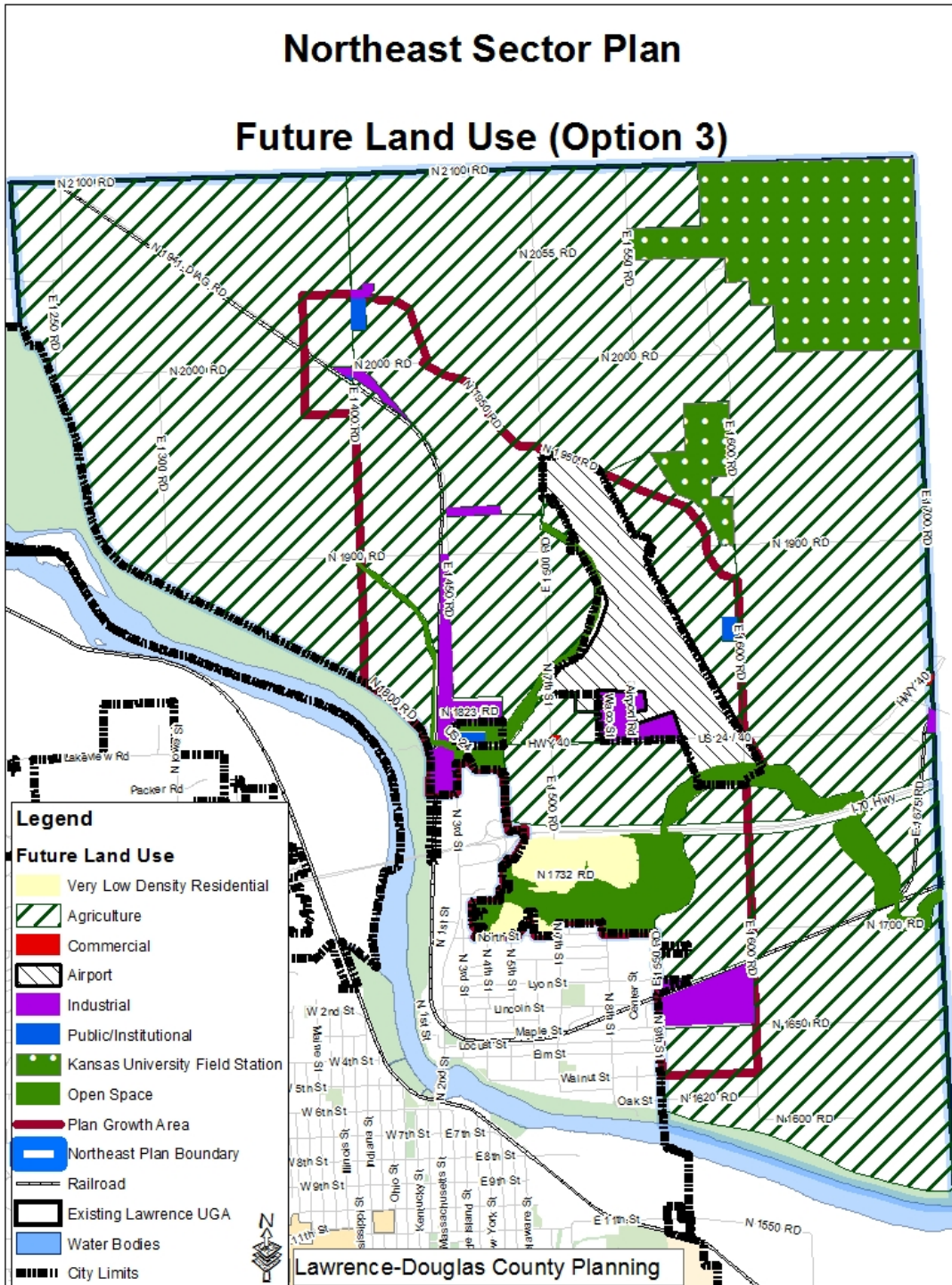
Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Future Land Use Option 3

No future Industrial or Neighborhood Commercial south and west of the Airport.



3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 and the properties at the northeast and southwest corners of US24/40 and E 1500 Rd. that are as rural commercial uses that are not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

3.2.1.4 Industrial

The intent of the Industrial category is to ~~allow for moderate to high impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes recognize the existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County - I-1 (Limited Industrial), I-2 (Light Industrial), I-3, and I-4 (Heavy Industrial) Districts. Lawrence – ~~IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission – 09/20/10
Douglas County Board of County Commissioners –
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.



Assistant Director of Planning and Development Services.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



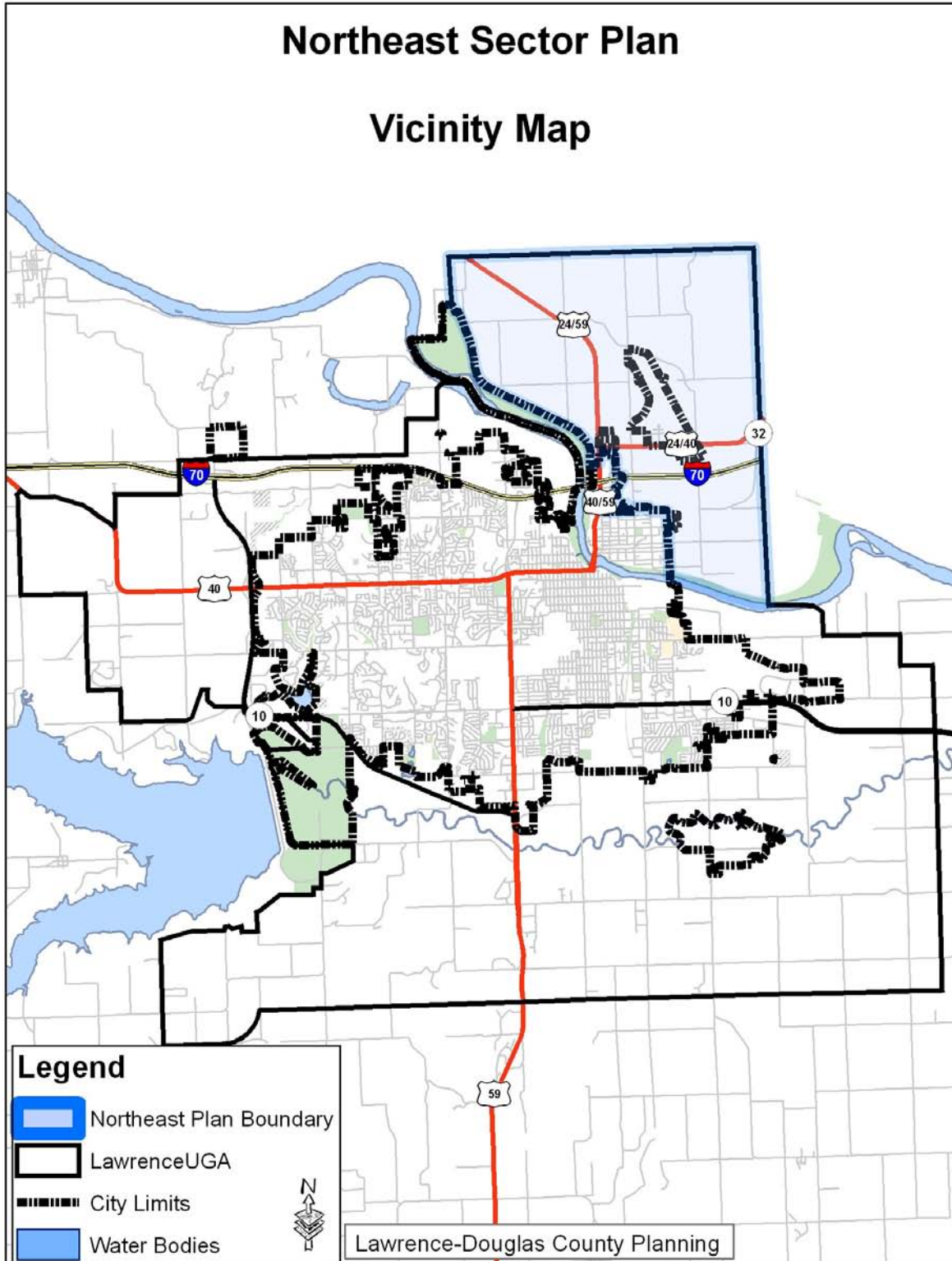
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

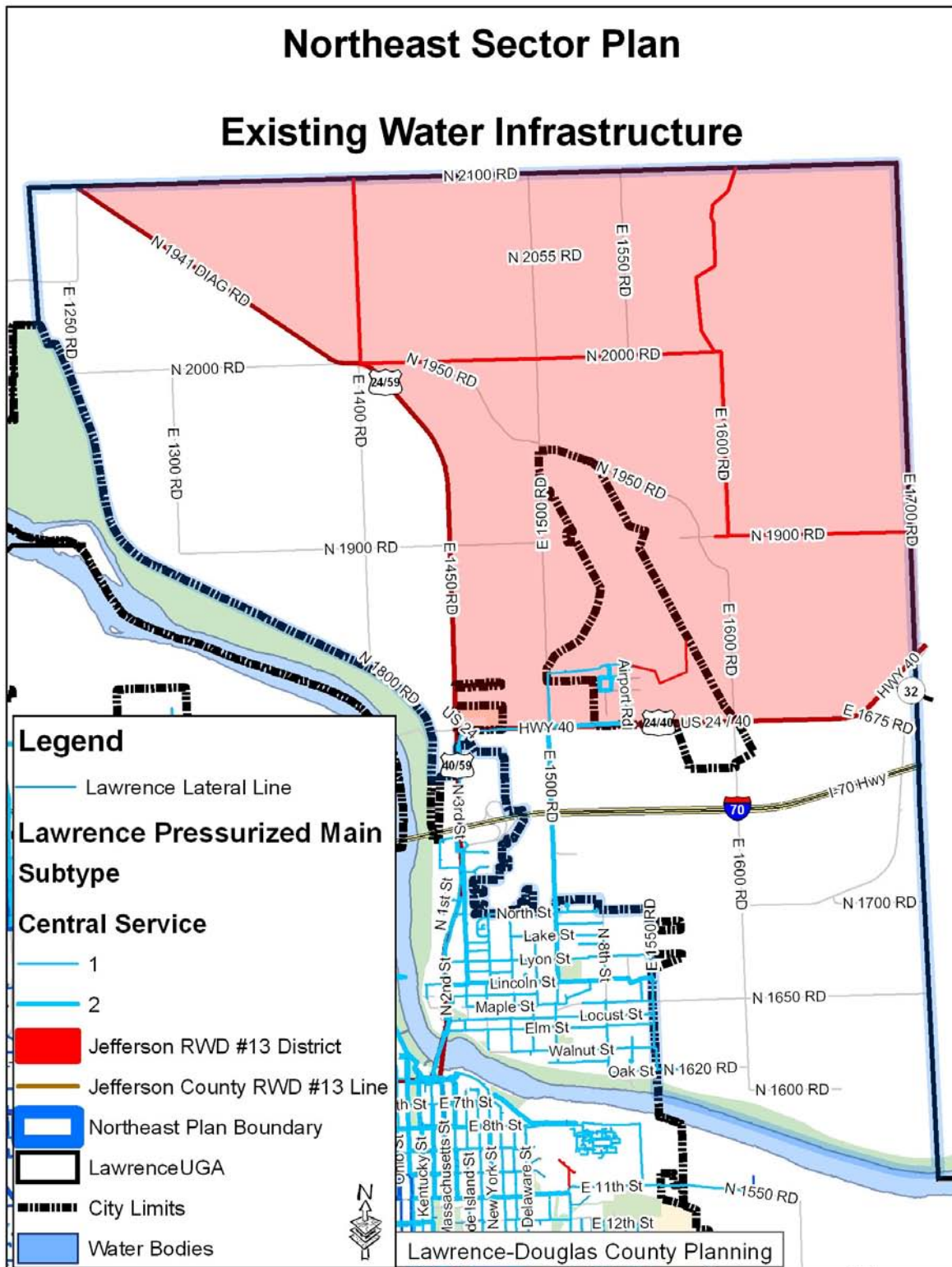
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

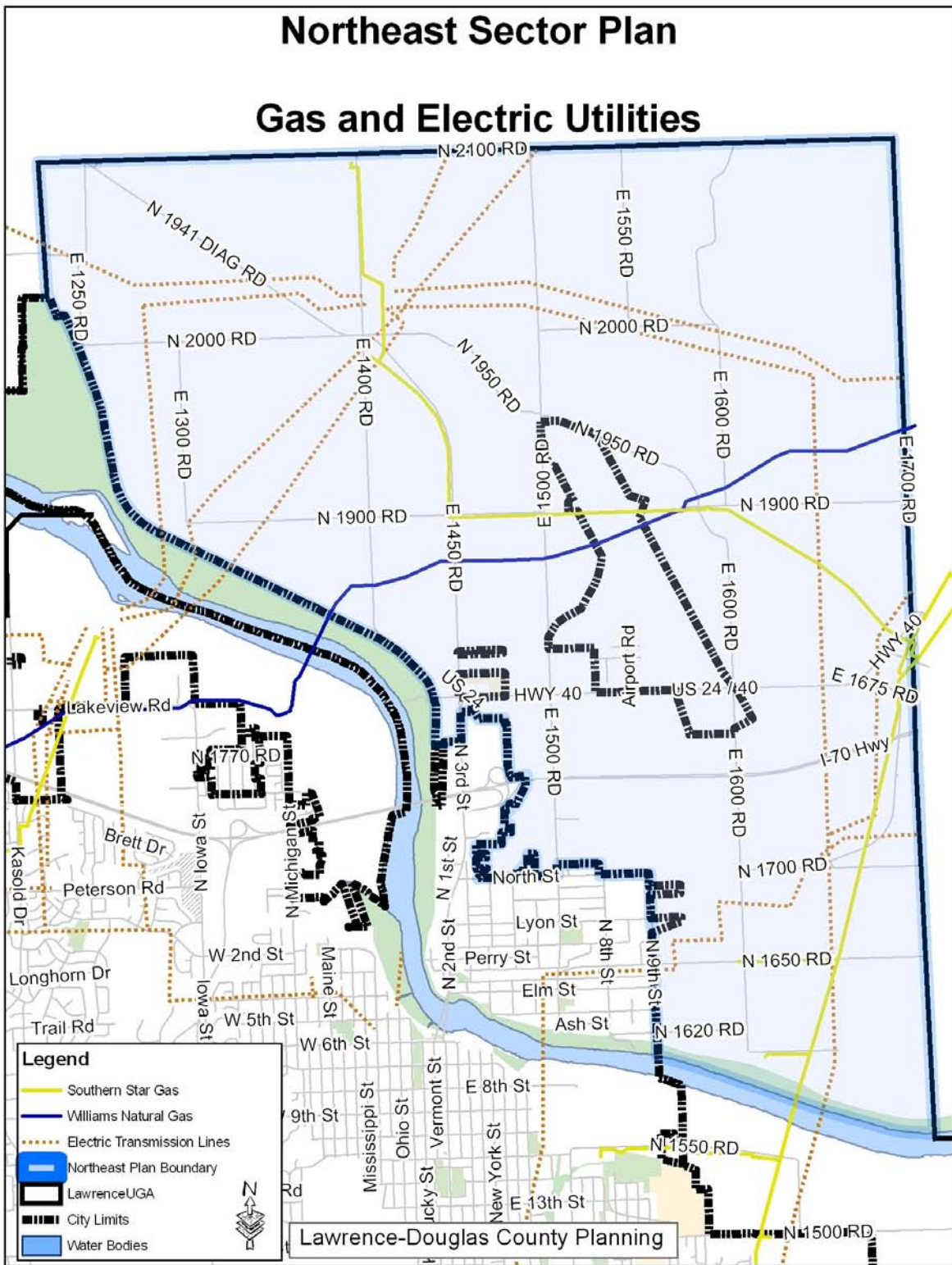
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

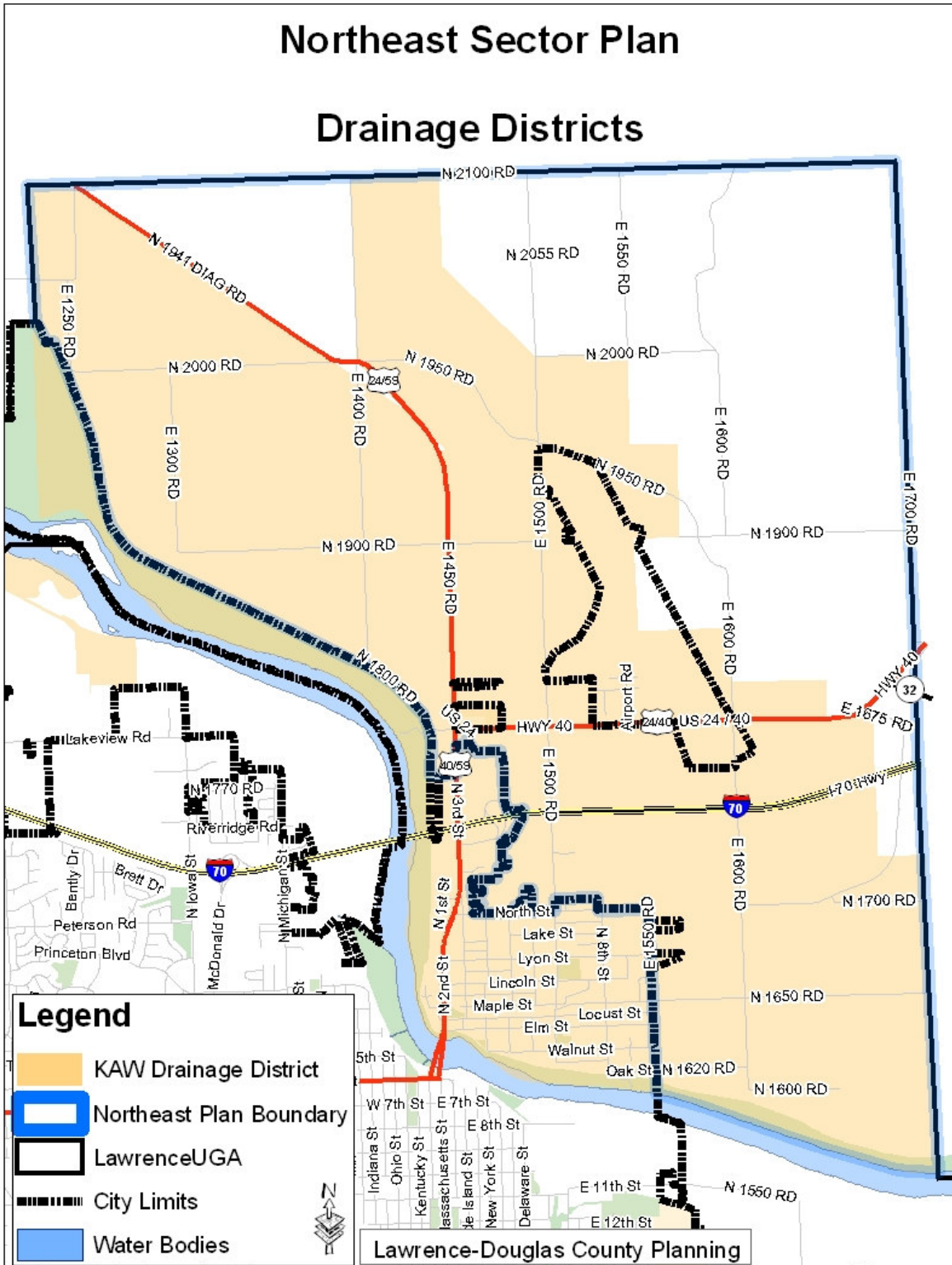
Map 2-3 – Water Infrastructure



Map 2-5 – Gas and Electric Utilities



Map 2-6 Drainage Districts



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



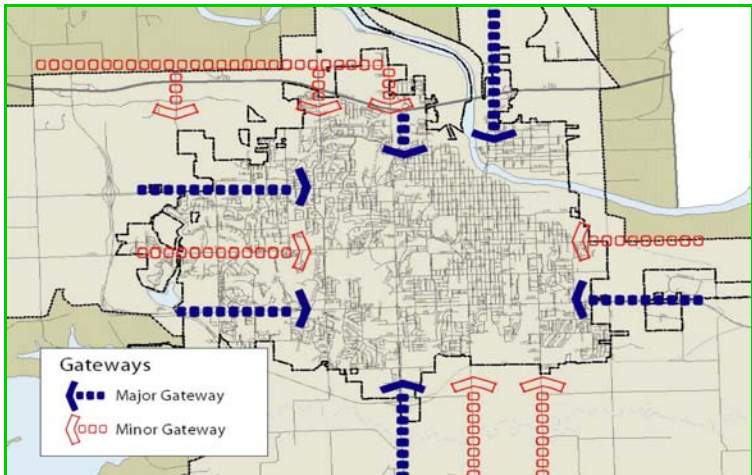
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.



Map 2-8 identifies existing and future bicycle facilities that include:

- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

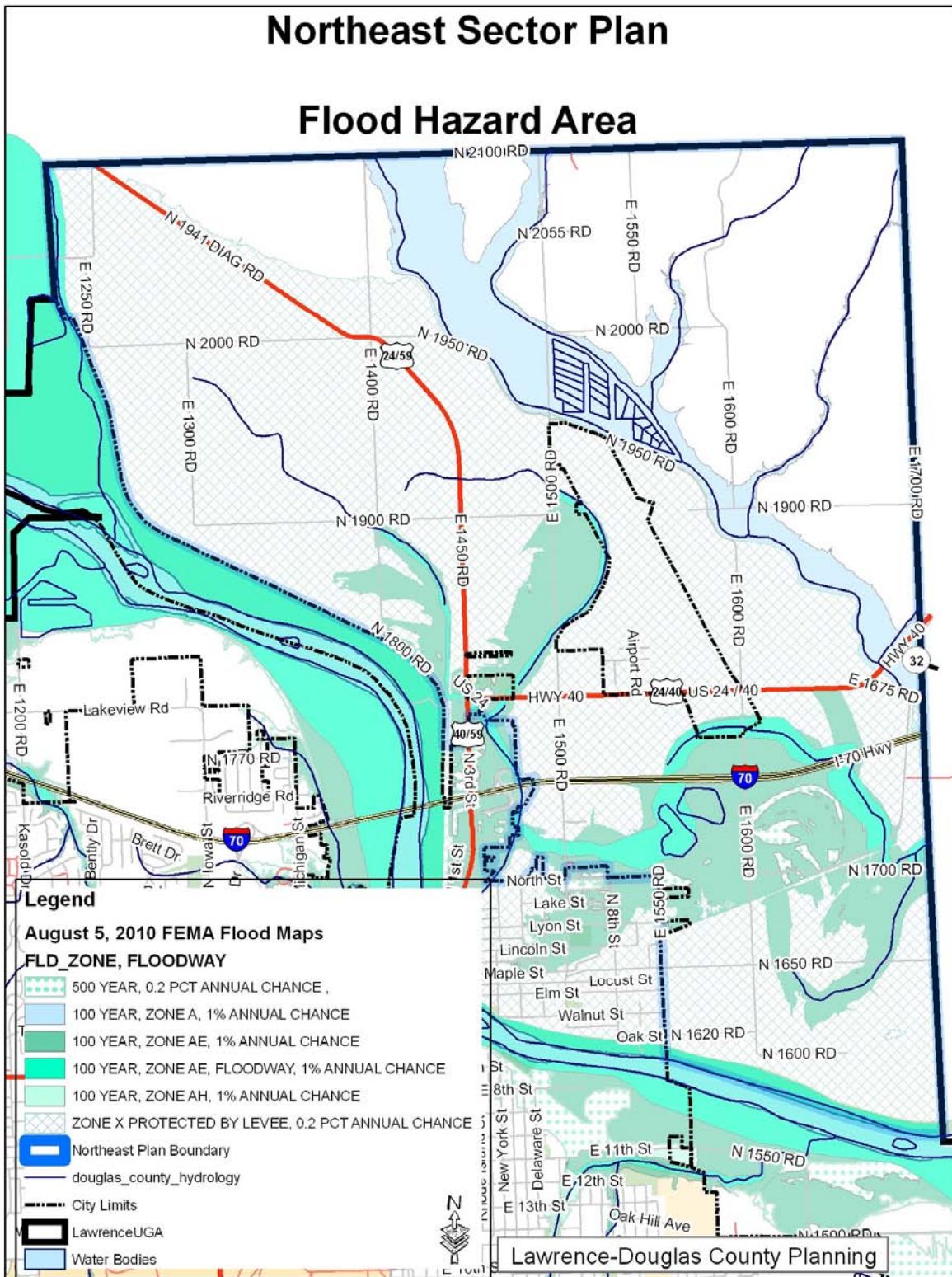
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

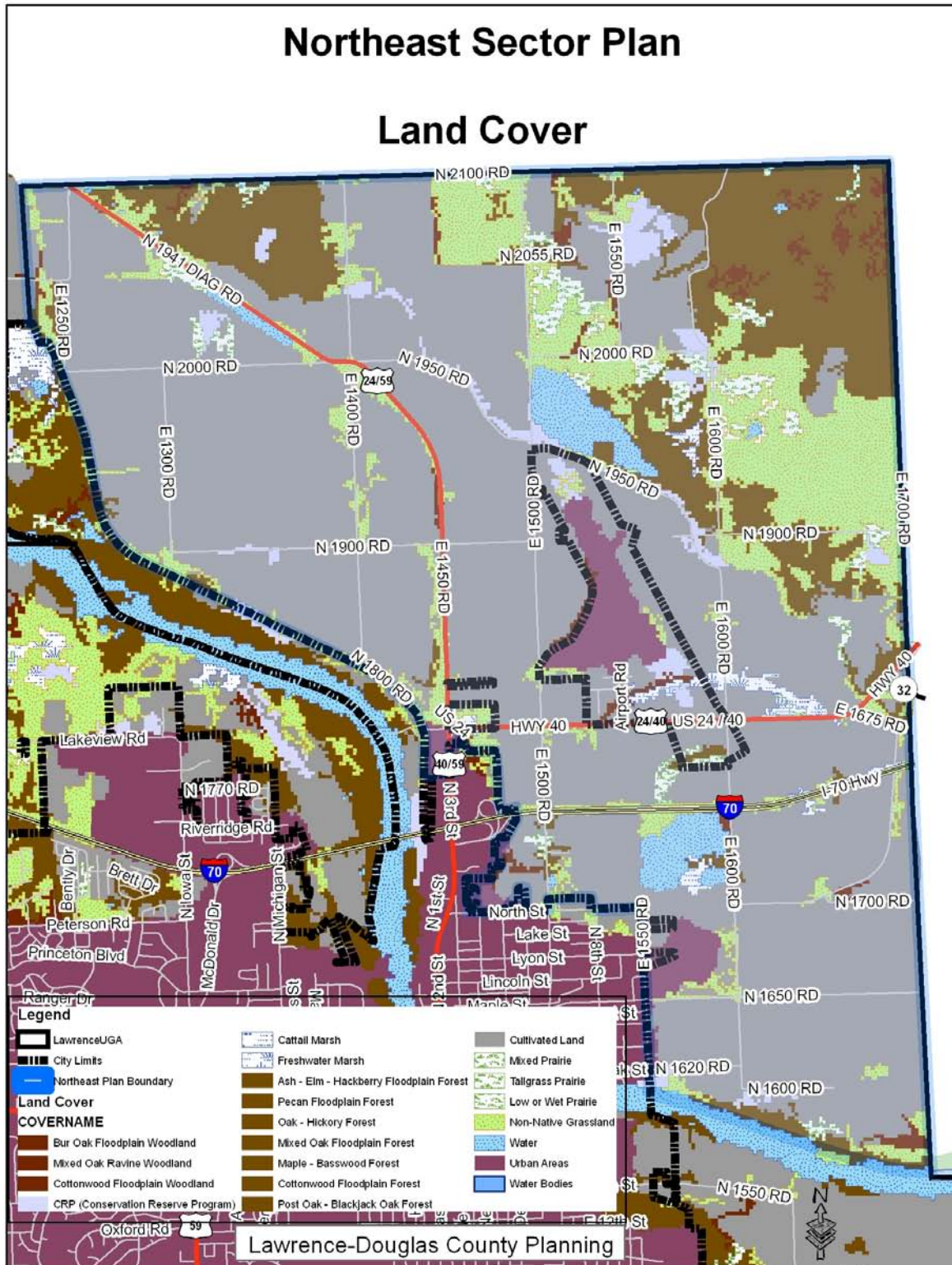
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

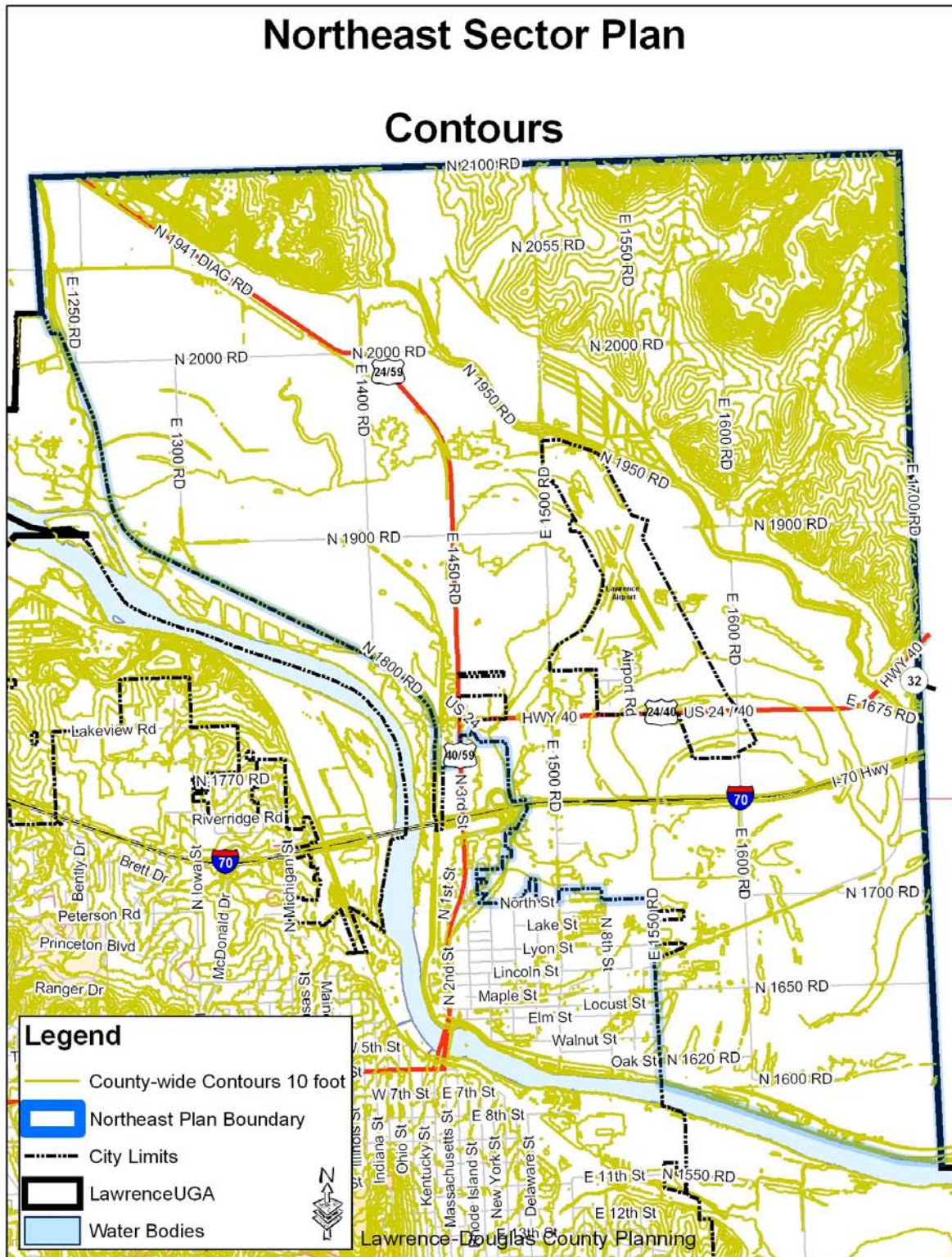
Map 2-9 – Regulatory Flood Hazard Area and Streams



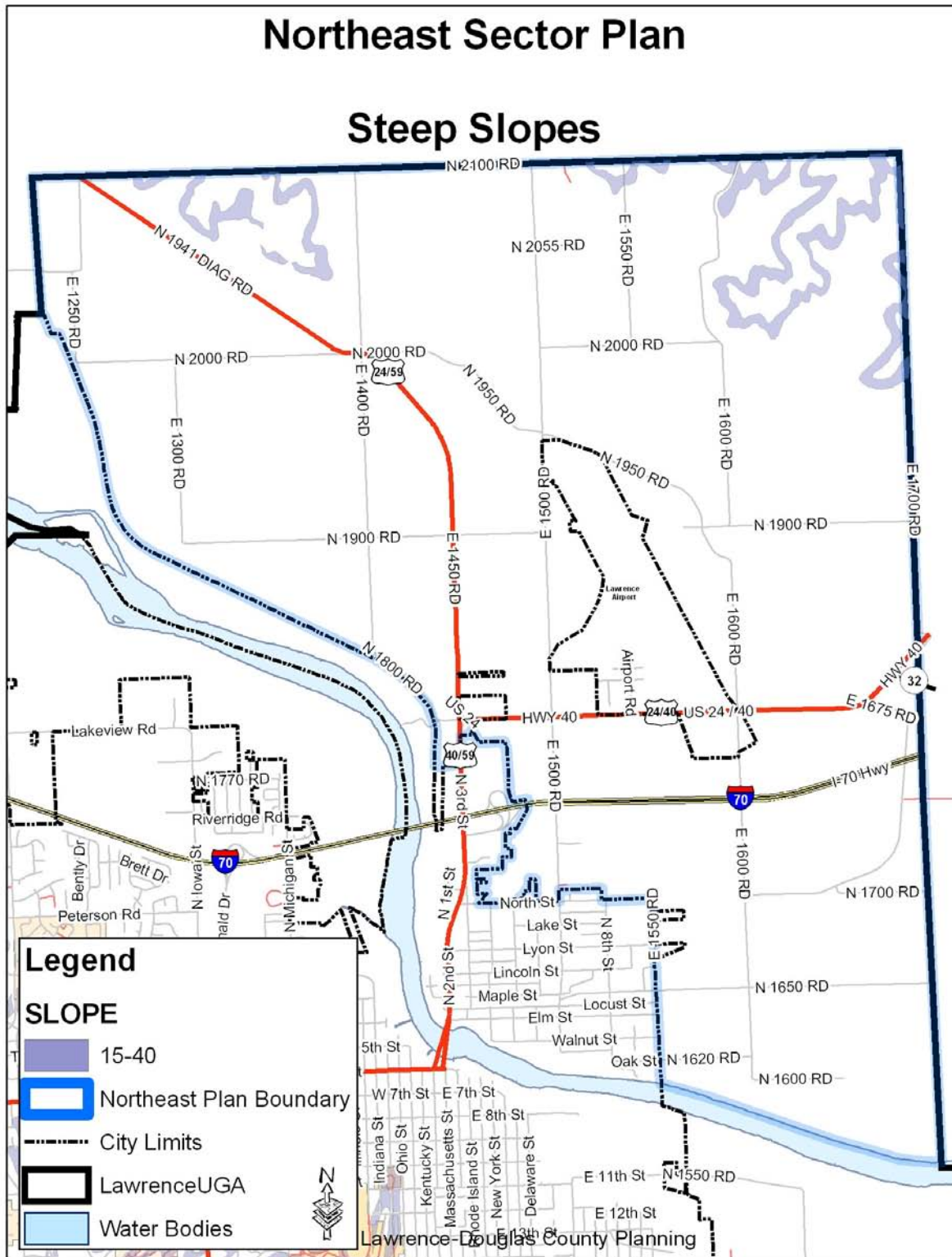
Map 2-10 – Land Cover



Map 2-11 – Contours



Map 2-12 – Steep Slopes



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

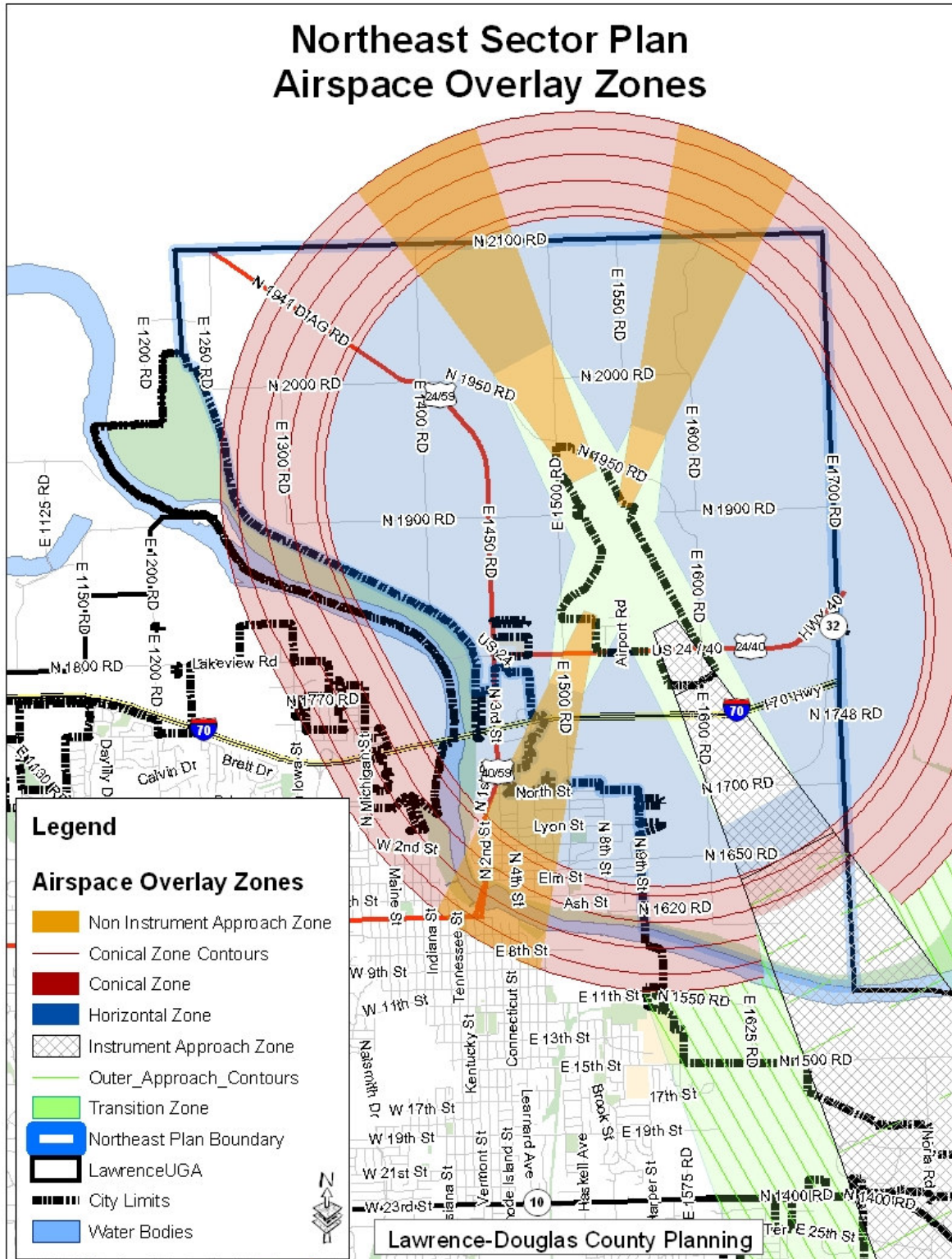
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

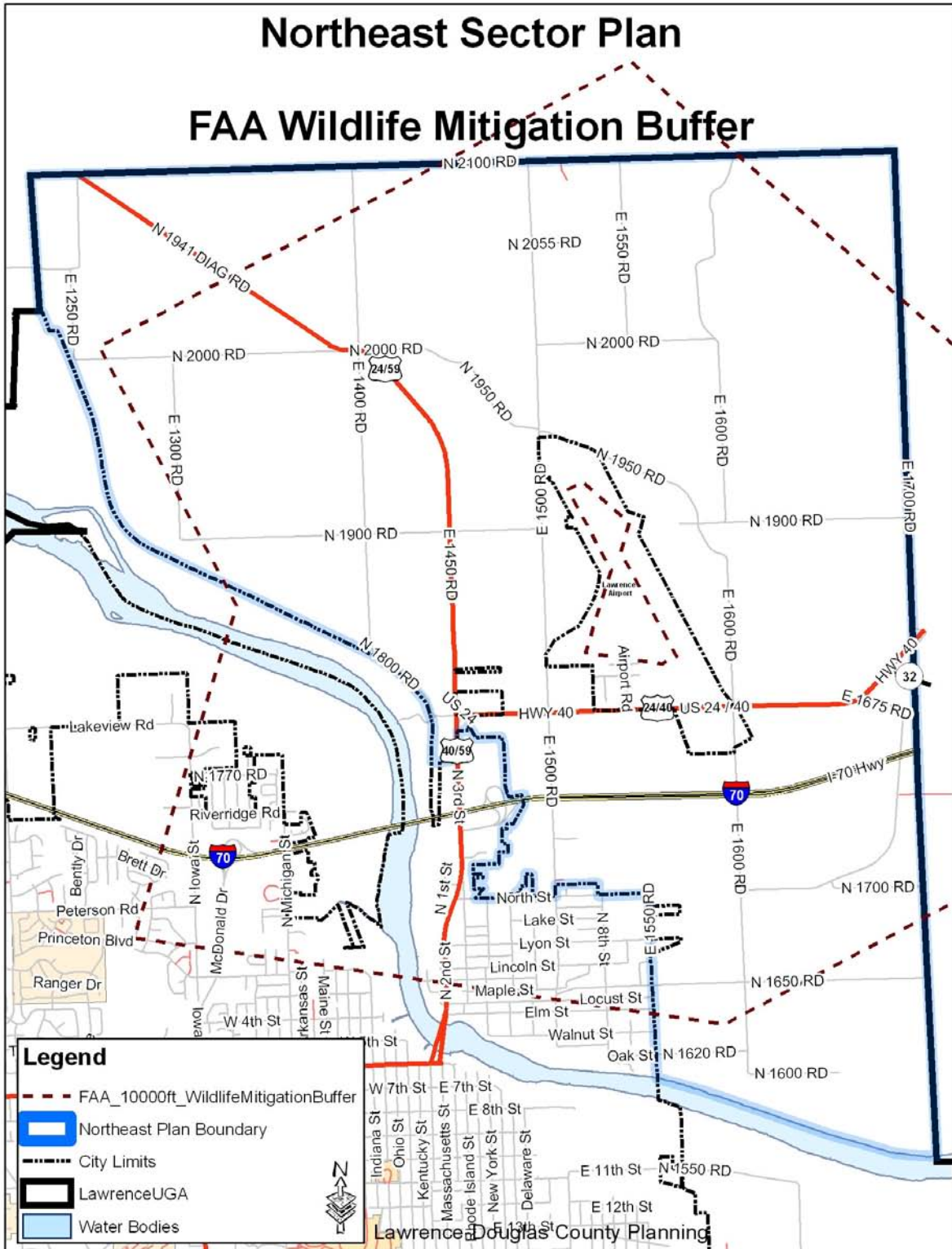
Map 2-14 – Community Facilities



Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- Airport
- Highway 24/40/59
- Interstate 70
- Railroad

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils
Flat terrain
Floodplain
Groundwater/Wells
KU Field Station and ecological reserves
Kansas River/Levee
Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

**Relatively flat terrain
Floodplain/stormwater challenges
Township roads**

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

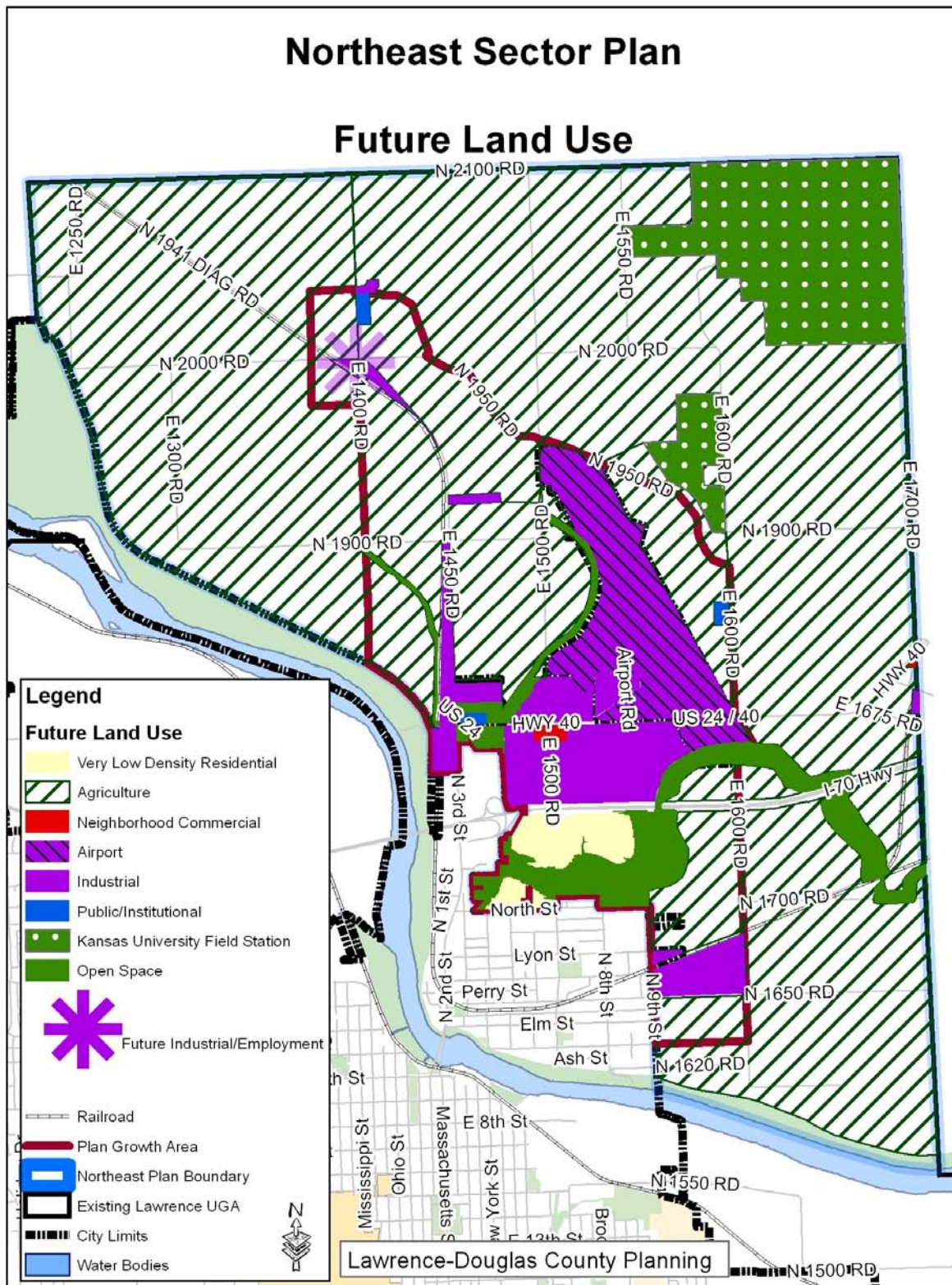
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Map 3-1 – Future Land Use



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.



Sustainability Action Network

Local Solutions for Transition to a Sustainable Economy

Lawrence North-East Sector Plan

23 April 2012 – Lawrence-Douglas County Planning Commission

Because of energy depletion, the economic development model for the 21st Century differs from that of the 20th Century. The exponential growth rate of the 20th Century was highly dependent on abundant, cheap petroleum. But everyone monitoring global energy flows, including the Pentagon, the Geological Society of America, the Congressional Research Service, Shell Oil, the International Energy Agency, and many more, has acknowledge that the supply of conventional oil from all major oil fields can no longer meet the growing global demand for oil. What remains is the difficult and expensive oil. That is the essence of peak oil.

The record petroleum price of \$147 per barrel in 2008 triggered a temporary drop in demand and prices. But as emerging economies demand more oil, recent prices have reached \$110 per barrel, and oil-derived products such as pavement, plastics, and fuels are costing more. Most troubling, however, is that agricultural energy accounts for 17% of total U.S. energy use, about half being petroleum, for fuel, hydraulics, pesticides, fertilizers, processing and transport.

By now I imagine the Commissioners have read the Lawrence peak oil plan entitled “Solutions to Peak Oil Vulnerabilities”, from which this data is sourced. Planning for energy depletion in the 21st Century is critical, the impact on our ability to feed ourselves being paramount. Already we are seeing two major trends in agriculture prompted by rising energy prices – local and regional food, and organic food – both with considerably lower energy profiles.

As noted in the Staff report for the N. E. Sector Plan, the top solution in the peak oil plan for local food vulnerability is to “Redraw the City’s Urban Growth Area boundaries to preserve high quality soils for agricultural uses”. Omitted was the rest of the statement, “Encourage brownfield and infill development as alternatives to nonagricultural development of high quality soils”. The key here is location. Located in the N. E. Sector are Capability I & II soils with inherent fertility that needs minimum energy inputs. Given future energy cost inflation, it would be insanity to urbanize this world class treasure. Industry should be located elsewhere.

Furthermore, it is a 20th Century anachronism that “flat terrain promotes industrial uses” as staff said. Industry was historically located in bottom land simply because it was served by rail which required no more than 3% grade. Whereas today, most freight trucks can handle up to 7-8% grade and navigate hillier sites in Lawrence. A more compelling case can be made for flat terrain being used agriculturally, because the bottom land is where the best silty loam soils have accumulated, and the water table is more accessible.

Another fallacy that persists is that the N. E. Sector is served by multi-modal transportation. The space constraints of the Lawrence Municipal Airport prevent it ever developing on par with the New Century AirCenter or Forbes Field. And Union Pacific has rail sidings only at the bankrupt Schmidt Lumber and at Midland Junction, 1 and 2 miles north west. Potential new sidings are just one more of the unaccounted infrastructure costs to urbanize this farmland.

Finally, it is unfair that a handful of landowners in the valley insist that the larger community upzone and appreciate the value of their land, simply because they want to maximize their asking price. They have no legal basis for such demands, because numerous U.S. Supreme Court decisions have said that reasonable, uniformly applied land use regulations designed to secure the common welfare do not constitute legal takings. The Court narrowly defined taking: “When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking.” <http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>

For these few landowners, the agricultural status quo has not stripped the value of their land, so if they sell it at agricultural valuation they are not suffering a taking. But were the larger community to devise a plan by which these few landowners could apply for upzoning, they would be the last to admit that such would constitute a “giving”.

If our community feels compelled to assist these landowners, it would be more constructive to create a “Local Farm Link” program similar to the Pennsylvania Dept. of Agriculture program that links young prospective farmers with retiring farmers who want to sell their land. http://www.pafarmlink.org/succession_success.html

Likewise, Lawrence should adopt Transfer of Development Rights (TDR) for Capability I and II prime soils specifically. In such a program, lands containing these soils are so designated, and farm owners can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. http://www.greenvalleyinstitute.org/landuse_innovativezoning.htm

Therefore, the Sustainability Action Network requests that the version of the N. E. Sector plan that you adopt be the one designating zero acres for additional industrial/commercial uses.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office
Lawrence, Kansas

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: Northeast Sector Plan: CPA-6-5-09

Dear Chairman Hird and Planning Commissioners:

As you know, the Land Use Committee has sent you several letters regarding the issue of future land use for the Northeast Sector Plan.


We have asked that you not designate for industrial or commercial development those areas that are in the identified types of I and II Class soils areas or in the 100-year flood plain.

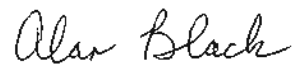
The Citizens for Responsible Planning has asked that you not include these areas for designated industrial and/or commercial development in their current letter to you. Our Land Use Committee is endorsing that letter.

Of the four Options presented to you by the planning staff to consider in the Future Land Use Map for the Northeast Sector Plan, we believe that Option 3 comes closest to meeting these objectives stated in the letter from the Citizens for Responsible Planning and those positions expressed on this issue in the previous letters to you from our Land Use Committee.

Thank you for your consideration of this issue.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee

Jerry Jost
217 North Fifth Street
Lawrence, KS 66044
April 23, 2012

Richard Hird, Chair
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

I am a resident of North Lawrence and a resident of Grant Township for the past twenty years. I am concerned about the safety issues related to storm water management in the Northeast Sector. The following texts are selected excerpts taken from the North Lawrence Drainage Study. The emphasis is mine.

NORTH LAWRENCE DRAINAGE STUDY

Section VI: Watershed Analysis

Recommendations

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. Currently, the roads are not raised far above the floodplain and the hydraulic structures are relatively small. The result of this is that there is significant overtopping of the road during times of high flow. During such times, it is very dangerous, if not impossible, for emergency vehicles to traverse these roads. With a dense urban population, this will become unacceptable. Therefore, the roads will not only have to be improved to increase traffic capacity, but will have to be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. By raising the road, it cuts off the large amount of water that used to flow across the lower roads. It is therefore necessary to provide hydraulic structures capable of passing that large amount of additional flow, while not increasing water surface elevations upstream. This results in some significant increases in required flow capacity over the existing hydraulic structures.

Future Hydraulic Drainage Improvements

As the area develops, the need for uninterrupted transportation and emergency services will increase. An investigation was undertaken to assess the requirements for raising the major roads above the 100-year elevation and building hydraulic structures that would pass the 100-year with out increasing the backwater. In the North Lawrence basin there are approximately 5 miles of roads that would fall under these criteria. To construct major arterial streets on mostly borrowed fill and only across

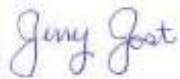
the 100-year floodplain and upgrade the associated hydraulic structures to pass the flows without causing increased flooding upstream would cost approximately \$14.3 million. This does not include ancillary items such as interface with other roadways, bridges, traffic control devices, right-of-way acquisition, etc. There are fourteen hydraulic structures on these roads in the current model.

Judging by the sewer improvement project at the airport, these improvements could be more difficult and expensive than projected. Also proposed engineered solutions can bring unanticipated consequences. What seemed like an easily engineered project has been riddled with cost and time overruns and even a failed first attempt. Even during the past dry summer seven pumps couldn't successfully pump out the underground water to install the septic system tank.

The costs to the taxpayer of improving five miles of roads and eleven bridges along with improving fourteen hydraulic structures and adding new traffic control devices are formidable. Douglas County has more cost effective sites for industrial development with less risk to public safety than planning for increased industrial development in the Northeast Sector.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Jost". The signature is written in a cursive, slightly slanted style.

Jerry Jost

U.S. Supreme Court rulings on Regulatory Takings – Case Law

Northeast Sector Plan

26 July 2010

Michael Almon

There is a substantial body of case law on land use and takings, specifically regulatory takings, and the U.S. Supreme Court has established clear precedent in this regard. Regulatory takings are applied in any number of situations, but primarily for the public health and safety.

Reasonable public policy is fully justified for the protection of our population from flooding through flood plain preservation, for assuring the solvency of our city and county infrastructure budgets, and for securing our community's ability to feed ourselves as peak oil increasingly drives up food prices and limits food imports.

The Commission is on firm legal footing when adopting plans with specific provisions for regulatory takings that protect our common health and safety. You would be derelict in your duties if you did not do this. I urge the Commission to incorporate the following into the Northeast Sector Plan.

1. Promulgate public policies and codes that recognize numerous U.S. Supreme Court case decisions which say reasonable, uniformly applied land use regulations do not constitute legal takings. Some of the rulings include:
 - No one may claim damages due to police regulation designed to secure the common welfare, especially in the area of health and safety regulations. The distinguishing characteristic between eminent domain and police regulation is that the former involves the taking of property because of its need for the public use, while the latter involves the regulation of such property to prevent the use thereof in a manner that is detrimental to the public interest. (Nichols' The Law of Eminent Domain Sec. 1.42; J. Sackman, 3d rev. ed. 1973)
 - Land use controls constitute takings, the Court stated, if they do not “substantially advance legitimate governmental interests”, or if they deny a property owner “economically viable use of his land”. (Agins v. City of Tiburon)
 - When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking. (Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886, 2895 - 1992)
 - These and considerably more may be found at:
<http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>
2. Adopt a zoning category of “exclusive agricultural use” for rural properties, with a gradient of development limitations keyed to the USDA soil classification levels. This would not be a requirement, merely a zoning category that a landowner may request for their land
http://www2.co.multnomah.or.us/Community_Services/LUT-Planning/urban/zonordin/efu/efu.html
3. Adopt code provisions for the Transfer of Development Rights (TDR) of Capability I and Capability II prime soils specifically. Using such a program, lands containing these soils are so designated, and owners of such farmland can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund.
http://www.greenvallleyinstitute.org/landuse_innovativezoning.htm

To: Chairman Richard Hird

Members of the Lawrence-Douglas County Metropolitan Planning Commission

From: Jayhawk Audubon Society

Re: Northeast Sector Plan

We would like to endorse the letter sent to you by the Citizens for Responsible Planning.

We believe that they have made a very thorough case for why there are much more appropriate locations where industrial development should be planned and the Class I and Class II soils preserved for agricultural uses. We also concur that the historic tendency for this area to be flood prone is another significant reason to avoid uses that would exacerbate flooding.

Thank you for taking our comments into consideration.

Sincerely,

Gary Anderson, President

Jayhawk Audubon Society

From: Lane Williams [<mailto:lane@drckansas.org>]

Sent: Saturday, April 21, 2012 11:19 AM

To: Jerry Jost; Dan Warner

Cc: Barbara and David Clark; Ted Boyle; Debbie Milks Charlie Novogradac; Debbie Milks

Subject: RE: NE Sector Plan - PC Meeting - Proposed Changes

Good job, Jerry. Thanks for preparing it. Charlie and Debbie, I also think your letter to the commission is terrific.

I talked with one of the rail staff at KDOT yesterday. He used to live in Lawrence and is very familiar with the area. As I understand, there are no federal or state regulations on whether/how a siding can cross a US highway, but there are some big negatives to it ever happening:

1. It's strictly up to Union Pacific whether to allow the siding of the existing lines, and it likely will want millions of dollars to allow siding lines;
2. It will require 2 siding lines (one goes to the industrial site and one is used to store cars) so there's a question whether there's enough space between the existing tracks and the highway;
3. UP will require the site to ship a minimum number of cars before it will agree to add the lines. It could be anywhere from 10 to 100 per week;
4. The existing tracks are 2 of UP's primary through lines, particularly for transporting coal, and are rated for speeds of 60 and 70 mph; this makes using a line for switch traffic which runs much slower a potential safety risk;
5. Whether/how it crosses the highway(s) is up to the city and county with KDOT input regarding safety issues;
6. It will cost somebody (the developer or the taxpayers) a bunch of money to make it safe, considering the intersection at TeePee junction is busy and the crossing to the west going into the riverside park is notoriously dangerous;
7. Crossing south of the intersection requires crossing only one highway but would require condemning/buying some of the KOA campground;
8. Crossing north of the intersection seems highly unlikely because the line would have to cross 2 highways, including a potentially raised US 24 (per the N. Lawrence drainage study), and traverse floodplain; and
9. Crossing in either location will clog vehicle traffic because switch trains can take forever to cross.

See everyone Monday.

Lane



March 13, 2012

To: Lawrence-Douglas County Planning Commission

Re: Northeast Sector Plan

Dear Commission Members:

The Lawrence Chamber of Commerce has participated in nearly every public forum and hearing on the Northeast Sector Plan for the past three years and agree that it is time to move forward.

We stand with many of the landowners in Grant Township in maintaining that long-range planning requires consideration be given to the amount of industrial acreage indicated in the long-range plan. Three significant elements are present in this area: It is a unique transportation hub in Lawrence, Douglas County and Northeast Kansas with Interstate 70, four other major highways, the Lawrence Municipal Airport and Union Pacific Railroad all available for movement of goods and services; it contains Class 1 and 2 tillable soils and major farming operations which already have produced significant scientific discovery in production agriculture. Those major producers have indicated a willingness to share access to their soils for smaller garden operations for local consumption; and it lies close to the Kansas City Metro area and directly in the center of the Ag Corridor from Manhattan, Kansas to Columbia, Missouri. This is an area of future agricultural research and production that will be important for generations to come as we learn better ways to feed our own nation and share that knowledge throughout the world.

We also understand that considerable work still needs to be done to protect the interests of those who live and work in North Lawrence. Flooding problems and river shoreline issues must be addressed before any kind of major industrial district might be considered, but the issues listed above should be noted when future consideration is given for development, particularly for agricultural-industrial uses. The judicious use of limited acreage with carefully planned water retention should be open for consideration.

Thanks to the Planning Staff, especially Dan Warner for long hours spent working with many people with many different opinions over the past three years.

Hank Booth
Interim President/CEO

Lawrence Chamber of Commerce, 646 Vermont Street, Suite 200, Lawrence, KS 66044

From: Rich Bireta [mailto:rbireta@us.ibm.com]
Sent: Monday, April 09, 2012 11:07 PM
To: Dan Warner
Subject: NE Sector Plan - Three Options

Dan,

Nice, comprehensive job on the "three options" memo. Grant Township Board of Trustee will not take a position as to which to select but urge selection of one of the options and passage of the entire NE Sector Plan which is a solid piece of planning work.

~Rich

Rich Bireta,
Grant Township Trustee

CHESTNUT CHARLIE'S

Charles NovoGradac
Box 1166
Lawrence, KS 66044
785 841-8505
www.chestnutcharlie.com



April 13, 2012

Lawrence and Douglas County
Planning Commission
Lawrence, KS 66044
(by email)

Re: Comments to Planning Commission on Northeast Sector Plan

Dear Planning Commissioners and Staff:

As landowners in the Northeast Sector Planning area, we disagree with the proposals to designate more farmland for industrial uses. We support the alternatives that call for respecting Capability 1 and 2 farm soils.

We are owners/operators of a tree farm and also an industrial warehouse close to the farm land southeast of the municipal airport. In addition to the exacerbation of storm water and flooding due to incremental development, on which we have previously commented, we would like to illustrate an additional point.

Proximity to the highways and the rail corridor has been touted as being ideal for industry and employment. But these highways and railroads have been in place for over 50 years while development attempts have had mixed and disappointing results. Compared to the prosperous farm soils that have been farmed continuously and successfully for many decades, many of the developed properties are now failed businesses. Much acreage remains vacant, and some properties are blighted.

To illustrate, the following snapshots illustrate some of the many vacancies and under-utilized industrial and commercial properties along US24/40/59 from within one mile north and south of TeePee Junction. All are close also to the I70 (KTA) exit. All of the following photos were taken within the last two weeks.



Former Kaw Metals,
SW corner, TeePee Junction



South of Kaw Metals



Northwest corner, TeePee Junction, 10 acres



1841 E. 1450 Road, out of business, for rent,
now owned by the authors



formerly Schmidt Lumber, vacant, for sale



Kaw Valley Supply, closed , half still vacant



Refurniche consignment store
out-of-business



Bulldog Tow, business liquidation, land and
building for sale

The above properties on this page are within one mile north of TeePee Junction on US 24/59, and back up to the railroad. One or two may even have rail sidings.



Formerly Midwest Surplus, now vacant



Websters manufactured homes, closed, for sale



Warehouse & office north of I-70, east side



Commercial building with long term vacancies



Former lumber yard, south of former Tanger Outlet Mall



Former Tanger Mall, largely vacant

The number and extent of vacancies in this area suggests a problem which is not addressed by the draft Northeast Sector Plan. There is too much developed industrial/commercial land which is vacant and underutilized in the area. The worst of it we can fairly characterize as blight.

The farms in the area have exceptional soils. The land is consistently planted and apparently prosperous. Our City and County master plan should not encourage development of virgin farm land while so many acres already spoiled for farming remain vacant and under-utilized.

For each of the properties which were developed from farmland, the natural drainage into permeable soil has been compromised by landfill and impervious surfaces. In none of the vacant industrial properties we have surveyed for this letter has there been any drainage mitigation. The burden of additional storm water falls on neighboring and downstream landowners. To add further to this problem would not be wise and responsible planning.

We submit that the Planning Commission should adopt the option recommended by the Citizens for Responsible Planning. Do not add industrial land outside of the properties already so zoned. Remove the industrial “snowflakes” from the area southeast of the airport.

Respectfully submitted

/s/

Charles NovoGradac and Deborah Milks

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]
Sent: Thursday, April 19, 2012 4:03 PM
To: Dan Warner
Subject: Northeast Sector Plan and value of Capability Class I and II Soils

Hi Dan, Could I ask you to forward this email to the Planning Commissioners for Monday's meeting re: Northeast Sector. Could I also ask that you check my link to the USGS Study...I'm a Luddite when it comes to computer work.

Many thanks.
Barbara

Dear Planning Commissioners,

I would like to forward to you a link to a recent (2/1/2012) U.S. Geological Survey study, *Irrigation Causing Declines in the High Plains Aquifer* by Stanton and Lubeck.

"Groundwater withdrawals for crop irrigation have increased to over 16 million acre-feet per year in the High Plains Aquifer, according to a recent U.S. Geological Survey study.

The USGS study shows that recharge, or the amount of water entering the aquifer, is less than the amount of groundwater being withdrawn, causing groundwater losses in this already diminished natural resource. Crop irrigation is the largest use of groundwater in the aquifer, and, over the past 60 years, has caused severe water-level declines of up to 100 feet in some areas. The new USGS findings address concerns about the long-term sustainability of the aquifer.

The High Plains Aquifer underlies nearly 175,000 square miles in parts of eight states - Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming - and is a major source of groundwater irrigation in the region. The High Plains region supplies approximately one-fourth of the nation's agricultural production." (USGS - Stanton and Lubeck, *Irrigation Causing Declines in the High Plains Aquifer*, 2/1/2012).

The outcome of this study places an even higher value on preservation of the Capability Class I and II soils in the Northeast Sector. The soils in the Northeast Sector are not dependent on a rapidly depleting aquifer. Rather, the ground water levels of the soils in the Kansas River Valley give us a far greater availability and sustainability for agricultural irrigation needs for the future. These soils will play an important role for the agricultural needs of our county, if not our greater region.

To close with a quote from one of the authors of this study, "Because groundwater losses are greater than recharge, water levels in many parts of the aquifer are currently declining. Such information can inform groundwater management decisions made by state and local agencies." (USGS - *ibid*)

We as a community should also let this study inform us to the value of our high-quality agricultural land and the importance of their preservation for future generations.

Click [here](#) for the Executive Summary of the article and a link to the entire document.

With thanks.
Respectfully,
Barbara Clark

"The history of every nation is eventually written in the way in which it cares for its soil." Franklin Roosevelt

Maggie's Farm
www.maggiesfarm-ks.com
"wear more wool"



Richard Hird, Chair
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

Citizens for Responsible Planning, an informal network of interested citizens, support citizen engagement in the planning process for the Northeast Sector Plan. We appreciate the past efforts to build community input into this planning process.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas. This rich natural asset in the Northeast Sector creates the largest contiguous acres of Capability Class I and II Soils in Douglas County. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states “The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community.”

Of the 303,808 acres in Douglas County, only 8,370 acres have Class I soils and by 2009 24% of those acres have been developed. There are 33,053 acres of Class II soils in our county and 38% has already been developed. (Please refer to the attached Exhibits A and B.) Citizens for Responsible Planning recommends directing industrial development to other areas already designated for industrial that do not have the high concentration of Class I and II soils. Attached with this letter is a comparison of all eleven sites identified on Map 7-2 - Potential Location for Future Industrial and Employment Related Land Use in Chapter 7 of Horizon 2020. (Please refer to Exhibits C and D.) The table in Exhibit D demonstrates the many options available to our community for future industrial sites that do not present the extreme challenges or contain comparable content of contiguous acres of Capability Class I and II Soils.

The December 12, 2011 staff memo identified approximately 1,426 acres of future industrial areas in recent sector plans. This acreage total far exceeds the Horizon 2020 goal of 1,000 acres. This suggests we have an overabundance of other sites within the county for industrial development. These areas come without the costly and failure susceptible infrastructure required for the development on flood prone land. Most significantly these other sites do not carry the risk of catastrophic flooding to the some 3000 downstream residents of North Lawrence.

We would also like to present some important contextual information for your consideration using maps referenced within the Northeast Sector Plan. It is our feeling that graphically placing the proposed industrial area on these attached maps gives clear context to the challenges facing development in this area.

Map 2-9	Regulatory Flood Hazard Area and Streams - Flood Hazard Area pg. 2-18, Exhibit E
Map 2-13	Class I and II Soils pg. 2-22, Exhibit F

We have placed comment boxes on each of these mapping tools. We believe these restrictive conditions would impact development in this proposed industrial area. We would also request that the recommendations within the North Lawrence Drainage Study be considered before creating new industrial areas.

The perennial local storm water problems within the levy, compounded by the likelihood of river flooding and the consequent closing of the floodgates (such as in 1993), and the almost level drainage gradients throughout the area, demand extraordinary engineering solutions. Development on farmland near the drainage ways reduces the natural buffering and increases the risk of property loss from flooding. The high cost of engineered drainage, including the construction costs and maintenance in perpetuity, makes the farmland within the natural floodplain a comparatively costly area to develop.

Proposed new industrial areas within the Northeast Section have included a 300-acre option and a 125-acre industrial development option. Exhibits G and H illustrate the high concentration of Class I and II soils in the proposed industrial areas southwest of the airport.

In addition to the above concerns; perhaps the most important consideration is the impact of increased risk of flooding to public safety.

Therefore, Citizens for Responsible Planning recommend that there be no industrial or commercial areas south and west of the airport. We also recommend that the industrial "snowflakes" be removed from this location adjacent to the airport as well as at Midland Junction.

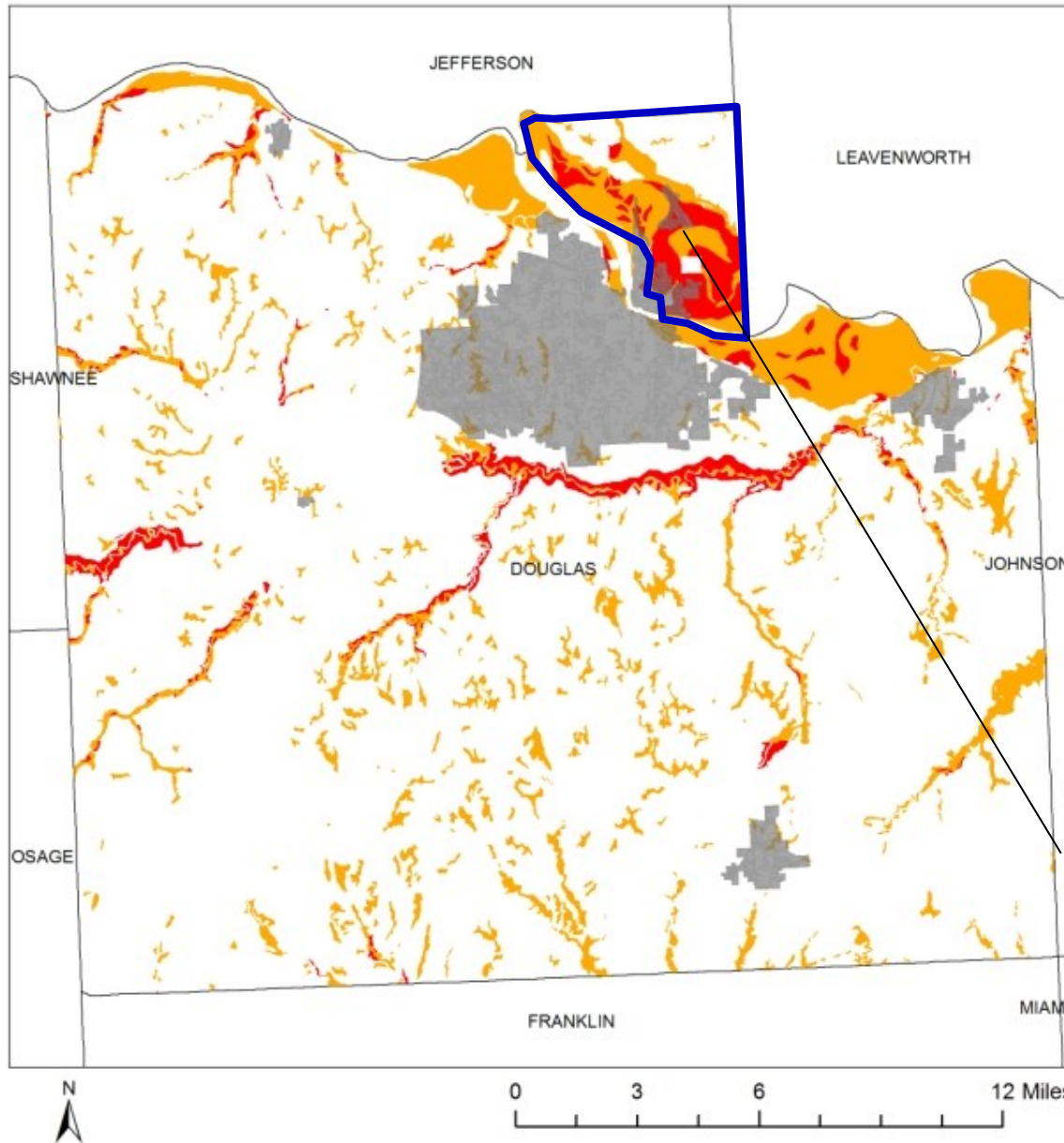
Respectfully Submitted,

Jerry Jost
Ted Boyle
Barbara Clark
Deb Milks
Charlie NovoGradac
Lane Williams
Deborah Altus
David Baird
Kelly Barth
Kim Bellemere
Thomas Birt
Lynne C. Bodle
Marilyn Brune
David Buress
William H. Busby
Lynn Byczynski
Alison Cain

Clark Coan
Joe Douglas
Vicki Douglas
Hilda Enoch
Marcia Fisher
Chet Fitch
Deanna Fitch
Bob Gent
Lisa Grossman
Marcel Harmon
Kim Heck
Jason Hering
Carol Huettner
Sacie Lambertson
David F. Lambertson
Eileen Larson

Alice Lieberman
Bob Lominiska
Jake Lowen
Janet Majure
Julia Manglitz
Sally McGee
Dan McMinn
Daniel Nagengast
Daniel Poull
Joseph Ramagli
Simran Sethi
Frank Shopen
James Smith
Mary Ann Stewart
Susanne Stover
Linda Zohner

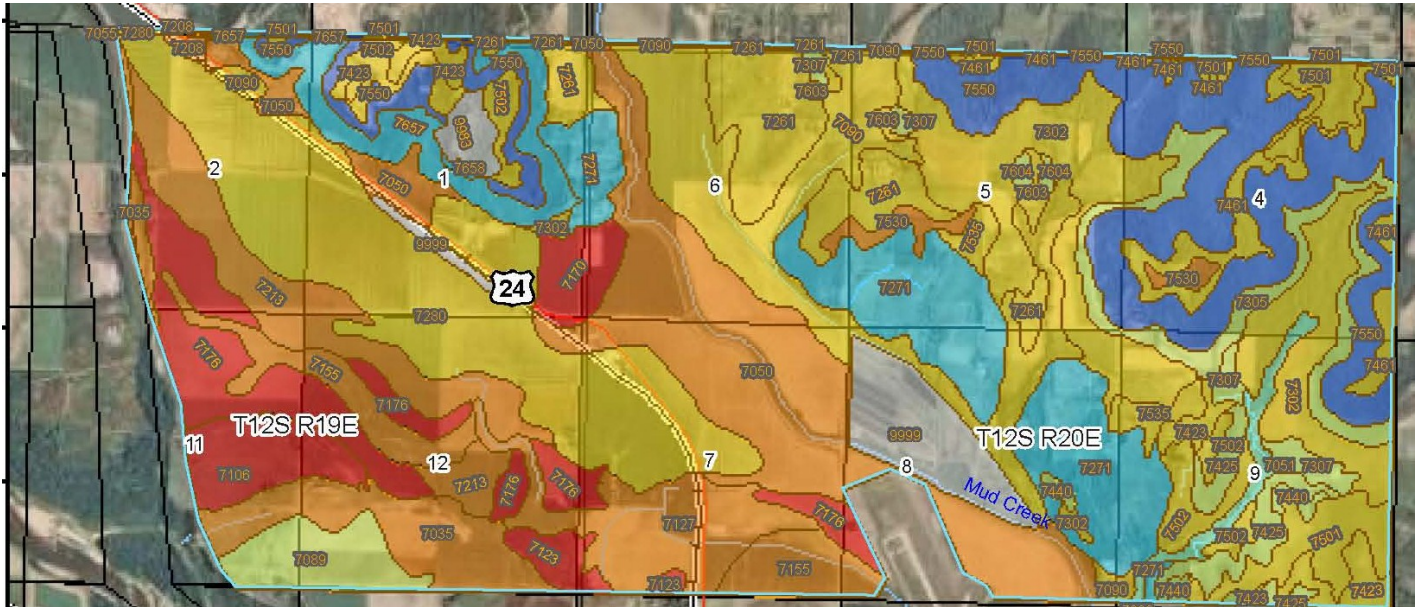
Class 1 and 2 Soils, plus all Urban land types

















	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808

The Northeast Sector is outlined with a blue boundary. As you can see, the NE Sector has an extremely high concentration of Class I and II soils compared to the rest of the county. Approximately 27.4% (2,708 acres) is Class I soils and 28.7% (2,842 acres) is Class II soils. This translates as approximately 56% of the land has Class I or Class II soils with fertility created by historical flooding and siltation.

NE Sector Soil Capability Classes USDA NRCS Soil Survey



MAP LEGEND

- | | | |
|---|---|---|
| Area of Interest (AOI) |  | Local Roads |
|  | Area of Interest (AOI) |  |
| Soils |  | Soil Map Units |
|  | Soil Map Units | |
| Soil Ratings |  | Capability Class - I |
|  | Capability Class - II | |
|  | Capability Class - III | |
|  | Capability Class - IV | |
|  | Capability Class - V | |
|  | Capability Class - VI | |
|  | Capability Class - VII | |
|  | Capability Class - VIII | |
|  | Not rated or not available | |

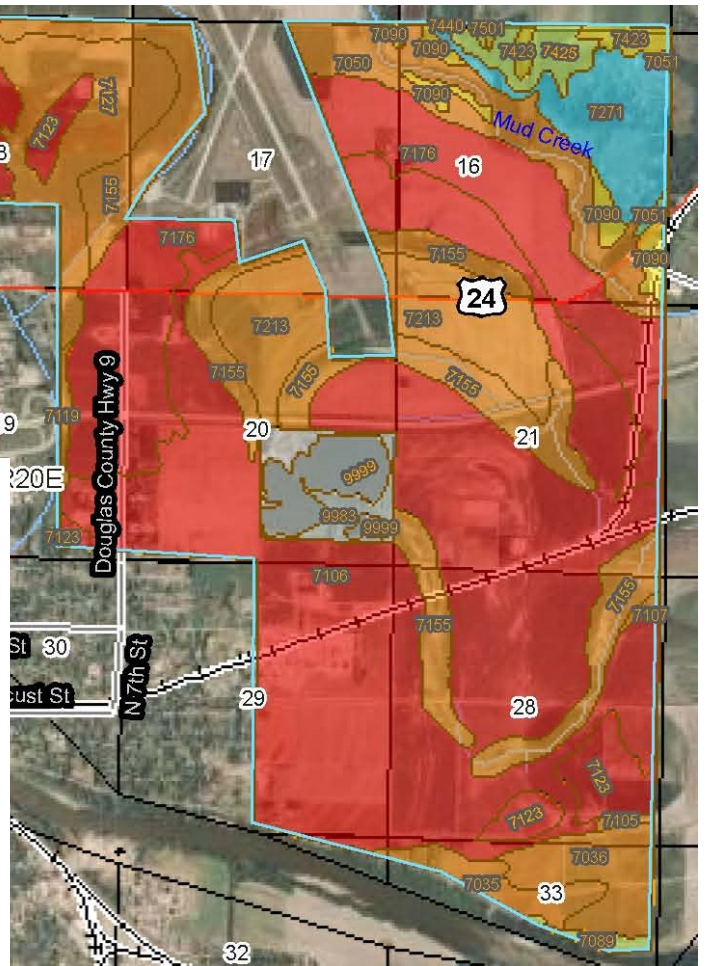


Exhibit C

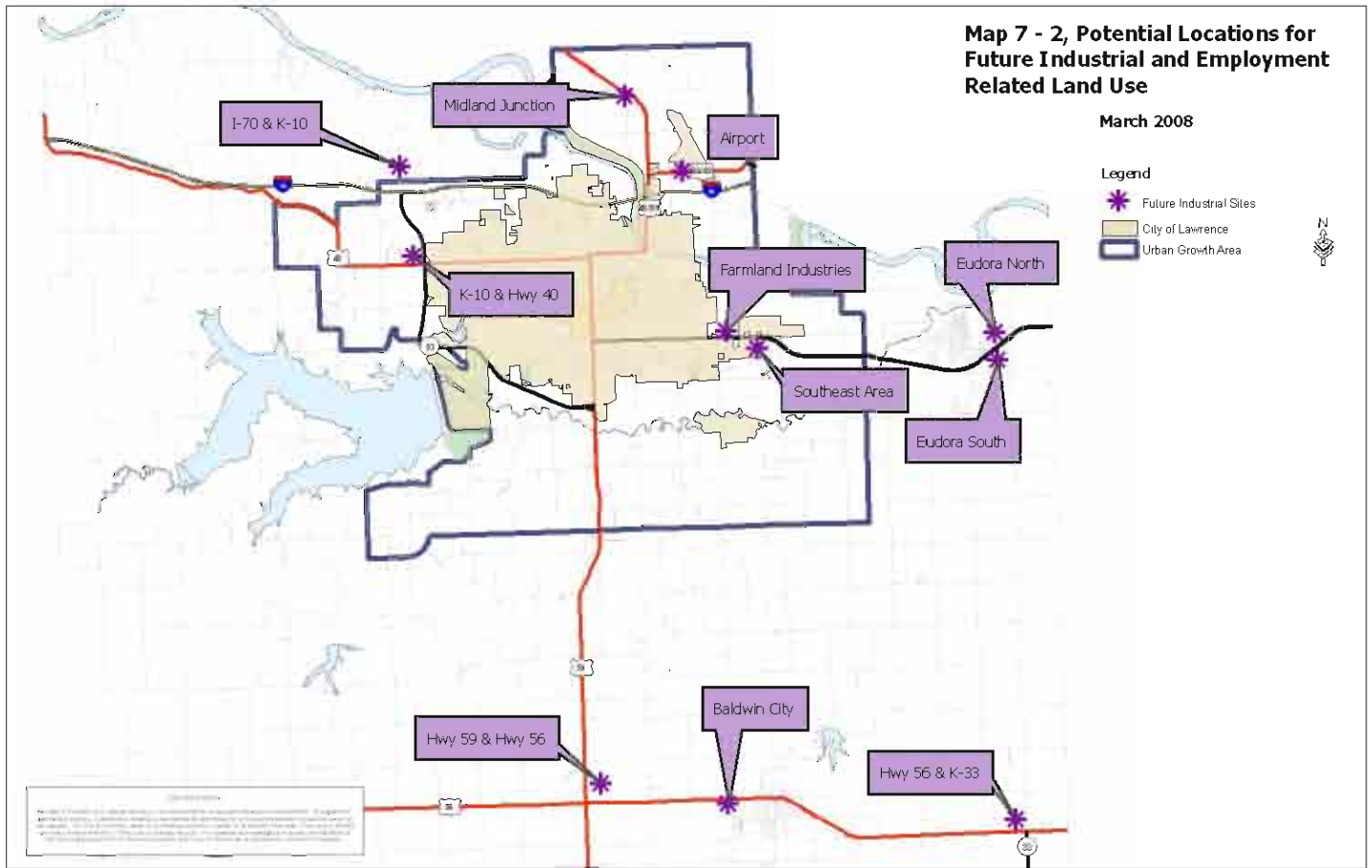
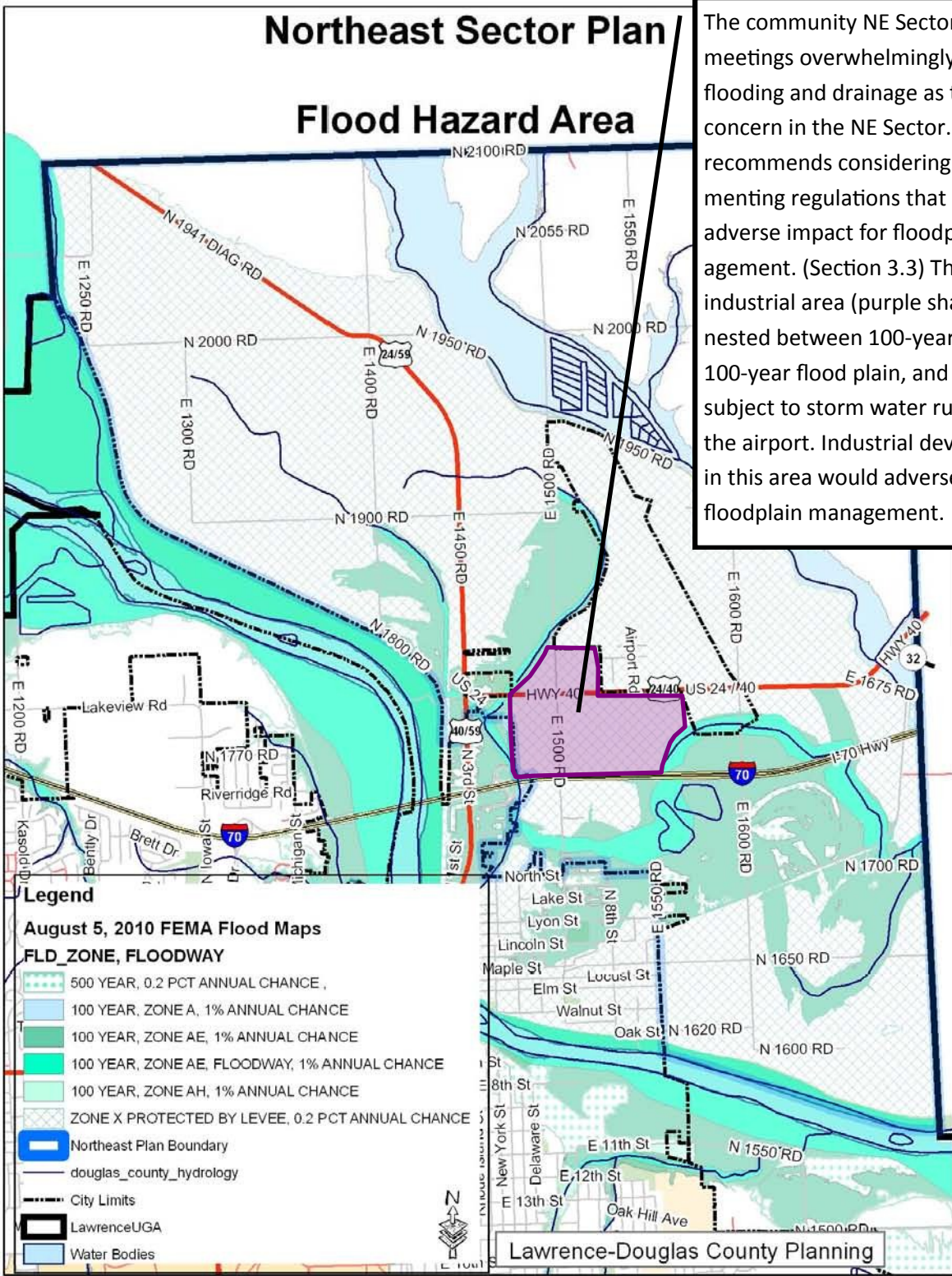


Exhibit D

Approximate Acreages Containing Class I and II Soils in the Potential Industrial Development Sites According to Horizon 2020					
Potential Industrial Development Sites According to Horizon 2020 (Pages 7-4 through 7-8)	Acres (Approximate)	Class I Soils (Approximate Acres)	Class II Soils (Approximate Acres)	Total Class I and II Soils (Approximate Acres)	% Soils that are Class I and II
Farmland Industries	509	12	7	19	3.7%
Southeast Area	173	0	21	21	12.1%
Airport	374	217	157	374	100.0%
I-70 and K-10	607	0	42	42	6.9%
K-10 and Highway 40	386	0	28	28	7.3%
Eudora North and Eudora South	845	8	4	12	1.4%
Baldwin City	648	0	0	0	0.0%
Highway 56 and Highway 59	656	0	36	36	5.5%
Midland Junction	652	69	214	283	43.4%
Highway 56 and K-33	719	0	0	0	0.0%
Total Acres (Approximate)	5569				



The community NE Sector planning meetings overwhelmingly ranked flooding and drainage as the primary concern in the NE Sector. The plan recommends considering implementing regulations that promote no adverse impact for floodplain management. (Section 3.3) This proposed industrial area (purple shaded) is nested between 100-year floodway, 100-year flood plain, and would be subject to storm water runoff from the airport. Industrial development in this area would adversely impact floodplain management.

Map 2-13 – Class I and II Soils

The community NE Sector planning meetings ranked Class I and II soils as the greatest asset in the NE Sector. The plan encourages the preservation of such high quality soils. (Section 3.1.2.1) The purple shaded area converted to an Industrial land use is predominately composed of Class I and II soils. It is also recognized that these soils are highly absorptive and greatly assist in storm water mitigation. (Page 2-17)

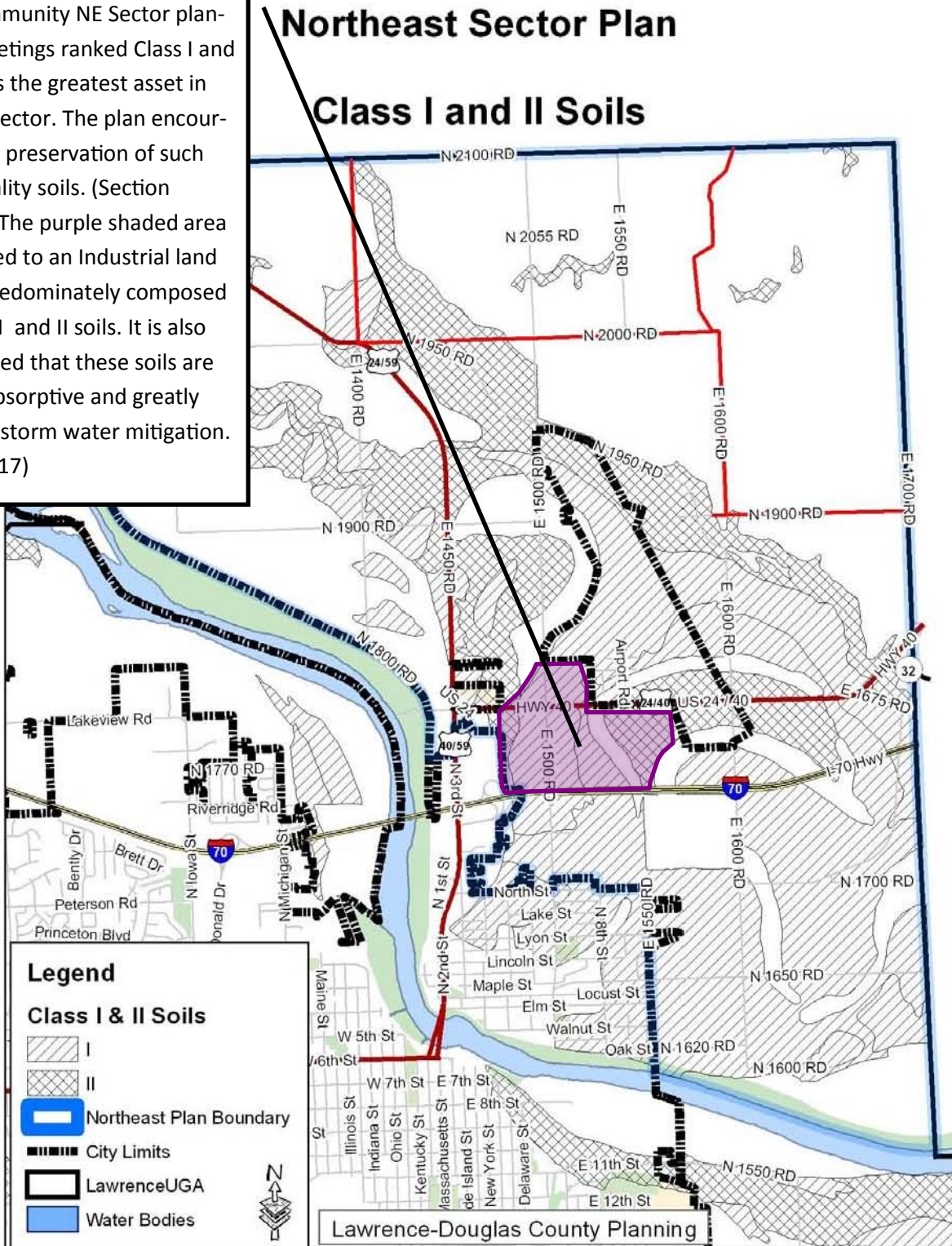
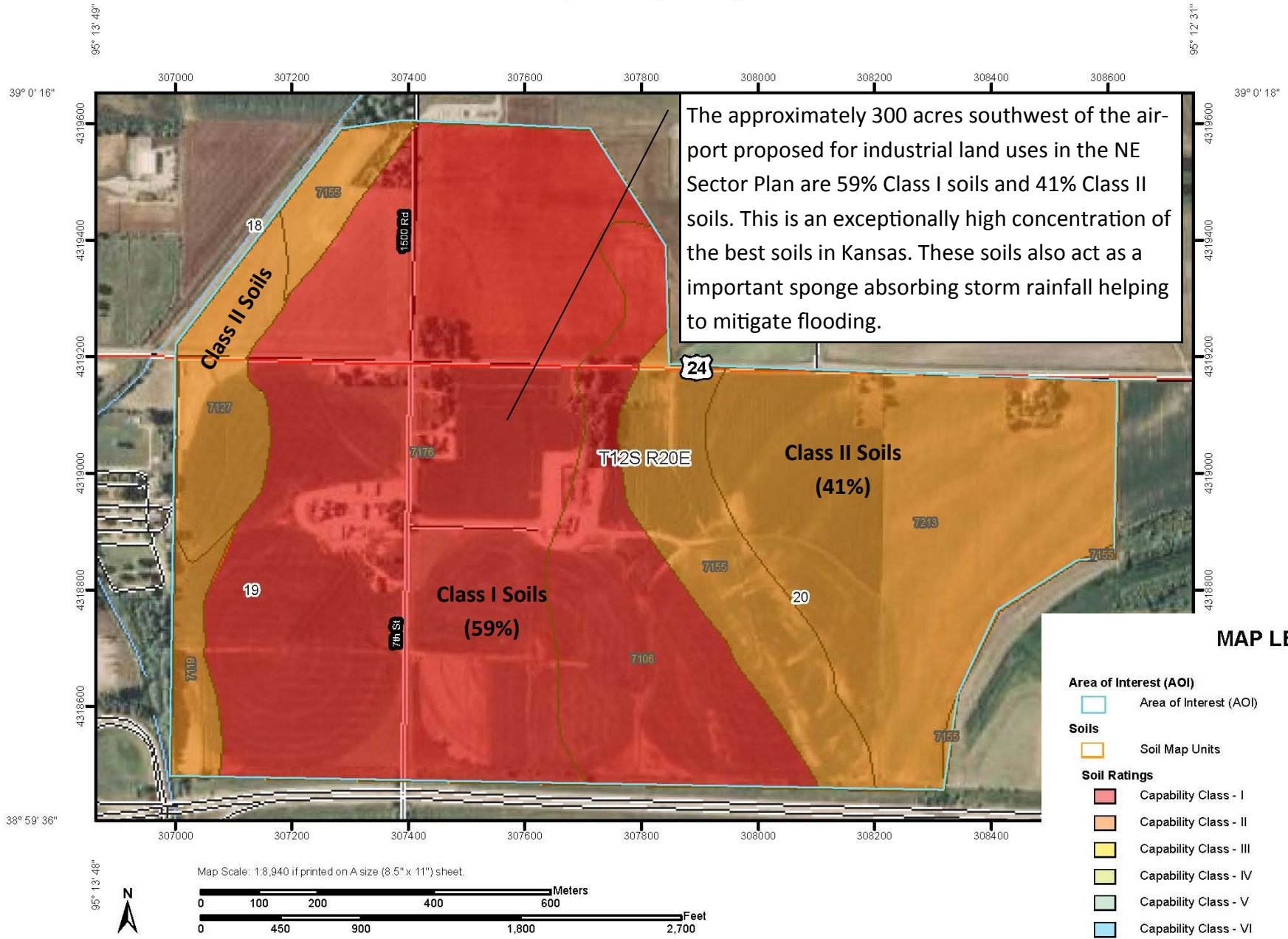


Exhibit G

Nonirrigated Capability Class—Douglas County, Kansas
(1500 Road Hwy 24 Soil Class)

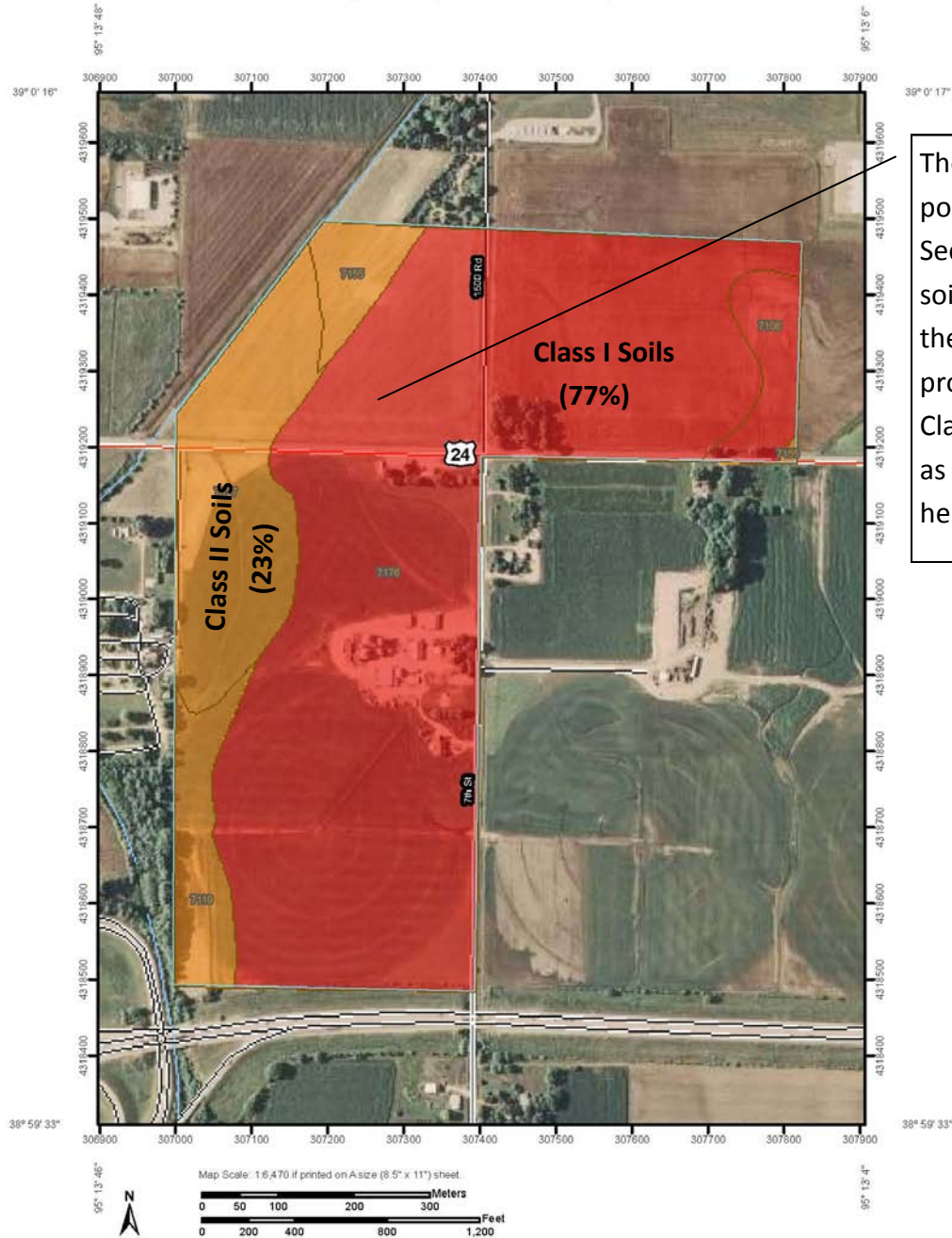


MAP LEGEND

- Area of Interest (AOI)**
 - Area of Interest (AOI)
- Soils**
 - Soil Map Units
- Soil Ratings**
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available

Exhibit H

Nonirrigated Capability Class—Douglas County, Kansas
(NE Sector Proposed Industrial Soil Classes)



The approximately 125 acres southwest of the airport proposed for industrial land uses in the NE Sector Plan are 77% Class I soils and 23% Class II soils. This is an exceptionally high concentration of the best soils in Kansas. This parcel represents approximately 3.5% of the Class I soils and 1% of the Class II soils in the NE Sector. These soils also act as an important sponge absorbing storm rainfall helping to mitigate flooding.

ITEM NO. 4 NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Deferred by Planning Commission on 1/23/12.*

STAFF REPORT

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Barbara Clark, Citizens for Responsible Planning, said they were in favor of option 3. She stated there were numerous other choices available for industrial development in the county, far better suited than development in the northeast sector. She expressed concern for public safety, risk of loss of life and personal property, infrastructure cost and maintenance, and the misuse of the term multi-modal. She displayed maps on the overhead and discussed class I and II soils in the northeast sector. She discussed the U.S. Geological Survey about the high plains aquifer that she included in her communications. She said the high plains aquifer was composed of 175,000 square miles of soils that represent 25% of agricultural production for the nation and it was in extreme peril as far as sustainability goes. She said it pointed to the value of the northeast sector soils which have a river for an irrigation source.

Mr. Jerry Jost showed flooding pictures on the overhead. He discussed public safety and felt it was necessary to have emergency services throughout the northeast sector. He said a lot of the roads were low and had overflow. He said in order to prepare the area for industrial development there would need to be five miles of road improvements. He expressed concern for the consequences, in terms of cost and public safety.

Mr. Charles NovoGradac spoke in favor of option 3. He felt the best use for this agricultural soil was the industry of agriculture.

Mr. Ted Boyle, North Lawrence Improvement Association, was in favor of option 3. He said there was already close to 300 acres of undeveloped industrially zoned property in North Lawrence. He said an additional 125 acres would contribute to the stormwater problem that North Lawrence suffers from. He said the pump in North Lawrence could not handle anymore water. He expressed concern about the excess cost of infrastructure. He thanked Planning Commission for their time and effort.

Mr. John Naramore said he represented residents on E. 1250 Road. He provided his credentials. He provided justification to remove both snowflakes from the Grant Township area using wording from the chairs of the umbrella group from which the snowflakes were born.

Mr. Michael Almon, Sustainability Action Network, initiated the peak oil plan for Lawrence. Mr. Almon read the following letter:

"Because of energy depletion, the economic development model for the 21st Century differs from that of the 20th Century. The exponential growth rate of the 20th Century was highly dependent on abundant, cheap petroleum. But everyone monitoring global energy flows, including the Pentagon, the Geological Society of America, the Congressional Research Service, Shell Oil, the International Energy Agency, and many more, has acknowledge that the supply of conventional oil from all major oil fields can no longer meet the growing global demand for oil. What remains is the difficult and expensive oil. That is the essence of peak oil. The record petroleum price of \$147 per barrel in 2008 triggered a temporary drop in demand and prices. But as emerging economies demand more oil, recent prices have reached \$110 per barrel, and oil-derived products such as pavement, plastics, and fuels are costing more. Most troubling, however, is that agricultural energy accounts for 17% of total U.S. energy use, about half being petroleum, for fuel, hydraulics, pesticides, fertilizers, processing and transport. By now I imagine the Commissioners have read the Lawrence peak oil plan entitled "Solutions to Peak Oil Vulnerabilities", from which this data is sourced. Planning for energy depletion in the

21st Century is critical, the impact on our ability to feed ourselves being paramount. Already we are seeing two major trends in agriculture prompted by rising energy prices – local and regional food, and organic food – both with considerably lower energy profiles. As noted in the Staff report for the N. E. Sector Plan, the top solution in the peak oil plan for local food vulnerability is to “Redraw the City’s Urban Growth Area boundaries to preserve high quality soils for agricultural uses”. Omitted was the rest of the statement, “Encourage brownfield and infill development as alternatives to nonagricultural development of high quality soils”. The key here is location. Located in the N. E. Sector are Capability I & II soils with inherent fertility that needs minimum energy inputs. Given future energy cost inflation, it would be insanity to urbanize this world class treasure. Industry should be located elsewhere. Furthermore, it is a 20th Century anachronism that “flat terrain promotes industrial uses” as staff said. Industry was historically located in bottom land simply because it was served by rail which required no more than 3% grade. Whereas today, most freight trucks can handle up to 7-8% grade and navigate hillier sites in Lawrence. A more compelling case can be made for flat terrain being used agriculturally, because the bottom land is where the best silty loam soils have accumulated, and the water table is more accessible. Another fallacy that persists is that the N. E. Sector is served by multi-modal transportation. The space constraints of the Lawrence Municipal Airport prevent it ever developing on par with the New Century AirCenter or Forbes Field. And Union Pacific has rail sidings only at the bankrupt Schmidt Lumber and at Midland Junction, 1 and 2 miles north west. Potential new sidings are just one more of the unaccounted infrastructure costs to urbanize this farmland. Finally, it is unfair that a handful of landowners in the valley insist that the larger community upzone and appreciate the value of their land, simply because they want to maximize their asking price. They have no legal basis for such demands, because numerous U.S. Supreme Court decisions have said that reasonable, uniformly applied land use regulations designed to secure the common welfare do not constitute legal takings. The Court narrowly defined taking: “When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking.” For these few landowners, the agricultural status quo has not stripped the value of their land, so if they sell it at agricultural valuation they are not suffering a taking. But were the larger community to devise a plan by which these few landowners could apply for upzoning, they would be the last to admit that such would constitute a “giving”. If our community feels compelled to assist these landowners, it would be more constructive to create a “Local Farm Link” program similar to the Pennsylvania Dept. of Agriculture program that links young prospective farmers with retiring farmers who want to sell their land. Likewise, Lawrence should adopt Transfer of Development Rights (TDR) for Capability I and II prime soils specifically. In such a program, lands containing these soils are so designated, and farm owners can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. Therefore, the Sustainability Action Network requests that the version of the N. E. Sector plan that you adopt be the one designating zero acres for additional industrial/commercial uses.”

Mr. Lane Williams advocated for option 3. He said it was misleading to propose rail access was achievable without significant and prohibitive cost. He said information from the Kansas Department of Transportation indicated it would require approval by Union Pacific railway.

Ms. Julia Mangutz asked Planning Commission to consider and approve option 3.

Ms. Natalya Lowther, Pinwheel Farm, said her property was rezoned from industrial to agricultural in 1997. She supported no new industrial.

Ms. Nancy Thellman said she was speaking on behalf of Mr. Ron Seibold, owner of Pines International, a soil conserving agri-industry wheat grass health supplement manufacturer. She said he wanted the snowflake removed from over his business. She said they could not afford to piecemeal develop that area parcel by parcel.

COMMISSION DISCUSSION

Commissioner Belt inquired about removing the snowflakes.

Mr. McCullough said they could make that revision to the plan and follow up to remove the snowflake from Chapter 7 of Horizon 2020. He said option 3 did not have either snowflake.

Commissioner Britton said he was impressed with everyone respecting the process. He thanked the public for their presence. He said he heard the community express three main concerns. The first concern was a safety issue with water and how the land would react to rain. He said the second concern was that this was a conservation issue and that class I and II soils were valuable and important. The third concern he heard was that there were plenty of industrial opportunities in Douglas County. He said he also heard concerns that it was not really a multimodal district. He did not feel the bar had been met that was necessary to go down the path of industrial for the northeast sector. He said he would support option 3.

Commissioner von Achen said there were compelling arguments on both sides. She said the northeast sector might be a good location for industry but not a good land use for industry. She felt they needed to look at the land and the history of the land. She said she supported option 3. She thanked the public for their persistence.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Burger, to approve the Northeast Sector Plan with option 3.

Commissioner Finkeldei thanked the public for their input. He said there had always been drainage issues in North Lawrence and that there was uniform agreement among many folks that the drainage issues in North Lawrence should be worked on. He said a pump station was in the works to be built. He said if Planning Commission could waive a magic wand to install a pump station they would have done it years ago. He felt they needed to be able to fund the drainage study and one way to do that was to have proposals for North Lawrence that participate in that. He disagreed that there was enough industrial in Lawrence. He said there was a big difference between a planned industrial area and industrial zoning. He said the 1,500 acres were planned for industrial at some point in the future, not zoned for industrial. He said the Inverness Park District Plan was passed by City Commission but they denied the rezoning application that was supported by the plan and now they were amending the plan. He said the way the Northeast Sector Plan started was by amending Chapter 7 to include the snowflakes. Then they directed staff to create a sector plan consistent with the snowflakes. He said they had been working on the plan for three years to implement the snowflakes but now before the plan was even adopted they were going to take out the snowflakes that were put in in 2007. He said they would have to amend Chapter 7. He said it seemed the northeast sector was either a large area to support the infrastructure necessary for industrial growth or it was option 3 with no future industrial at all. He said marking the area purple on the map was not going to change flooding or drainage issues in North Lawrence. He said that was not what would change the flooding issues in North Lawrence. He said the question becomes when a project is built in the future if it would hurt or help the issue. He said some projects could improve flooding with such things as a pump or raising 24/40. He said those decisions could be made with a zoning application. He believed having purple on the map may create a situation where some entity could come along with money and invest in North Lawrence to solve drainage issues. He said he would oppose a zoning application for a 10 acre warehouse with concrete around it because it would cause problems for North Lawrence. He said having purple on the map does not say he would support a 10 acre warehouse, but it does say he supports a project that could solve the problems. He said he would vote against the motion. He said he would support option 1 and support the plan he voted for two years ago, as well as the snowflakes he voted for six years ago. He said the color on the map would not cause negative impacts, it was the zoning application that comes later that could either improve or hurt those impacts. He said he would oppose 125 acres because he did not think it was big enough to solve the problem. He said he would support 300 acres.

Commissioner Blaser said what had changed was the audience. He said the first two times they heard the item there was a full crowd of farmers and large land owners wanting their land to be their 401K. He agreed with Commissioner Finkeldei that zoning was what would change the land. He said he used to have the firm belief that they had to have industry in Lawrence to survive. He said they were not going to solve the North Lawrence issues with small parcels. He said he would support option 3.

Commissioner Culver said originally when they looked at this with 300+ acres it made more sense but as he has learned more from the community it made less sense. He felt there were potential ramifications for public safety, class I and II soils, and he also agreed that agriculture was industry in some ways. He said it was hard for him to say they did not need industry but he felt with this plan the detriments outweighed the potential positives. He said on a lighter note he wished they could relocate the airport. He said it was hard to weigh all the different competing values. He thanked the public for sticking with the process. He said he would support option 3.

Commissioner Belt agreed with Commissioner Culver. He felt this location was a poor choice. He was concerned about the economic risk in terms of infrastructure and how much it would cost the community. He said he would like to consider agriculture not only as economic development but as an economic driver for the county. He said he would support option 3.

Commissioner Liese said the color purple on the map was harmless by itself but had the potential for opening the floodgates.

Commissioner Hird said he would probably vote against the motion. He said his original position was to support the plan that had 300 acres of industrial development. He felt removing the industrial snowflakes created a conflict with Chapter 7 that they had not even addressed. He felt that if industrial was put there it should be a larger area and master planned. He said there could not be 10 acres of development with warehouses and concrete. He thought they were creative enough that there was a way to have an industrial designation for the area and still support class I and II soils. He felt they could encourage soil conserving agribusinesses to develop there and have the best of both worlds. He said his concern with option 3 was that it lessened the incentive to deal with the flooding issues in North Lawrence. He said the only way to solve flooding issues in North Lawrence was for someone to come in and spend the money to deal with the problem. He did not like the fact that option 3 removed the neighborhood commercial center. He felt that North Lawrence needed more commercial to support the residents there. He stated option 3 removed the snowflake at Midland Junction and they had not had any discussions about what it meant to take the snowflake off that location. He thanked neighbors for their participation in the process.

Motion carried 7-2, with Commissioners Finkeldei and Hird voting in opposition.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For January 23, 2012 Planning Commission Meeting

RE: CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

Introduction:

The Northeast Sector Plan was approved the Lawrence-Douglas County Planning Commission by a vote of 5-4 on September 20, 2010. The Douglas County Board of Commissioners considered the Northeast Sector Plan at meetings on May 11, 2011 and June 1, 2011. The County Commission, by a vote of 2-1, referred the Northeast Sector Plan back to the Planning Commission with specific direction. The City Commission reviewed the Northeast Sector Plan at their meeting on August 9, 2011. The City Commission also provided direction to the Planning Commission.

The Planning Commission reconsidered the Northeast Sector Plan at their regular meeting on December 12, 2011. The Commission held a public hearing and discussed the Northeast Sector Plan. The Commission provided direction to reduce the industrially designate acreage west and south of the airport from 300 acres to 125 acres, and to bring back options on the configuration of those 125 acres. The full NE Sector Plan Planning Commission packet can be found with the December 12, 2011 PC agenda.

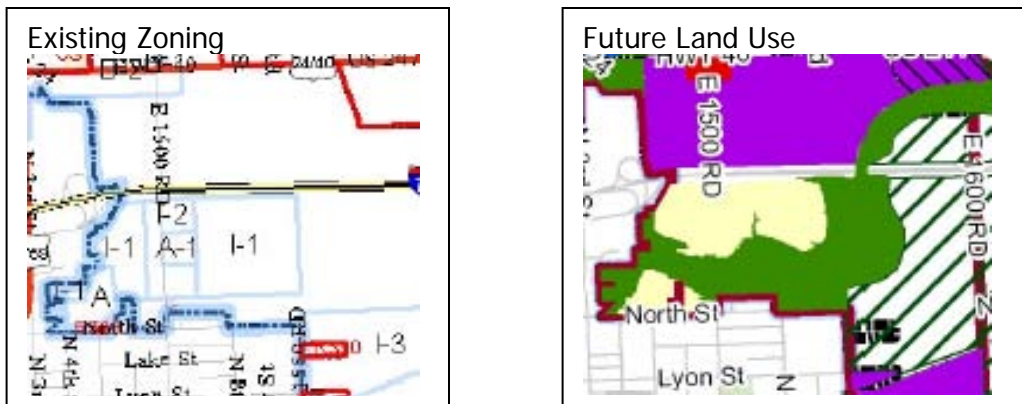
Those options, along with a discussion of existing county industrial zoning are presented below.

Existing Industrial Zoning Discussion

One item to point out to the Planning Commission is the current zoning of property south of I-70 and north of North Street. There is approximately 120 acres of property outside of the regulatory floodplain that is zoned County Industrial – I1 and I2 (see the map below). The use of the industrially zoned property is generally agriculture or residential. The industrially zoned properties today have zoning rights to seek a County Commission approved site plan to develop an approved industrial use; however, the presumption is that any significant development on these properties would require city services and be annexed into the city. In that case, the property would be rezoned and the Northeast Sector Plan would guide its development.

The Northeast Sector Plan designates the future land use of the area as Very Low Density Residential and Open Space (which is the regulatory flood hazard area). While it's true that those properties could develop industrial uses today with an approved site plan, for the reasons stated below, Staff believes very low density residential land use is the most appropriate land use for that area when it becomes part of Lawrence in the future.

That area is not targeted as a future industrial/employment area in Horizon 2020. The area south and west of the airport, and north of I-70, is the designated future industrial/employment area in Chapter 7 of Horizon 2020.

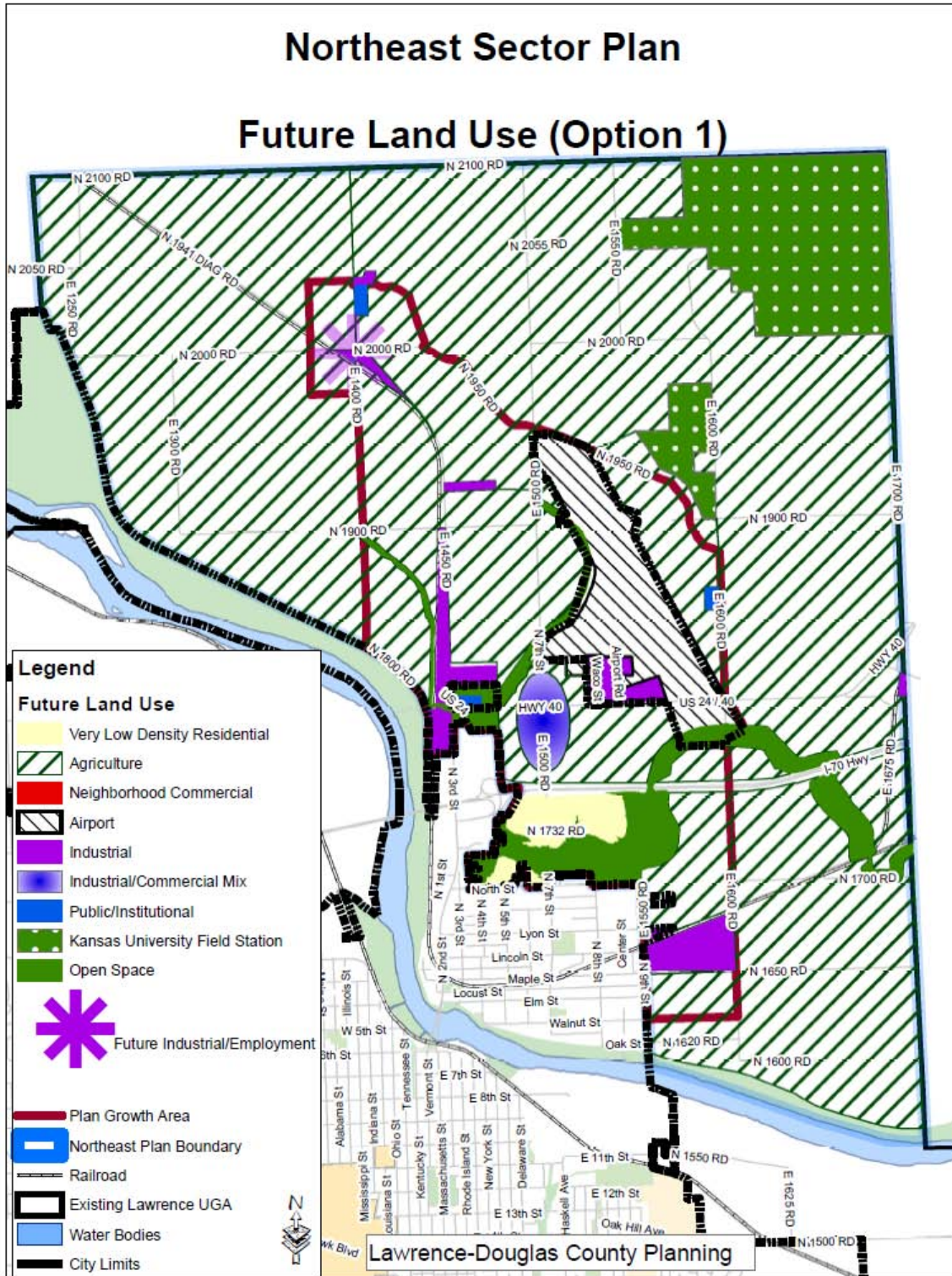


This information is important in considering new industrial designations as it is possible under the current county I-1 or I-2 zoning for additional industrial development to occur on these properties and would produce more industrial area than the Future Land Use Map of the sector plan reflects.

125 Acre Future Land Use Options

The Planning Commission directed staff to reduce the industrially designated land south and west of the airport from 300 to 125 acres. The Commission also directed staff to develop configuration options for the 125 acres. Staff is presenting three options for the Commission to consider. The options are presented on three land use maps along with changes to the future land use category descriptions. The future land use descriptions for Options 2 and 3 are the same.

Future Land Use Option 1



Option 1 land use description changes

3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 that are as a rural commercial uses that are and are is not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. ~~Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

3.2.1.5 Industrial/Commercial Mix

The intent of the Industrial/Commercial Mix category is to allow for a mix of commercial and industrial uses proximate to the intersection of Hwy. 24/40 and E. 1500 Rd. that utilize Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in this area. Commercial uses in this category shall be of a Neighborhood Commercial Center nature intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Properties in this category are expected to urbanize.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

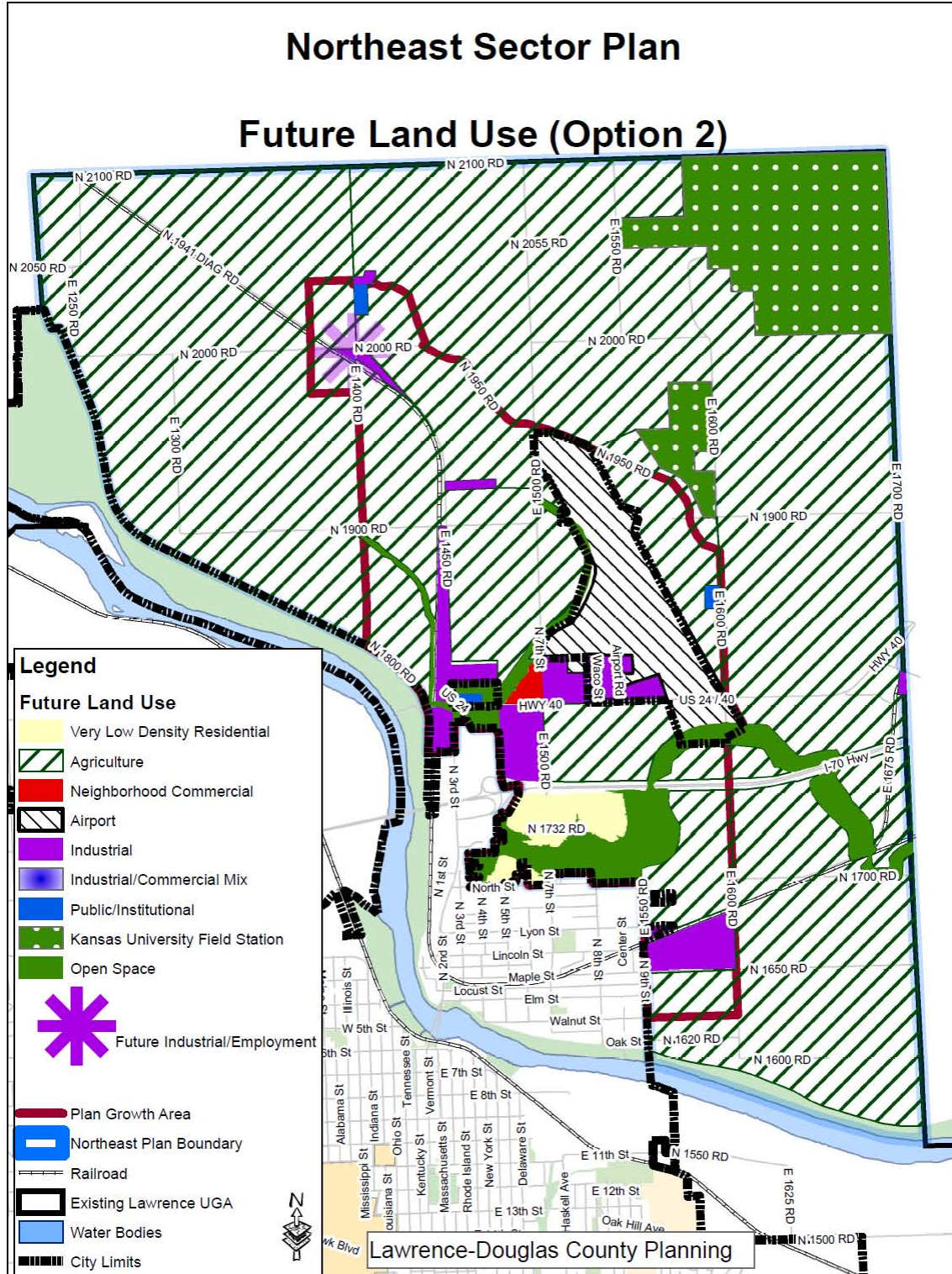
In order to balance the competing values noted above, the total approximate acreage for the industrial and commercial uses shall be no greater than 125 acres. The development should be organized in a contiguous manner. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 acres.

Intensity: Medium-High

Zoning Districts: Lawrence – CN2 (Neighborhood Commercial), MU (Mixed Use), IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses, non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

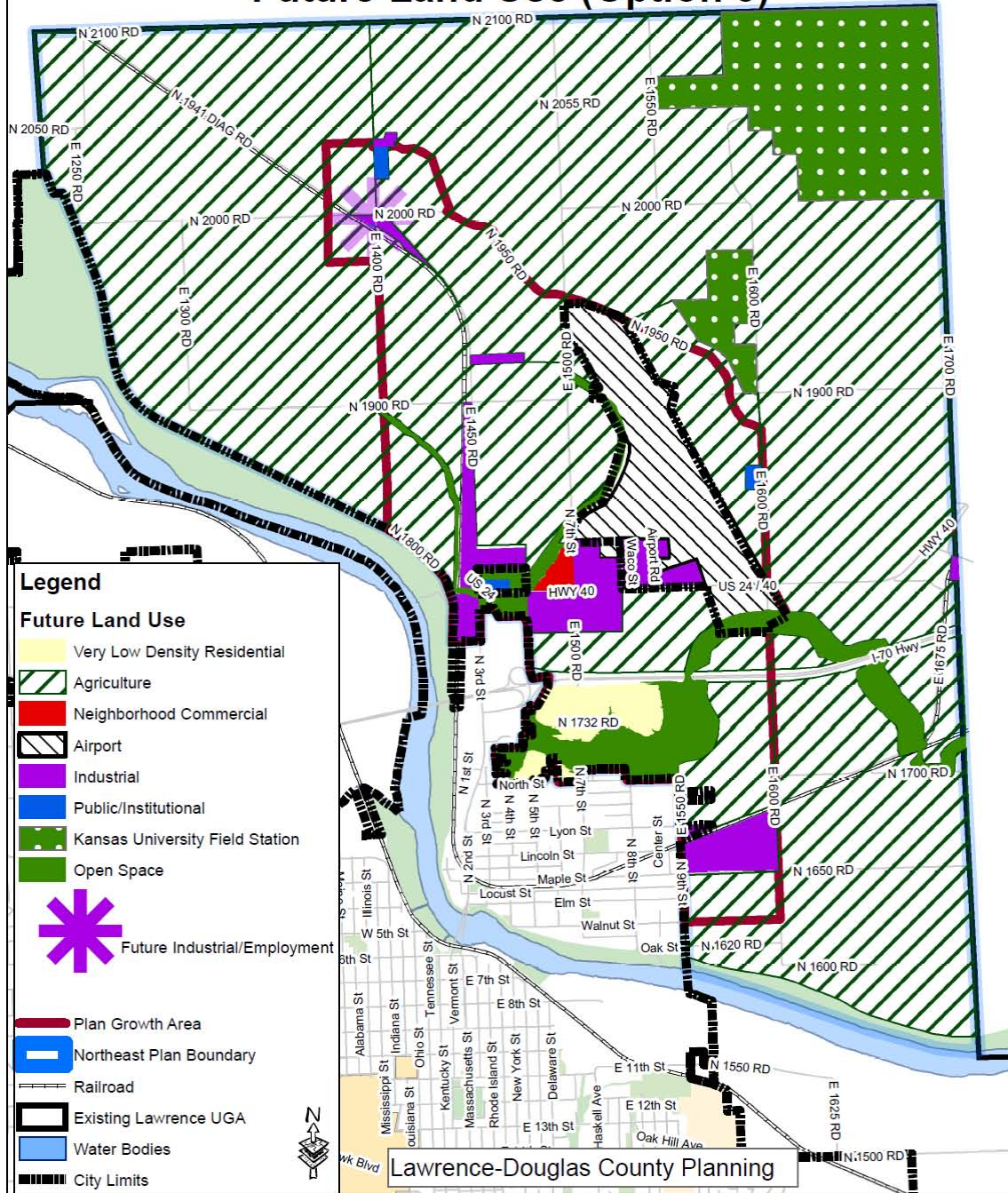
Future Land Use Option 2



Future Land Use Option 3

Northeast Sector Plan

Future Land Use (Option 3)



Options 2 and 3 description changes

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize at the northwest corner of ~~around~~ Highway 24/40 and E 1500 Rd, and includes approximately 20 acres. ~~Other areas designated are rural and currently exist and are~~ This category also includes the property at 1697 Hwy. 40 that is an existing rural commercial use and is not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 to E. 1550 Rd. and south of Highway 24/40 is also classified as industrial.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to

Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial uses shall be no greater than 105 acres. The development should be organized in a contiguous manner that is most intense at the intersection of Hwy. 24/40 and E 1500 Rd. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 commercial and industrial acres.

Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. ~~The industrial~~ Properties in this category is are expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission – 09/20/10
Douglas County Board of County Commissioners –
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.



Assistant Director of Planning and Development Services.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



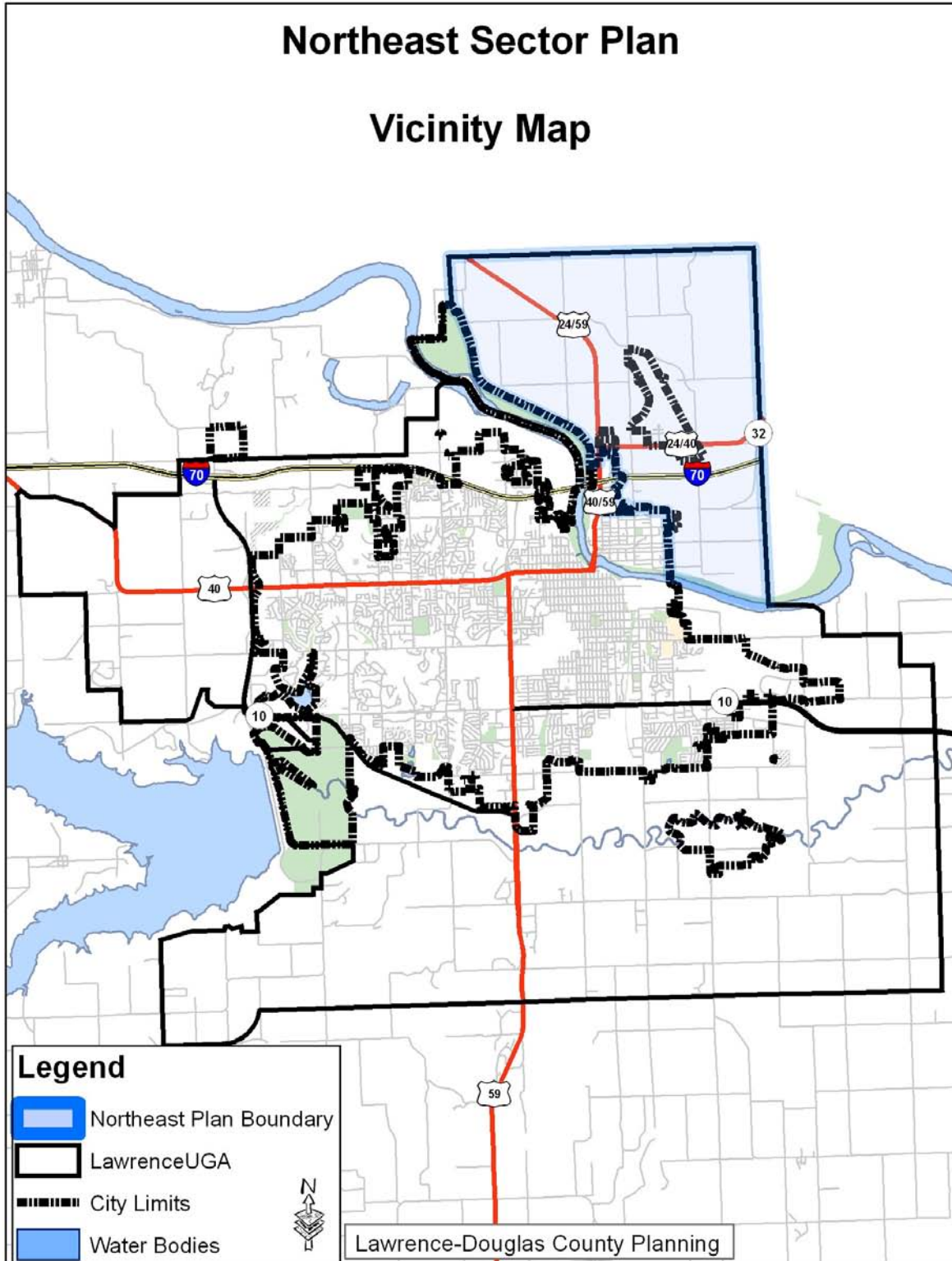
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

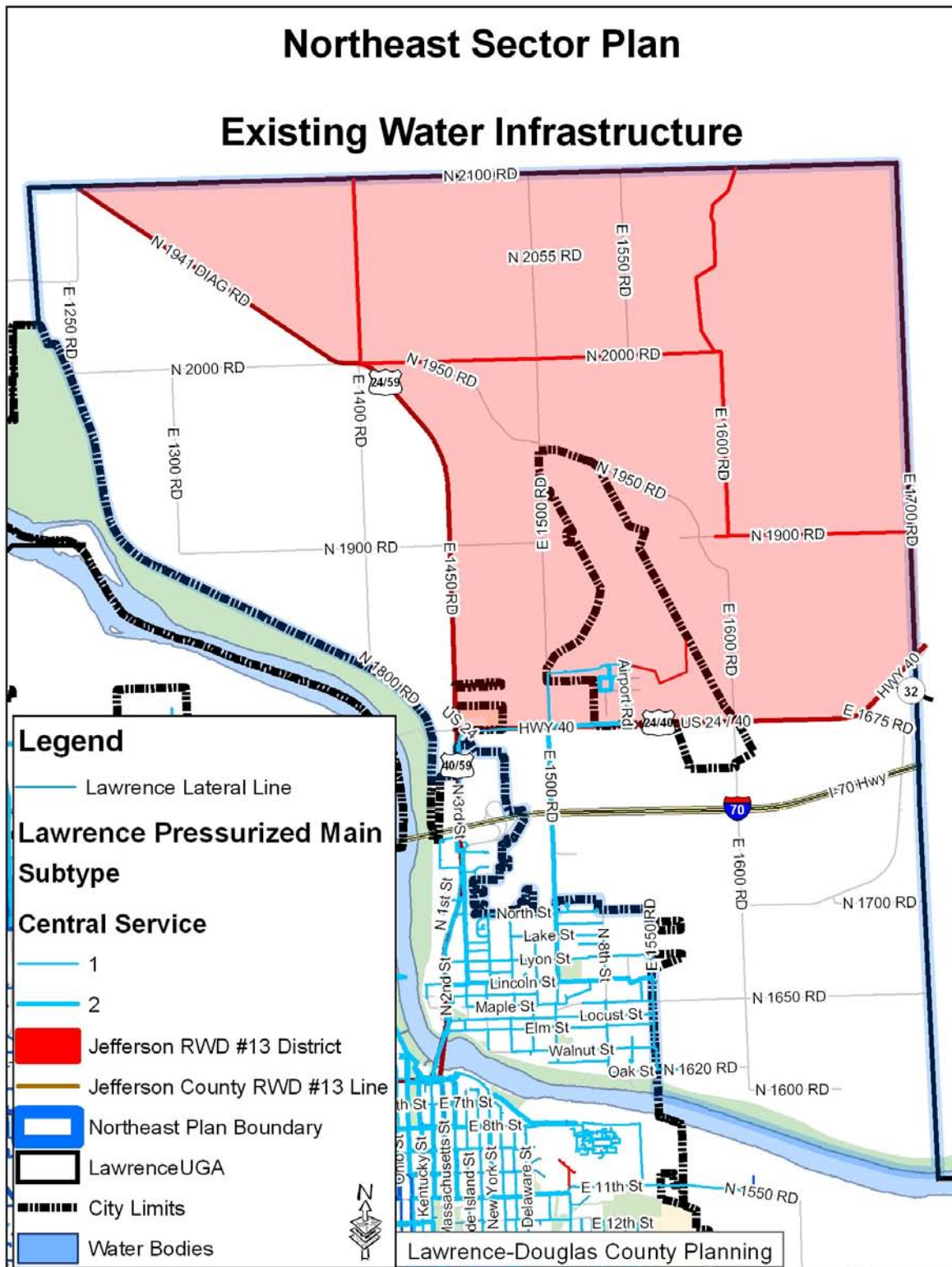
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

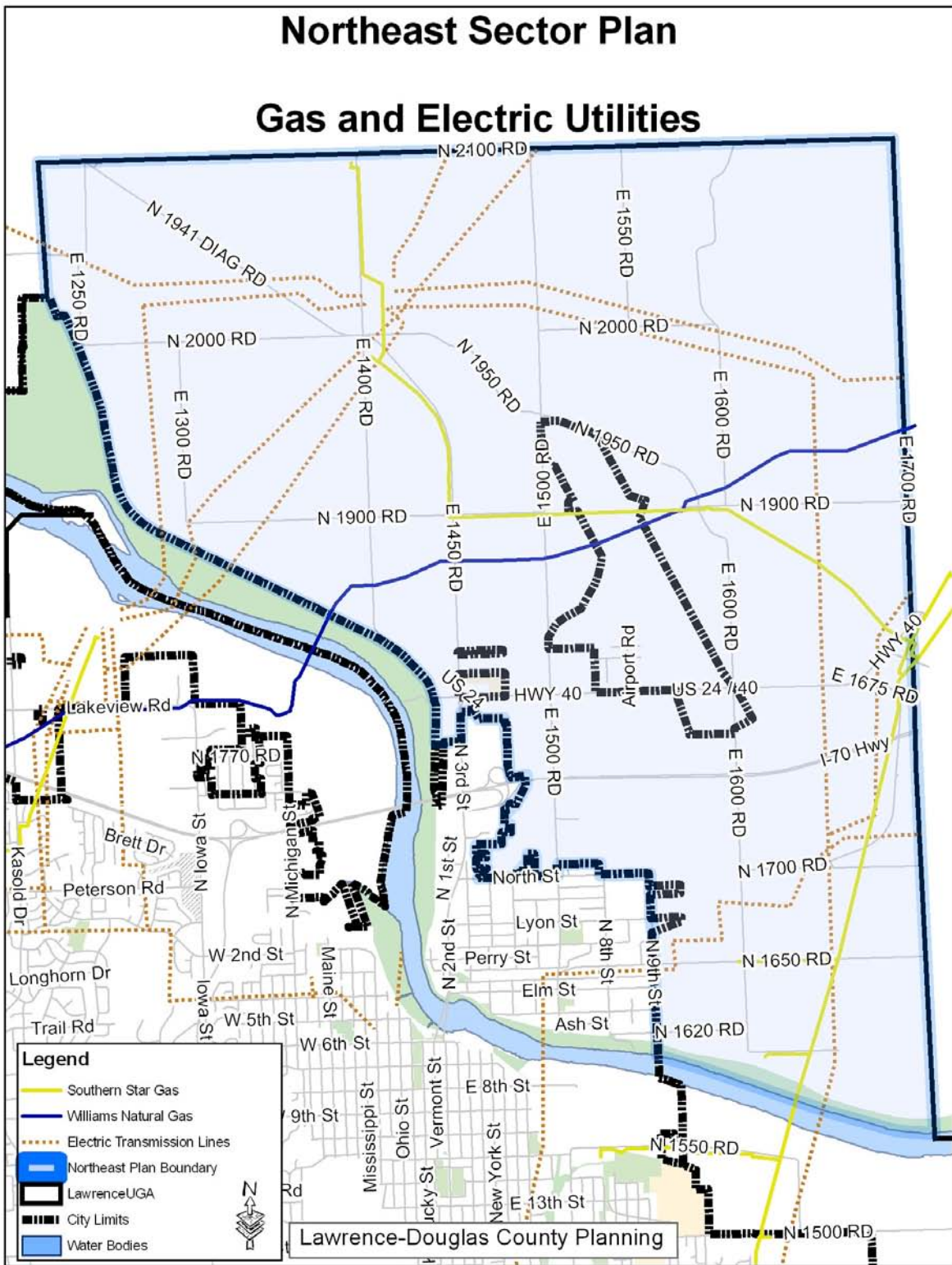
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

Map 2-3 – Water Infrastructure



Map 2-5 – Gas and Electric Utilities



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



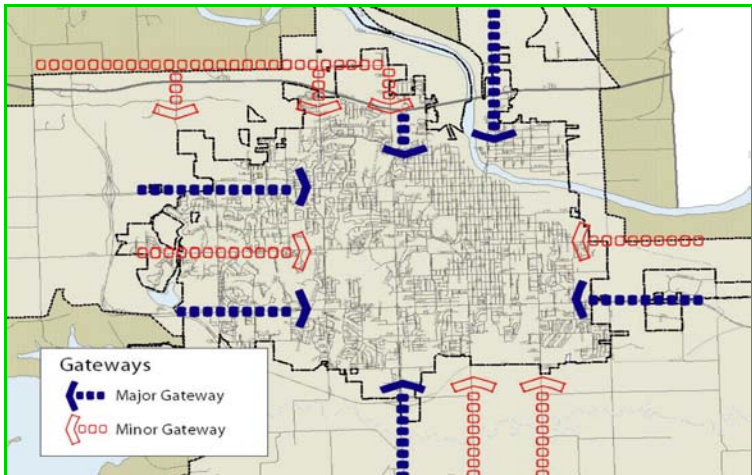
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

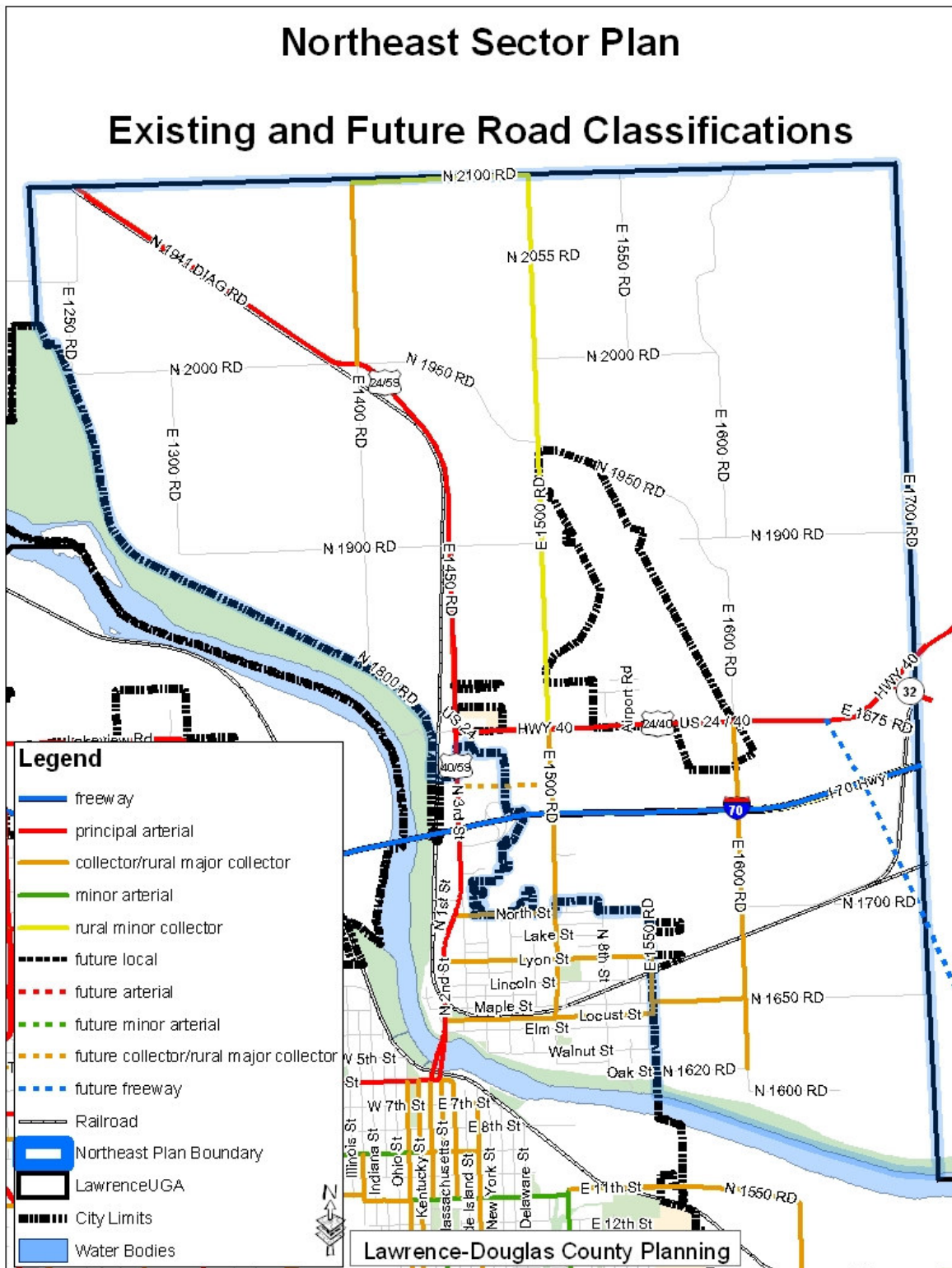


Map 2-8 identifies existing and future bicycle facilities that include:

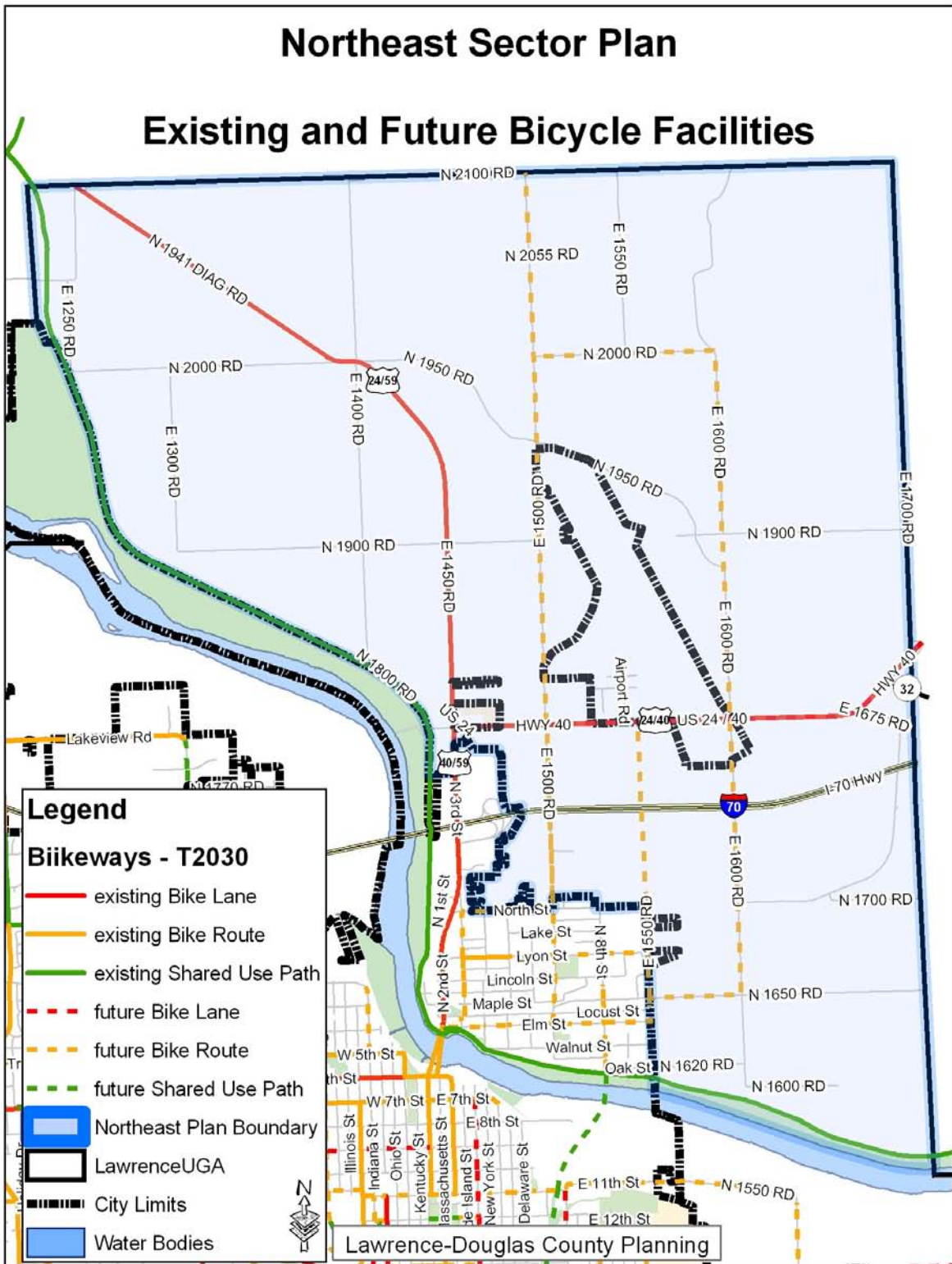
- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

Map 2-7 – Existing and Future Road Classifications



Map 2-8 – Existing and Future Bicycle Facilities



2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

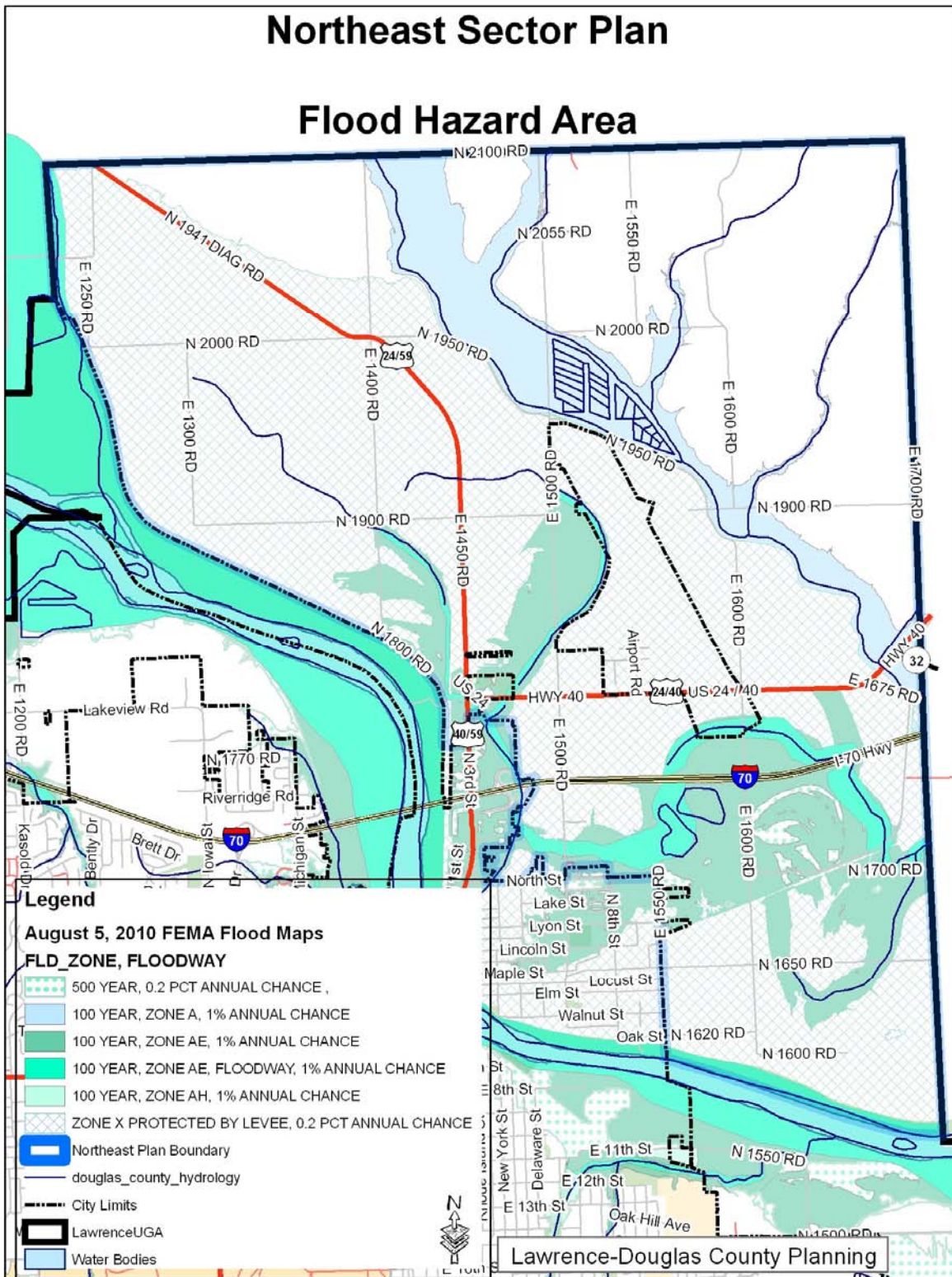
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

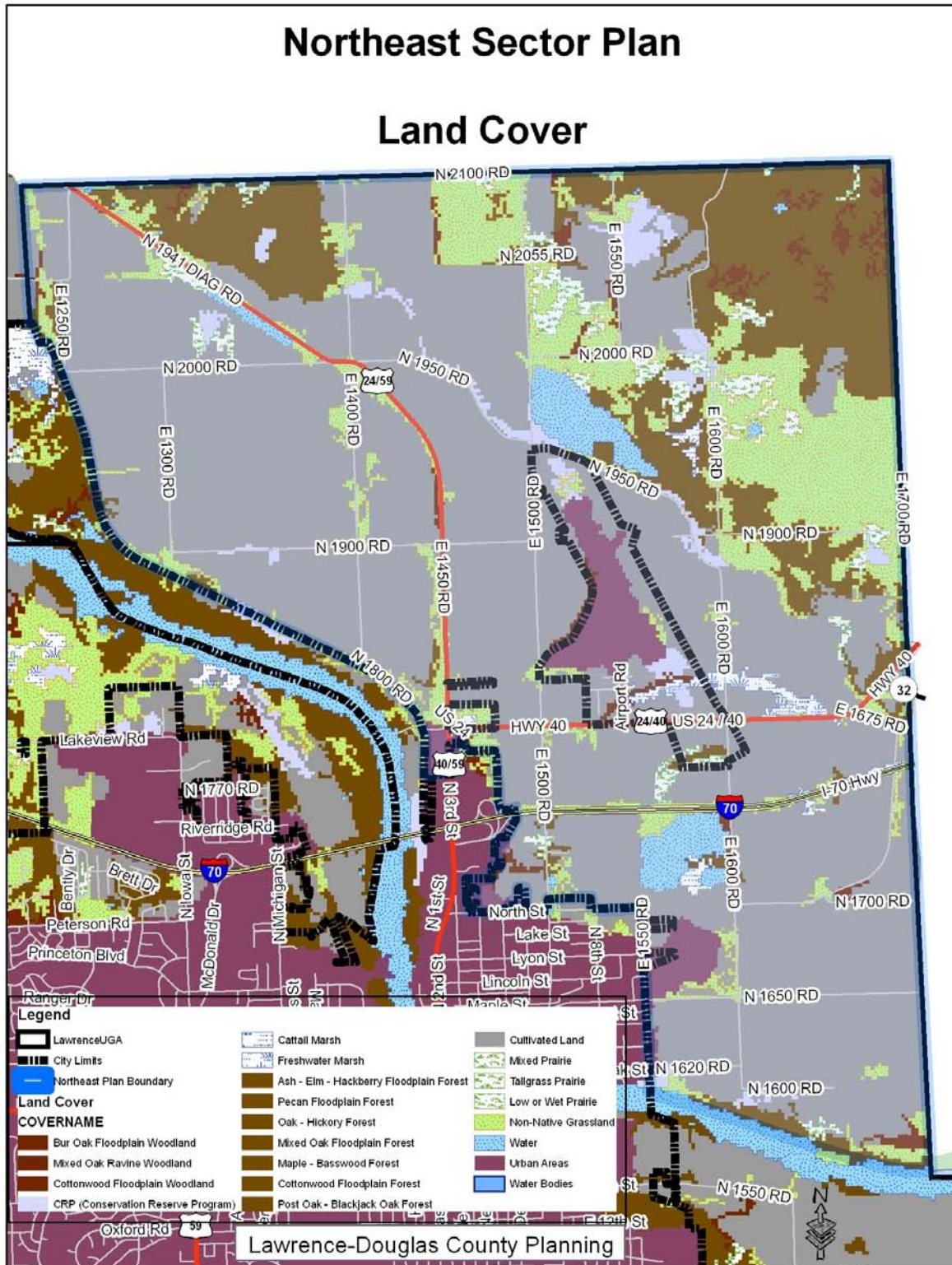
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

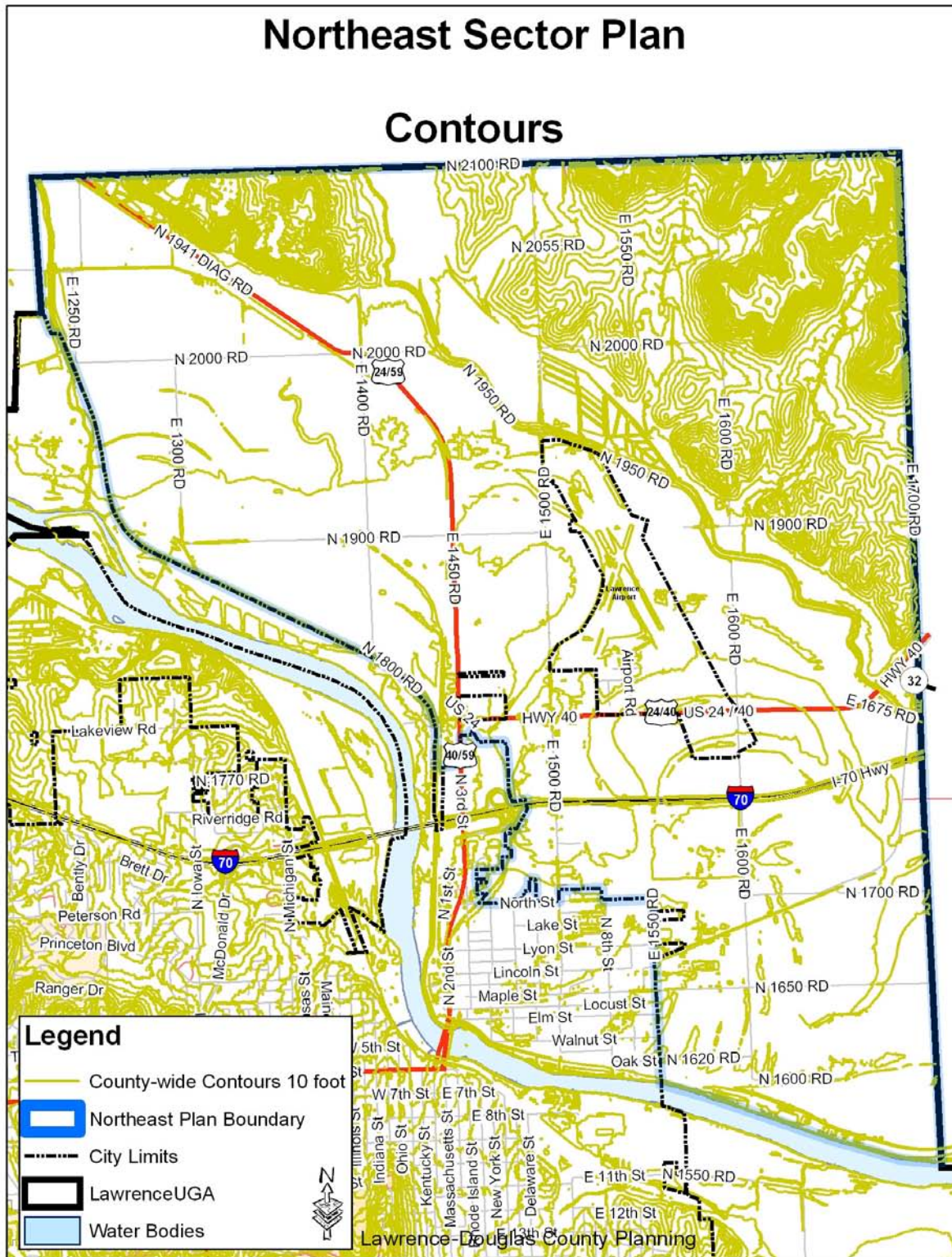
Map 2-9 – Regulatory Flood Hazard Area and Streams



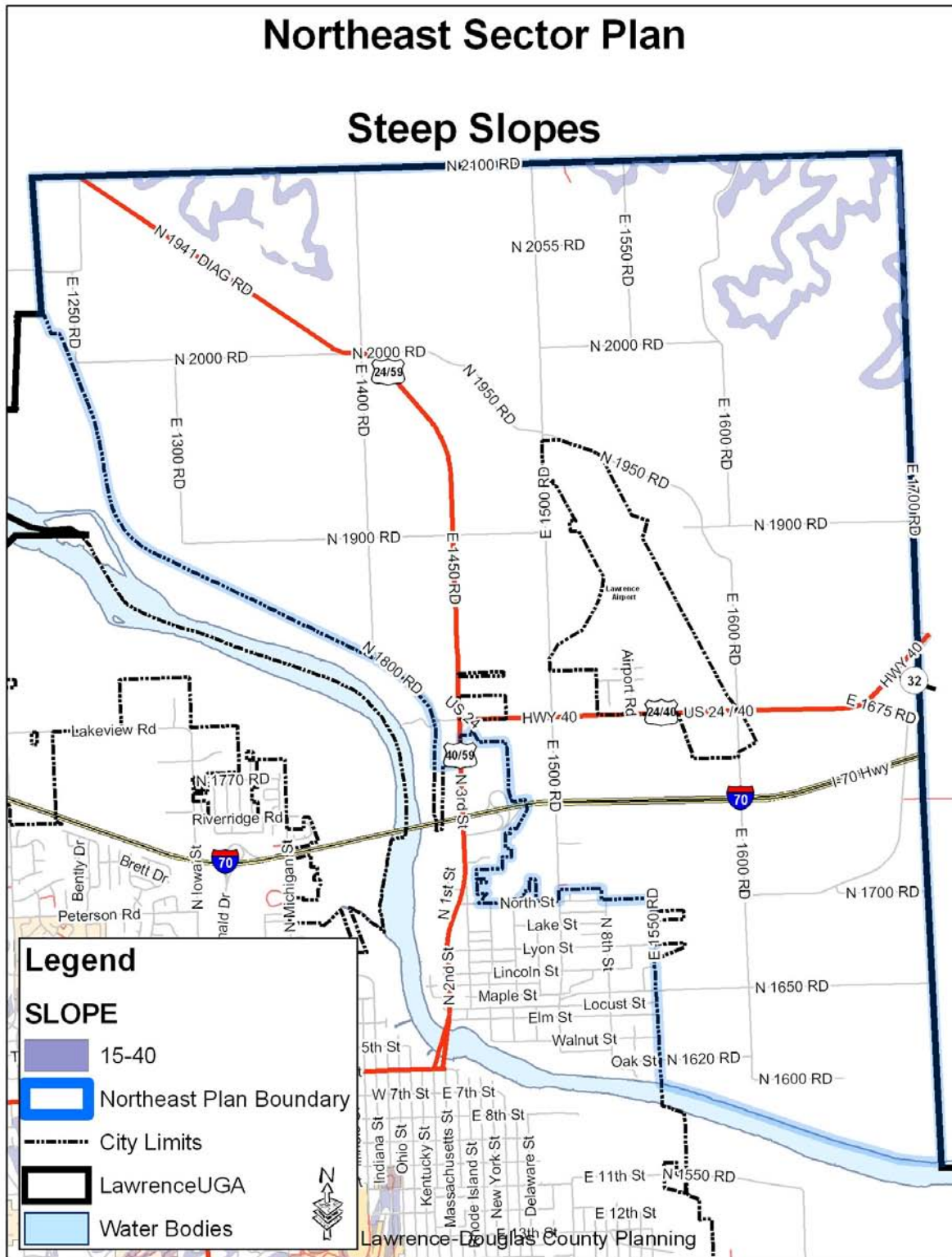
Map 2-10 – Land Cover



Map 2-11 – Contours



Map 2-12 – Steep Slopes



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

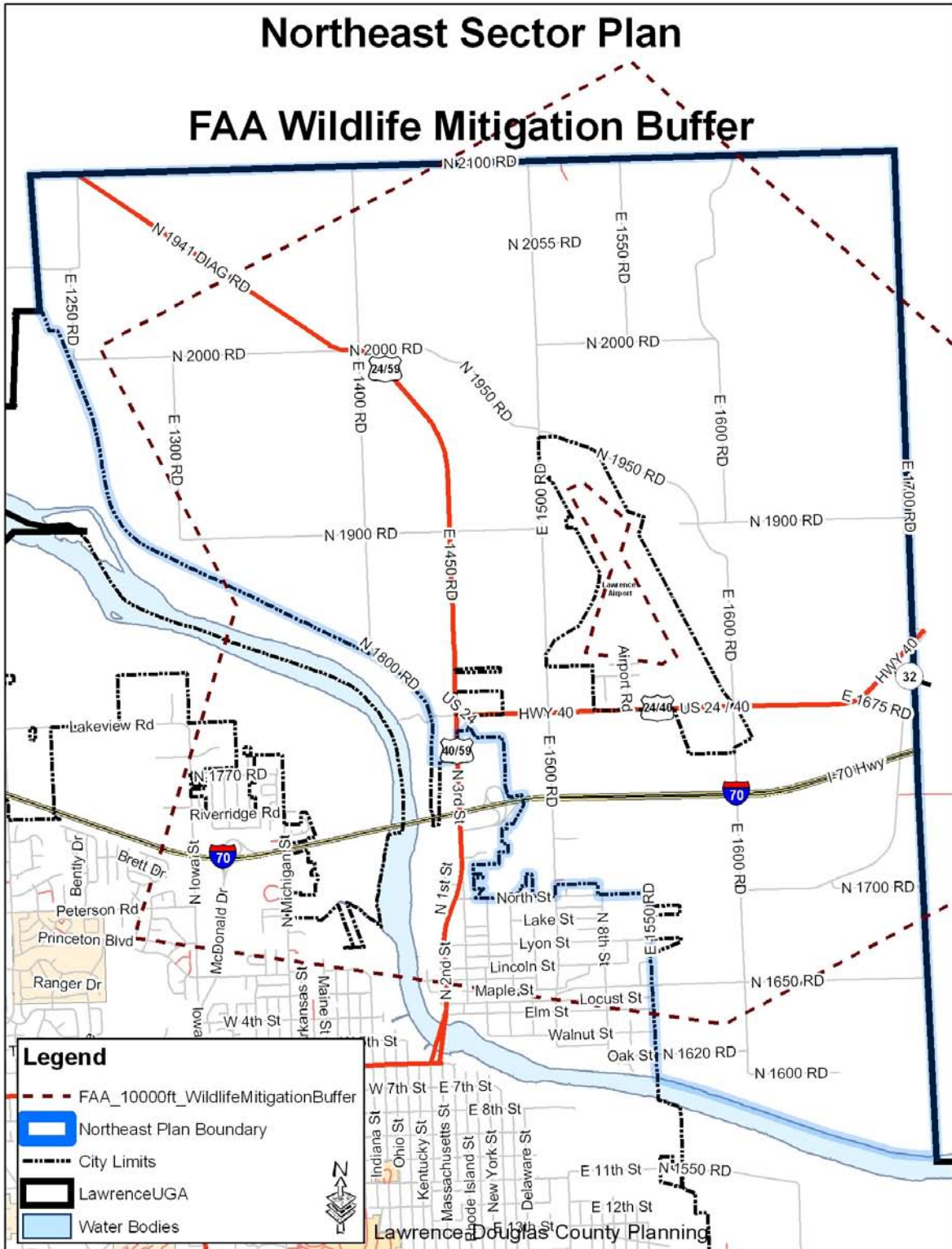
Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- Airport
- Highway 24/40/59
- Interstate 70
- Railroad

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils
Flat terrain
Floodplain
Groundwater/Wells
KU Field Station and ecological reserves
Kansas River/Levee
Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain
Floodplain/stormwater challenges
Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

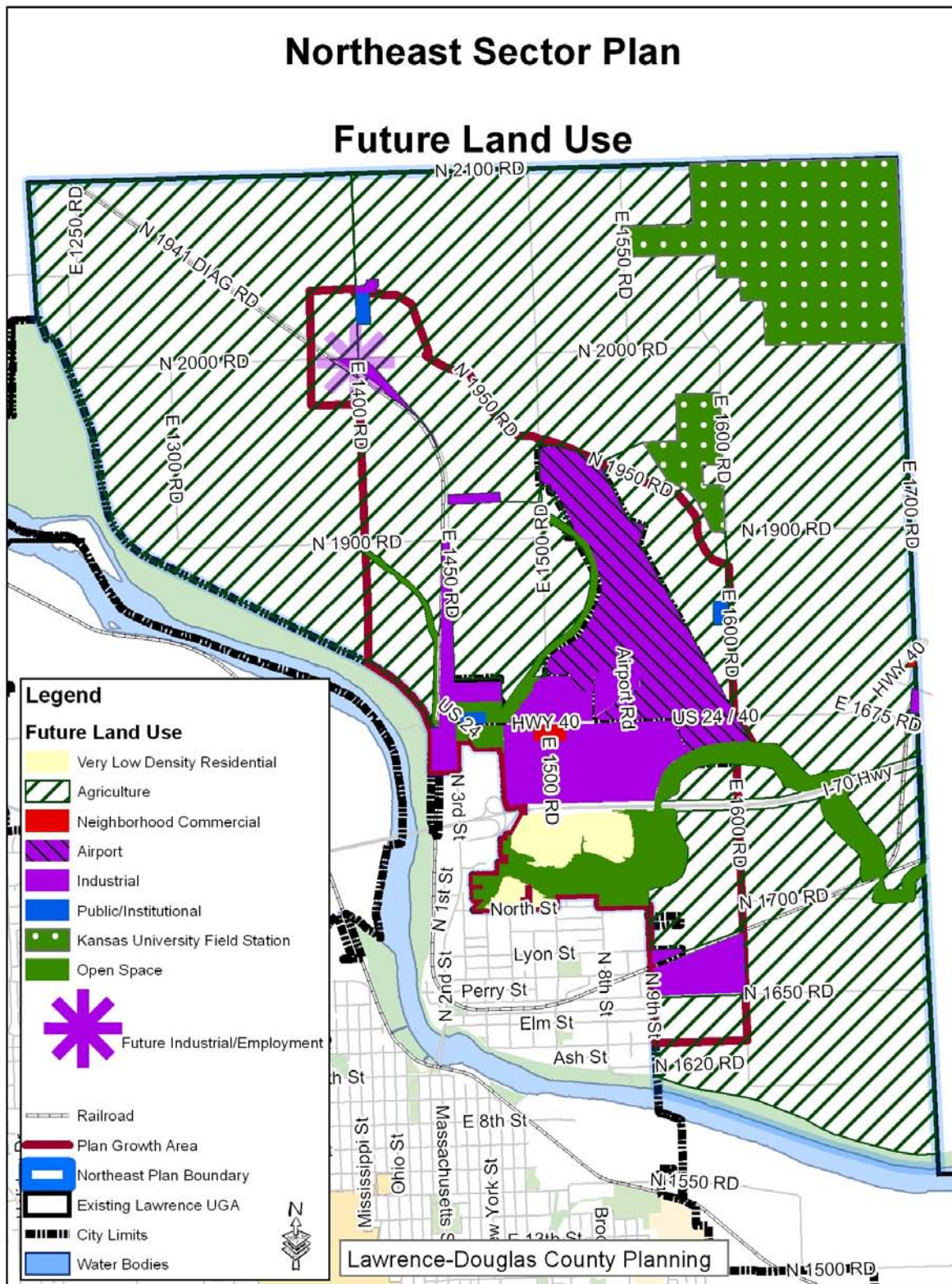
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Map 3-1 – Future Land Use



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Deferred by Planning Commission on 12/12/11.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Barbara Clark, Citizens for Responsible Planning, said most of their concerns were due to the great amount of land available for industrial development in the northeast sector. She also expressed concern about the elimination of the capability class I & II soils in the area and the inability to be separated from flooding concerns. She said geologically flood and fertile soils were tied and could not be unlinked. She expressed concern for the downstream residents in North Lawrence. She stated she attended the Board of County Commissioners meeting in May and June where there was testimony that implementation of the North Lawrence Drainage study could cost anywhere between zero and forty million dollars. She referenced a document that was instituted by President Clinton after the 1993 floods in the Midwest that covers a lot of issues. She appreciated the public forum allowed on the subject.

Mr. Ted Boyle, North Lawrence Improvement Association, said the residents of North Lawrence did not want to see flooding again like in 1993. He said the pump on North 2nd Street was currently at its maximum capacity. He said he would like to see the area remain agricultural and that any industrial development should take place at the airport since it already has a footprint.

Mr. Jerry Jost read from the United States Global Change Research Program, that there would be more frequent and intense floods, greater burden on already stressed water systems, increased infrastructure and property damage, overloaded drainage systems, and that the past was not a reasonable guide for the future. He displayed on the overhead pictures from past floods. He felt this land would become increasingly important due to stress on the agricultural and food system and more intense storm events.

Mr. Charles NovoGradac discussed several vacant properties in the area. He expressed concern about drainage and if the kind of development that goes on south of the turnpike goes north of the turnpike the runoff would directly impact his property and North Lawrence. He felt they needed to put some sort of brakes on this. He felt they needed a greater criteria for development, other than the landowner wants to retire.

COMMISSION DISCUSSION

Commissioner Finkeldei asked why it was changed from 300 acres of industrial to 105 acres of industrial land.

Mr. McCullough said the future land use map that has been discussed throughout this process had a commercial component to it and was taken into consideration with the options. He said commercial was included in the 125 acres but that it was certainly up for discussion of whether it should be separated out or kept together.

Commissioner Finkeldei asked if the 300 acres of industrial included commercial as well.

Mr. McCullough said that was correct. He said it was a 300 acre area with industrial and commercial designation on it. He showed a map on the overhead.

Commissioner Finkeldei asked if a plan was considered with 125 acres of industrial and no commercial or did staff believe commercial was an important component of the area plan.

Mr. McCullough said the commercial had been a component all along and staff felt like it was appropriate planning to include an element of commercial to support some of the designated industry.

Commissioner Liese said he owns property that could benefit from good development in North Lawrence. He felt they were not ready for the Northeast Sector Plan. He expressed concern about losing class I and II soils, drainage issues not being appropriately addressed, and infrastructure to develop it was too expensive. He said there was some undeveloped land at the end of Lyon Street and 55 acres available at the airport. He said he was not at the point to vote in favor of the Northeast Sector Plan.

Commissioner von Achen inquired about the total amount of current industrial zonings in North Lawrence.

Mr. Warner said he did not have a total, but that it was approximately 245 acres.

Mr. McCullough said a few of the slides included vacant undeveloped industrial areas.

Student Commissioner Davis arrived at 7:30pm.

Commissioner Hird said Planning Commission has battled the Northeast Sector Plan until it was dead. He said he met with County Commissioner Nancy Thellman for an extended period of time to listen to her concerns. He said he understood the arguments about flooding and class I and II soils. He said he had not heard any information that wasn't presented a year or two years ago. He said Planning Commission adopted a Northeast Sector Plan that called for 300 acres of industrial development and at the last meeting someone suggested reducing that to half and instantly it was adopted as a compromise. He felt it was adopted because it was easier to face the people in the audience than to give a reason for that decision. He said he was concerned about that because Planning Commission needed to make a well reasoned decision based upon fact. He said he could not see what facts were presented that would cause a change since it was the same information they had seen before. He said there were a few new Planning Commissioners and he did not want to take such an important step without being convinced they had taken the time to educate all the Planning Commissioners on the facts. He suggested if they were going to be adopting a Northeast Sector Plan on a better than 5-4 vote that they needed to spend some time talking about this and getting some input. He said in June there would be more new Planning Commissioners and that it would be a never ending process. He suggested setting the topic for a Mid-Month meeting and immersing from that with some sort of unanimous solution because he felt right now any vote would be hard to justify. He said he was going to make a motion to defer the Northeast Sector Plan to a Mid-Month meeting with the condition that it come back for vote prior to June. He said he wanted the Board of County Commissioners and the public to be satisfied that all the Planning Commissioners have all the information they need to make a good decision.

Commissioner Liese said he listened to the audio of prior Planning Commission meetings about the Northeast Sector Plan. He said the first meeting he listened to was a passionate presentation from North Lawrence stakeholders hoping to get their land industrial. He said it was difficult to balance the needs, wants, and desires of the different factions in the community. He stated it was hard to know the truth about events that haven't happened yet. He said he was not surprised by his changing view. He said the stakeholder balance has shifted from more people who want industrial to more people expressing concerns.

Commissioner Burger said she felt like they needed a more specific plan. She said the 300 acres was really big. She was not a proponent of industrial development on these soils. She said to clarify her last vote was not to say 125 acres was a good idea, but she wanted to see what staff would come up with. She said if they discuss this topic at a Mid-Month meeting they should have quorum. She asked if adding the 125 acres would actually approve 370 acres.

Mr. McCullough said no, they have to keep separate the existing zoning there today in the unincorporated area and what the plan was designating for urbanization. He said the property zoned industrial in the county did not necessarily equate to urbanized industrial as it comes into the city. He said it was very common for sector

plans to start off with a certain unincorporated zoning district and the designation for future development was different.

Commissioner Burger asked if they approved the plan with 125 acres would it be downzoning.

Mr. McCullough said no, properties with current county zoning would be maintained. He said property owners would have the development right to request a site plan and have the right to any industrial use afforded it under the county zoning code. He said it was possible if the plan was adopted that there would be some amount of development in those areas zoned industrial today in the county.

Commissioner Burger asked if the county zoned industrial acres were identified on the map as such.

Mr. McCullough said no, the plans purpose was to designate for future urbanization. He said this plan was unique because it does not call for complete urbanization of the sector plan of Grant Township.

Commissioner Burger said she was concerned that 125 acres would take the percentage of industrial acres, compared to the total amount of acres in plan, to be a very high percentage. She said she would like to look at the total exposure during the Mid-Month meeting. She thanked the citizens who spoke this evening. She said there are vacancies in North Lawrence and that vacant property can be rehabilitated and repurposed but once soils are moved and built upon they cannot be returned. She said that was what made the sector plan important, once the soil was gone it was gone. She appreciated the years people had spent on the issue and recognized that in those years there were other areas of the city and county that had become vacant and repurposed for industrial use.

Commissioner Britton said he was one of the newest Planning Commissioners. He said he had not heard yet why industrial development was needed there. He said he would support a motion to talk about this at a Mid-Month meeting. He said his perspective on the Northeast Sector Plan and the area was that it was a safety issue with regard to flooding and impact to North Lawrence and an environmental issue with class I and II soils. He said anything done to change that, especially moving toward industrial development, needed to meet a really high bar of certainty and necessity and he had not heard anything that met that bar yet. He agreed that the Northeast Sector Plan should come back for a vote before June.

Commissioner Hird thanked staff for their time and work.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Liese, to defer the item and schedule for discussion at the March Planning Commission Mid-Month meeting with the understanding that they would make a decision and move forward before June.

Commissioner Singleton asked if this topic could be heard at the February Mid-Month meeting and move Agri-Tourism to March.

Commissioner Hird said he would prefer not.

Commissioner Singleton said she would not be present for the March Mid-Month meeting.

Mr. McCullough asked if there was any additional guidance.

Commissioner Hird felt it was important to inform the fairly new Planning Commissioners about the history of the discussions and what happened with this plan.

Commissioner Singleton asked when the topic could be back on the Planning Commission agenda.

Mr. McCullough said it could be on the April Planning Commission agenda.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For December 12, 2011 Planning Commission Meeting

RE: CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

Introduction:

The Northeast Sector Plan was approved the Lawrence-Douglas County Planning Commission by a vote of 5-4 on September 20, 2010. The Douglas County Board of Commissioners considered the Northeast Sector Plan at meetings on May 11, 2011 and June 1, 2011. The County Commission, by a vote of 2-1, referred the Northeast Sector Plan back to the Planning Commission with specific statements outlined below. The City Commission reviewed the Northeast Sector Plan at their meeting on August 9, 2011. The City Commission also provided direction to the Planning Commission as noted below.

The items below are staff's discussion of the direction provided by the County Commission and City Commission. The respective governing bodies' direction is italicized.

County Commission Direction

- 1. Consider the public/private infrastructure costs of development of the area southwest of the airport currently designated Industrial when compared with the infrastructure costs of developing other identified industrial sites around Lawrence, in particular the Farmland site and the sites in the NW corridor along Farmer's Turnpike, to determine if such costs are extraordinary for the amount of industrial land developed.*

All of the future industrial sites have challenges to develop that will incur costs associated with the development of those properties. The following information details many of those challenges:

Farmland 293 acres/per the Farmland Industries Redevelopment Plan
Development challenges

- Environmental remediation necessary to deal with the nitrogen in the ground caused by the fertilizer processing at the former Farmland Industries site.
- New public streets necessary throughout the future business park.
- Water and sewer will need to be extended to the site to serve the future business park.
- Stormwater control on the property currently is a priority and will remain a priority for the site.

Airport area 240 acres/per the Northeast Sector Plan

Development Challenges

- A sewer extension is necessary to serve new development.
- There are stormwater issues due to the flat nature of the area. Development may trigger upgrades to existing stormwater infrastructure (such as stream channels and pump stations) in North Lawrence.
- Public streets will have to be upgraded and/or created to accommodate industrial development.

Farmer's Turnpike area 262 acres

Venture – 47 acres

Farmer's Turnpike & I-70 – 155 acres

Rothwell – 60 acres

Development Challenges

- All properties need sewer and water extensions if developing at an urban standard.
- There will be costs associated with accessing Farmer's Turnpike, such as turn lanes. Public street extensions into the sites are possible as well.

It is difficult to generate and compare cost estimates to develop the above areas. The areas have different challenges to develop that make apples to apples comparisons difficult when trying to determine which area has the extraordinary development costs and if the costs are extraordinary for the amount of industrial land developed. Further, different project proposals for any of the areas likely will produce different cost estimates. Therefore, without having specific projects to respond to, it is difficult to develop cost estimates for serving areas with public infrastructure. For instance, a single large user in one of those areas will require only 1 point of contact for infrastructure, whereas multiple users in the same area may require more public infrastructure and will likely cost more to serve.

Who ultimately pays for the infrastructure can be a factor in deciding if costs are too high. The City's development policy, outlined in Resolution No. 5614, generally requires that a development pay to extend necessary services to the site. This is accomplished through a benefit district, pay-back district, or direct developer construction.

A developer may petition the governing body for assistance in paying for infrastructure. If a policy choice is made by the governing body to pay for public infrastructure costs, the city or county at-large takes on the costs. However, a benefit district may be created and those properties that receive a direct benefit from the public infrastructure pay a share of the total cost. Who ends up paying what share of the costs oftentimes is a decision made during the negotiations for specific development projects.

Staff finding: There are simply too many variables to determine if the costs to develop the industrial designated area in the Northeast Sector Plan are extraordinary for the amount of industrial land proposed for development. Decisions regarding public funding of infrastructure improvements, and whether or not those costs are too high, are best made by governing bodies at the time of specific development project requests.

2. *Considering the presumed extraordinary costs to provide public infrastructure, such as storm water, sewer and street improvements, presumed to be needed to support industrial or other urbanized development in Grant Township, discuss whether urbanization should be reasonably expected outside of the airport property.*

Large-scale urbanization would be challenging in the area given the stormwater issues and perceived costs to resolve the issues. Because of these and other factors, the Northeast Sector Plan limits urbanization outside of the airport property. The future industrial area reflected in the current Northeast Sector Plan would require some amount of drainage improvements but could be reasonably developed, in staff's opinion.

As discussed in the previous section, there are public infrastructure costs associated with developing all of the future industrial areas. Governing bodies typically make funding decisions as they respond to development proposals and decisions about whether or not a project's cost are extraordinary are considered at that time. Decisions are based on availability of funds, the scope of the project, type of industry, and the number of jobs being created, etc. Funding decisions are not typically made at the sector planning level where there are no specific development projects being considered and where the timeframe for particular developments is unknown.

The North Lawrence Drainage Study recommended millions of dollars in stormwater infrastructure improvements for the Grant Township area based on a future land use assumption of considerably more urban development than what is proposed in the Northeast Sector Plan. It stands to reason then that the stormwater costs related to development according to the Northeast Sector Plan will not be as high as what was proposed by the North Lawrence Drainage Study.

As noted in Question #3, if the amount of designated urbanized area were reduced, the presumed public infrastructure costs would likely also be reduced. Consideration should be given to reducing the amount of urbanized area outside of the airport in order to reduce the presumed public infrastructure costs.

Staff finding: The limited urbanization proposed by the Northeast Sector Plan for the area outside of the airport is reasonable.

3. *Considering the unique challenges present in the area of the sector plan, including infrastructure costs, identified storm water issues, the presence of class 1 and 2 soils, etc., and considering the other areas in the county, especially those that surround Lawrence, designated or recently zoned for industrial uses, discuss whether industrial development outside of the airport property is a necessary designation in this plan area in order to meet the "Horizon 2020" goal of expanding the industrial inventory.*

Horizon 2020, Chapter 7 Industrial and Employment designates the area south and west of the airport as a future Industrial and Employment area. That assumption was used in developing the Northeast Sector Plan. There is also a strategy in Chapter 7 to secure 20,000 new jobs in Douglas County by 2020. Further, Horizon 2020, Chapter 12 Economic Development states: *"Within the next few years, the City and County Commissions shall identify and designate at least 1,000 acres of land for industrial expansion of the next 25 years."*

Recent sector planning has designated approximately 1,426 acres of future industrial areas. Those plans and the approximate industrial acreages are:

- 6th & K-10/West of K-10 224 acres
- Farmland Industries Redevelopment Plan 293 acres
- K-10 & Farmer's Turnpike Plan 671 acres
- Southeast Area Plan 238 acres

The designation of industrial in this area is necessary if providing choices for future industrial development is a priority. This industrial area benefits from being near I-70 and also being near the airport. Certain industrial users may choose to locate near the airport because they value those key location traits over those that are present for other potential industrial sites.

It's been stated previously in this document that costs to develop may or may not be extraordinary. Class I and II soils are of high value for several reasons; however, the designated industrial land area accounts for only approximately 6% of the Class I and II soils in Grant Township.

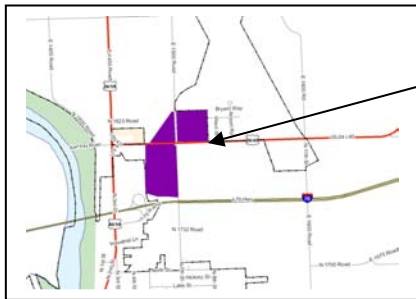
If identifying significantly more land for industrial purposes and providing choices for industrial development around the community are priorities then it is necessary to designate land near the airport for industrial development. However, considering the stormwater challenges, presence of Class I and II soils and the presumed infrastructure costs, perhaps the question is how much land for industrial should be provided around the airport?

The proposed land area for the Industrial classification for the area outside of the airport in the Northeast Sector Plan is approximately 300 acres. By comparison, the development proposal for the area in 2007 included approximately 125 acres proposed for industrial west and south of the airport.

Is approximately 125 acres classified as industrial more appropriate for the area than the Northeast Sector Plan's classification of approximately 300 acres?

Fewer acres south and west of the airport would reduce the overall amount of future industrial area developed, which would likely reduce infrastructure costs, arguably create less environmental impact on the airport and have less impact on stormwater control. It would also reduce the percentage of potential future industrially developed Class I & II soils from approximately 6% of Grant Township (from original Northeast Sector Plan proposal) to approximately 2.5%.

In staff's opinion, reducing the area designated as industrial to approximately 125 acres is still an appropriate amount of development to generate economic development potential south and west of the airport when considering all of the factors – infrastructure costs, stormwater impacts, soils, transportation, etc.



Approximately 125 acres overall.



Approximately 300 acres overall.

Staff finding: Providing options for industrial development should be considered a priority for the community. Consider reducing the area designated as Industrial south and west of the airport in the Northeast Sector Plan from the current approximate 300 acres to approximately 125 acres.

4. Discuss whether or not the area southwest of the airport currently designated Industrial is a true future multi-modal transportation area. Consider the growth and intensity of uses at the airport as well as how realistic it is that rail can be extended to the industrially designated area southwest of the airport. Discuss whether rail and airport transportation modes are valid reasons to support industrial designations on the property southwest of the airport.

The transportation modes available for the area include highway (via I-70 and Highways 24/40/59), air (via the airport) and rail (via a possible future spur connection).

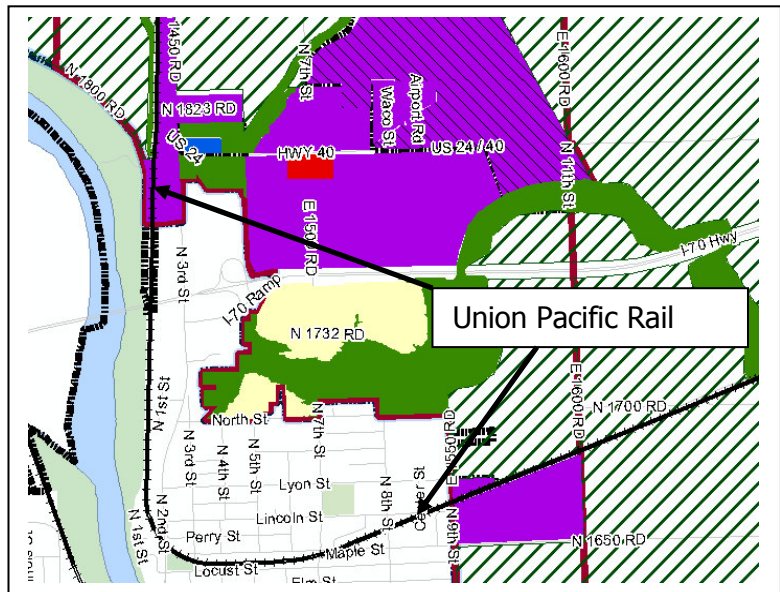
Commuter traffic is currently driving the demand of the airport. Large-scale freight shipping isn't on the immediate horizon for the airport. The airport may not support a large cargo shipping operation in the future, but that isn't the only way an airport can support industrial/employment related development. The airport currently supports helicopters and airplanes up to business jets as modes of transportation. Those modes of air transportation can be used to support businesses that locate at or near the airport.

For instance, a diesel mechanic currently uses the airport to fly to different areas to make engine repairs. Further, a business that produces items that can be shipped via the current modes available at the airport may find the area attractive to locate.

Executives of companies may also want to locate their businesses near the airport to take advantage of commuting to and from Lawrence via airplane.

A rail spur to serve the area is possible. Union Pacific owns track west of the area along Hwy. 24/59 and south of the area in North Lawrence.

While a connection from the south is likely to be much too prohibitive, it is perhaps more possible to connect a spur to the rail west of the area. That rail line is a major route so any spur off of it would require a significant amount of infrastructure in order to keep the trains running while constructing the spur. The spur itself also would require two switches, a highway crossing and the



necessary track and would cost millions of dollars to execute. While a rail connection is possible to the west, it may likely prove to be too cost prohibitive.

Interstate access alone has been a reasonable justification to date to locate industrial in this area.

Staff finding: Highway, and to some extent air, are valid transportation modes to support industrial uses in the area. Rail is possible, but is more likely to be too costly to be considered a viable mode to solely justify industrial development in the area.

5. *Discuss more thoroughly the impact of developing to the proposed land use designations in the area and the recommendations of the North Lawrence Drainage Study. Consider how the Federal Aviation Administration's circular regarding waterfowl around the airport impacts the recommendations of the drainage study that may result in retaining/detaining stormwater in the area around the airport. Consider the potential future of regulations regarding development in levee protected areas.*

As discussed previously, the future land use assumption used for the North Lawrence Drainage Study is different than the future land use of the Northeast Sector Plan. The North Lawrence Drainage Study was developed with an assumption of considerably more urbanized development than what is proposed by the Northeast Sector Plan. The stormwater improvements needed for the development area proposed by the Northeast Sector Plan likely aren't as significant or as costly as those assumed by the North Lawrence Drainage Study.

Stormwater can be managed in ways that can limit the impact of potential waterfowl issues for the airport. The use of detention ponds, rather than retention ponds, which will hold water during storm events for a short period time and then quickly release that water, may be appropriate. There is also the option to direct the stormwater underground. Another method is to move the stormwater through the area as the rain event is occurring so that it keeps moving and doesn't pond.

The City has embarked on a process to create a Wildlife Hazard Assessment Study for the airport. The study is meant to identify potential wildlife hazards and propose improvements to mitigate those hazards. A consultant is currently working on the study and should complete it in 2012.

A large portion of the planning area is designated "Zone X Protected by Levee". Zone X is not currently regulated nor is flood insurance required. There may come a time in the future when the National Flood Insurance Program (NFIP) will be changed to include a flood insurance requirement for "Zone X Protected by Levee" properties.

The NFIP is due for reauthorization in 2011. There were dueling reauthorization bills in Congress this past federal legislative session. One bill included a provision for a flood insurance requirement in Zone X. The other included an insurance requirement and a requirement for regulations for Zone X. It remains to be seen what form the re-authorization takes however. If only the option for flood insurance in Zone X is adopted, that may, in turn, spur changes to state and local floodplain regulations that may bring about local regulation of Zone X.

However, when, and if, that may occur and to what form the regulations may take is not clear at this time.

Reducing the industrial designated area south and west of the airport to approximately 125 acres was discussed in Section 3. Designating approximately 125 acres south and west of the airport as industrial instead of approximately 300 acres as designated in the Northeast Sector Plan would reduce the impact to the airport and reduce stormwater issues.

Staff Finding: The above factors do not appear to preclude development in the area; however, any reduction to the designated industrial area south and west of the airport would reduce the impact regarding waterfowl around the airport.

City Commission Direction

1. Soil Conserving Agri-Industry.

Certain City Commissioners wanted to revisit the term “Soil Conserving Agri-Industry” since the term is used in the Industrial future land use category to determine if greater clarification would benefit the plan. The Planning Commission discussed three options related to the Soil-Conserving Agri-Industry future land use category. There was the definition from the 3rd draft along with two other options that were developed by planning staff. The Planning Commission approved Option 1 below, which the City Commission desires to be reviewed to determine if it provides enough clarity for future use. Those three options are presented below:

The description from the 3rd draft:

3.2.1.4 Soil Conserving Agri-Industry

The intent of the Soil Conserving Agri-Industry category is to allow for soil conserving agriculture-related businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classification is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses

Option #1 from Staff (Planning Commission approved option):

Delete the Soil Conserving Agri-Industry category and change the area south of Highway 24/40 designated as such to the Industrial category. Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with Class I and II soils. This reflects more directly the policies of Chapter 7 in *Horizon 2020*.

~~3.2.1.4 — Soil Conserving Agri-Industry~~

~~The intent of the Soil Conserving Agri-Industry Use category is to allow for soil conserving agriculture related industrial uses businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 — Industrial and Employment Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high quality agricultural land either through agricultural use or preservation for future agricultural use.~~

~~Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.~~

~~Intensity: Medium High~~

~~Zoning Districts: Douglas County — I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence — IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

~~Primary Uses: Soil conserving agri-businesses~~

3.2.1.84 Industrial

The intent of the Industrial Use category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also ~~designated~~ classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial use classification category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Option #2 from Staff:

Retain the Soil Conserving Agri-Industry category. Add language to the description that creates specific ratio to protect Class 1 and 2 soils when developing in that category.

3.2.1.4 Soil Conserving Agri-Industry

~~The intent of the Soil Conserving Agri-Industry Use category is to allow for soil conserving agriculture-related industrial uses but permit other, more conventional industrial uses, as long as a high percentage of a development's Class I and II soils land area is protected. businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation.~~

Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. ~~Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture.~~ Projects must set aside, protect, or use a minimum of 50% of the Class I and II soils on the property being developed for agriculture use. This protection must take the form of a conservation easement or some other legal instrument mandating perpetual protection. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park

District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses, aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology

Staff Finding: Staff does not have a specific finding to provide for this item. Consider the direction provided from the City Commission.

2. *There were also City Commission concerns about losing Class I & II soils.*

It was discussed in Question #3 of the County Commission questions to consider reducing the industrially designated area west and south of the airport from the approximately 300 acres proposed by the Northeast Sector Plan to 125 acres. This would reduce the percentage of potentially developed Grant Township Class I & II soils from approximately 6% to approximate 2.5%.

Staff finding: Consider reducing the area designated as Industrial south and west of the airport in the Northeast Sector Plan from the current approximate 300 acres to approximately 125 acres.

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO THE NORTHEAST SECTOR PLAN.

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

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

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on July 26, 2010 and September 20, 2010 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 6-5-09, to adopt and approve the Northeast Sector Plan and amend Chapter 14 – Specific Plans to add the Northeast Sector Plan, after notice by publication in the official city and county newspaper.

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

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to adopt the Northeast Sector Plan and amend the Chapter 14 - Specific Plans to add the Northeast Sector Plan.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 14 – Specific Plans, Specific Plans reads as follows:

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission

January 28, 2008 by the Douglas County Board of Commissioners

REVISED

June 14, 2008 by Lawrence City Commission

July 24, 2008 by Douglas County Board of Commissioners

REVISED

October 7, 2008 by Lawrence City Commission

November 10, 2008 by Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission

January 7, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Lawrence SmartCode Infill Plan**
Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
Adoption Date: January 27, 2009 by Lawrence City Commission
February 23, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **West of K-10 Plan**
Location: Generally located north and south of Highway 40 and west of K-10 Highway.
It does contain some land east of K-10 Highway
Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **Northeast Sector Plan**
Location: Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.

SECTION FOUR: The Northeast Sector Plan attached as Exhibit 1 shall be incorporated as part of Horizon 2020 the Comprehensive Plan of the City of Lawrence and Unincorporated Douglas County.

SECTION FIVE: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 20th day of September, 2010.

Charles P. Blumenthal
Chair
Lawrence-Douglas County Metropolitan
Planning Commission

Absent
Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission

Scott McCullough
Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission – 09/20/10
Douglas County Board of County Commissioners –
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.



Assistant Director of Planning and Development Services.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



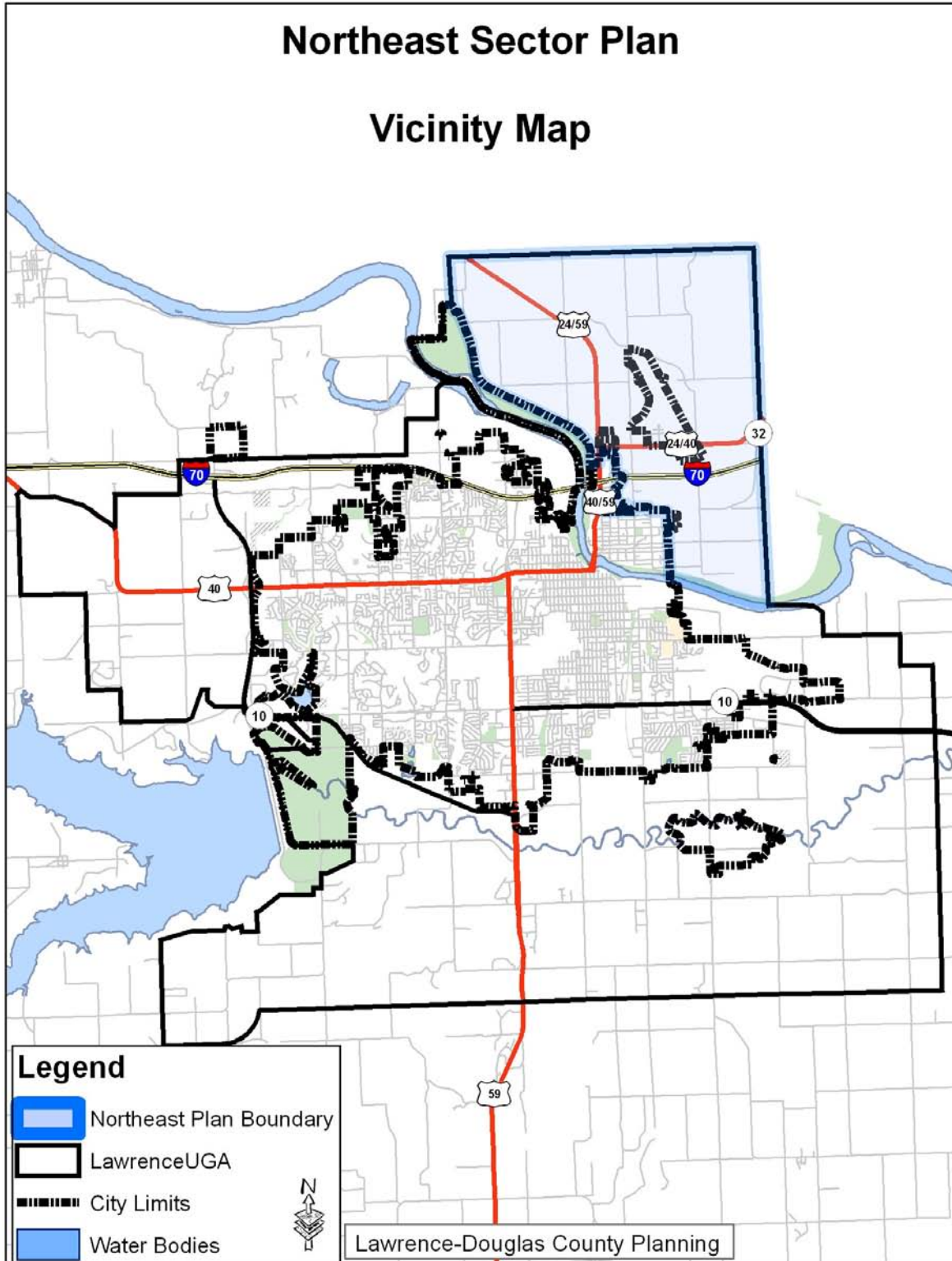
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

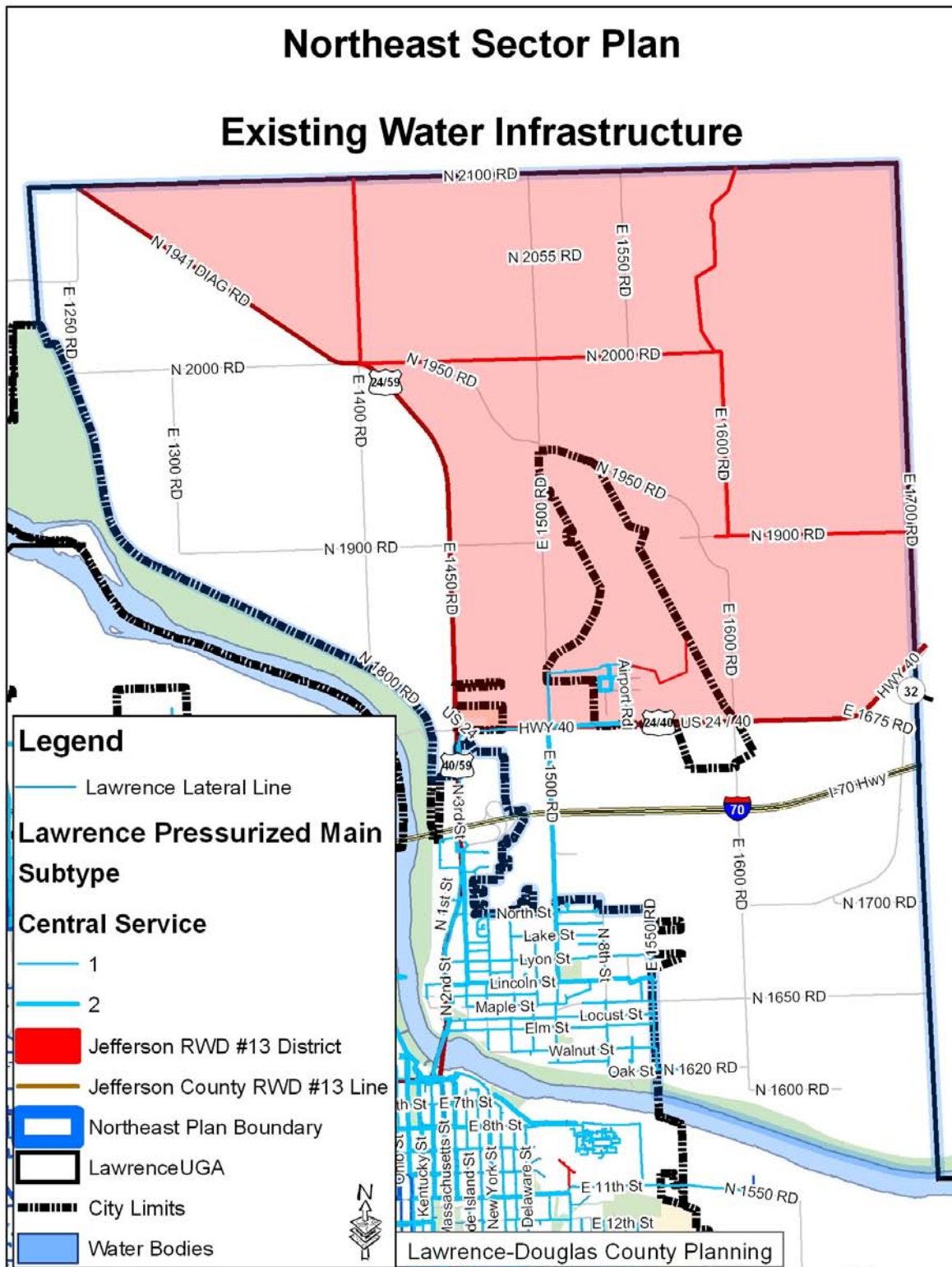
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

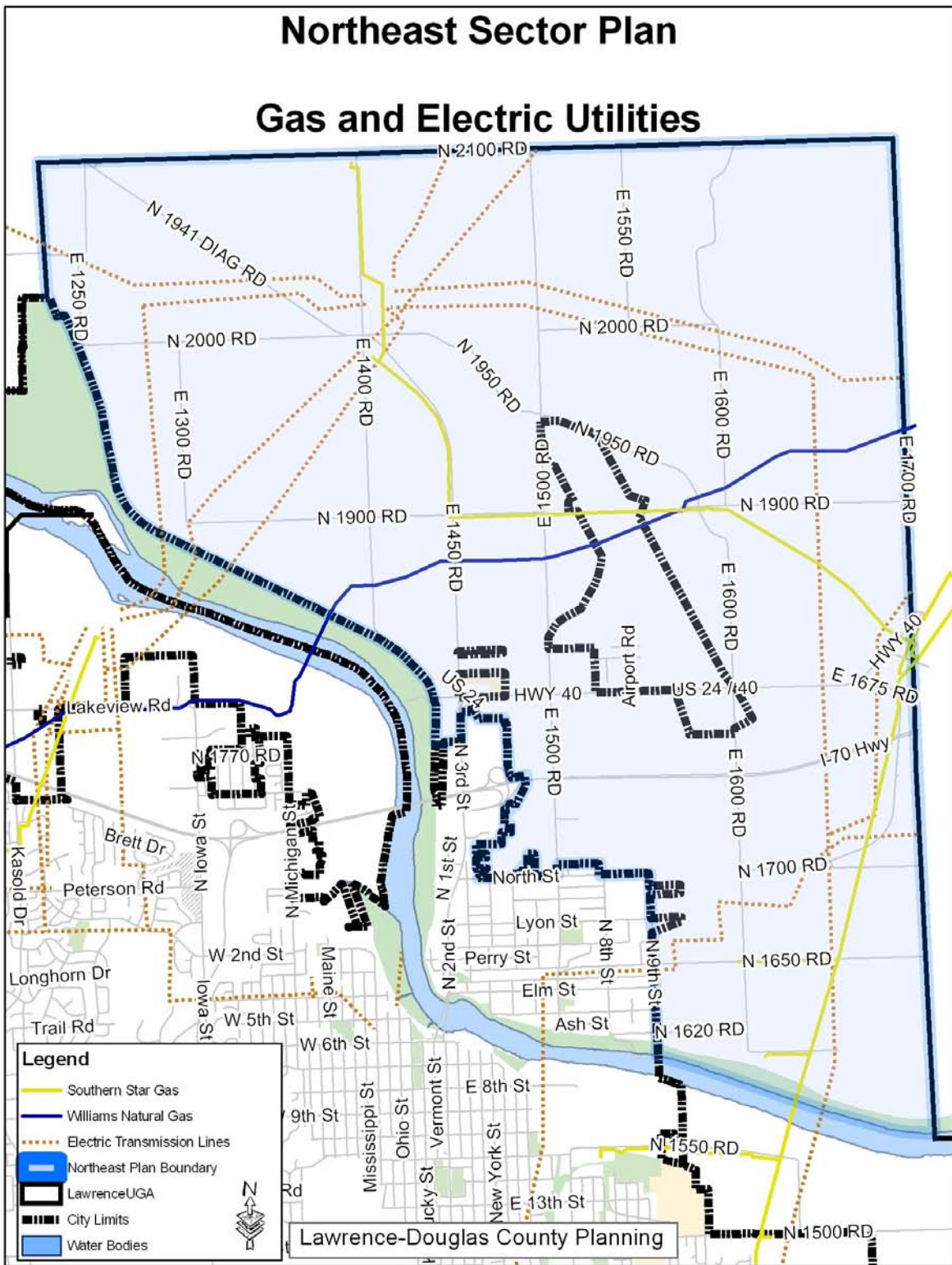
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

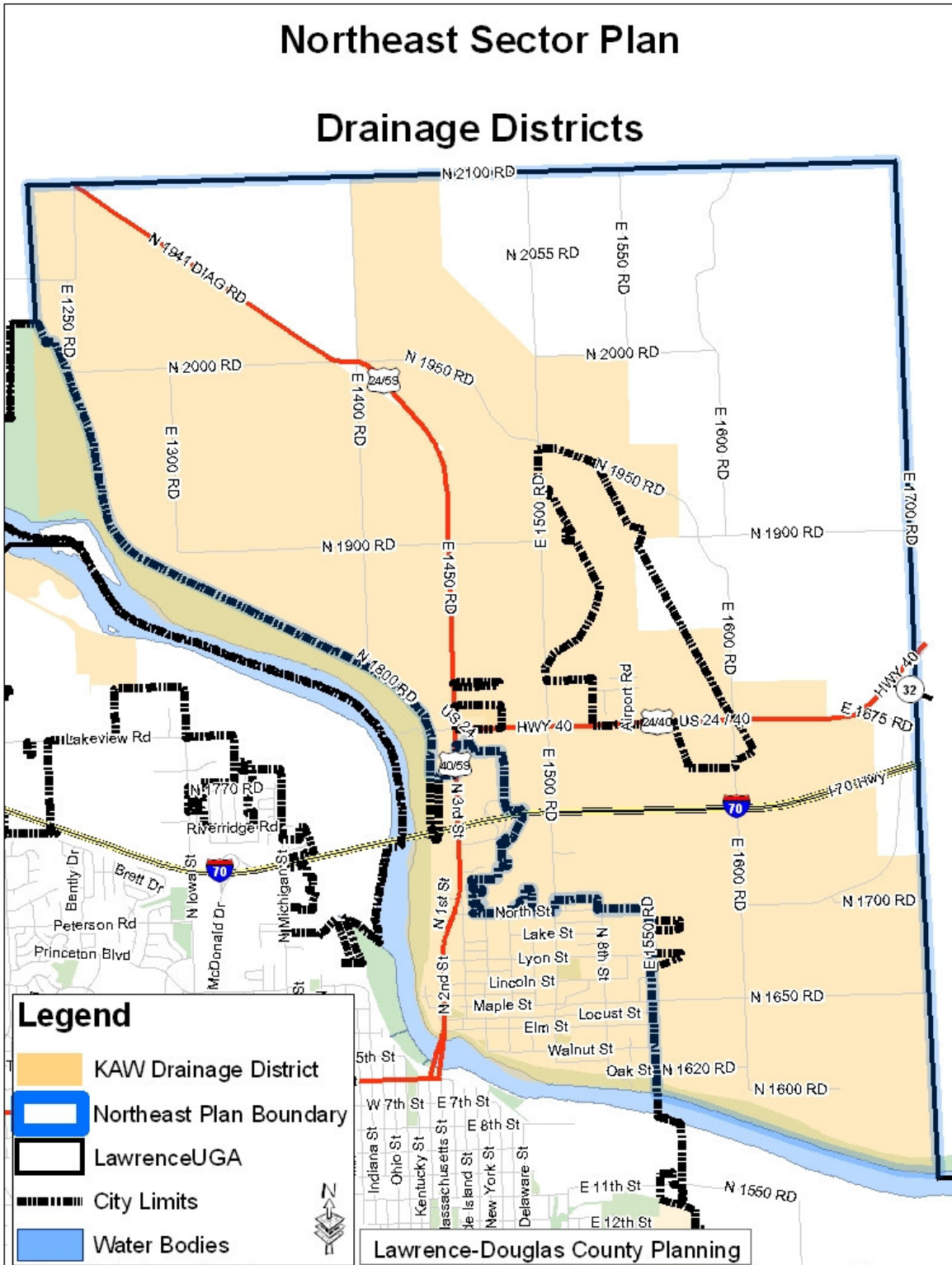
Map 2-3 – Water Infrastructure



Map 2-5 – Gas and Electric Utilities



Map 2-6 Drainage Districts



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



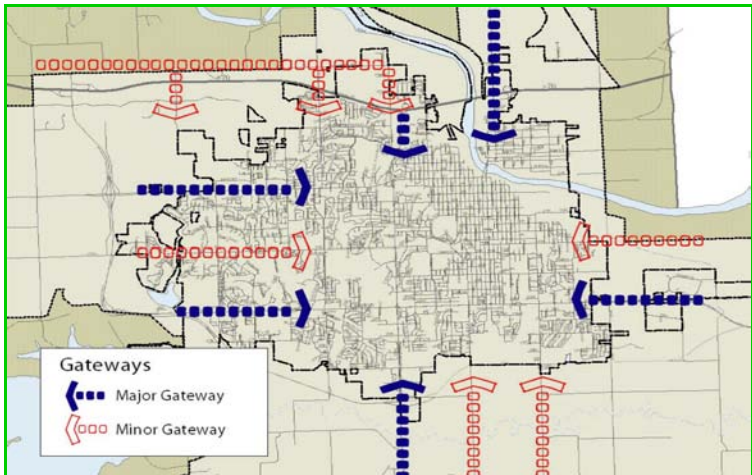
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.



Map 2-8 identifies existing and future bicycle facilities that include:

- An existing multi-use path along the north side of the Kansas River Levee.
- A future bike lane identified along Highway 24/40.
- A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

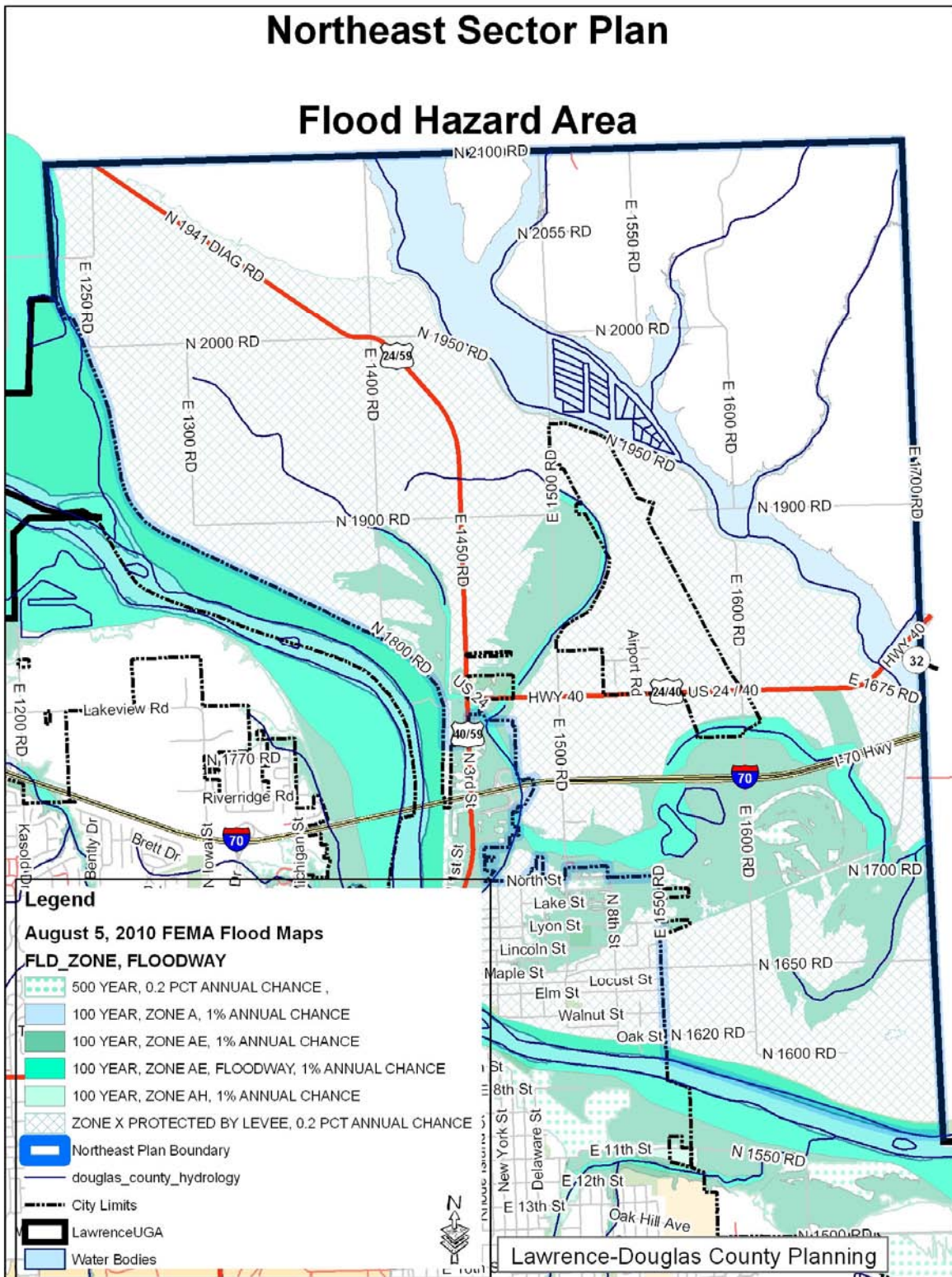
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

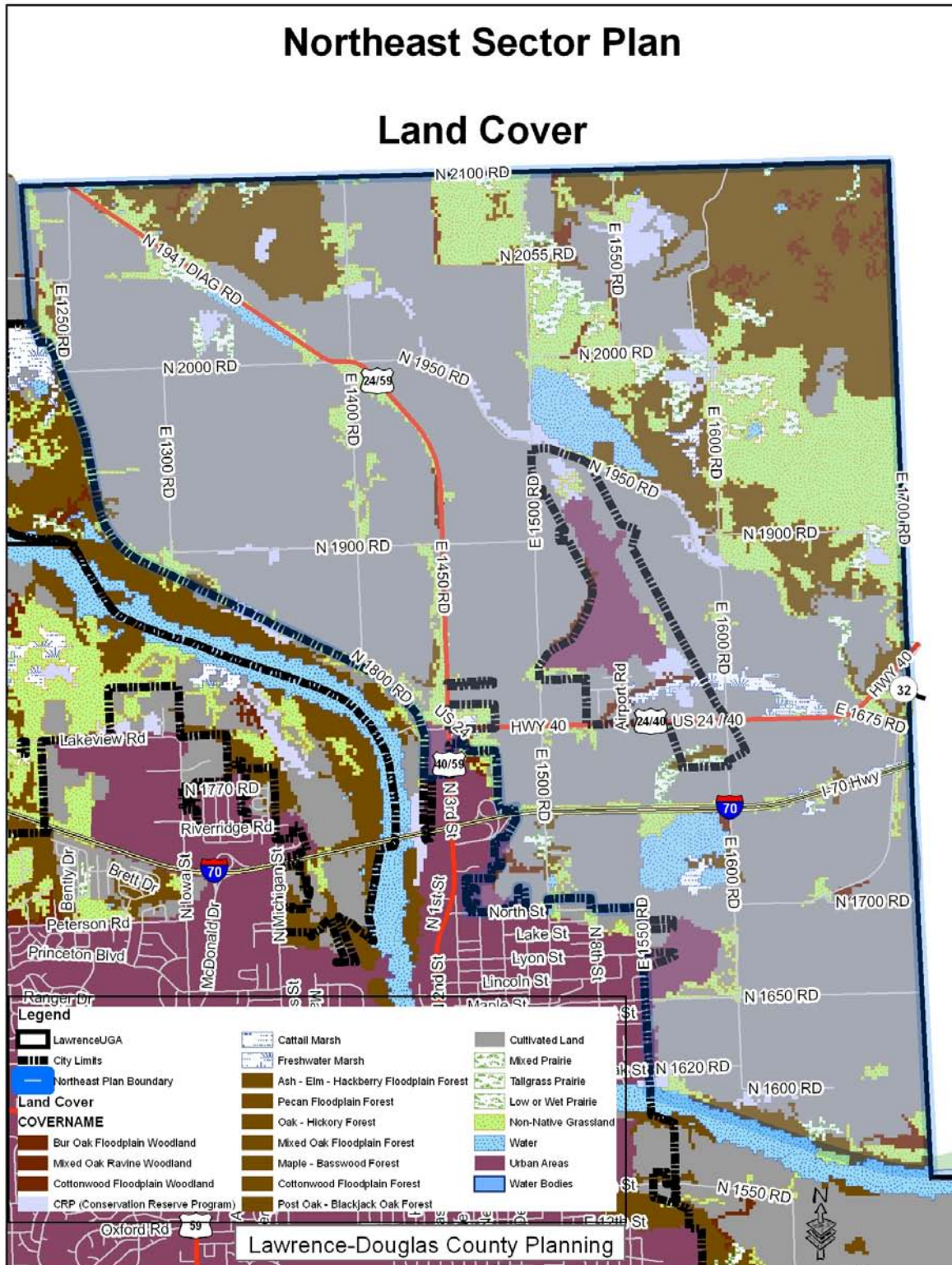
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

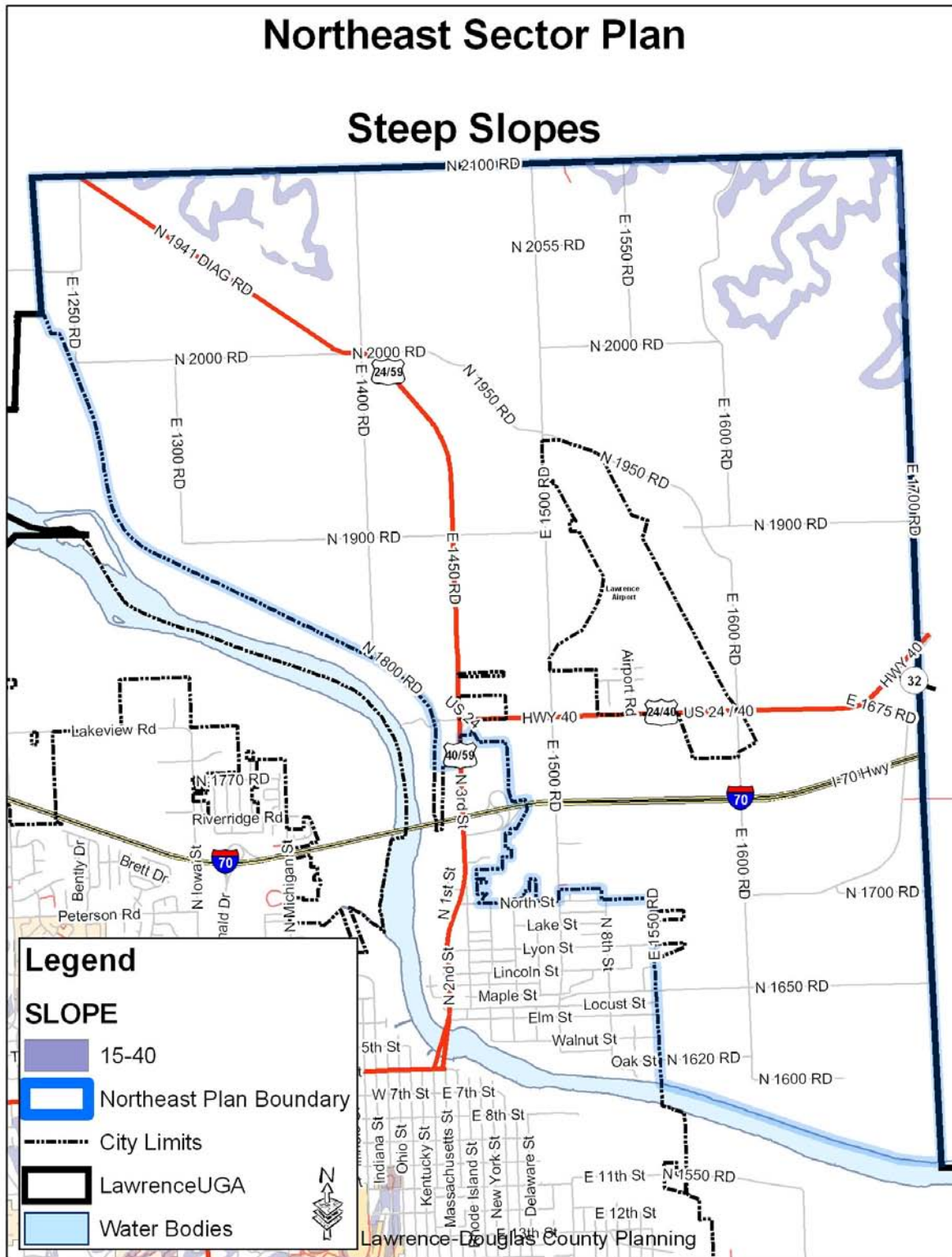
Map 2-9 – Regulatory Flood Hazard Area and Streams



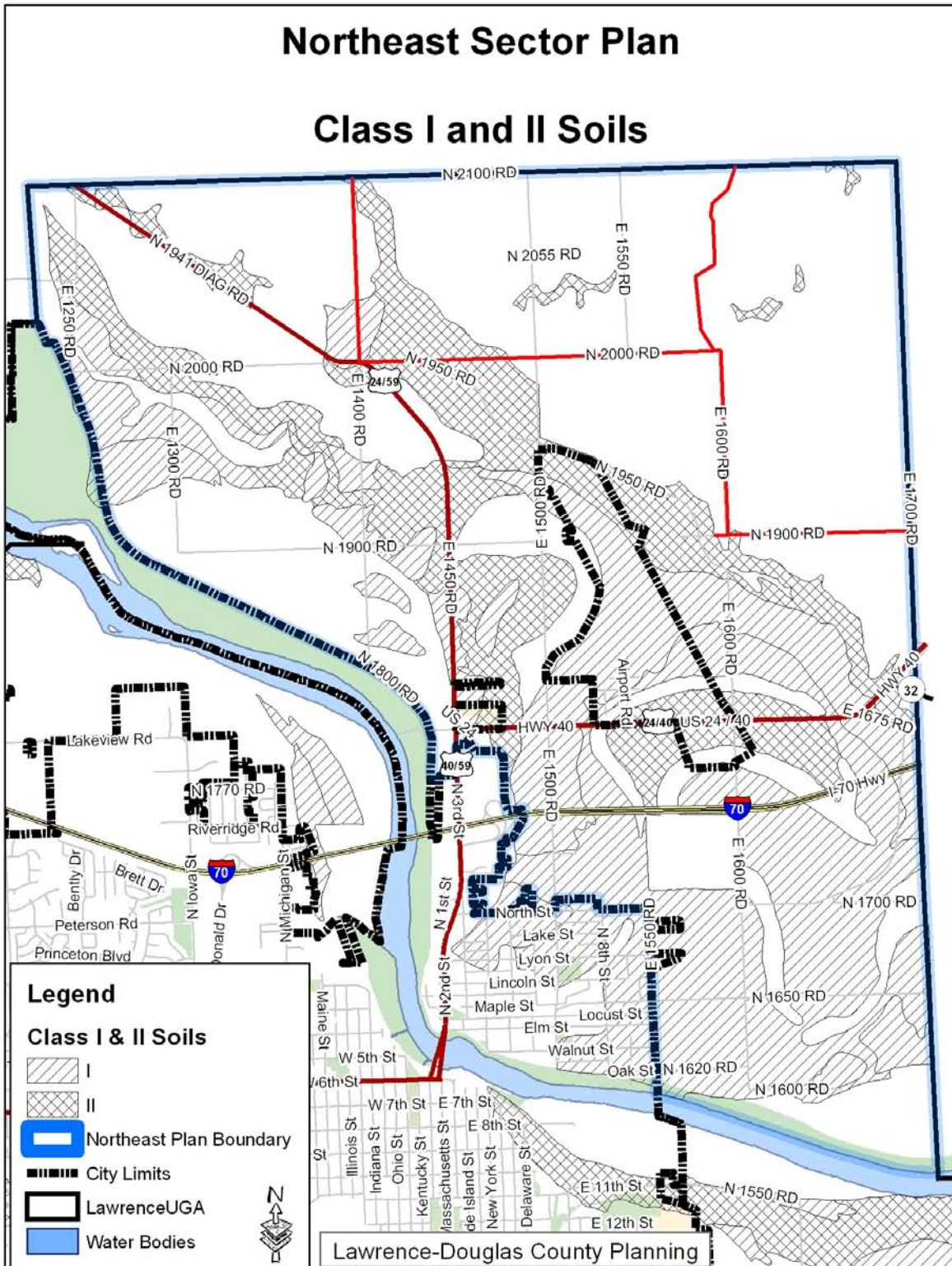
Map 2-10 – Land Cover



Map 2-12 – Steep Slopes



Map 2-13 – Class I and II Soils



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

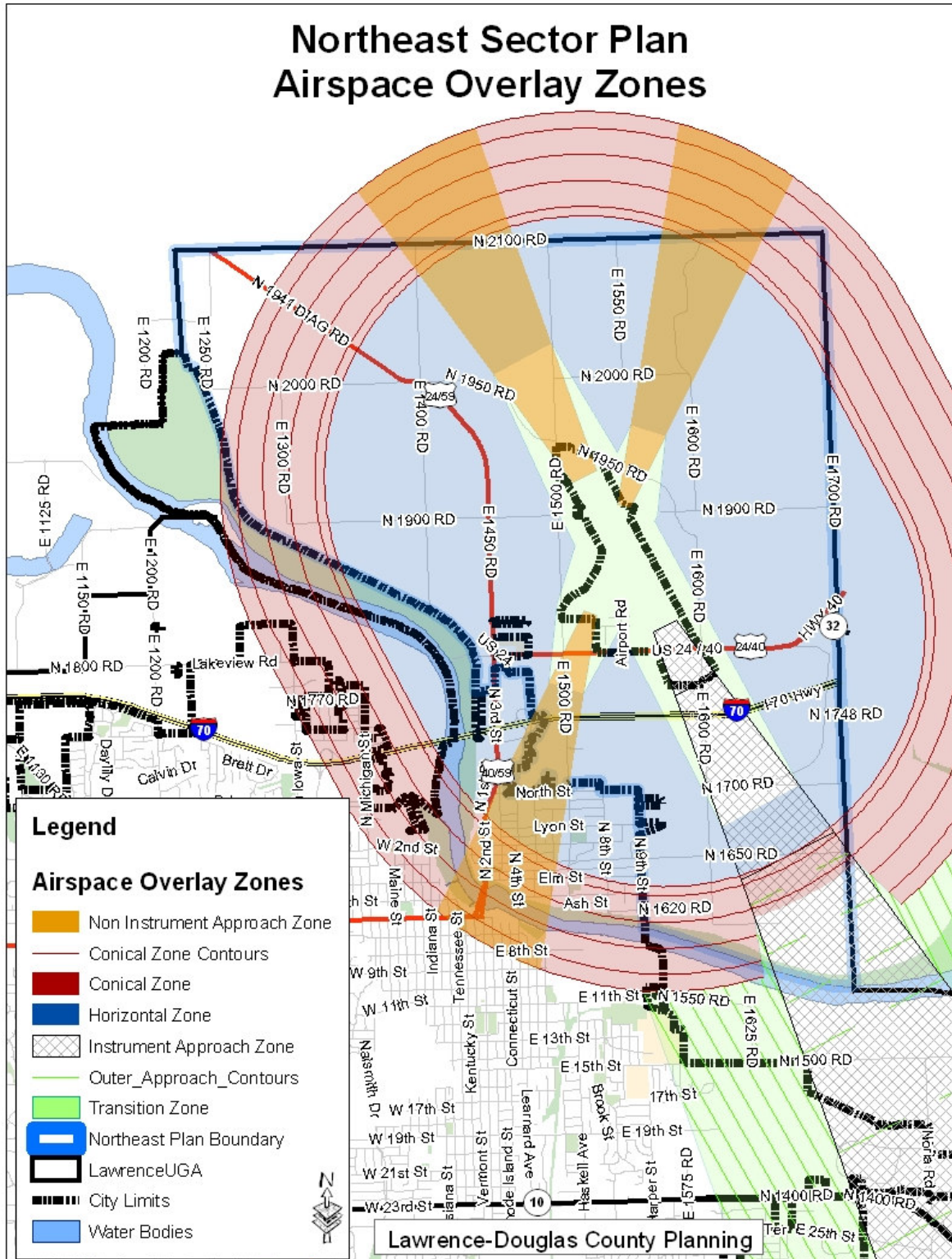
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

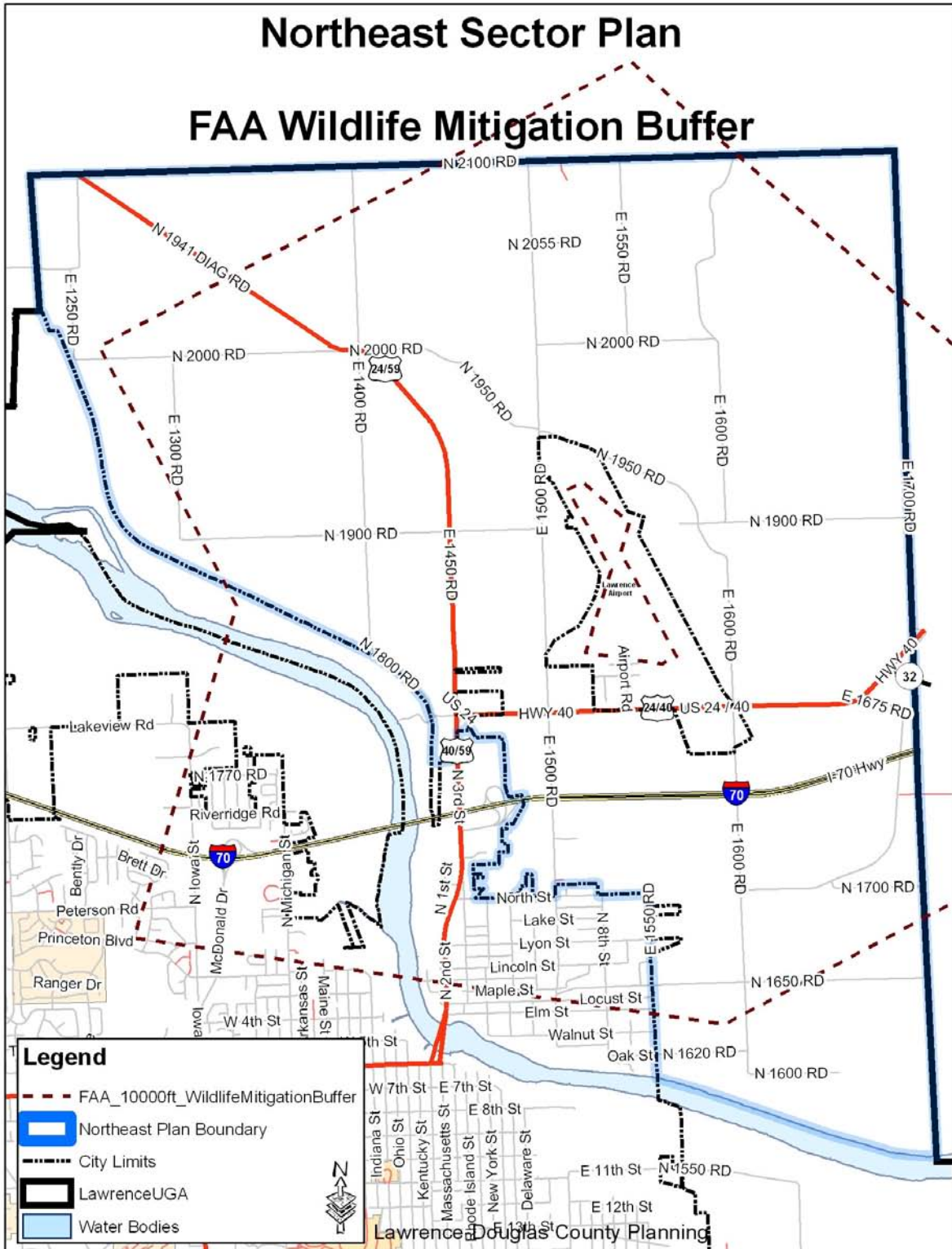
Map 2-14 – Community Facilities



Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- Airport
- Highway 24/40/59
- Interstate 70
- Railroad

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils

Flat terrain

Floodplain

Groundwater/Wells

KU Field Station and ecological reserves

Kansas River/Levee

Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain
Floodplain/stormwater challenges
Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

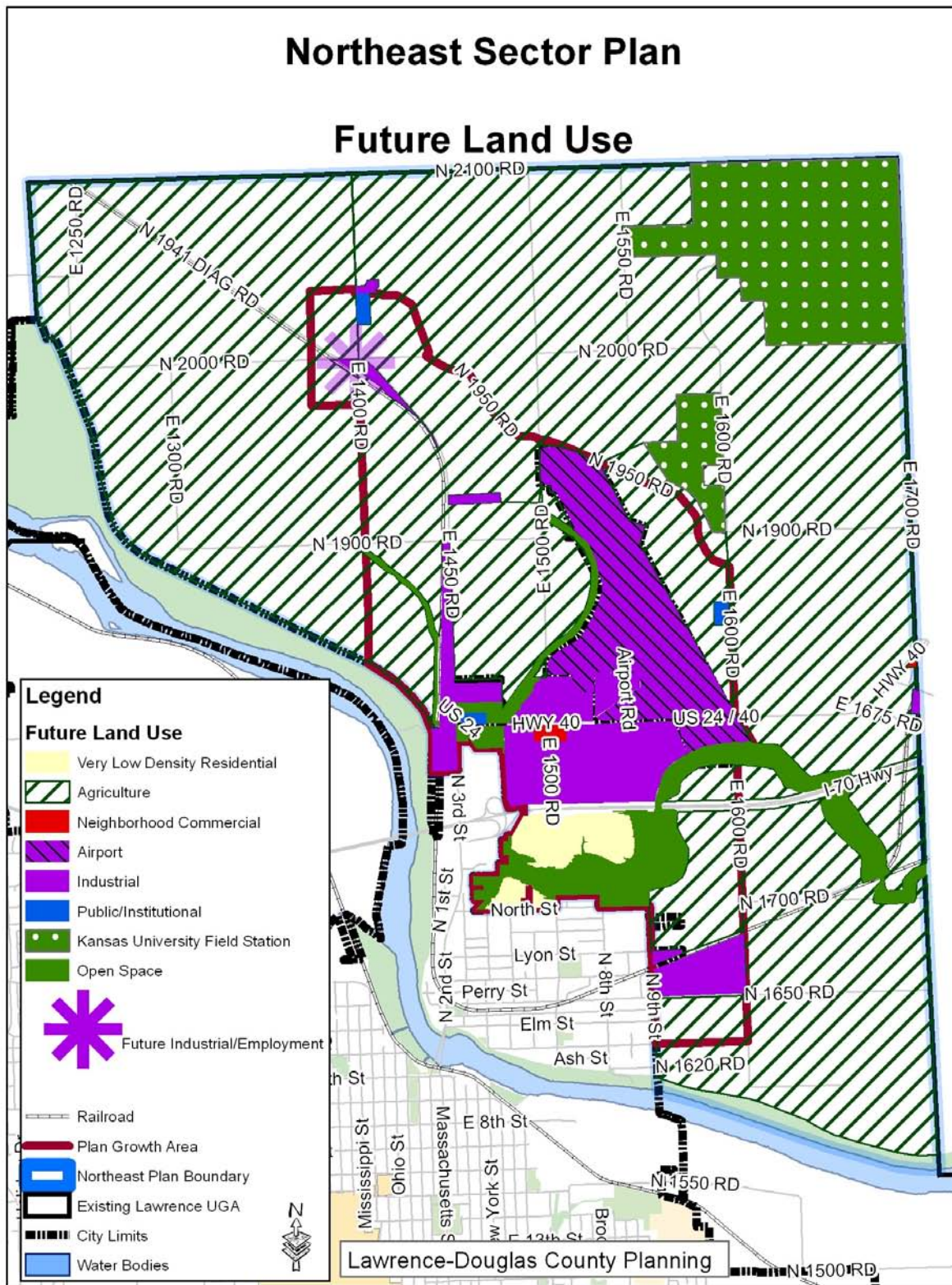
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Map 3-1 – Future Land Use



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.

RESOLUTION NO. 11-21

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS PROVIDING DIRECTION TO THE LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION FOR ADDITIONAL CONSIDERATION OF THE NORTHEAST SECTOR PLAN (CPA-6-5-09)

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on September 20, 2010, by Resolution No. PCR-7-5-10, adopted and recommended the adoption of the "Northeast Sector Plan" and an amendment to Chapter 14 to add the Northeast Sector Plan, to "*Horizon 2020*," contained in planning staff report CPA-6-5-09; and

WHEREAS, the Board of County Commissioners and the Lawrence City Commission held a joint study session on the Northeast Sector Plan on March 8, 2011; and

WHEREAS, the Board of County Commissioners considered the Northeast Sector Plan at public meetings held on May 11, 2011 and June 1, 2011, and by a vote of 2-1 on June 1, 2011, returned the Northeast Sector Plan to the Lawrence-Douglas County Planning Commission for additional consideration.

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

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

Section 2. The Board of County Commissioners provides the following direction to the Lawrence-Douglas County Planning Commission for further consideration of the Northeast Sector Plan:

1. Consider the public/private infrastructure costs of development of the area southwest of the airport currently designated Industrial when compared with the infrastructure costs of developing other identified industrial sites around Lawrence, in particular the Farmland site and the sites in the NW corridor along Farmer's Turnpike, to determine if such costs are extraordinary for the amount of industrial land developed.
2. Considering the presumed extraordinary costs to provide public infrastructure, such as storm water, sewer and street improvements, presumed to be needed to support industrial or other urbanized development in Grant Township, discuss whether urbanization should be reasonably expected outside of the airport property.
3. Considering the unique challenges present in the area of the sector plan, including infrastructure costs, identified storm water issues, the presence of class 1 and 2 soils, etc., and considering the other areas in the county, especially those that surround Lawrence, designated or recently zoned for industrial uses, discuss whether industrial development outside of the airport property is a necessary designation in this plan area in order to meet the "*Horizon 2020*" goal of expanding the industrial inventory.
4. Discuss whether or not the area southwest of the airport currently designated Industrial is a true future multi-modal transportation area. Consider the growth and intensity of uses at the airport as well as how realistic it is that rail can be extended to the industrially designated area southwest of the airport. Discuss whether rail and airport transportation modes are valid reasons to support industrial designations on the property southwest of the airport.
5. Discuss more thoroughly the impact of developing to the proposed land use designations in the area and the recommendations of the North Lawrence Drainage Study. Consider how the

Federal Aviation Administration's circular regarding waterfowl around the airport impacts the recommendations of the drainage study that may result in retaining/detaining stormwater in the area around the airport. Consider the potential future of regulations regarding development in levee protected areas.

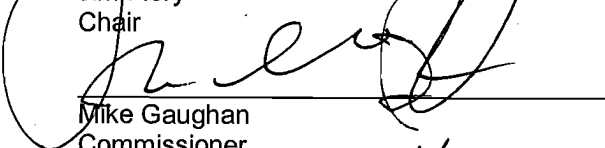
Section 3. This Resolution shall be in full force and effect upon its adoption by the Board of County Commissioners and being published once in the official County newspaper.

Adopted by the Board of County Commissioners of Douglas County, Kansas, this 6th day of July, 2011.


BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS



Jim Flory
Chair



Mike Gaughan
Commissioner



Nancy Thellman
Commissioner

ATTEST:



Jameson D. Shaw, County Clerk

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Erika Gray of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 07/11/2011 with publications being made on the following dates:

07/11/2011

Erika Gray
Subscribed and sworn to before me this 7-11-2011
[Signature]
Notary Public



My Appointment expires: _____

Publication Charges	\$196.50
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$196.50

(Published in the Lawrence Daily Journal-World July 11, 2011)

RESOLUTION NO. 11-21

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS PROVIDING DIRECTION TO THE LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION FOR ADDITIONAL CONSIDERATION OF THE NORTHEAST SECTOR PLAN (CPA-6-5-09)

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WHEREAS, the Board of County Commissioners and the Lawrence City Commission held a joint study session on the Northeast Sector Plan on March 8, 2011; and

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3. Considering the unique challenges present in the area of the sector plan, including infrastructure costs, identified storm water issues, the presence of class 1 and 2 soils, etc., and considering the other areas in the county, especially those that surround

Lawrence, designated or recently zoned for industrial uses, discuss whether industrial development outside of the airport property is a necessary designation in this plan area in order to meet the "Horizon 2020" goal of expanding the industrial inventory.

4. Discuss whether or not the area southwest of the airport currently designated industrial is a true future multi-modal transportation area. Consider the growth and intensity of uses at the airport as well as how realistic it is that rail can be extended to the industrially designated area southwest of the airport. Discuss whether rail and airport transportation modes are valid reasons to support industrial designations on the property southwest of the airport.

5. Discuss more thoroughly the impact of developing to the proposed land use designations in the area and the recommendations of the North Lawrence Drainage Study. Consider how the Federal Aviation Administration's circular regarding waterfowl around the airport impacts the recommendations of the drainage study that may result in retaining/detaining stormwater in the area around the airport. Consider the potential future of regulations regarding development in levee protected areas.

Section 3. This Resolution shall be in full force and effect upon its adoption by the Board of County Commissioners and being published once in the official County newspaper.

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

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That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 07/11/2011 with publications being made on the following dates:

07/11/2011

Adopted by the Board of
County Commissioners of
Douglas County, Kansas,
this 6th day of July, 2011.

BOARD OF COUNTY
COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

/s/ Jim Flory
Jim Flory
Chair
/s/ Mike Gaughan
Mike Gaughan
Commissioner
/s/ Nancy Thellman
Nancy Thellman
Commissioner

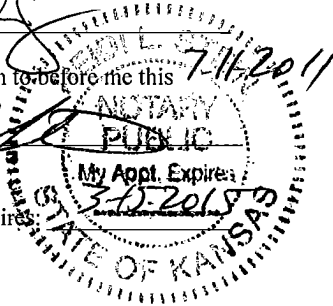
ATTEST:
/s/ Jameson D. Shew
Jameson D. Shew,
County Clerk

Subscribed and sworn to before me this

Notary Public

My Appointment expires:

Publication Charges	\$196.50
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
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	\$196.50



May 11, 2011

Flory called the regular session meeting to order at 6:35 p.m. on Wednesday, May 11, 2011 with all members present.

PLANNING/COMPREHENSIVE PLAN 05-11-11

The Board considered approving Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan and adopt joint Ordinance No. 8591/Resolution for Comprehensive Plan Amendment (CPA-6-5-09) amending Horizon 2020 - Chapter 14 to include the Northeast Sector Plan. Dan Warner, Lawrence-Douglas County Metropolitan Planning Staff, presented the item. The Planning Commission approved the item with a 5-4 vote on September 20, 2010.

Warner stated the role of the sector plan is to help guide future development and anticipate development over a long period of time. He gave the history on the meetings and the drafts leading up to tonight's meeting. Staff received a large amount of public comment during the three drafts. The Planning Commission asked staff to consider the language option for considering Class 1 and Class 2 soils.

Flory opened the item for public comment.

Jerry Jost, 2002 E 1600 Road, pointed out areas he has concerns with throughout Northeastern Douglas County regarding storm water runoff and preserving Class 1 and 2 soils.

Charles Nova Gradac, 945 Ohio Street, stated he has concerns that development will create drainage issues for his orchard and he also wants to preserve Class 1 and 2 soils.

Ron Schneider, 1979 E 1600 Road, stated he has two main concerns: 1) flooding and 2) use of high quality soils. He feels no development should be approved until improvements to North Lawrence have been made to decrease flooding.

Barbara Clark, 2050 E 1500 Road, said we have already urbanized over 21,000 acres of class 1 and 2 soils with the largest section of Class 1 and 2 soils located in the NE Sector area. She stated it would make sense to choose areas that are not competing with the best soils for agriculture.

Hank Booth, Lawrence Chamber of Commerce, stated many more people were involved in the Sector Plan process, providing input and compromise. He feels there is no reason to restart the study process; the compromise is on the table.

Kim Sherman, Coordinator for the KU Student Farm, stated the Student Farm program is located in this NE Sector area on Class 1 soil. To allow development on this land sends a message to young farmers that we are willing to sacrifice the best soil for industry.

Phil Toevs, 1961 N. 1200 Road, stated he is a chef and 90 percent of restaurant revenue is lost out of town because they purchase shipped in produce. We need to look at keeping our money here.

Ted Boyle, president of North Lawrence Improvement Association, stated the increase in home development in North Lawrence created storm water runoff flooding problems. He supports the original third draft.

Charles Marsh, 3309 Riverview, stated there needs to be a way to make it advantageous for the people who own the Class 1 and 2 soils to keep it that way. He has concerns over food shortages in the future.

Debbie Milks, 945 Ohio, showed photos of flooding in Sioux City, IA where the dam failed and there was a rain storm. She is concerned that development in NE Douglas County could create similar circumstances due to runoff.

Daniel Poull, 821 Ohio, commented that if only 20% of the money going out of the area would stay. We have an incredible opportunity to preserve Class 1 and 2 soils that can't be replaced.

Pat Ross, 1616 B, 1799 Road, Nunamaker Ross Farms, stated he owns land in the in Grant Township and grows produce on this property. He doesn't feel Douglas County is at risk for running out of cultivated prime farm land to sustain local food production.

Simran Sethi, 1333 New York, stated she is pro development, but the right kind of development. She feels as a community we need to recognize the value of our agricultural assets and natural resources.

RECESS

At 8:05 p.m. Flory recessed the Board for a 10 minute break until 8:15 p.m.

RECONVENED AT 8:15 P.M.

Frank Male, 861 E 2100 Road, Eudora, stated compromises have been reached on this plan. He urged the Board to approve the NE Sector Plan as recommended by the Planning Commission.

Natalya Lowther, 1480 N 1700 Road, stated when the pump station is unable to clear water immediately, her land comes underwater. She doesn't want to see more industrial development in this area.

Lane Williams, 1735 E 1500 Road, stated we need to be aware that the current levee system will be undependable at some point. We need to consider what the best public policy is for land owners and people in general.

Flory closed the public hearing.

Flory made several observations. It is a sector plan, a general generic description of a vision of potential use of land; just an option. The industrial use of land that at

one point was considered for soil conservative agri-business and then became industrial is just an option. If categorized as industrial, it is just one option. It could continue to be agricultural for years or forever. If this land is considered for development and if it would take millions of dollars to correct the drainage issues, that would have to be addressed. This is a category of land not a mandate that it be developed. Flory stated that soil preservation is a concern to everyone, but Douglas County doesn't own that land. Neither do some of the people in this room. As an elected official, he feels government doesn't need to tell everyone what is best for them. Only when there is clear necessity for government to act should they act. Many of those with an interest in this land have agreed to the option passed by the Planning Commission. They saw that as a compromise. The food argument he doesn't find compelling. Flory stated it's important to conserve Class 1 and 2 soils, but we need to keep it in a real world perspective. He added he will not resist efforts to study the plan if the other commissioners wish to. However, he doesn't feel it needs to. Flory commented he would like to keep the option of development of industrial available, just in case. It would be tough to meet challenges to develop but it can be done.

Gaughan stated the thing he is most interested in is the North Lawrence Drainage Study and how it intersects with the decision made and sequences of events if this is passed. McCullough replied the North Lawrence Drainage Study has been used to determine what specific improvements would be required of any development proposal that comes in and what above and beyond that might be of any value to the community that we think is required as well.

Gaughan stated the study showed a \$41 million improvement projected six years ago, which couldn't be all done at once, but he asked if the costs are still relevant. Matt Bond, City Storm water Engineer, said the \$16 million was recommended for improvements inside the City limits and \$25 million in improvements was recommended outside the city limits in Douglas County. He discussed in more detail the suggested improvements. In today's dollars the improvements will cost more.

Flory stated the study wasn't prepared in response to the sector plan, but prepared for drainage issues to decide if matters needed to be addressed then or continuing no matter what happened. Bond stated that is correct.

Thellman stated it was her understanding the study was ordered by the City to determine how development might progress after a previous commission significantly expanded the Urban Growth Area, against staff advice. Bond responded he does not know the specific history, this all came before him. McCullough stated it is fair to say the study was ordered with development in mind and it was a plan to look at current issues to address some of the flooding issues today and a build out of a particular scenario.

Gaughan asked how different the development was at the time of the study than what is proposed now. McCullough replied the study looked at much more intense development than what is proposed in this sector plan.

Thehellman stated that the discussion of food production on Class 1 and 2 soils is an important issue, but not the key issue for this sector plan. She stated that while we need to honor agriculture in that area in all its forms--big farms and small farms, conventional and organic--the most critical issue for the Northeast Sector Plan is the problem of flooding and storm water management. Thehellman said she heard Flory say that just because we identify some land as purple on the map doesn't mean it will become industrial. He said any project will have a steep road because of all the obstacles, primarily storm water management. Thehellman said that if the map shows green in the area that people want to industrialize, it doesn't prevent them from proposing an industrial project--it just doesn't send a signal that industrial development is encouraged when there are so many issues like the extraordinary expense of developing around flooding and storm water obstacles. She said this area is plagued with development problems, some of them fixable. Thehellman stated she heard it said there was a grand compromise with this sector plan, but what she sees is language taken directly from Chapter 7 where the assumption was for industrial development and no significant or enforceable language regarding preservation of prime soils, not representing the year's long public discussion about trying to find a balance between the two. She stated she wondered by the second option, where the 50/50 compromise of allowing intense industrial development on some acres balanced with preservation of some acres wasn't chosen since it seemed like a truer compromise.

There was discussion by staff of needing to clarify what Soil Conserving Agri Industry was.

Flory moved to defer the item the June 1, 2011 meeting for further discussion.

June 1, 2011

Flory called the regular session meeting to order at 6:35 p.m. on Wednesday, June 1, 2011 with all members present.

MINUTES 06-01-11

Thellman moved to approve the minutes of March 30, April 6, April 20 and May 4, 2011(as amended). Motion was seconded by Gaughan and carried 3-0.

CONSENT AGENDA 06-01-11

Flory moved approval of the following Consent Agenda:

- ▶ Lease Agreement between Douglas County and United Way of Douglas County for extension of lease for the Valleyview Building. The term of the lease commences September 10, 2011 and expires at 11:59 p.m. on December 31, 2026;
- ▶ Resolution 11-14 granting a Cereal Malt Beverage License for Clinton Marina Parking Lot Special Event on June 18, 2011 at 1329 E 800 Road;
- ▶ Midwest Mayhem Triathlon to be held July 17, 2011 at Lone Star Lake and marina; and
- ▶ Resolution 11-17 directing notice of a public hearing to be held on June 15, 2011 to discuss establishing an alternate methodology for disposal of certain Douglas County Property at located south of Lone Star.

Motion was seconded by Gaughan and carried 3-0

PUBLIC WORKS 06-01-11

Thellman moved to approve Resolution 11-19 providing for the establishment of the Douglas County Heritage Conservation Council; prescribing the purpose, composition, powers, and duties of the Heritage Conservation Council. Motion was seconded by Flory and carried 3-0.

PUBLIC HEARING/YANKEE TANK 06-01-11

Flory moved to open a public hearing to consider creating a community improvement district in the vicinity of Yankee Tank Dam, to contribute to financing the costs of rehabilitating Yankee Tank Dam to bring the structure into compliance with state and federal safety regulations. Motion was seconded by Thellman can carried 3-0.

No public comment was received. Flory closed public hearing.

Flory moved to approve Resolution 11-16 relating to and amending a regulated Planning and Zoning Classification within the unincorporated territory of Douglas County, Kansas; changing the zoning classification from "A" (Agricultural District) to "B-2" (General Business District) for the property described on a recorded subdivision plat as Lot 1 Rockwall Farms Addition. Motion was seconded by Gaughan and carried 3-0.

ZONING & CODES 06-01-11

The Board considered the approval of a resolution amending a Planning and Zoning Classification from "A-1" suburban Home District to "I-1" Limited Industrial District for VINLAND AIRZONE 2nd Plat, Lot 1, Block 1. Keith Dabney, Director of Zoning & Codes, presented the item.

Flory opened the item for public comment. No comment was received

Gaughan moved to approve Resolution 11-15 relating to and amending a regulated Planning and Zoning Classification within the unincorporated territory of Douglas County, Kansas; changing the zoning classification from "A" (Agricultural District) to "I-2" (Limited Industrial District) for the property described on a recorded subdivision plat as VINLAND AIRZONE 2nd Plat Lot 1, Block 1. Motion was seconded by Thellman and carried 3-0.

PLANNING/NORTHEAST SECTOR PLAN 06-01-11

The Board continued discussion from the May 11, 2011 meeting, to consider approving Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan and adopt joint Ordinance No. 8591/Resolution for Comprehensive Plan Amendment (CPA-6-5-09) amending Horizon 2020 - Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10)

Flory reopened the item for continued public discussion.

Roger Pine, 20758 Golden Road, stated he is in support of Option 1 as is 70% of the landowners in the northeast area. Most of these landowners sent in support letters showing support for Option 1.

Matt Eichman, 512 Ohio Street, said he feels the language in this plan puts an undue focus on just the soils and there are other natural resources the County should be considered. His right to open a sand plant can be effected by only the preservation of class 1 and 2 soils.

Hank Booth, Lawrence Chamber, stated he feels what he watched transpire from the many preceding NE Sector Plan meetings was a compromise. He feels the area is a prime location for Class 1 and 2 soils, but it is also prime location for business due to highway development, rail and air in one particular location.

Jerry Jost, 2007 E 1600 Road, stated there's a reason why Lawrence has not grown north and it's because of storm water and flooding issues. He questioned at what point in development will cause the need for Highway 24/40 to be raised and how it will be paid for.

Lori McMinn, 500 Mississippi Street, stated she feels we should prioritize our resources. Just because you can grow in lower class soils doesn't mean it is ideal.

Pat Ross, 1616 N 1700 Road, stated he farms about 3400 acres in Grant Township growing corn, soybeans and vegetables and a large portion of that is owned by people that support the plan proposed by the Planning Commission. He supports Option 1 and feels it represents the largest number of landowners north of Lawrence.

Ted Boyle, North Lawrence Improvement Association, said there are 1500 homes and businesses in North Lawrence which are major stakeholders in this event. Storm water coming from the north affects residents from the 100 or more homes built in last 15 years, which has taken up the natural storm drainage system.

Frank Male, 861 N 2100 Rd, asked the Board to approve the plan supported by the Planning Commission.

Dorothy Congrove, 1829 E 1700 Road, stated she feels the 120 acres of land, as described in the proposed NE Sector Plan, should be set aside for future industrial use. The County has potential loss if the industrial is not located on the map.

Barbara Clark, 2050 E 1550 Road, stated a mark on the map is a siren call for development. It will draw people in. The premise of development in that area, industrial development in the Northeast Sector, is faulty.

Rich Bireta, 2010 E 1600 Road, said he thinks this is a really good Sector Plan. He asked the County Commission, on behalf of the Grant Township Board, to pass the NE Sector Plan regardless of whatever decision the Board makes on the designation of the land south of the airport.

Lew Phillips, 2000 Crossgate Drive, stated he feels there is a problem of drainage in North Lawrence whether we industrialize or not. He is concerned that even a small amount of development would be impact runoff.

There was discussion with staff to clarify the location criteria for industrial development, the amount of acres already zoned for development in Douglas County, the life span of the sector plan, the costs associated with correcting flooding issues and having the property owners take more responsibility in improvements.

Gaughan stated he doesn't feel the NE Sector Plan passes the common sense test to move forward; at least he stated he can't move forward in good conscience. Arguments on both sides make a lot of sense but there is a public investment that is required before we even get this point. Gaughan feels the property should be kept in agriculture until some of questions are addressed. He is sure our engineers can come up with solutions to some of these problems but it will cost serious amounts of money. Gaughan stated he can't move forward with something that doesn't make sense financially for this community. The level of investment we are going to be asked to make is undefined. Gaughan commented that the perpetuation of a snowflake should really be an asterisk saying "don't develop here, we can't afford it."

Flory stated we're putting the cart before the horse. This is a sector plan. We've done two sector plans since we've been on the Commission. He said never before have we tried to get into such minute detail on uses and water flow. A sector plan is a statement saying that this land conceivably could be used for this purpose. If we say that, then the option Commissioner Gaughan is concerned about with financing all gets worked out in the process if and when it ever gets developed. This is a signal that this is an area that based upon the general locational criteria is appropriate for industrial. Flory stated that we aren't rezoning it, we aren't approving a site plan, and we aren't approving a storm water management system for it. This is just a general statement. He said he doesn't see how the Board can ignore 70% of the people that own the property. We passed an environmental chapter that affected the whole County and every property owner in the County after two hours of public comment and zero discussion by the Commission, and we're going to send this back for more discussion, more meetings, more disputes. He said he doesn't understand what level of certainty the other Commissioners want on how much something is going to cost at a sector plan level. We haven't had any cost assessments on any sector plans. He stated he assumes we are getting into this discussion now because of a group that is very emphatically concerned about the preservation of Class 1 and 2 soils. He stated he understands the concerns but will not apologize for keeping government protectionism from telling landowners what they can or cannot do with their property. Flory questioned how much government we need. People should have the option of industrial available to them. Flory said the City of Lawrence or the County doesn't have to spend one dime if we don't want to.

Thellman stated with this plan we are encouraging and enticing an industrial employment center in the very area that prompted previous commissions to order the North Lawrence Drainage Study to be performed, which found \$16 million in flood infrastructure needs within the community of North Lawrence and then \$25 million in improvements for modest development on the watershed. Thellman stated they were working from a different land use map but it didn't represent an industrial complex at Midland Bend. She feels it would be irresponsible to ignore that this is a

historically, disastrously flooding area. One of the basic duties of government is public safety and stewardship of public tax dollars. Thellman said yes, you have dozens of landowners that represent thousands of acres and you have one voice here representing 2500 people in North Lawrence. Although we are only hearing one voice, it is incumbent on us, this being her district, the community of North Lawrence is the most vulnerable population in this whole conversation. She feels it is not out of line to be concerned about the public safety issue of enticing development that will make flooding even more likely, requiring at extraordinary public cost to try to prevent it. It's a real risk and a real danger. Thellman stated since she's been on this commission she has seen the industrial zoning of nearly 1000 new acres not in the flood plain.

Flory stated he doesn't like the inference that since he is willing to approve this plan, he doesn't care about public safety. Flory stated, "Of course I do." This document doesn't authorize anything. It doesn't authorize anyone to turnover a shovel of dirt. When it got to the point where someone has a development request, he concurs, all of the challenges would have to be overcome before moving forward. Flory added, "This document does not endanger public safety. If it did, I wouldn't vote for it. It doesn't put the 2500 residents in North Lawrence in danger of flooding, if so, I wouldn't vote for it."

Gaughan said this is a big unidentified expense to the local government, to the City and the County. What is at stake is spending between zero and \$40 million on improving drainage among other things. Flory replied that is true, zero to \$40 million because we don't know.

After further discussion, Gaughan moved to send the Northeast Sector Plan back to the Planning Commission for further discussion and the Board will give direction to staff at a later date. Motion was seconded by Thellman and carried 2-1 with Flory in opposition.

ACCOUNTS PAYABLE 06-01-11

Flory moved approval of accounts payable in the amounts of \$249,306.34 paid on 05/26/11 and \$104,445.31 to be paid on 06/02/11; a manual check in the amount of \$10,000.00 paid on 05/27/11; and a wire transfer in the amount of \$400,000.00 paid on 05/27/11. Motion was seconded by Gaughan and carried 3-0.

APPOINTMENT 06-01-11

Gaughan moved to appoint David Clay Britton, Lawrence, as a County Representative to the Lawrence-Douglas County Metropolitan Planning Commission for a term of three years to expire in May 2014. Britton will replace Stanley Rasmussen. Motion was seconded by Thellman and carried 2-1 with Flory in opposition.

APPOINTMENT 06-01-11

Thellman moved to appoint Pennie von Achen, Eudora, as a County Representative to the Lawrence-Douglas County Metropolitan Planning Commission for a term of three years to expire in May 2014. Von Archen will replace Charles Dominguez. Motion was seconded by Gaughan and carried 2-1 with Flory in opposition.

APPOINTMENT 06-01-11

Thellman moved to appoint the following people to the Heritage Conservation Council: Larry McElwain and Paul Bahnmaier for one-year terms to expire 05/31/12; Shelley Hickman Clark and Julia Mangliz for two-year terms to expire 05/31/13; and Ken Grotewiel, Dr. John Bradley and Gary Price to three-year terms to expire 05/31/14. Motion was seconded by Flory and carried 3-0.

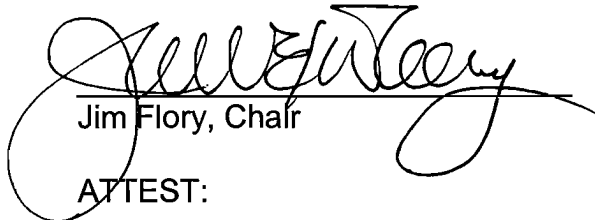
APPOINTMENT 06-01-11

Thellman moved appoint Barbara Higgins Dover to the Grant Township Treasurer position effective July 31, 2011, filling the remaining term of Jerry Jost. Motion was seconded by Flory and carried 3-0.

APPOINTMENT 06-01-11

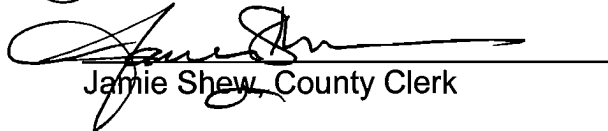
Flory moved reappoint Bob Newton to the Douglas County Emergency Management Board for a one-year term. Motion was second by Thellman and carried 3-0.

Flory moved to adjourn the meeting; Thellman seconded and the motion carried 3-0.

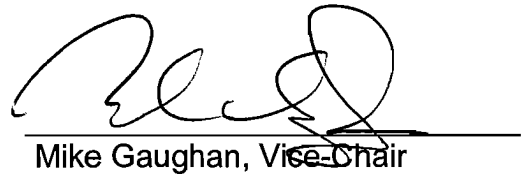


Jim Flory, Chair

ATTEST:



Jamie Shew, County Clerk



Mike Gaughan, ~~Vice-Chair~~



Nancy Thellman, Member

Scott McCullough, Director, presented the staff report.

Corliss said this was an exciting project to see redevelopment in the area. He said there was money in the capital budget for the parking lot on Delaware Street. The development agreement would be finalized and the land use approvals would be processed. This project would get the building back in good shape.

Tony Krsnich said a nice article came out in the Journal World a couple weeks ago. He thought the project was important and he wanted everyone to remember that nothing is perfect and you can't let the great get in the way of the good. The project would create 150 jobs. The tax credits would go somewhere and they might as well come to us in the City of Lawrence.

Vice Mayor Schumm called for public comment. None was received.

Amyx said it was a great project and he appreciated the investment in Lawrence. He was glad to see someone pick up this district and want to develop it.

Dever and Carter said they agreed.

Schumm said the project would strengthen the neighborhood and preserve a historical building.

Moved by Amyx, seconded by Dever, to initiate text amendment. Motion carried 4-0 with Mayor Cromwell abstaining.

Mayor Cromwell returned to the room at 7:30 p.m.

4. Discuss Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan.

Dan Warner, Planner, presented the staff report.

Mayor Cromwell called for public comment.

Ted Boyle, North Lawrence Improvement Association, said he wanted to consider the reason for the lack of development in the area. He said it was stormwater. Water always runs downtown and North Lawrence was downhill from any development that might occur. He said that in the early 1990s North Lawrence had a housing boom. That sucked up the natural

stormwater drainage system. The water got deeper and deeper during rains because of the addition of rooftops and impervious surface. He heard from each development that there would be no negative development, but now we are working on a five million dollar pump station to take water out of North Lawrence that was caused by development. They had been waiting 20 years for that pump. The city has purchased three properties for the project. That was money spent as a direct result of stormwater runoff. That runoff in 1993 came from the airport and as far north as the quarry. Unless the city or county goes out and spends 25-30 million dollars before development is started there would be more flooding problems. A good thing that came from this plan development was that there are Type 1 and 2 soils in North Lawrence that should be protected and preserved. We thought that option 3 should be considered, but all the Planning Commission wanted to talk about was defining ag-related business. We needed to go back to the original option 3.

Hank Booth, Lawrence Chamber of Commerce, asked how the vote goes from here, since the county sent it back to the Planning Commission, and whether it would go back to the Planning Commission regardless of the city commission's vote tonight.

Corliss said yes.

Booth said he did not agree that there was no compromise in this. One of the participants that wanted to keep the land in the purview of the owners felt that they didn't like the plan but they were okay with its passage because it was a compromise that had been reached over time. He said that the flood issue must be addressed over a long term plan. We have more work that needs to be done on flood control in North Lawrence. He said that keeping our eye on the NE Sector as a limited development area was the way to get the money flowing into the area for the development of a more complete and safe flood control program.

Pat Ross said he farmed several farms in Grant Township. This process of planning for the NE sector had gone on a long time. His family and other property owners felt that the plan

originally passed by the Planning Commission but then voted down by the County was a good plan. He hoped that plan could be passed.

Charles NovoGradac displayed a map of the area. He showed his property and said he had developed it as a nut tree orchard. He was concerned that the incremental development had created an increased risk of damage from storm water flooding. He said the new floodplain map showed the floodplain expanding to the point where it now touches his property where it had previously been hundreds of feet away. Development in the area was adverse to the farmers in the area due to the demand on drainage. He said when you had floodplain, property owners brought in truck loads of soil to raise their buildings, but farmers couldn't do that. The new dollar store raised the ground 10-12 feet. The rest of North Lawrence became a drainage basin for that property. He said capability one soils were the soils found in the bottomland which were significantly better than capability two soils. You must respect capability one soils for their water holding capacity.

Roger Pine said he represented Pine Family Investments and Pine Family Farms. He said before Charles put this orchard out there he had farmed it. Prior to that the only time it had flooded was 1951. He was here to talk about the fact that the County Commissioners did not approve the plan that had been made under considerable compromise. He said he was disappointed that that plan wasn't good enough for all of the county commissioners. He said the Planning Commission's responsibility was to look at land use and not cost. If you looked at the resolution by the county costs were mentioned multiple times. That was not necessarily what should be talked about. He pointed out that out of all the sector plans approved, this one went into much more detail. In this particular case we were trying to make decisions on things that wouldn't take place for many years, and we were looking at all of the negatives and none of the positives. Part of the infrastructure problems were resolved by the water and sewer line projects of the city to the airport. Owners representing 70% of the area were in support of the

compromise and he hoped that would have some influence. If we do develop any of the land out there not all of the water would go to North Lawrence, some of it diverts to the east.

Chuck Marsh said he asked that this be sent back to the Planning Commission and challenging the rationale of the airport industrial district, because 100% of that land was Class I soils. Proposing that as industrial conflicted with other city policies and plans. Protection of high quality agricultural land was a key value in Chapter 16 of Horizon 2020 and other plans. The forthcoming report of the Peak Oil Task Force had a recommendation to discourage urban and suburban development on high quality soils.

Barbara Clark, Citizens for Responsible Planning, said it was important to take the plan in the context of all of Douglas County. It is evident that the area in question was the largest deposit of contiguous Class I and II soils. Of the 11 indicated areas for proposed industrial areas, there was only one area, the airport site, that was comprised entirely of Class I and II soils. Why would we opt to develop where the soils were entirely Class I and II? There may also be FAA restrictions on development. Another pitfall was that the proposed area for development was in the FAA wildlife mitigation area.

Kirsten Bosnak said as part of her job she managed the KU medicinal garden near the airport. She said she wanted to appeal to our sense of the education potential and imagination of things that couldn't be done elsewhere in the county. The garden was only in it's second year but we have had many tours. At the latest tour there were 85 people. We should think about what we might do that would limit educational opportunities in the future.

Debbie Milks said that we had been told that these plans were not zoning maps, but that expectations were created and where would the lines be set in the future as development occurs. At some point you would reach a tipping point and we didn't know what that is yet. It didn't seem there had been any particular mitigation of the downhill flowing water in the last 15 years.

Carter asked about the new flood plain map. He said a lot of people had been affected by that map all over Lawrence. All through Lawrence that floodplain changed significantly.

McCullough said development might be one issue but there were different factors. We could get information for the commission.

Carter said he wanted to confirm that the map also changed in areas not affected by development.

Amyx said the County Commission asked for specific questions to be considered by the Planning Commission. Regarding the infrastructure costs, is that something the planning commission would generally look at?

McCullough said when accompanied by a specific request for public assistance, we usually advise the planning commission to focus on the land use issues and separate that from other requests.

Amyx said he wanted to make sure they had a responsibility to consider the costs to the city. He asked if the county had voted anything down.

McCullough said they sent it back, but did not take a negative vote.

Amyx asked whether Marsh talked about the airport or land adjacent to the airport.

Marsh said the land adjacent to the airport.

Carter said he was on the planning commission through the consideration of this plan. Looking at the notes from the county commission, a couple things jumped out. The topic of Class I and II soils has already been considered. He said that Marsh had said this conflicts with Chapter 16, but he would point out that that is exactly what came out of this plan, that there was a confluence of factors that all screamed industrial. Only 200 acres out of 10,000 was designated industrial. The Planning Commission considered Class I and II soils already. Related to infrastructure costs, the city and county commissions wore different hats than the Planning Commission. The Planning Commission was to look at land use. He said regarding flooding, that it was a legitimate concern. The fear that the opposition to the plan had was that the

commission would not consider the flooding issue at the time a development was proposed, and he didn't think that was true. Regarding costs it was impossible to say what should or shouldn't go forward because we didn't know who would be involved years from now. He thought city staff should look at infrastructure costs, not the Planning Commission.

Cromwell asked whether this had to go back to Planning Commission.

Corliss said yes, the city and county had to agree on substantially the same language. The county had indicated they wanted the planning commission to look at the language.

Carter said he favored sending it forward and having a study session with the County Commission.

Corliss said the purpose of receiving it today was to receive public comment, review the county commission comments and the planning commission recommendation, and get city commission comments as well since it is going back to the Planning Commission. It made sense to get the views of both bodies before the Planning Commission considers it again. It was appropriate for the Planning Commission to look at infrastructure costs. They had a role to consider an improvement plan, but ultimately it was up the City Commission to decide how much consideration the Planning Commission should give to infrastructure costs and land use considerations. It wasn't necessarily a very tidy division but it usually worked out. The drainage study had been suggested by the Planning Commission.

Amyx said we were in an adoption phase of the plan. The plan adopted by the Planning Commission was before us tonight. The plan would come back to the City and County commissions after the Planning Commission. We were down to looking where the industrial property would go and whether we would define agribusiness. We need a specific answer to that question – what is agribusiness? He said he didn't know of anything else he wanted answered at this time. Could there possibly be a brand new plan that would come back to us?

McCullough said he didn't think so. The PC has options which would be lined out to them for acting on the item.

Cromwell said we didn't currently have a definition of agribusiness.

McCullough said they started down that path, but the Planning Commission chose not to accept any of the proposed definitions and instead settled on the general statement from Chapter 7.

Amyx asked if that was the compromise language from the 5-4 vote.

McCullough said that was what was sent to the City and County Commissions. Most stakeholders said we need to define that so expectations could be clear. At the end of the day that might be a criticism, that it still wasn't entirely clear.

Carter said the reason the language came up as it did was because it could get a positive vote. By the time development comes up we may not even know what kind of agribusiness could exist at that time. This plan had extensive public comment and was as well planned out as possible for a sector plan. He thought we should move forward. He didn't have any direction to give to the planning commission.

Schumm said the comments tonight helped round out the discussion. Not surprisingly, he said, he had made strong statements against developing Class I and II soils. He said he was conflicted over this because this particular area around the airport had the most and highest quality soils. The far west area around K10 on the turnpike and the farmland property would appeal to the same type of industrial users. If we had requests for industrial development at those locations where the soil was not as high quality he was concerned about industrial development here. Flooding was a serious issue and the people of North Lawrence needed to know how we were going to address it. He said we had been down the road of Class I and II soils before and we needed to honor our commitments on that.

Dever said this was a strange juxtaposition of procedures since it was going back to the Planning Commission anyway. Development could mean something as reasonable as a higher level of agribusiness. We needed to consider all areas of the community. Some of the industrial

areas that we had tried to identify were still in flux due to lawsuits and other issues. It was important to keep the ball rolling so we knew what this area of our community would look like.

Cromwell said he also had concerns about the loss of Class I and II soils. He said he was in favor of having the questions made by the County Commission answered. After the Planning Commission has their say he thought the city and county should have a study session.

Amyx asked if under the county resolution, under item 4, he didn't find any comments in the minutes related to that. Did they have a question about future uses?

McCullough said the issue was to understand the ability of the airport to serve industrial uses outside of the airport. If the airport were improved to accept larger aircraft it could support additional uses near the airport.

Amyx said it didn't have to do with the uses and intensities on the airport.

McCullough said no.

Cromwell said other than the items from the county and the definition of soil conserving agribusiness, he didn't have other items for the Planning Commission to consider. That was his recommendation moving forward, as well as setting up a joint study session with the county.

Schumm said the amount of land zoned industrial should be looked at.

McCullough said there was a smaller amount of land for a specific rezoning request than the land designated in the current plans. The rezoning was for less property than made it into Chapter 7.

Corliss said he didn't think there was a need for a resolution from the City Commission.

Moved by Schumm, seconded by Amyx, to refer the plan to the Planning Commission.
Motion carried unanimously.

The commission recessed for a ten minute break at 8:55 p.m.

The commission returned to regular session at 9:05 p.m.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, ask that this item be deferred. He said there are two commissioners absent who have been in on these meetings from the beginning and their expertise should be heard. He also stated there are two new commissioners who just joined the Planning Commission. He felt that the Airport Master Plan should be completed first. He said people in the agri-industry have concerns about future use. He said the Douglas County budget is still being worked on and land preservation is important. He said even with 500 acres designated for something in the industrial or business component, set aside for some sort of future compromise, would still leave approximately 95% of type 1 and 2 soils undisturbed.

Mr. Roger Pine, Pine Family Investment, owns 340 acres in Grant Township. About half of that land is being designated as soil conserving agri-industry. He said the staff report states that the definition of soil conserving agri-industry says all four words need to be used together when discussing this land use. He said staff gives the example of a meat packing plant as not being acceptable and a crop research business as being acceptable. He said Grant Township has a research facility, Pioneer International, that does not own the building or property they are on. He said they do not do any research on adjoining land around the facility. They lease research sites annually according to their needs. He felt this was not a good example of a soil conserving agri-industry because it did not meet the criteria. He said he could not think of anything that would work in this area related to agriculture other than traditional farming. He was concerned about having 170 acres designated to something that cannot be used in a way other than what is currently being done. He discussed concerns about drainage issues. He felt that if 65 acres south of Hwy 40 were designated Industrial drainage issues would be addressed. He said he expressed his opinions to Mr. Matt Bond, City Stormwater Engineer. He said farmers eventually have to retire and selling land is their 401K. He said his property is most ideal for development because of access to transportation. He felt this was an opportunity for economic development for the community. He said in preparation for the Airport Master Plan the City is forming a steering committee and a new consultant may mean more changes at the airport. He said there have been talks about acquiring adjacent property.

Commissioner Carter asked Mr. Pine if he spoke with Mr. Bond about the drainage study and that if what Mr. Pine found was not reflected in the study.

Mr. Pine said he discovered that the water would not go to North Lawrence, it would drain to the east.

Commissioner Singleton asked where Mr. Pine thought drainage should be if not to the east.

Mr. Pine felt there should be infrastructure in place to get the water to Mud Creek instead of meandering through private property.

Mr. Lew Phillips said his family owns 250 acres of farmland in the Midland Junction area. He felt the proposed limitations on development would add to the perception of Douglas County being business unfriendly. He felt that Douglas County needs more Industrial tax base. Nowhere else in Douglas County is it possible to offer the transportation advantages that could be developed in the northeast sector. He said he would support having the item deferred for further review.

Mr. Ken Reiling said he owns 60 acres at the east end. He felt that the Airport Master Plan data should be included. He said that soil conserving agri-industry is extremely narrow, vague, and confusing when used to define a land use classification. He asked staff to draft a list of potential agri-industries which may be attracted to the infrastructure of Grant Township. He asked if a tractor supply store or a seed processing plant would be allowed in this designation. He would like to see more long range plans for police and fire protection. He also felt there should be complete separation of bicycles and vehicles for the general public safety.

Ms. Dorothy Congrove said she owns 235 acres in Grant Township. She felt that very little of the property owners opinions have been incorporated into Northeast Sector Plan. She felt the definition of soil conserving agri-industry was too restrictive. She said she was not advocating development without standards. She said the soil conserving agri-industry designated area is closest to the city. She asked that the plan be deferred.

Mr. Bart Hall said he farms Kansas River Bottom land and also a soil scientist by training. He said he does not take any Federal farm program subsidy for which he is eligible. He said he rejects the premise that farming is something that is done with land while waiting for a higher use to come along. He said that 1/10 - 2/10 of 1% of all the soil in the world is the quality that is in the Kansas River Valley. Agriculture is the highest and best use and when that land is removed from agriculture it is removed from agricultural forever, there is no replacement.

Commissioner Dominguez asked what kind of scientist Mr. Hall was.

Mr. Hall said he was a soil chemist by training.

Commissioner Liese asked what kind of farming he did.

Mr. Hall said he has a mixture of wheat, beans, alfalfa, and assorted horticultural crops.

Commissioner Liese asked Mr. Hall to repeat his statistics and his source.

Mr. Hall said the Eudora type soils are probably about 1/10 - 2/10 of 1% of all the soils in the world that are of that caliber and information regarding it can be found in numerous soil rating science text books.

Mr. Ron Schneider said he has lived in Grant Township for 23 years and owns about 40 acres. He said he was speaking for himself, not speaking on behalf of any clients. He said the community has a responsibility to step up to save the unique land for agriculture. He agreed with the previous speaker that the best and highest use of this land that is so rare is agricultural purpose. He said it was similar to the National Park Service. He felt that land owners should be compensated in some way. He questioned the definition of soil conserving agri-industry and felt it needed to be broadened and made more general. He said the future designation of Midland Junction Designation makes no sense. He said it is a dangerous intersection and would require massive infrastructure changes.

Commissioner Singleton said she lives in a residential neighborhood in Old West Lawrence and is clearly limited by what she can do with her land. She said she knows she cannot put a gas station there and it is not her 401K. She inquired about agricultural zoning being different.

Mr. Schneider gave the analogy of someone who has a vacant lot and they are told they cannot build on it but that a lot with a house on it has far more value than a vacant lot. He said he would like every farmer to keep their land as farmland but he does not think that would be fair.

Commissioner Hird asked what changes he would recommend to the sector plan.

Mr. Schneider said Midland Junction is a dangerous intersection and massive infrastructure will need to be addressed. He would like the definition of soil conserving agri-industry needs to be worked on further.

Mr. Ted Boyle, North Lawrence Improvement Association, was concerned about storm drainage. He said everything that happens north of North Lawrence directly affects North Lawrence. He said the pumps are overwhelmed and that it will take extensive infrastructure to make the water go east.

Ms. Barbara Clark, Citizens for Responsible Planning (CRP), said she sent a letter with attachments that had good examples of Best Practices that other communities are using. The Comprehensive Plan, Airport Master Plan, T2030, Wastewater Management, Flood Zoning Mapping are not a static system. They are dynamic and always moving. She said there is already an Airport Plan in existence but is being updated. She did not necessarily think that was a legitimate stop-stick to the approval of the Northeast Sector Plan. She said CRP has discussed the interconnectedness of the deep fertile soils in North Lawrence and floodwater mitigation. Class 1 soils in that area, specifically Rossville silt loam, has 80" before it meets any restrictive layer, which means it has the capacity to absorb water. She said Long Range Planning is comprehensive. Many areas of the county are identified for industrial development. She said there are areas already where there is the need for environmental mitigation and great opportunity for infill development. She felt there were transportation limitations because Grant Township has railroads but not active rail spurs. She hoped they would not put the brakes on this process and suggested an accelerated study session with groups such as American Farmland Trust and other communities.

Commissioner Liese asked Ms. Clark to give a brief description of Citizens for Responsible Planning.

Ms. Clark said Citizens for Responsible Planning came about on June 23, 2007 when a group of residents in the Grant Township area learned about an industrial development plan in the area that the Lawrence Journal World reported was to be a 900 acre industrial park.

Commissioner Liese asked how many people Ms. Clark was representing.

Ms. Clark said the Citizens for Responsible Planning mailing list contains about 400 people.

Mr. Michael Almon, Sustainability Action Network, showed legal information on the overhead projector. He said the landowners in the northeast area are concerned with regulations that this body and the governing body might impose that limit their options on the use of their land. He wanted to point out that it was a red herring because everyone who is a land owner within a zoning category has some limits on how they use their land. He said there is an established Supreme Court precedent that regulatory takings are primarily for the public health and safety and that's where the community needs come in. They determine and establish that reasonable public policy is fully justified for the protection of the population in Lawrence from flooding through floodplain preservation, for assuring the solvency of City and County infrastructure budgets, and justified for securing the communities ability to feed themselves as peak oil increasingly drives up food prices and limits food imports. He said the Commission is on firm legal footing when adopting plans with specific provisions for regulatory takings that protect the common health and safety. He urged them to include these in the Northeast Sector Plan. Land owners can still farm their property. They can use their property viably and economically, it's just that they should not be given value added. He urged the Commission to incorporate the following into the Northeast Sector Plan:

1. Promulgate public policies and codes that recognize numerous U.S. Supreme Court case decisions which say reasonable, uniformly applied land use regulations do not constitute legal takings. Some of the rulings include:
 - No one may claim damages due to police regulation designed to secure the common welfare, especially in the area of health and safety regulations. The distinguishing characteristic between eminent domain and police regulation is that the former involves the taking of property because of its need for the public use, while the latter involves the regulation of such property to prevent the use thereof in a manner that is detrimental to the public interest. (Nichols' The Law of Eminent Domain Sec. 1.42; J. Sackman, 3d rev. ed 1973)
 - Land use controls constitute takings, the Court stated, if they do not "substantially advance legitimate governmental interests", or if they deny a property owner "economically viable use of his land". (Agins v. City of Tiburon)

- When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking. (Lucas v. South Carolina Coastal Council, 112 S. Ct 2886, 2895-1992)
 - These and considerably more may be found at:
<http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>
2. Adopt a zoning category of “exclusive agricultural use” for rural properties, with a gradient of development limitations keyed to the USDA soil classification levels. This would not be a requirement, merely a zoning category that a landowner may request for their land.
http://www2.co.multnomah.or.us/Community_Services/LUT-Planning/urban/zonordin/efu/efu.html
 3. Adopt code provisions for the Transfer of Development Rights (TDR) or Capability I and Capability II prime soils specifically. Using such a program, lands containing these soils are so designated, and owners of such farmland can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. http://www.greenvalleyinstitute.org/landuse_innovativezoning.htm

Commissioner Liese asked Mr. Almon to give a brief background of the Sustainability Action Network.

Mr. Almon said the Sustainability Action Network is non-profit Kansas group locally based in Lawrence. They have been in existence for approximately two years with a focus on any aspect of local or regional ecologically sustainability. He said he is the Secretary of Board of Directors and that there are 25 active members and a newsletter that goes out to approximately 425 people.

Mr. Matt Eichman, Midwest Concrete Materials, own 420 acres within the Northeast Sector Plan. He said soil was not the only natural resource and that sand is also a natural resource. He felt the plan was narrow sided and only addresses agriculture and does not allow for any other use of natural resources that could be used for the benefit of the county. He said currently many aggregates are trucked in from Topeka. He requested the item be tabled to allow for other sustainable resources can be researched.

Commissioner Carter asked if Midwest Concrete was based in Lawrence and if the recent sand plant they proposed would have been taxed at an industrial rate.

Mr. Eichman said the office is based out of Manhattan and recently expanded in to Lawrence. Taxes would be under the industrial classification.

Commissioner Dominguez inquired about his argument for resources.

Mr. Eichman said there needs to be a balance of resources. He said sand was just as limited as class 1 and 2 soils.

Commissioner Liese said Mr. Eichman mentioned a sand/gravel extraction project that was stopped. He said sand occurs in river bottoms and asked if Mr. Eichman said where the soil is located.

Mr. Eichman said the 420 acres that Midwest Concrete owns is cornered by Midland Junction.

Commissioner Liese asked what soils it is located on.

Mr. Eichman said it has class 1 and 2 soils going through it but not its entirety.

Commissioner Liese asked what percentage of land that he owns is class 1 or class 2.

Mr. Eichman said his best guess would be about 25%.

Commissioner Liese asked Mr. Eichman to explain sand extraction from class 1 soils.

Mr. Eichman he said they are not together and that the soil is over the top. They remove the soil and sell it to farmers and/or developers. He said the soil is not destroyed, it is relocated to other sites. He said the sand is then extracted and a pond is left. It is common for a community to then turn the site into a public use area such as a park or fishing lake.

Commissioner Liese asked if extracting the sand and gravel and selling the soil was in the best interest of the community versus importing the sand from elsewhere.

Mr. Eichman said it is a good thing for a few reasons; he said there is a growing concern of carbon footprint. Once resources are trucked in there is quite a bit of carbon footprint. A community needs materials to build streets, foundations for houses, etc, and sand is as basic as it gets for a construction component. He said he would argue that sand is every bit as needed as feeding people. He said there is an increased tax for industrial over agriculture use.

Commissioner Liese said Mr. Hall claims that 1/10 - 2/10 of 1% of all the soil in the world is the quality that is in the Kansas River Valley. He asked Mr. Eichman how much sand is available in the world.

Mr. Eichman said he had no way of answering that. He said Kansas has 13 distinct geographical areas. He said for different types of soil there is also different types of sand.

Commissioner Harris asked if knew how much sand in the county is located under soils other than high quality soils.

Mr. Eichman said sand generally is not outside of river valleys.

Commissioner Harris asked if there are other areas along the Kansas River that have sand not under top quality soils.

Mr. Eichman said that there probably are but he didn't know how much. He said that the depth of the alluvium is not uniform.

Commissioner Harris said that Planning Commission was told in a study session that when high class soils are moved from their locations the quality of the soil is not the same.

Mr. Eichman said he did not know the answer to that and it was not his area of expertise.

Mr. Rich Bireta, Grant Township Trustee, said the board voted unanimously to approve the plan. He said all of Grant Township is covered by the Northeast Sector Plan. He thanked staff for their work on a complex issue.

Mr. Pat Ross said the notice letter he received was postmarked July 22, 2010. He asked that the item be deferred since he did not have enough time to review it. He wanted to comment on an earlier comment by Barbara Clark who said there were no active rail spurs in North Lawrence. He said he knew of at least 5 active rail spurs in the North Lawrence/Grant Township area. He felt the plan as presented was too restricted. He said the transportation corridors can support development and jobs.

Commissioner Dominguez asked how many acres Mr. Ross owns.

Mr. Ross said he and different family members own 450 acres in Grant Township.

Commissioner Liese asked if a rail spur is a place where a train can stop and make deliveries.

Mr. Ross said yes.

Ms. Beth Johnson, Lawrence Chamber of Commerce, said Union Pacific is always looking for more spurs. Rail, airway, and highway are important to industrial development. Nowhere else in Douglas County are there all three. She asked for a better definition of soil conserving agri-industry.

Commissioner Carter asked if there have been any inquiries for industrial in that area.

Ms. Johnson said the airport has and the fact that the airport now has water/sewer makes it more marketable.

Commissioner Carter asked Ms. Johnson if she saw Commissioner Rasmussen's comments regarding the plan.

Ms. Johnson said no.

Commissioner Liese said he was struck by staff's presentation where Mr. Warner showed the development of Lawrence and North Lawrence in 10 year segments. He asked Ms. Johnson if she could explain why there would be more development now suddenly if they did eliminate agri-industry.

Ms. Johnson said the City has extended sewer and water to the airport so that changes the perception of what can be done in that area. She said the City has indicated by putting those services there that they want to see growth in that area.

Commissioner Liese wondered how much effort has been put in to development along North 2nd Street.

Ms. Johnson said most of those are retail and she works with Industrial or Office. She said the City has a Retail Task Force to work on those types of issues.

Commissioner Dominguez asked what kind of business could be at the airport.

Ms. Johnson said she sees it for testing/research or prototyping type businesses that can take advantage of the small airport size.

Mr. Frank Male, Lawrence Landscape, supported deferring the item. He felt that not a lot of changes were made to the plan. He did not feel like public comments were being heard. He said the term highest and best use had to do with maximizing the existing transportation network and there are three state highways, an interstate, a railway, and an airport in that area. It doesn't get anymore intense than that. Also when talking about highest and best use Utilities comes into play; electricity, water, natural gas, and sewer, which are available at the site. Another thing to consider is the population and how far the population center is from the workforce and neighbors. He discussed the constraints of a site such as noise, the airport, I-70, and the railroad. Anything other than farming and industrial development would be severely limited. He said the world would not come to an end if 10% of the area was allowed to be developed for business purposes. It is a prime area for industrial development because there isn't anywhere else for it to go. He asked that this be tabled until the Airport Master Plan was complete. He asked staff to come up with a better description of soil conserving agri-industry.

COMMISSION DISCUSSION

Commissioner Harris asked staff to respond to the questions about drainage related to the soil conserving agri-industry.

Mr. McCullough said the City Stormwater Engineer provided a graphic that was displayed on the overhead. One of the issues is that it is relatively flat out there so it has created its own drainage network at this point. If development is allowed in the area drainage patterns and impacts could be changed. He said the dots on the map represent where all the water in each water shed comes down to. He said the proposed 2007 development plan took the water more directly to the east.

Commissioner Harris asked if that is planned in the North Lawrence Drainage Study.

Mr. McCullough said he would have to review the study more.

Commissioner Finkeldei asked if there have been any discussions with the County Commission about \$5,000 being spent on Heritage.

Mr. McCullough said he has not been part of those conversations.

Commissioner Harris inquired about who was on the stakeholder list.

Mr. Warner said all the property owners in the area and others who have signed up on the list serve.

Commissioner Harris asked if those folks received notification via email.

Mr. Warner said he believed he mailed letters out on or about July 6th and then a list serve message on or about July 12th. He said notice has gone out several times.

Commissioner Hird said there are type 1 and 2 soils all through the area so he wondered why agri-industry wasn't designated to other areas such as Midland Junction.

Mr. McCullough said in some regard staff is coming at it fresh in designating the area southwest of the airport as industrial uses. This discussion has occurred with the Chapter 7 update several years ago. Staff begins sector planning with adopted policies as assumptions. So staff assumed when working on the Northeast Sector Plan that Midland Junction and this area (pointed to map) would align with Chapter 7. Those policies would be brought forth and become the base maps for the policies of the Northeast Sector Plan. Toward the end of the Chapter 7 update there was a term proposed and ultimately adopted, soil conserving agri-industry. That concept was brought forward to the Northeast Sector Plan. He said from staffs perspective it is not simply the soil classification being looked at. Staff is trying to be realistic in laying out the expectation for the public, development community, Planning Commission, and governing bodies, about where and how staff sees services being put forth in this area of the community, and it's a real challenge. Even if you strip out the soil conserving agri-industry or class 1 or 2 soils it is still left with significant flooding issues and challenges. Even without intervention it is not historically developed because of those reasons. He said in staffs opinion Chapter 7 policies and concepts is how they got to this location.

Commissioner Hird said if the goal is to preserve soils then the protected area could be wherever there is class 1 or 2 soils.

Mr. McCullough said its root is industry. In some ways the soil conserving agri-industry is still industrial designated property. It has been a challenge to define it and ultimately up to the governing bodies to determine what it means. He suggested possibly looking at percentages preserved and look at some more conventional industry. He said for all the other class 1 and 2 soils that are shown as agriculture it is mainly because it is not expected for services to be brought there and developed.

Commissioner Hird asked if staff has developed a list of businesses that would meet the definition.

Mr. McCullough said staff has not but the plan language talks about projects being creative in their seeking to meet the soil conserving agri-industry classification.

Commissioner Harris asked if it was important for those industries to be ag-related regarding the production on their soil or was it really most important for the open space around industries to be conserved for agricultural use.

Mr. McCullough said it was difficult to answer that because it is difficult to say which one gets more weight. Staff's answer is that the term includes four words that all need to work together. He said there was still opportunity to do some conventional industry perhaps with a good ratio preserved.

Commissioner Liese asked if he was suggesting a compromise.

Mr. McCullough said staff started pretty general with Chapter 7 and it contains language that says certain sites in the community contain high quality ag-land and those sites should be encouraged to develop as soil conserving agri-industry businesses. In the Northeast Sector Plan it has been better developed to designating it to a land use category. Staff has proposed one way to get at that value and there may be other ways such as a more objective intent.

Commissioner Finkeldei suggested focusing on language that encourages businesses to locate, rather than regulate. He said the current definition is too narrow and he suggested looking into a more general definition of soil conserving agri-industry to encourage it in the entire area rather than designating a particular area. He liked the idea of a creative approach. He said he liked the language in the plan that says *'Protection of soils through agricultural use or preservation can be implemented in different ways and the community should be open to creative ways that develop projects that can utilize this classification.* He suggested crossing the rest of the paragraph out. He agreed with the earlier speaker, Ron Schneider, who said that there should be compensation or assistance for land owners. He said there should be systems set up to do that.

Mr. McCullough said Chapter 7 does not have a category of soil conserving agri-industry but the Sector Plan does.

Commissioner Carter expressed concern about unintended consequences. He said that it would be helpful at the next meeting for the City Stormwater Engineer, Matt Bond, to be present. He agreed with keeping the language general and incentives for land owners.

Commissioner Dominguez said he did not think it was a good idea to set a precedence of compensating land owners.

Commissioner Finkeldei said his thoughts on incentives was for the entire area to permanently protect a valuable resource. He felt their four possibilities for the area were agriculture (no industrial), which is contradictory to Chapter 7; soil conserving agri-industry; industrial but encourages soil conserving; or flat industrial with or without soil conserving. He did not feel the first and last option were appropriate. He was in favor of industrial but encourages soil conserving.

Commissioner Harris asked Commissioner Finkeldei what if 80 acres were proposed for industrial development and a developer could not think of a way to preserve that land.

Commissioner Finkeldei said the plan says to encourage soil conserving in the area. It would need to comply with Horizon 2020. If soil conserving was in there and a project came in that was 80 acres the plan could be changed. Trying to define what a soil conserving agri-business is will always come up with something creative. He felt they should allow people to be creative unless they want to go all the way to a zoning category type chart.

Commissioner Singleton thanked staff for their work. She said the class 1 and 2 soils map on page 2-24 shows the airport having gotten the portion of class 1 and 2 soils that she would be willing to give up. She felt they needed to protect the land that is left. She said the airport is not completely developed and there is more space out there for more development to occur. She did not feel the item should be deferred because certain Commissioners were absent or new Commissioners were present. She said fresh perspectives represent more closely to the views of the public and are valuable. She said she understands farmers wanting to use their land as their 401k.

Commissioner Harris thanked staff for their hard work and agreed with Commissioner Singleton. She said the things she was thinking about in the plan were soil conservation as primary, stormwater storage, fiscal responsibility for infrastructure development, opportunities for industrial development, and sand along the river in Douglas County. She said the soil conserving agri-area was not come to lightly in developing the plan. It was a compromise that attempts to preserve the existing soil but also allows some low impact/low footprint industry near the airport. She said if she had to lean one way or the other she would lean toward agri use in that area rather than industry. She said she does see some value in allowing some industry in that area if it conserves soil as well. She agreed with providing incentives for preserving soil. She appreciated that the Grant Township Trustees considered the plan and voted unanimously in favor of it.

Commissioner Hird thanked the members of the public who came out to speak this evening. He said he was not sure he was willing to go backwards on Chapter 7 in Horizon 2020. He agreed with Commissioner Finkeldei's earlier statements about providing incentives. He asked how much land at the airport was available for industrial development.

Mr. McCullough said somewhere between 30-60, aviation based industry.

Commissioner Hird expressed concern about Commissioner Rasmussen not being present and felt they would benefit from having his input. He said he would like to know more about whether the Airport Master Plan is essential to considering this sector plan and what the implications are of the Airport Master Plan. He would also like more thought put into incentives to have soil conserving industry in this area.

Mr. McCullough said there was a question at the last meeting about the Airport Master Plan and he said he spoke with staff that support the advisory board and they do not believe there will be any boundary changes. There may be some implications but shouldn't impact the major concepts of the Northeast Sector Plan.

Commissioner Dominguez agreed with Commissioner Singleton's comments about their responsibility to the environment. He felt if they start compromising on that area then where does it stop. He did not feel they should compensate owners. He felt they should move the plan forward.

Commissioner Burger thanked staff for a very detailed packet of information. She said the charts and maps were very helpful. She thanked the community for sharing their viewpoints. She liked the idea of incentives and keeping the door open to creativity. She was in favor of being more conservative in their approach because once the land is gone that's it.

Commissioner Liese said they would put the community at risk by compromising a precious resource that won't come back if it goes away. He was not in favor of development on class 1 and 2 soils. He said he was unsure of how he would vote. He thanked Commissioner Singleton for saying the new Commissioners don't have a deficit and provide a fresh perspective. He said he read Commissioner Rasmussen's letter and did not feel as though his perspective was absent from the meeting tonight.

Commissioner Hird said they are unanimously concerned about the conservation of class 1 and 2 soils. He did not think that tabling this would give that up. Nobody knows what a soil conserving agri-industry means and he would like the ability to better define it.

Commissioner Harris said in the packet on page 69 there is a good definition of what soil conserving agri-industry is.

Commissioner Hird said that is not in the plan, it is staffs interpretation of it. He would prefer there was something in the plan that addressed what that definition was.

Commissioner Liese said he did not find the definition of soil conserving agri-industry to be that confusing.

Commissioner Hird said he did not want their enthusiasm for protecting class 1 and 2 soils to overshadow the realities of it, because trucking in lots of sand from another county would be an environmental disaster. He did not want to be too rigid on this that they lose sight of the fact that there will be circumstances where industrial development, such as a sandpit, makes sense for the community.

Commissioner Liese said one of the greenest ways to move things is by train and there are a number of spurs available in the area so sand could be moved via train. He said the image of digging up class 1 and 2 soils in order to get sand did not excite him.

Commissioner Carter said they did not know how much of class 1 and 2 soils are represented in soil conserving agri-industry. He felt they needed to drive the economy.

Commissioner Harris wanted to clarify why the area is being designated the way it is. She said one reason was to try and preserve the soil. She asked if another reason was stormwater issues and that if they do not develop it too intensely there will be fewer problems with stormwater in the area.

Mr. McCullough said the cumulative effect of development in Grant Township will exasperate already existing stormwater issues.

ACTION TAKEN

Motioned by Commissioner Dominguez, seconded by Commissioner Harris, to approve the Northeast Sector Plan (CPA-6-5-09).

Commissioner Finkeldei said he would vote against the motion for reasons he stated earlier. He said if the motion fails he would like to make a motion to send it back to staff for a more general definition.

Commissioner Carter said he would vote against the motion and did not see a rush to send it through when it could be improved.

Commissioner Harris said she would support the motion because the definition strikes the right balance between being general and providing some specifics to help grasp what is meant by soil conserving agri-industry.

Commissioner Liese said he would also support the motion.

Commissioner Hird said he would vote against the motion because of the same reasons Commissioner Finkeldei stated earlier. He said he was not opposed to protecting class 1 and 2 soils but did not want to create language that would eliminate the opportunity for industrial uses that might be beneficial to the community. He said he would support a deferral to allow staff time to work on the definition and perhaps broaden the language to protect more areas of class 1 and 2 soils.

Motion failed 4-4, with Commissioners Dominguez, Harris, Liese, and Singleton voting in favor.
Commissioners Burger, Carter, Finkeldei, and Hird voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to defer the Northeast Sector Plan (CPA-6-5-09) and direct staff to generalize the definition of soil conserving agri-business, to be heard at a future Planning Commission meeting.

Commissioner Harris said she would not support the motion because she felt they will see the same arguments as tonight if the description is generalized more.

Motioned failed 4-4, with Commissioners Dominguez, Harris, Liese, and Singleton voting in opposition.
Commissioners Burger, Carter, Finkeldei, and Hird voted in favor.

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to defer the Northeast Sector Plan (CPA-6-5-09) to a future Planning Commission meeting.

Commissioner Singleton said she would change her vote and let it go back to staff.

Commissioner Harris said she would not vote in favor of the motion.

Commissioner Dominguez said he would vote in opposition of the motion.

Motion carried 4-3-1, with Commissioner Burger abstaining. Commissioners Dominguez, Harris, Liese, voted in opposition. Commissioners Carter, Finkeldei, Hird, and Singleton voted in favor.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Deferred by Planning Commission on 7/26/10.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Harris asked if in Option 2 the name of the category would be Agri-Industry but would permit other kinds of industrial uses.

Mr. Warner said that was correct, it clarified that industrial uses were appropriate but mandates setting aside 50% of the soil in perpetual protection.

Commissioner Harris asked Mr. Matt Bond what the area would look like if it was 50% farming and 50% industrial. She asked if the industrial sites would have to be built up to meet other codes.

Mr. Matt Bond, City Stormwater Engineer, said it would be based on where it falls on the FEMA floodplain map. He showed area floodplain maps on the overhead.

Commissioner Harris asked if more conventional industry, not agri-industry, are built in that area and the land next to it is saved would it affect the quality of the land that is trying to be protected.

Mr. Bond said as far as additional runoff, yes. He said impervious surface creates more runoff downstream.

Commissioner Rasmussen inquired about the language in the definition of Industrial that says *'Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also....'* He wondered if the word 'and' should be 'or' instead.

Mr. Warner said the language describes two areas so he suggested adding a comma: *'Land west of the airport and north of Highway 24/40, and south of Highway 24/40 is also....'*

Commissioner Rasmussen asked if it would be possible to just reference the map instead of having a written description.

Mr. Warner said that was possible.

Mr. McCullough said they have typically tried to include a narrative in the map. Option 1 is depicting a change in land use classification for the area south of 24/40. The narrative talks about the existing industrial developments and also the undeveloped land. He said it was a matter of wordsmithing or referencing a map.

Commissioner Blaser asked that public comments be kept to the options proposed tonight.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, said he was amazed at the patience and calm determination of the people who have lived and farmed the area for generations. He said he has attended all the meetings outside of Planning Commission and has left some of those meetings with the sense that farmers can't be trusted or are somehow incompetent when it comes to making sure the land is well cared for. He thanked staff for providing Option 1 and that a large number of people are in favor of proceeding with at this level. He said after a decade of basic zero job growth in Douglas County that every opportunity to move forward in job creation was needed. He did not believe that using Option 1 would jeopardize that opportunity.

He said Option 1 most closely represents what was originally passed in Horizon 2020. He asked that Planning Commission support Option 1.

Mr. Roger Pine, Pine Family Investments, was pleased and felt encouraged after working on this for a year and a half. He said he was in favor of Option 1 and felt it gave land owners options to have choices in how they use the land. He showed a map of land owners who supported Option 1. He said the green areas on the map were equal to 5,000 acres of the 7,000 acres that staff identified as agricultural land.

Commissioner Rasmussen asked Mr. Pine to clarify the green areas on his map.

Mr. Pine said the green areas of the map identify agricultural land that owners are in support of Option 1.

Mr. Matt Eichman, Midwest Concrete Materials, said he was one of the land owners on the map that Mr. Pine showed in favor of Option 1. He said Option 1 still includes language specific to class 1 and 2 soils. He said at the last meeting he went into detail about other resources being important. He requested an amendment to take out specific language of class 1 and 2 soils and add language that protects all natural resources in the area.

Mr. Charles Novogradac, Chestnut Charlie's, owns land on other side of Maple Grove. He said he did not sign the letter Mr. Pine mentioned in favor of Option 1. He was concerned about drainage. He said drainage follows from capability of the soils. He said at an earlier meeting he tried to explain that the soaking up capability of capability 1 lands is much greater than capability 2 lands. He said since 1995 when he started planting his tree crop, all the absorbing capability of the soil in that drainage district was being sucked up by other development. He said when he started his tree crop the FEMA floodplain did not touch his land but the most recent map has the FEMA touching his land. He was concerned the incremental development of the area and felt that industrial development may conflict with his ability to grow crops.

Ms. Barbara Clark, owns 47 acres in Grant Township, said the dynamics of the water issues in the area was changing at a rapid clip. She said Citizens for Responsible Planning was still in favor of the original 3rd draft proposal as presented at the July meeting. She said she could not support Option 1 because flooding concerns for the area were high. She said any impervious surface on those soils would exacerbate flooding issues already affecting the North Lawrence community. She showed a map on the overhead of planned growth areas. She said the total acres of capability class 1 and 2 soils in the planned growth area was 93.56%. She said that was a staggering figure of contiguous class 1 and 2 soils. She was not in favor of dropping out language regarding the preservation of class 1 and 2 soils.

Commissioner Singleton asked which language Ms. Clark preferred.

Ms. Clark said she preferred the language in the original 3rd draft as presented.

Commissioner Singleton asked what her concerns were with the 2nd draft.

Ms. Clark said her greatest concern was clarification of just what that might be. It would come down to this body deciding whether they were compatible uses.

Commissioner Dominguez asked if there was a percentage she was willing to compromise with.

Ms. Clark said that was difficult without having an actual application to look at. She thought the soil conserving agri-industry language was stronger and a much better language rather than trying to look at a percentage.

Commissioner Liese said it seemed that one of the biggest controversies was what an agri-industry was. He asked what Ms. Clark would consider an agri-industry business.

Ms. Clark said it would have to be all four words, soil conserving agri-industry. She said the seed research being done on a lease basis on that land is a soil conserving agri-industry. She said the Endowment has also initiated a native medicinal plant area.

Commissioner Dominguez asked staff to confirm the numbers Ms. Clark came up with for class 1 and 2 soils.

Mr. McCullough said staff has not studied them in that way.

Mr. Ted Boyle, President of North Lawrence Improvement Association, said he was representing approximately 2,500 North Lawrence residents. He expressed concern about class 1 and 2 soils and storm drainage. He felt they went hand in hand. He said as a result of the 1993 flood the City built a big pump on North 2nd Street in 1995. He said that pump today is small, overwhelmed, and over capacity. He said the residents of North Lawrence were not worried about the river flooding, but rather a 1-2" rainstorm in a short time creating a lot of storm water runoff. He said North Lawrence has endured stormwater flooding for 15 years and was concerned about more runoff due to development.

Mr. Frank Male said he owns two businesses in North Lawrence as well as three industrial properties and three single-family homes with basements in North Lawrence. He said he was deeply invested in North Lawrence. He said drainage was a prime consideration. He said as part of the City's drainage study in 2005 two pumps will be installed at 5th & Maple Street and he felt that would be a tremendous help to North Lawrence. He liked Option 1. He said the area was a good transportation hub.

Commissioner Liese asked Mr. Male if he had seen any basement flooding.

Mr. Male said no.

Commissioner Dominguez inquired about benefit of his property value.

Mr. Male felt Option 1 benefited the entire community. He said his true interest was economic development.

Mr. Bill Woods said he was a professor in the Geography Department and Courtesy Professor in the Anthropology Department at KU. He said his research specialty was human influences on soils through time. He said soils were really a nonrenewable and finite resource and they are the most important resource. He said they were being called upon to produce ever more as populations rise and that they are increasingly under pressures throughout the world and are degrading. He felt that every effort must be made to adversely impact highly productive soils and put them into other uses. Almost always these alternate, less productive sites exist for whatever alternate uses are proposed. He was highly dismayed by what he has seen during his 40 years of working with agricultural soils in this hemisphere and felt the US should lead in efforts to protect productive soils. He said generally, an alternative use has a finite lifetime of a few years or at most decades and then is done. Soils have been destroyed in the meantime and the site from an agricultural standpoint is worthless. He said as stewards for future generations they need to think beyond this time scale and look to the future. Productive soils, with proper treatment, have proved to be resilient for hundreds, if not thousands of years. He urged the Commission to do everything in their power to aid in the effort to protect these fertile soils.

Ms. Sue Pine said the hardest vote she ever made while serving on Planning Commission was to expand the Urban Growth Area. She said Douglas County needed a tax base to support the community and to do that they needed to expand the urban growth area to the Douglas county line. She said she was not sorry for her decision. She said this area was important to the community. She felt they needed to allow the entire area to develop. She said soils were great but that climate and irrigation were contributing factors to the quality of those soils.

Mr. Jim Congrove said he signed the letter in support of Option 1. He provided data compiled by the Sustainable Agriculture Specialist at K-State. The study focused on 51,518 acres of class 1 cropland between

Manhattan and Kansas City that could support local food production. He said climate was the limiting factor, not soil, as far as local food production. He said class 1 was not necessarily the best for some crops like melons.

Mr. Pat Ross said he owns 450 acres within the Northeast Sector Plan. He felt Option 1 gave direction to staff and the Commission that was easy to understand and directly reflects the policies of Chapter 7 and Horizon 2020. He felt it eliminated the controversial grey area of what fits in the soil conserving agri-industry category. He also felt it allowed staff and Commissioners to be proactive not reactive.

Commissioner Harris asked about his comment regarding eliminating confusion about soil conserving.

Mr. Ross felt the way it was presented in Option 1 was easier to understand that it would be encouraged but not demanded.

Ms. Crystal Hammerschmidt said Lawrence has a wonderful community of young growers and she was in favor of soil conservation for food production.

Mr. Ken Holladay said he grew up in North Lawrence. He owns farm land and wants to be able to do with it what he wants and not be confined even though agricultural was the current use.

Mr. Jerry Jost, resident of Grant Township, wondered why the area wasn't already developed since it has all the assets of transportation, airport, railroad, etc. He felt it hadn't already been developed due to flooding. He said there were better places to invest limited public resources for industrial development. He supported the original 3rd draft of the plan.

Ms. Debbie Milks, Chestnut Charlie's, said their business was not a hobby, it was 15 years worth of investment. She said if soil was covered by parking or development she would be drown out of business. She supports the original 3rd draft.

COMMISSION DISCUSSION

Commissioner Blaser said that Ms. Gwen Klingenberg requested item 6 be deferred.

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to defer item 6 to the next Planning Commission meeting.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

Commissioner Finkeldei said he didn't hear support for Option 2. He agreed that class 1 and 2 soils were important and should be protected but there were competing concerns. He felt that Option 1 was consistent with what was approved in Chapter 7. He said draft 3 expanded that language greatly and he does not support draft 3. He said he supported Option 1.

Commissioner Liese asked for input on stormwater and flooding.

Mr. Bond said everything (water) off of E 1500 Road goes to the east. He said everything (water) on the west side of E 1500 Road ends up in Maple Grove Drainage the way it is now.

Commissioner Finkeldei asked if a development plan could include improvements to mitigate.

Mr. Bond said some of it could be kicked east by putting in a culvert pipe under 7th Street based off of the ridgeline and then upsize the pumps at the 2nd Street pump station.

Commissioner Burger asked staff to comment about Ms. Pine's comments about water rights for irrigation.

Mr. McCullough said he did not have any information about water rights on irrigation and said that was the first time they had heard that issue.

Commissioner Harris asked Mr. Bond about the improvements he just mentioned and how much they would cost and if it could be funded by a developer.

Mr. Bond said the cost would be determined by the size of the pump. He said as far as a small drainage culvert it would probably be \$50,000-\$100,000.

Commissioner Rasmussen asked how many acres in the entire Northeast Sector area were class 1 and 2 soils.

Mr. Warner said he did not have that information right at hand.

Commissioner Carter said it was easy to get emotional and think they are overdoing things as far as growth goes but he didn't think it was a choice of drowning or not drowning Chestnut Charlie's or other businesses out there. He said the site planning process would address issues of flooding. He said even if they choose Option 1 they are not committing to send the infrastructure out there to develop it they are just allowing it to be an option for the future.

Commissioner Harris responded to Commissioner Liese's question about stormwater. She said if the area that's agri-business is developed more intensely than talked about before, not only would they be adding more impervious surface but they would be taking away the soil that retains water so well. She said that Mr. Bond mentioned earlier that there would be a problem if a stormwater detention area was built because it would attract water fowl. She said the vision she has for the area would be very limited buildings and a lot of land saved. She did not think Option 1 did that and had way too much leeway for development of the area and that there would be a potential for problems with stormwater because of that. She said she could not support Option 1. She said she would support the original language but did not think it was perfect.

Commissioner Singleton said she would not support Option 1 and preferred draft 3. She felt they needed to look past traditional job growth and encourage preserving the soil to be used for innovative green types of industry. She felt this would be a win-win for future generations as well as for the economy. She said they needed to change the way they look at growth. She did not think the language in Option 1 was the best for future generations.

Commissioner Liese inquired about language under Option 1: *'Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with class 1 and 2 soils.'* He wondered what the 'encouraging' part meant.

Commissioner Finkeldei said the language in Option 1 was almost word for word from Chapter 7. He said they don't know exactly what 'soil conserving agri-industry' meant except that they want to encourage it.

Commissioner Rasmussen said the Northeast Sector Plan encompasses a very large area of 10,640 acres and considers a number of potential uses in that area. All of the discussions have focused on less than 200 acres out of the 10,000 acres. He said the reality is that the 200 acres is best suited for industrial use. It's bounded by highways, close to airport and railroad. He said Option 1 makes the most sense from a Planning perspective and he would support it.

Commissioner Dominguez agreed with Commissioner Rasmussen's comments. He said he is pro-business. He said Sector Plans change lives. He said he would support the original language.

Commissioner Blaser said they are not asking anyone to change their lives if they don't want to. He said he would support Option 1 because it gives options to the landowner.

Commissioner Finkeldei said just because he would vote against it doesn't mean the land would go away and doesn't mean he don't care about class 1 and 2 soils. He said 200 acres was the total area but once building starts there would be setbacks, stormwater, etc so it would actually only be built on a small fraction of the 200 acres.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the Northeast Sector Plan (CPA-6-5-09) with the addition of Option 1 as set forth in the staff memo for item 4.

Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve and authorize the Planning Commission Chair to sign PC Resolution (PC-7-5-10).

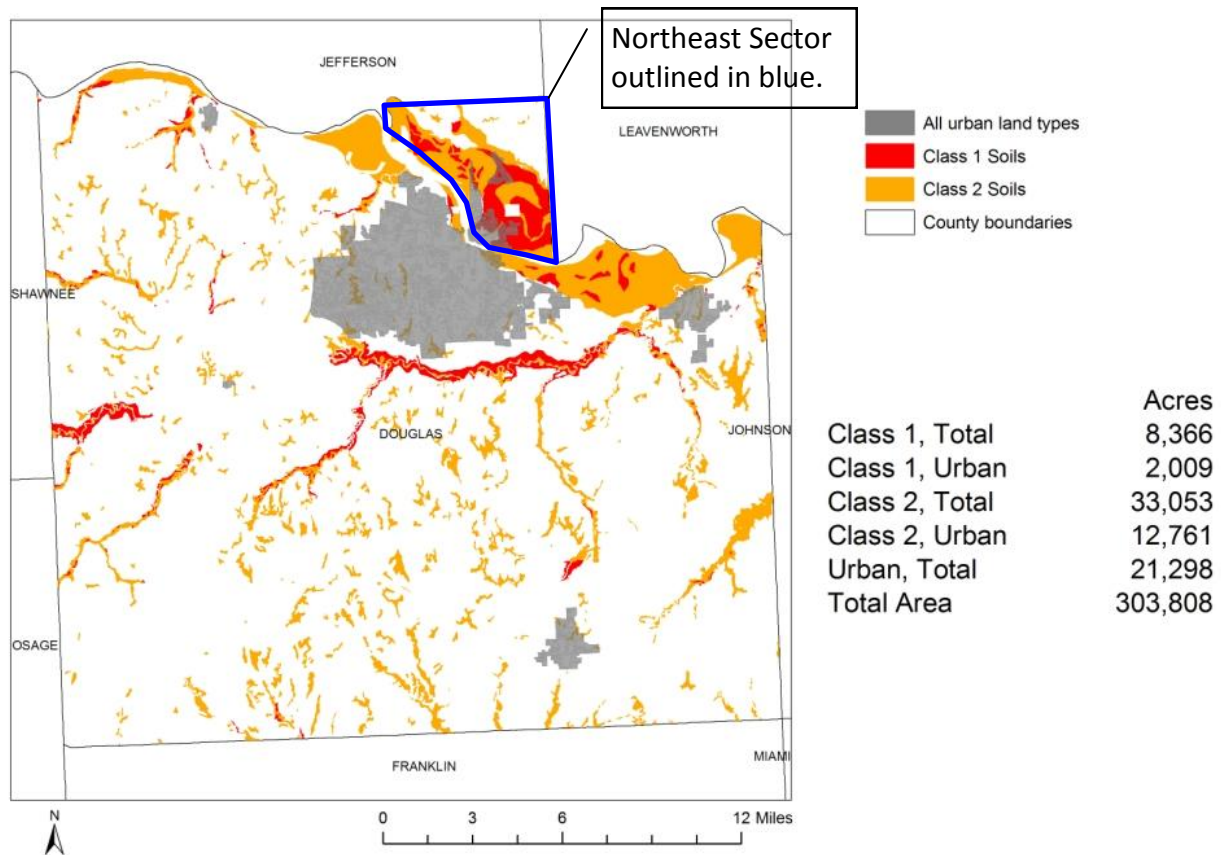
Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

Dear Lawrence City Commission,

Citizens for Responsible Planning has been actively engaged in the planning process for the Northeast Sector Plan. We appreciate the intensive efforts to build community input into this planning process. We believe there are some core strengths to this plan and wish to emphasize these fundamental policy guidelines.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas and concentrated this rich natural asset in the Northeast Sector. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states “The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community.” This unique feature is illustrated in the following map.

Class 1 and 2 Soils, plus all Urban land types



Situated close to Lawrence, this sector naturally faces development pressure. Surprisingly, and for understandable good reasons, this area has experienced limited development. As the draft Northeast Sector Plan states in Section 3 – Recommendations (page 3-1):

“Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones”

Critical to future land use planning is flooding and stormwater management in the Northeast Sector. This is of paramount importance to the residents of North Lawrence and Grant Township, area businesses, transportation, and the airport. Wisely, Lawrence commissioned the North Lawrence Drainage Study in 2005. As stated in the draft Northeast Sector Plan (page 2-16):

“Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with the existing stormwater issues and future ones that will be created with development.”

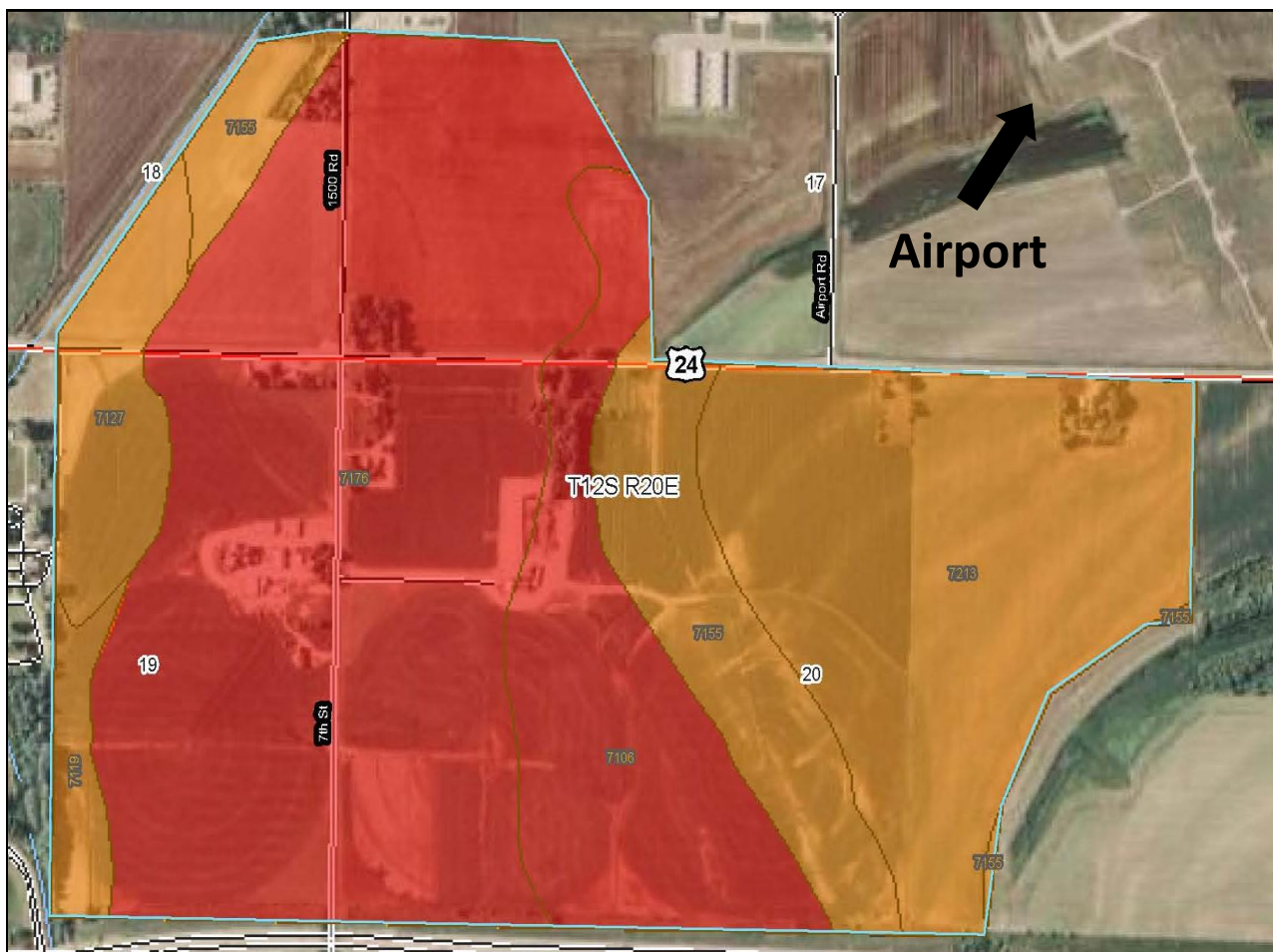
In response to these development limitations, Horizon 2020 states that development shall not be permitted in “regulatory floodplains or other environmentally sensitive areas.”

These flooding and stormwater limitations are intertwined with the unique soils of the Northeast Sector. As the draft Northeast Sector Plan (page 2-17) states “these soils are highly permeable and assist in stormwater management.” These unpaved soils act as a sponge absorbing water, mitigating stormwater damages, and recharging our valuable groundwater aquifers. These soils in their undeveloped state form our community’s greatest and most cost effective stormwater mitigation device.

Citizens for Responsible Planning wishes to emphasize the implementation of the long-view recommendations in Section 3.3 (page 3-14):

- Reduce the Lawrence Urban Growth Area to the area identified in Map 3-1 (page 3-13) to minimize stormwater mitigation costs, conserve prime farm land, preserve area farms, and protect the rural heritage surrounding Lawrence for both local residents and visitors.
- Implement regulations that promote no adverse impact for floodplain management.

The early planning process for the Northeast Sector Plan involved broad and respectful community participation contributing to early drafts of this Sector Plan. The Lawrence Planning Commission approved a recently revised draft (the first of three options presented) Northeast Sector Plan by a contested 5-4 vote. We believe this last draft option does not adequately respond to the earlier community input and creates troubling contradictions between the recommendations to protect Class 1 and 2 soils and the concluding Map 3-1 Future Land Use (page 3-13). Please note the industrial section south and west of the airport and the following USDA/NRCS map of the same area which identifies this area as the heaviest contiguous concentration of Class 1 and 2 soils. The red shaded area is Class 1 soils and the yellow shaded area is Class 2 soils.



We recommend that Industrial Section 3.2.1.4 (pages 3-10, 11) conform to the third draft of this plan and identify the above area as a “soil conserving agri-industry” category of land use. We believe this land use would conform to the stated goals within the plan and best represent the community planning process.

In conclusion, Citizens for Responsible Planning has consistently recognized private property rights as a critical factor in land use determinations. Weighting these rights must be accomplished in an equitable manner. We believe the third draft of this Sector Plan best balances the private property rights of the diverse interests of both farmland owners and homeowners within our community.

Thank you for your consideration of these recommendations.

Sincerely,

Jerry Jost	Hilda Enoch	Lori McMinn
Barbara Clark	Jim Fischer	Dan McMinn
Ted Boyle	Marcia Fisher	Lowen Millspaugh
Chet Fitch	Madeline Finch	Rick Mitchell
Deborah A. Milks	Deanna Fitch	Nancy O'Connor
Charles K. NovoGradac	Bob Gent	Ellen Paulsen
Lane Williams	Margot Gray	Dan Phelps
Scott Allegrucci	Crystal Hammerschmidt	Kevin Prather
Michael Almon	Susan Harper	Wayne Propst
Deborah Altus	Bob Harper	Daniel Poull
David Baird	Kim Heck	Vanessa Sanburn
Bruce Barlow	Lauretta Hendricks-Backus	Carol Schmitt
Kris Barlow	Doug Hitt	Ronald Schneider
Kelly Barth	Shirley Hitt	P. Simran Sethi
Leo Beier	Maryam Hjersted	Margaret Shirk
Sheryl Beier	Lisa Grossman	Frank Shopen
Pat Benabe	Hugh Janney	Jim Smith
Sandy Beverly	Pat Kehde	Jerry Sipe
Marilyn Brune	Joshua Kendall	Mary Ann Stewart
Judy Burch	Kevin Kennedy	Dan Parker-Timms
Jan Butin	David Lambertson	Denise Parker-Timms
Kathryn Compton	Sacie Lambertson	Pat Petrovits
Cole Cottin	Eileen Larson	Julie Trowbridge-Alford
Linda Cottin	Cheryl B. Lester	Sarah Trowbridge-Alford
Courtney Crouch	Jim Lewis	Jordan Wade
Janet Dehnert	Bob Lominska	Maurice R. Woolsoncroft
Joseph M. Douglas, MD	Jake Lowen	Jim Yonally
Victoria B. Douglas	Janet Majure	Nancy Yonally
Donna Eades	Carey Maynard-Moody	Rita York
Jill C. Elmers	Sally McGee	

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

DEC 09 2010

City County Planning Office
Lawrence, Kansas

December 9, 2010

Dear City Commissioners:

The North Lawrence Improvement Association has been working with Citizens for Responsible Planning and Grant Township residents on the drafting of the NE Sector Plan. NLIA appreciates the work the Planning Department has devoted to this project in the last year. The NLIA, CRP and the Planning Department were all in consensus until the next to last time the plan came before the Planning Commission. At that meeting the Commission asked for a definition of agricultural related industry as it was never defined in the document. At the end of that meeting Planning Director Scott McCullough made his assessment of why slow development or no development has occurred in North Lawrence and the Grant Township. A copy of his statement is attached. The NLIA agrees with this statement.

When the NE Sector Plan was next on the agenda of the Planning Commission, there were two more options that were not publicly discussed and the option (#3) that all of the stake holders worked on for over a year and supported was not discussed.

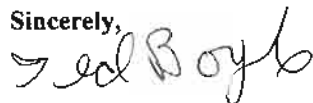
The NE Sector Plan is a very important planning project, but the NLIA feels there are enough choices for industrial development in and around Lawrence without allowing that type of development to occur in the area covered by the NE Sector Plan. If industrial development is allowed in this area the storm water flooding problems in North Lawrence and the Grant Township will be exacerbated. I have attached a storm water survey that the City conducted in June 2004. About 100 residents responded to the survey regarding the storm water flooding issues that occurred on their property.

The NLIA also believes that Type I & II soils that make up a significant portion of the NE Sector Plan area should be protected from development. These soils are not only an invaluable resource for agriculture, but serve as a natural storm water resource. If this land is allowed to be covered with asphalt, concrete and rooftops, the storm water from this land will be flowing into North Lawrence. The pump on North 2nd is at it's maximum and the planned upgrade of the pump at 5th & Maple is designed to only take care of the current existing storm water problem in North Lawrence. We have been waiting fifteen plus years for the upgrade of this pump.

North Lawrence did not have storm water problems until residential housing development was allowed and 100 plus new homes were built. Much of the vacant property that existed in North Lawrence that served as a natural runoff turned into concrete and rooftops. These homes were built in a flood plain or flood prone area. The City and the developers assured us that this development would not adversely affect our neighborhood with flooding. The NLIA disagreed with that assessment.

The Grant Township is also a flood plain/flood prone area. The NLIA is in full agreement with Citizens for Responsible Planning and want to see Option 3 restored to the NE Sector Plan.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association

CC: David Corliss, Lawrence City Manager
Scott McCullough, Planning Department

noted. Recurring concerns related specifically to development patterns, current stormwater management practices and future construction impacts, as well as a desire to limit new development. With those comments came concerns about enforcement of stormwater management controls with new development and construction. The concerns were both in terms of fears of too great of restrictions and desires for stringent development controls.

Survey questions and responses:

How often in the past 10 years have you had a problem with stormwater on your property?

[32] – 0 times

<u>Address</u>	<u>Frequency</u>
1567 Hwy 40	Yes
1728 E. 1500 Road	Twice really bad, but every time with a heavy rain
1804 E. 1600 Road	15
1480 N. 1700 Road	Too many to count
1662 N. 1700 Road	3 or 4
792 N. 2 nd	Several
645 N. 3 rd	Frequently
1001 N. 3 rd	1993 & 1997
624 N. 5 th	1
725 N. 5 th	8
649 N. 6 th	Every time it rains
625 N. 7 th	Every time it rains
227 N. 8 th	1
625 N. 8 th	2-3 times over the last two years
769 Ash	5
600 Center	When it rains
310 Elm	20
411 Elm	Every time it rains
761 Grant	When it rains more than 1 day
711 Maple	2
819 Maple	Every time it rains
321 Maiden Lane	2
403 Lincoln	4
624 Lincoln	During heavy rains
641 Lincoln	Continual erosion; habitual standing water
628 Locust	Ongoing
788 Locust	Every time it rains
806 Locust	Continuous
818 Locust	Yearly
836 Locust	10
520 Lyon	2
835 Lyon	20
711 North Street	Often
732 North Street	Every time it rains

501 Perry	Every 1" or more
517 Perry	2
304 Pleasant	Too many to count
786 Walnut	Every time it rains

What types of problems have you had?	Never	Sometimes	Often
Erosion	[37]	[20]	[5]
Home or business flooded	[45]	[10]	[4]
Over flowing ditches/culverts	[22]	[23]	[26]
Standing water outside	[22]	[28]	[30]
Street or driveway access flooded	[32]	[24]	[21]

Other:

- 1480 N. 1700 Road – pasture flooded/electric fences out of service
- 1567 Hwy 40 – Farm fields due to inadequate landscaping and car accidents in Hwy 24/40 due to flooding
- 1662 N. 1700 Road – Water runs across road into our field
- 1735 E. 1500 Road – Front ditch plugged
- 411 Elm Street – Alley always floods
- 625 Lake Street – Up the street the water stands
- 628 Locust – Curb water does not flow off, drainage easement not graded properly
- 800 Walnut – Water does not pass through culvert under drive
- 818 Locust – Storm runoff from several nearby properties, mainly from the east of our property
- 827 Maple – some ditches do not drain
- Ditches and culvert need to be cleaned
- Fields with standing water
- I have noticed the (train) underpass flooded on 2nd Street
- Mainly standing water in culverts
- Mosquitoes
- Mosquitoes due to standing water (health hazard)
- Mosquitoes heavy/standing water
- No curbs on streets
- Problem corrected with cleaning ditches and culverts
- Water backing up in basement
- Water crosses road and erodes ditches that we mow; I've seen 6" – 8" of water pooled at Roanoke and 7th Street.

What do you see as major storm water problems in your area? (Check all that apply)

- [61] Poor drainage
- [37] Excessive run-off from streets
- [35] Loss of property values
- [31] Flooding
- [13] Trash removal/odors
- [12] Loss of property through erosion
- [8] Poor water quality
- [7] Loss of natural habitat
- [4] Unsafe stream/stream bank conditions

Other:

- 1662 N. 1700 Road – Road contour to keep water from running into our field
- 1804 E. 1600 Road – Runoff from airport
- 800 Walnut – Redo the ditch created in my yard, which was not done properly anyway; also do something about the property across the street

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is -- we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like -- Farmland Industries is one area, Farmer's Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low growth/low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just -- it's easy to get into Grant Township and say "why aren't we pro-development here"? "Why are we restrictive"? and those kind of things. We're trying to let the history and the land talk to us on this one and say "there are reasons for this today; what do we reasonably anticipate"? We talk about expectations for the residents -- is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well.

Transcript of Scott McCullough's closing statement from Planning Commission Meeting of May 24, 2010, concerning Northeast Sector Plan.

Dan Warner

From: Bobbie Walthall
Sent: Monday, December 13, 2010 5:06 PM
To: Jonathan Douglass
Subject: FW: Northeast Sector Plan

From: pssethi@gmail.com on behalf of P. Simran Sethi [SMTP:SIMRAN@KU.EDU]
Sent: Monday, December 13, 2010 5:05:28 PM
To: Aron Cromwell; Bobbie Walthall; Lance Johnson; Michael Dever; Mike Amyx; Rob Chestnut
Cc: Lieberman, Alice; Matt Lehrman; Sarah Smarsh; Jordan Tucker; Tom McDonald; Margit Hall; Rick Martin; Lillian Siebert
Subject: Northeast Sector Plan
Auto forwarded by a Rule

Mayor Amyx and esteemed Commissioners,

Last month's Kansas Drought Report (from the Kansas Water Office) indicates, "The range of precipitation and warmer than normal temperatures has expanded the area of abnormally dry and moderate drought conditions in the latest Drought Monitor. The western third of the state is mostly in moderate drought conditions and an area of abnormally dry conditions has developed in the Southeastern division. The percentage of the state in abnormally dry to moderate drought conditions has increased from 31.6 % at the beginning of November to the current 47.3 % on November 30."

We believe that this data further emphasizes the need to protect the Capability Class I and II soils in our region. Cycles of drought and flooding are intensifying. Our fertile, deep alluvial soils have a greater capacity to absorb water and present a unique opportunity to develop a strong agricultural base in Douglas County. Although industrial development offers viable short-term opportunities, impervious surfaces placed over our Class I and II soils intensifies flooding to adjacent properties and will adversely impact both residential and agricultural neighbors.

Development in the area should reflect the most efficient use of resources and reap the greatest benefit to our community. Agriculture can better sustain periods of flooding that heavy industry devastated by floods cannot. We urge you to consider this capacity as you review the Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 (Chapter 14) and seek to adopt an option that supports soil preservation and protection on contiguous tracts of land.

Thank you for your attention,

Simran Sethi
Matt Lehrman, SmartStar Lawrence Program Analyst, Westar Energy
Alice Lieberman, Distinguished Professor of Social Welfare, KU
Tom McDonald, Associate Dean & Professor, School of Social Welfare, KU
Sarah Smarsh, Assistant Professor of English, Washburn University
Jordan Tucker, Graduate Student, KU
Rick Martin, Executive Chef, Free State Brewing Company
Richard Heckler
Lily Siebert, Education Outreach Assistant, The Community Mercantile

Courtney Crouch, Produce Buyer, The Community Mercantile
Margit Hall, Owner and Farmer, Prairie Star Farms

--

Simran Sethi

Associate Professor, Journalism

University of Kansas

E-mail: simran@ku.edu

Twitter: @simransethi

Web: www.simransethi.com

FB: www.facebook.com/laprofaKU

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

CC: Scott McCullough, Director of Planning and Development Services

Date: For August 9, 2011 City Commission Meeting

RE: Northeast Sector Plan

The Northeast Sector Plan is a long-range development plan for the Grant Township area north of North Lawrence and the Kansas River to the Douglas County line. If adopted, the plan will act as the official land use policy guide for Lawrence and Douglas County. In short, the County Commission has returned the plan to the Planning Commission to discuss specific concerns/questions. To ensure an efficient process, the plan is being submitted to the City Commission for review and comment prior to being resubmitted to the Planning Commission in case there are City Commission comments in addition to those of the County Commission.

Timeline

Three public meetings were held to gather input on the plan in the fall and winter of 2009. The first draft of the plan was released on March 12, 2010. The first draft was presented in a public meeting on April 7, 2010. The second draft of the plan was released on May 5, 2010.

The Lawrence-Douglas County Planning Commission reviewed the 2nd draft at their mid-month meeting on May 12, 2010. The second draft was also presented to the Planning Commission for review and comment during their regular meeting on May 24, 2010. Staff produced a third draft based on Planning Commission comments and direction.

The Planning Commission considered the third draft of the plan at public meetings held on July 12, 2011 and September 20, 2011 when, by a vote of 5-4, they adopted the 3rd draft of the Northeast Sector Plan with changes to the future land use plan.

The Douglas County Board of County Commissioners considered the Planning Commission approved Northeast Sector Plan and took public comments at their meetings on May 11, 2011 and June 1, 2011. The Commission, by a vote of 2-1, voted to return the Northeast Sector Plan to the Planning Commission for further consideration. Subsequently, on July 6, 2011, the County Commission adopted, by a 2-1

vote, Resolution 11-21 which provides direction for the Planning Commission to consider as they reconsider the Northeast Sector Plan.

The plan and the County's resolution are being provided to the City Commission in order to determine if additional direction should be given to the Planning Commission. If additional comments are made, all comments will be forwarded to the Planning Commission for additional processing of this sector plan.

Action Requested

Review the Northeast Sector Plan and receive public comment. Consider the direction provided by the County Commission to the Planning Commission and provide additional direction if deemed appropriate.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Douglas County Board of County Commissioners

From: Dan Warner, AICP, Long Range Planner

Date: For May 11, 2011 County Commission Meeting

RE: CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

The Douglas County Board of County Commissioners and the Lawrence City Commission held a joint study session on the Northeast Sector Plan on March 8, 2011. In the discussion of the plan a few issues were raised. This memo addresses those issues, as well as discusses the key issue for the Northeast Sector Plan.

Joint Study Session Issues

1. Is the Plan Growth Area being used for the City's wastewater master plan update?
Yes, the Plan Growth Area from Map 3-1 Future Land Use is the boundary being used for the study area in the wastewater master plan update.
2. Why not classify the existing Douglas County industrial zoned property south of I-70 as a future employment area instead of the Plan's Very Low Density Residential classification?
Horizon 2020 Chapter 7 designates a future employment center for the area at land south of the airport and north of I-70. This plan used that assumption when classifying the area north of I-70 as a future employment center.

The area south of I-70 has not developed in an industrial manner despite the existing county industrial zoning. The development of the area is predominately agriculture, very low density residential and rural residential. City services are expected to be delivered to the area south of I-70 in the future. The Very Low Density Residential classification will direct development in a manner more in character with the existing development of the area (larger lot residential).

Main Issue of the Plan

The most discussed element of the plan is how to classify the future land use of the property south of the airport and north of I-70. The Planning Commission considered this question during their deliberations and discussed three options during their meeting on September 20, 2010. The Commission chose Option 1 which deleted the proposed Soil Conserving Agri-Industry future land use category from the plan and designated the property south of the airport as Industrial, with language added to this category that encourages soil conserving agri-industry businesses to locate in areas with Class I and II soils. The Planning Commission desired the flexibility provided by the language, which also aligns with the language contained in Chapter 7.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Dan Warner, AICP, Long Range Planner

Date: For September 20, 2010 Regular PC Meeting

RE: Northeast Sector Plan – Options for the Soil Conserving Agri-Industry Category

The Planning Commission took public comment and discussed the Northeast Sector Plan at their regular meeting on July 26, 2010. The Commission directed Planning Staff to develop options for the Soil Conserving Agri-Industry future land use category.

The following two options are presented for consideration by the Planning Commission:

Option #1

Delete the Soil Conserving Agri-Industry category and change the area south of Highway 24/40 designated as such to the Industrial category. Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with Class I and II soils. This reflects more directly the policies of Chapter 7 in *Horizon 2020*.

~~3.2.1.4 Soil Conserving Agri-Industry~~

~~The intent of the Soil Conserving Agri-Industry Use category is to allow for soil conserving agriculture-related industrial uses businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil-conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.~~

~~Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Agri-Industry Use may or may not urbanize. This use is~~

~~identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.~~

~~Intensity: Medium-High~~

~~Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

~~Primary Uses: Soil conserving agri-businesses~~

3.2.1.8~~4~~ Industrial

The intent of the Industrial [Use category](#) is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 [and south of Highway 24/40](#) is also ~~designated~~ [classified](#) as industrial. [Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils.](#) The industrial ~~use~~ [classification category](#) is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, [soil-conserving agri-businesses](#)

Option #2

Retain the Soil Conserving Agri-Industry category. Add language to the description that creates a specific ratio to protect Class 1 and 2 soils when developing in that category.

3.2.1.4 [Soil Conserving](#) Agri-Industry

The intent of the [Soil Conserving](#) Agri-Industry [Use category](#) is to allow for [soil conserving](#) agriculture-related industrial uses [but permit other, more conventional industrial uses, as long as a high percentage of a development's Class I and II soils land area is protected.](#) ~~businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation.~~

[Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction](#)

between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. ~~Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture.~~ Projects must set aside, protect, or use a minimum of 50% of the Class I and II soils on the property being developed for agriculture use. This protection must take the form of a conservation easement or some other legal instrument mandating perpetual protection. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses, aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology

Bobbie Walthall

From: Jerry Jost [jerrytjost@gmail.com]
Sent: Tuesday, August 09, 2011 8:18 AM
To: Bobbie Walthall
Cc: Barbara and David Clark
Subject: City Commission Hearing on the Northeast Sector Plan
Attachments: DouglascountyIndustrialDevelopmentAreasClassIAndIISoils.pdf

Hi, Bobbie.

I am on the steering committee of the Citizens' for Responsible Planning. We noticed that the attachment which we presented to the County Commissioners on the Northeast Sector Plan was apparently not forwarded to the City Commissioners. We request that this attachment be available to the City Commissioners for their review. This document compares the soil classes within the potential locations for future industrial and employment related land uses. This comparison dramatically identifies the proposed industrial sites in the Northeast Sector having dramatically more class I and II soils than any of the other proposed sites. This is understandable since this area has historically been an area of repeated flooding depositing high quality soils.

Thank you for your cooperation.

--

Jerry Jost
2002 East 1600 Road
Lawrence, KS 66044
jerrytjost@gmail.com
(785) 766-0428

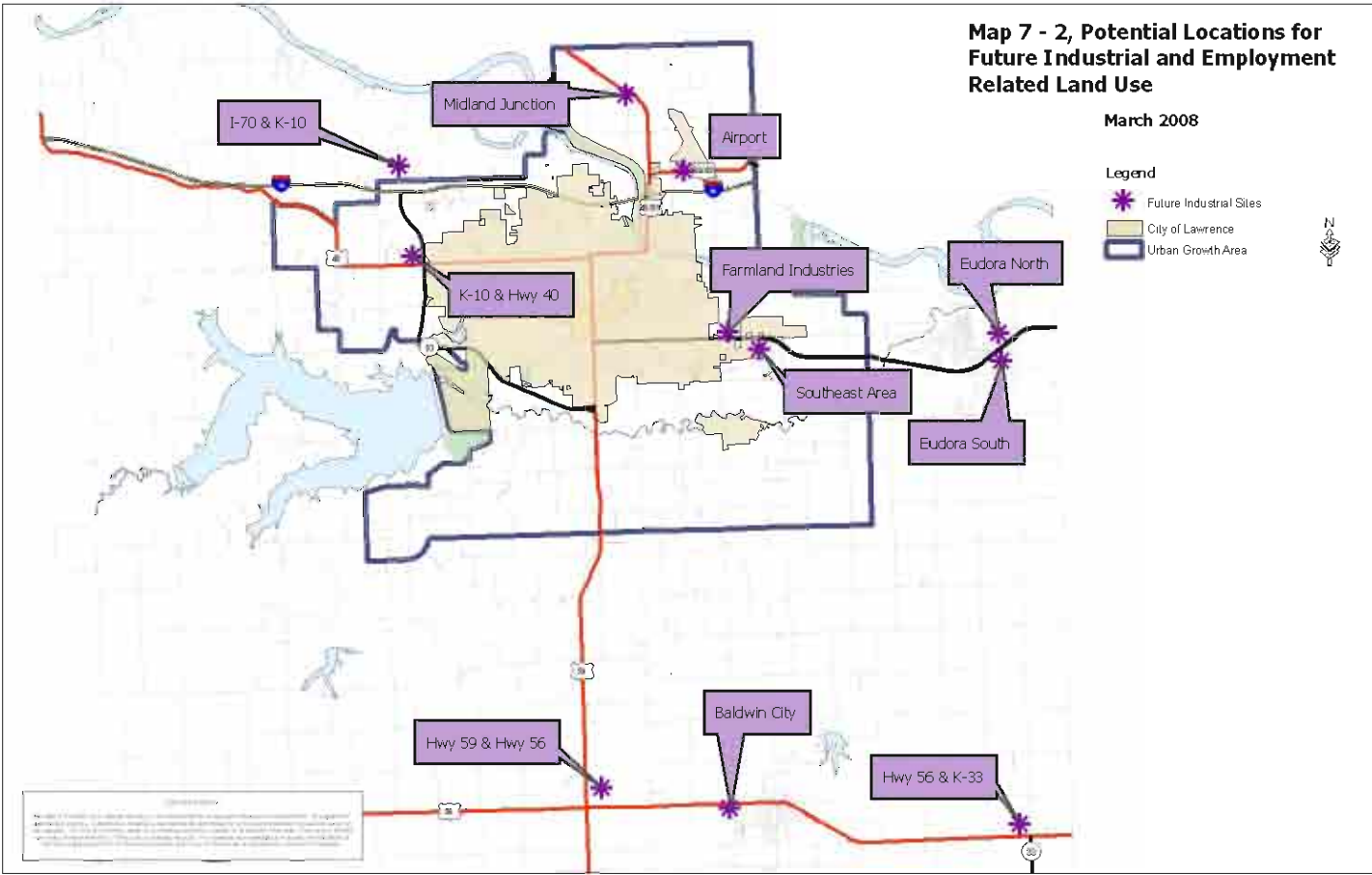
Approximate Acreages Containing Class I and II Soils in the Potential Industrial Development Sites According to Horizon 2020

Potential Industrial Development Sites According to Horizon 2020 (Pages 7-4 through 7-8)	Acres (Approximate)	Class I Soils (Approximate Acres)	Class II Soils (Approximate Acres)	Total Class I and II Soils (Approximate Acres)	% Soils that are Class I and II
Farmland Industries	509	12	7	19	3.7%
Southeast Area	173	0	21	21	12.1%
Airport	374	217	157	374	100.0%
I-70 and K-10	607	0	42	42	6.9%
K-10 and Highway 40	386	0	28	28	7.3%
Eudora North and Eudora South	845	8	4	12	1.4%
Baldwin City	648	0	0	0	0.0%
Highway 56 and Highway 59	656	0	36	36	5.5%
Midland Junction	652	69	214	283	43.4%
Highway 56 and K-33	719	0	0	0	0.0%
Total Acres (Approximate)	5569				

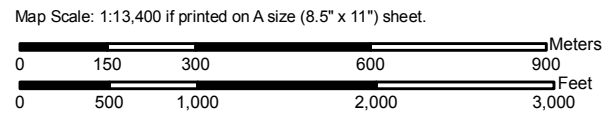
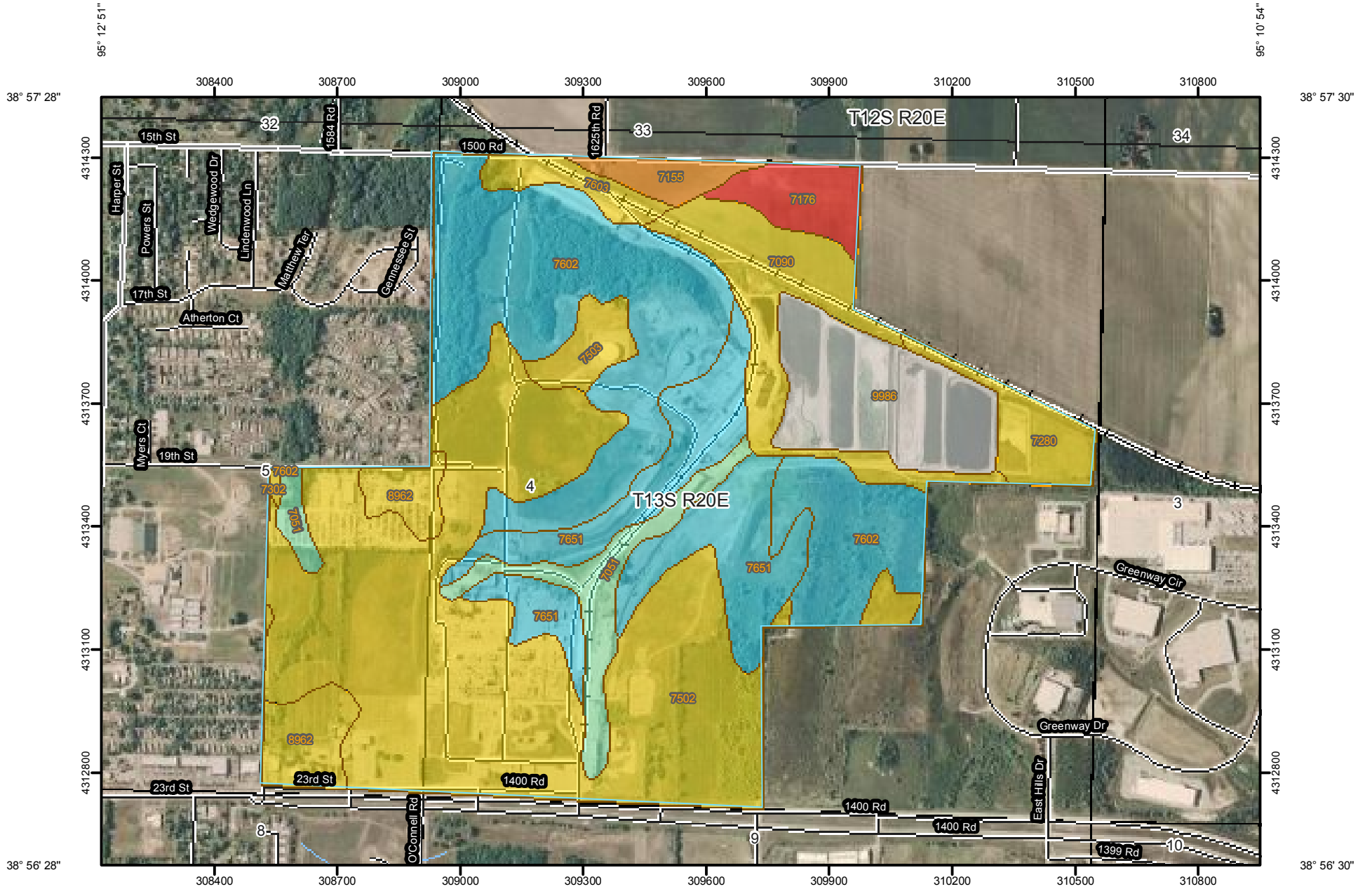
Map 7 - 2, Potential Locations for Future Industrial and Employment Related Land Use

March 2008

- Legend**
-  Future Industrial Sites
 -  City of Lawrence
 -  Urban Growth Area
























Nonirrigated Capability Class—Douglas County, Kansas
(Farmland Industries 275+ Acres)



Nonirrigated Capability Class–Douglas County, Kansas
(Farmland Industries 275+ Acres)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:13,400 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7051	Kennebec silt loam, frequently flooded	5	21.4	4.2%
7090	Wabash silty clay loam, occasionally flooded	3	33.3	6.5%
7155	Kimo silty clay loam, rarely flooded	2	7.1	1.4%
7176	Rossville silt loam, very rarely flooded	1	12.3	2.4%
7280	Wabash silty clay, very rarely flooded	3	13.1	2.6%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	0.5	0.1%
7502	Pawnee clay loam, 3 to 6 percent slopes	3	177.9	35.0%
7503	Pawnee clay loam, 3 to 6 percent slopes, eroded	3	8.4	1.6%
7602	Sibleyville complex, 7 to 12 percent slopes	6	111.4	21.9%
7603	Sibleyville loam, 3 to 7 percent slopes	3	8.3	1.6%
7651	Vinland complex, 3 to 7 percent slopes	6	58.7	11.5%
8962	Woodson silt loam, 1 to 3 percent slopes	3	18.8	3.7%
9986	Miscellaneous water		37.8	7.4%
Totals for Area of Interest			509.0	100.0%

Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition

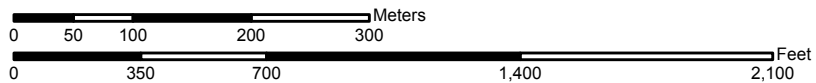
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Nonirrigated Capability Class—Douglas County, Kansas
(Southeast Industrial Area 200+ Acres)
























Map Scale: 1:6,610 if printed on A size (8.5" x 11") sheet.



Nonirrigated Capability Class–Douglas County, Kansas
(Southeast Industrial Area 200+ Acres)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:6,610 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

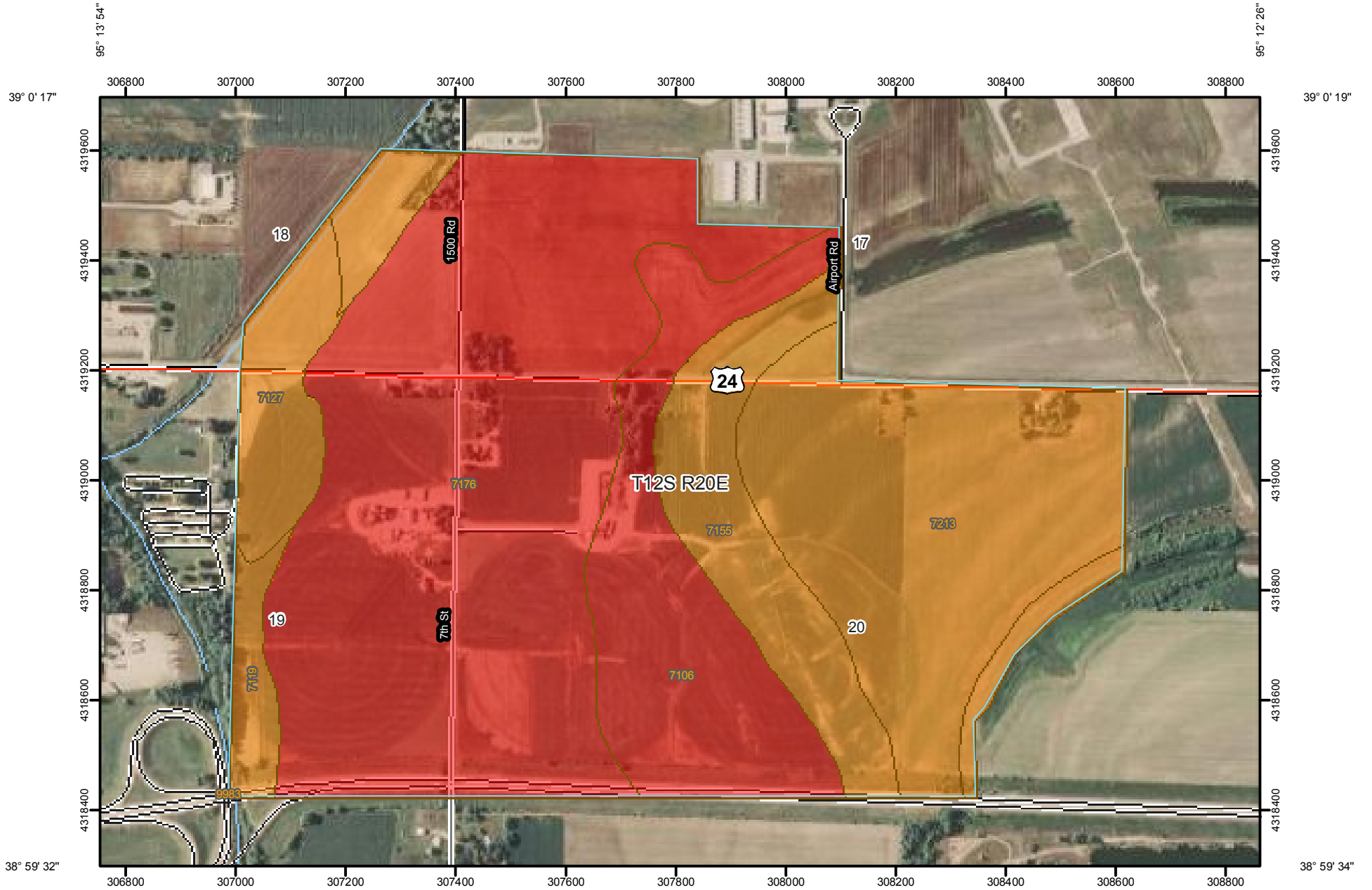
Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

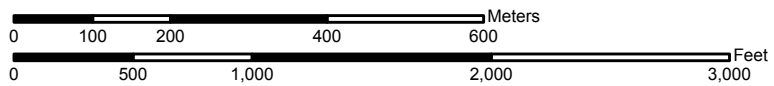
Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7500	Pawnee clay loam, 1 to 3 percent slopes	2	21.3	12.3%
7502	Pawnee clay loam, 3 to 6 percent slopes	3	100.9	58.4%
7503	Pawnee clay loam, 3 to 6 percent slopes, eroded	3	20.5	11.9%
7602	Sibleyville complex, 7 to 12 percent slopes	6	2.0	1.1%
8962	Woodson silt loam, 1 to 3 percent slopes	3	28.1	16.3%
Totals for Area of Interest			172.8	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(Airport)
























Map Scale: 1:10,000 if printed on A size (8.5" x 11") sheet.



Nonirrigated Capability Class–Douglas County, Kansas
(Airport)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:10,000 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010






















Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7106	Eudora-Bismarckgrove silt loams, rarely flooded	1	53.3	14.3%
7119	Eudora-Urban land complex, rarely flooded	2	8.0	2.1%
7127	Eudora-Kimo complex, overwash, rarely flooded	2	18.5	5.0%
7155	Kimo silty clay loam, rarely flooded	2	47.7	12.7%
7176	Rossville silt loam, very rarely flooded	1	164.0	43.8%
7213	Reading silt loam, moderately wet, very rarely flooded	2	82.7	22.1%
9983	Gravel pits and quarries		0.0	0.0%
Totals for Area of Interest			374.2	100.0%

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:17,800 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

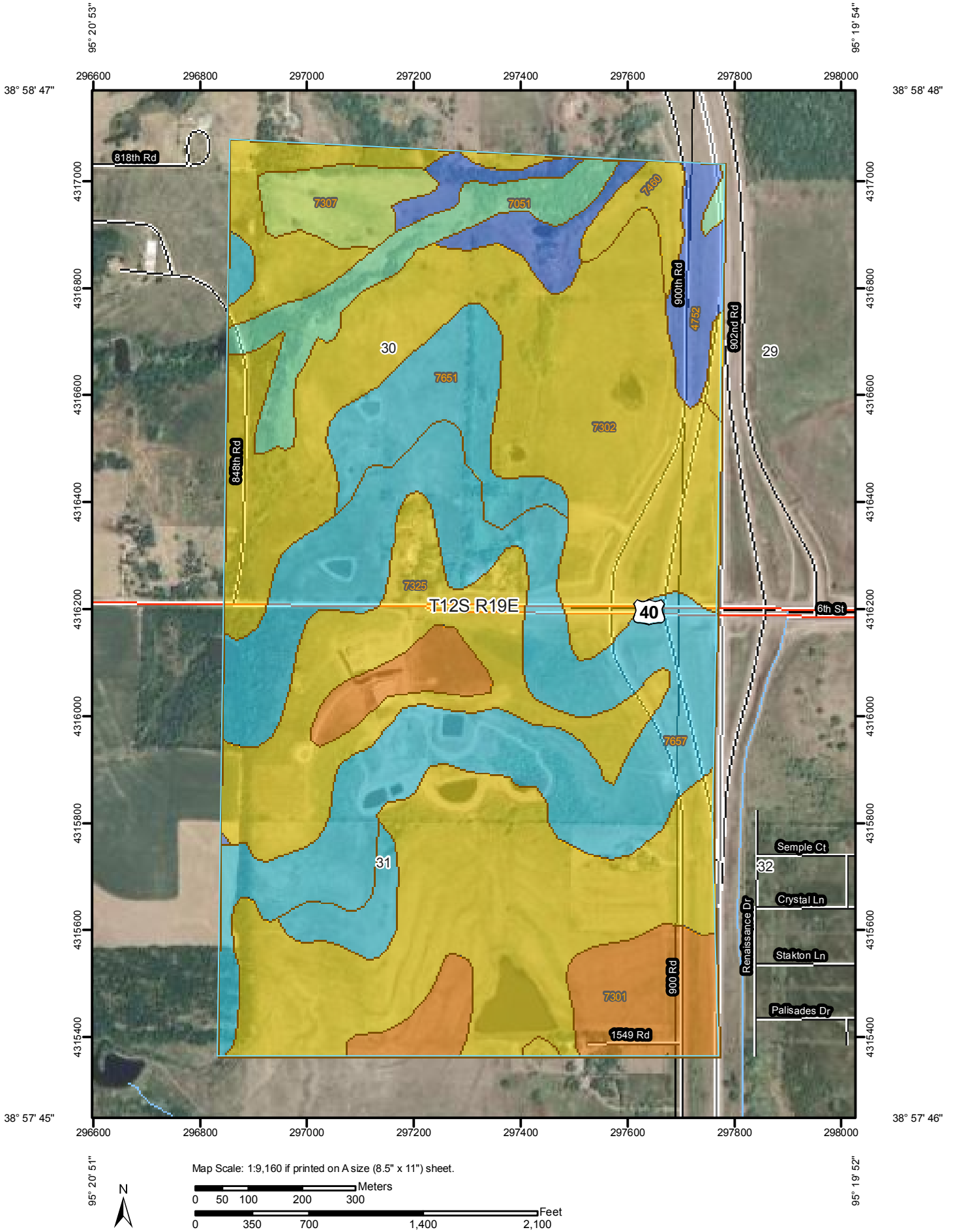
Date(s) aerial images were photographed: 6/26/2006; 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class






















Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4752	Sogn-Vinland complex, 3 to 25 percent slopes	7	53.2	8.8%
7051	Kennebec silt loam, frequently flooded	5	7.2	1.2%
7301	Martin silty clay loam, 1 to 3 percent slopes	2	11.2	1.9%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	156.8	25.8%
7307	Martin soils, 3 to 7 percent slopes, eroded	4	10.0	1.7%
7325	Martin-Oska silty clay loams, 3 to 6 percent slopes	3	160.2	26.4%
7460	Oska silty clay loam, 3 to 6 percent slopes	3	34.9	5.8%
7530	Sharpsburg silt loam, 1 to 4 percent slopes	2	31.1	5.1%
7535	Sharpsburg silt loam, 4 to 8 percent slopes	3	0.2	0.0%
7657	Vinland-Martin complex, 7 to 15 percent slopes	6	77.2	12.7%
7658	Vinland-Rock outcrop complex, 15 to 45 percent slopes	6	12.7	2.1%
8962	Woodson silt loam, 1 to 3 percent slopes	3	52.1	8.6%
Totals for Area of Interest			606.8	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(K-10 and Highway 40)



Nonirrigated Capability Class—Douglas County, Kansas
(K-10 and Highway 40)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:9,160 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

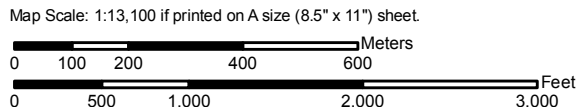
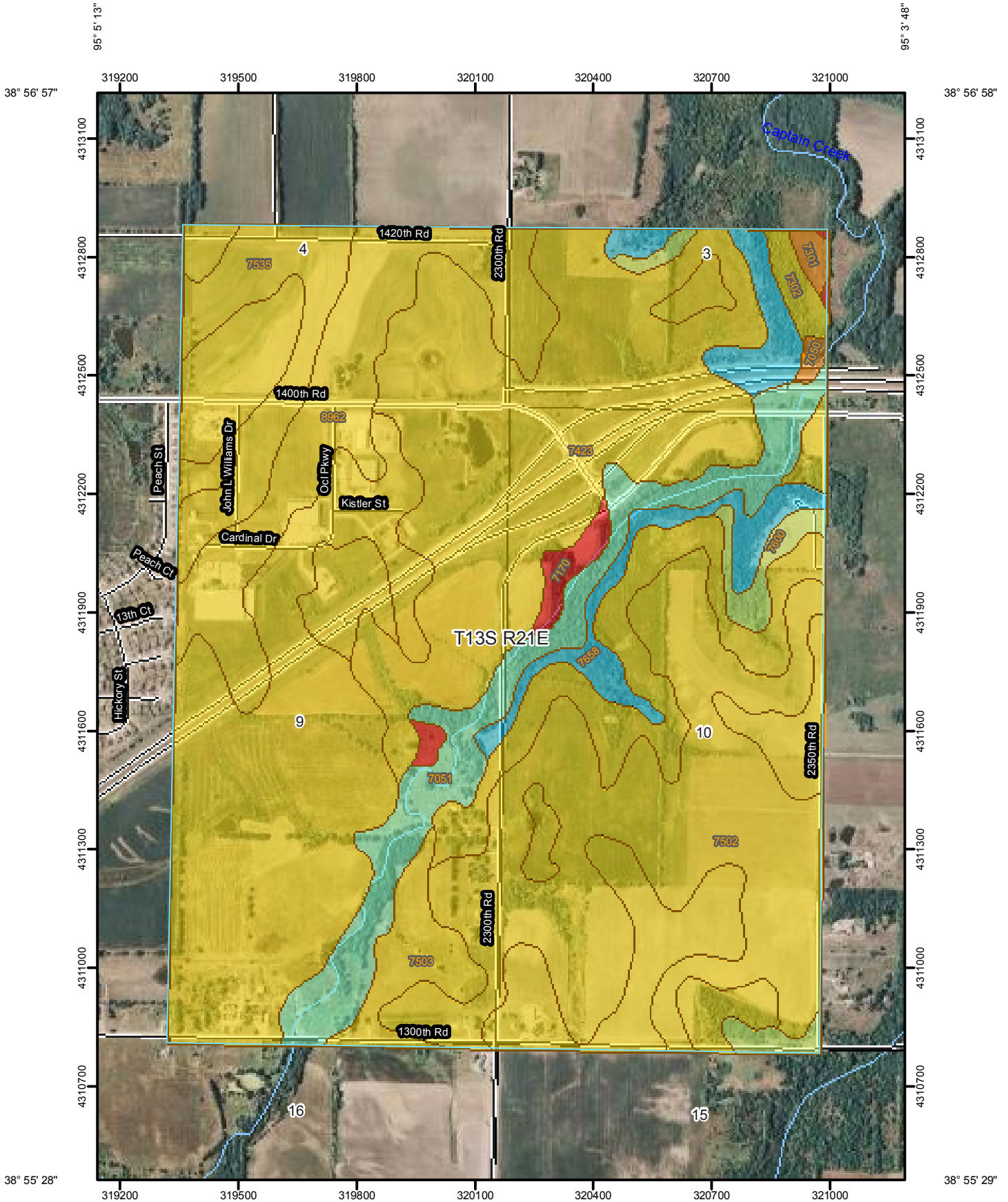
Date(s) aerial images were photographed: 6/26/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class






















Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4752	Sogn-Vinland complex, 3 to 25 percent slopes	7	17.9	4.6%
7051	Kennebec silt loam, frequently flooded	5	16.2	4.2%
7301	Martin silty clay loam, 1 to 3 percent slopes	2	28.0	7.3%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	163.3	42.3%
7307	Martin soils, 3 to 7 percent slopes, eroded	4	9.3	2.4%
7325	Martin-Oska silty clay loams, 3 to 6 percent slopes	3	37.9	9.8%
7460	Oska silty clay loam, 3 to 6 percent slopes	3	7.8	2.0%
7651	Vinland complex, 3 to 7 percent slopes	6	24.5	6.3%
7657	Vinland-Martin complex, 7 to 15 percent slopes	6	81.1	21.0%
Totals for Area of Interest			386.0	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(Eudora North and Eudora South)



Nonirrigated Capability Class—Douglas County, Kansas
(Eudora North and Eudora South)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:13,100 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

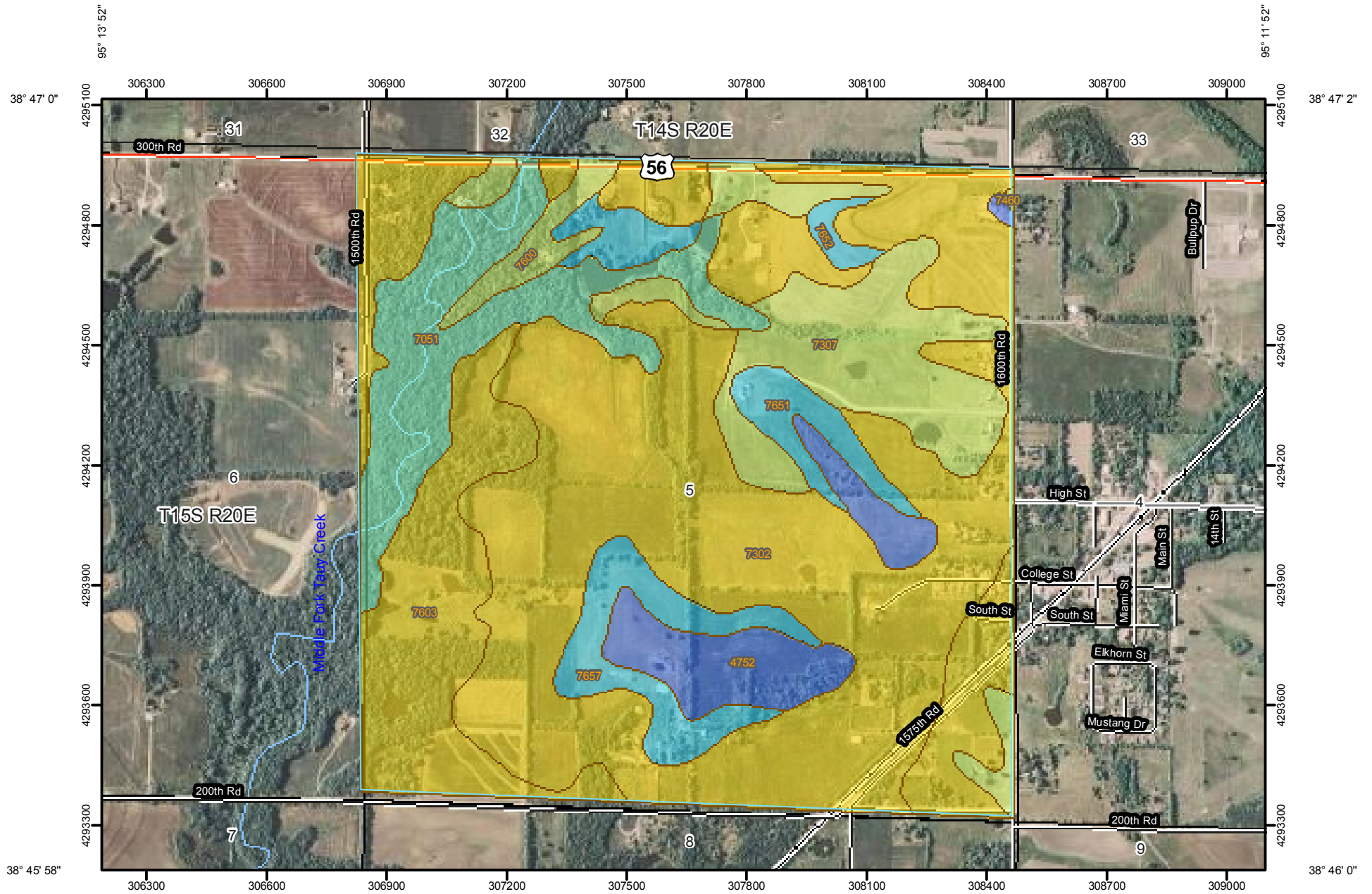
Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

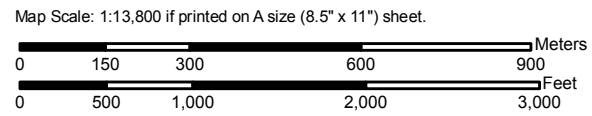
Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7050	Kennebec silt loam, occasionally flooded	2	1.6	0.2%
7051	Kennebec silt loam, frequently flooded	5	54.6	6.5%
7170	Reading silt loam, rarely flooded	1	7.5	0.9%
7301	Martin silty clay loam, 1 to 3 percent slopes	2	2.6	0.3%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	5.3	0.6%
7423	Morrill clay loam, 3 to 7 percent slopes	3	247.3	29.3%
7502	Pawnee clay loam, 3 to 6 percent slopes	3	295.7	35.0%
7503	Pawnee clay loam, 3 to 6 percent slopes, eroded	3	30.2	3.6%
7535	Sharpsburg silt loam, 4 to 8 percent slopes	3	35.2	4.2%
7600	Sibleyville complex, 3 to 7 percent slopes	4	13.5	1.6%
7658	Vinland-Rock outcrop complex, 15 to 45 percent slopes	6	32.8	3.9%
8962	Woodson silt loam, 1 to 3 percent slopes	3	118.5	14.0%
Totals for Area of Interest			844.8	100.0%






















Nonirrigated Capability Class—Douglas County, Kansas
(Baldwin City)



95° 13' 50"
38° 45' 58"



MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:13,800 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

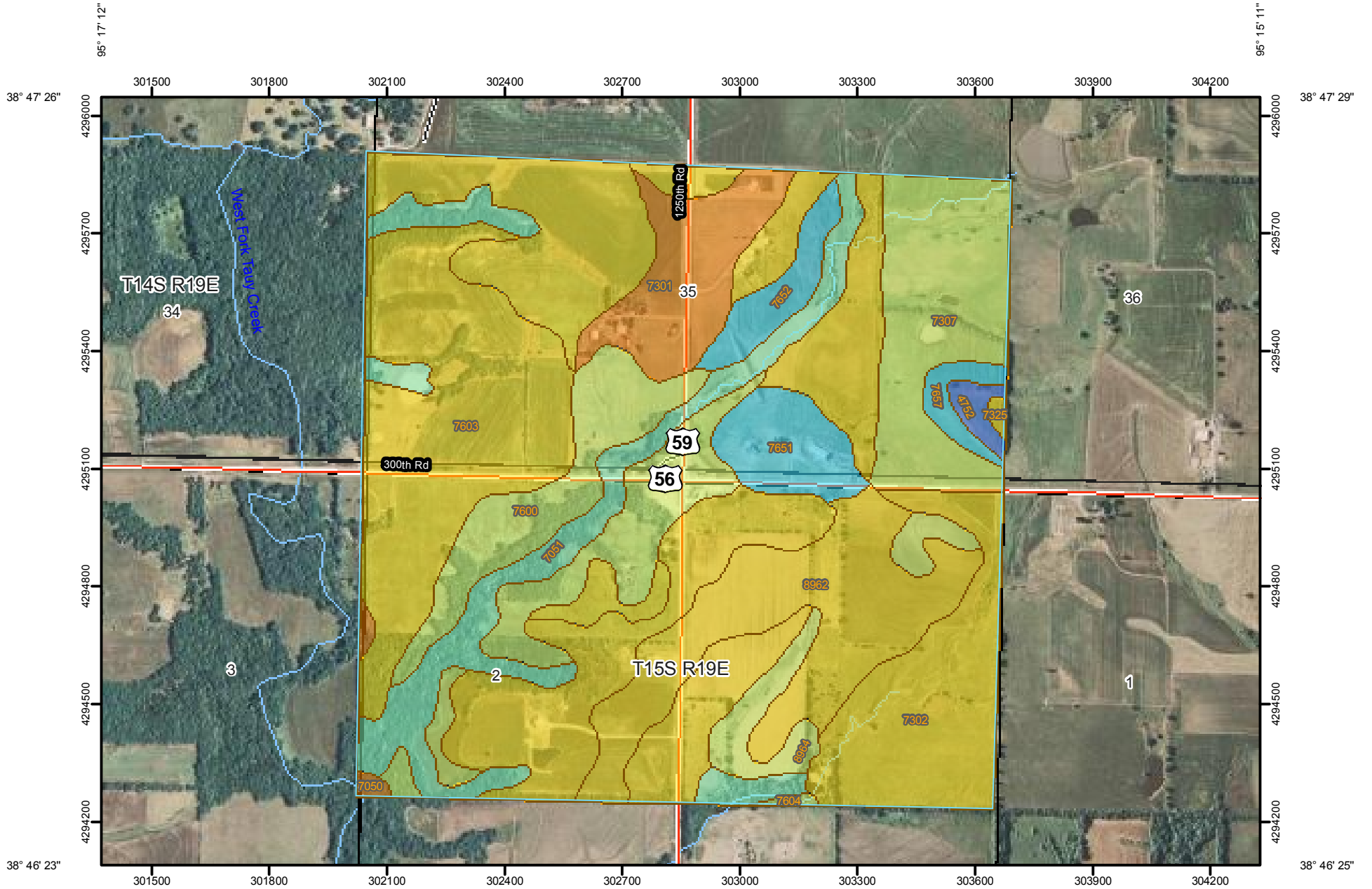
Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

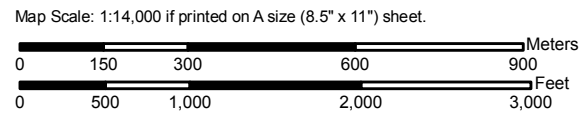
Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4752	Sogn-Vinland complex, 3 to 25 percent slopes	7	35.8	5.5%
7051	Kennebec silt loam, frequently flooded	5	66.2	10.2%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	311.8	48.1%
7307	Martin soils, 3 to 7 percent slopes, eroded	4	64.0	9.9%
7460	Oska silty clay loam, 3 to 6 percent slopes	3	0.2	0.0%
7600	Sibleyville complex, 3 to 7 percent slopes	4	22.5	3.5%
7603	Sibleyville loam, 3 to 7 percent slopes	3	92.1	14.2%
7651	Vinland complex, 3 to 7 percent slopes	6	23.1	3.6%
7652	Vinland complex, 3 to 7 percent slopes, eroded	6	4.0	0.6%
7657	Vinland-Martin complex, 7 to 15 percent slopes	6	27.8	4.3%
Totals for Area of Interest			647.6	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(Highway 56 and Highway 59)
























95° 17' 10"



95° 15' 9"

Nonirrigated Capability Class–Douglas County, Kansas
(Highway 56 and Highway 59)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:14,000 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

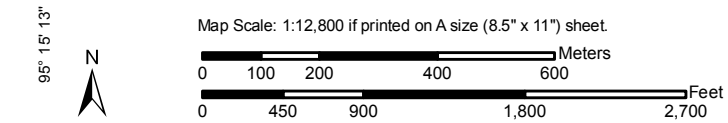
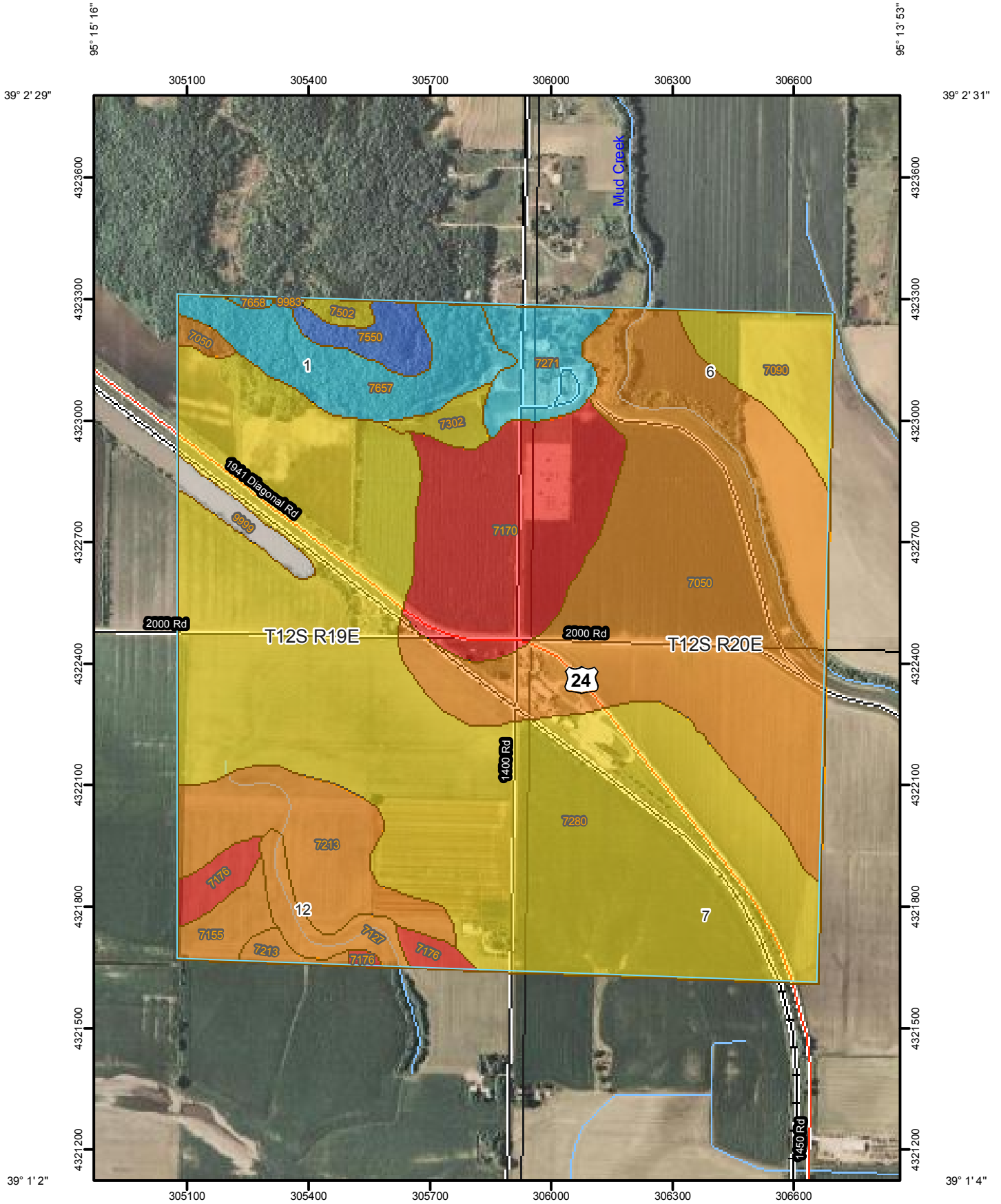
Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class






















Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4752	Sogn-Vinland complex, 3 to 25 percent slopes	7	3.8	0.6%
7050	Kennebec silt loam, occasionally flooded	2	2.1	0.3%
7051	Kennebec silt loam, frequently flooded	5	57.6	8.8%
7301	Martin silty clay loam, 1 to 3 percent slopes	2	33.5	5.1%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	142.2	21.7%
7307	Martin soils, 3 to 7 percent slopes, eroded	4	53.6	8.2%
7325	Martin-Oska silty clay loams, 3 to 6 percent slopes	3	1.0	0.1%
7600	Sibleyville complex, 3 to 7 percent slopes	4	74.0	11.3%
7603	Sibleyville loam, 3 to 7 percent slopes	3	120.8	18.4%
7604	Sibleyville loam, 3 to 7 percent slopes, eroded	4	0.9	0.1%
7651	Vinland complex, 3 to 7 percent slopes	6	19.6	3.0%
7652	Vinland complex, 3 to 7 percent slopes, eroded	6	12.6	1.9%
7657	Vinland-Martin complex, 7 to 15 percent slopes	6	6.0	0.9%
8962	Woodson silt loam, 1 to 3 percent slopes	3	116.2	17.7%
8964	Woodson silty clay loam, 1 to 3 percent slopes, eroded	4	11.7	1.8%
Totals for Area of Interest			655.5	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(Midland Junction)



Nonirrigated Capability Class—Douglas County, Kansas
(Midland Junction)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:12,800 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

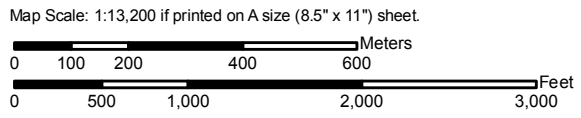
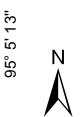
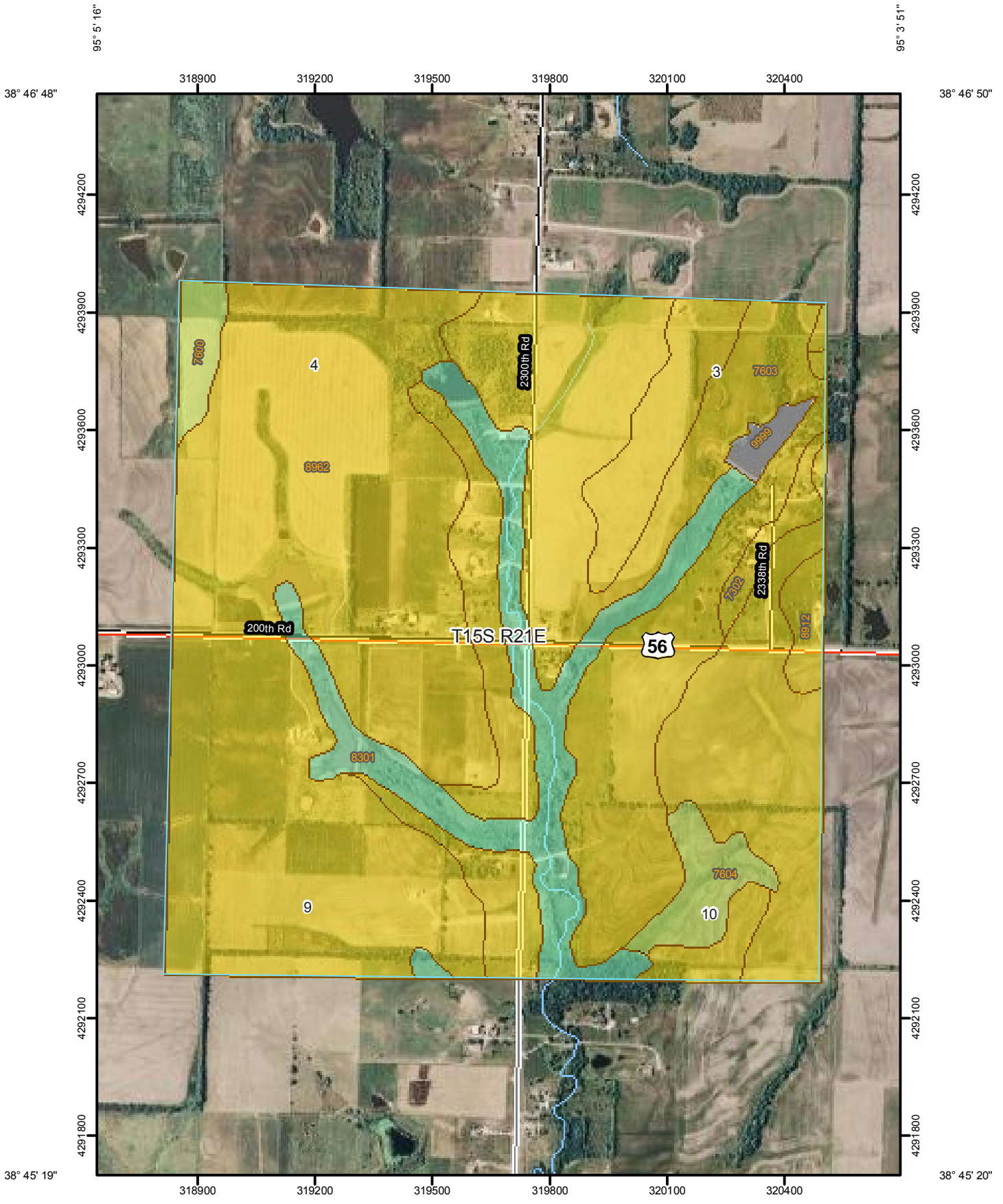
Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class






















Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7050	Kennebec silt loam, occasionally flooded	2	159.6	24.5%
7090	Wabash silty clay loam, occasionally flooded	3	21.4	3.3%
7127	Eudora-Kimo complex, overwash, rarely flooded	2	9.7	1.5%
7155	Kimo silty clay loam, rarely flooded	2	7.6	1.2%
7170	Reading silt loam, rarely flooded	1	59.2	9.1%
7176	Rossville silt loam, very rarely flooded	1	9.4	1.4%
7213	Reading silt loam, moderately wet, very rarely flooded	2	37.0	5.7%
7271	Falleaf-Grinter soils, 8 to 20 percent slopes	6	17.3	2.7%
7280	Wabash silty clay, very rarely flooded	3	277.3	42.6%
7302	Martin silty clay loam, 3 to 7 percent slopes	3	5.0	0.8%
7502	Pawnee clay loam, 3 to 6 percent slopes	3	2.4	0.4%
7550	Rosendale-Bendena silty clay loams, 3 to 40 percent slopes	7	8.7	1.3%
7657	Vinland-Martin complex, 7 to 15 percent slopes	6	29.9	4.6%
7658	Vinland-Rock outcrop complex, 15 to 45 percent slopes	6	0.7	0.1%
9983	Gravel pits and quarries		0.3	0.0%
9999	Water		6.1	0.9%
Totals for Area of Interest			651.6	100.0%

Nonirrigated Capability Class—Douglas County, Kansas
(Highway 56 and K-33)



Nonirrigated Capability Class–Douglas County, Kansas
(Highway 56 and K-33)

MAP LEGEND

- Area of Interest (AOI)**
-  Area of Interest (AOI)
- Soils**
-  Soil Map Units
- Soil Ratings**
-  Capability Class - I
 -  Capability Class - II
 -  Capability Class - III
 -  Capability Class - IV
 -  Capability Class - V
 -  Capability Class - VI
 -  Capability Class - VII
 -  Capability Class - VIII
 -  Not rated or not available
- Political Features**
-  Cities
 -  PLSS Township and Range
 -  PLSS Section
- Water Features**
-  Oceans
 -  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:13,200 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 15N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Kansas
Survey Area Data: Version 8, Nov 30, 2010

Date(s) aerial images were photographed: 6/15/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Nonirrigated Capability Class

Nonirrigated Capability Class— Summary by Map Unit — Douglas County, Kansas				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7302	Martin silty clay loam, 3 to 7 percent slopes	3	8.0	1.1%
7600	Sibleyville complex, 3 to 7 percent slopes	4	9.5	1.3%
7603	Sibleyville loam, 3 to 7 percent slopes	3	215.4	29.9%
7604	Sibleyville loam, 3 to 7 percent slopes, eroded	4	15.8	2.2%
8301	Verdigris silt loam, frequently flooded	5	67.6	9.4%
8912	Summit silty clay loam, 3 to 7 percent slopes	3	8.6	1.2%
8962	Woodson silt loam, 1 to 3 percent slopes	3	389.8	54.2%
9999	Water		4.8	0.7%
Totals for Area of Interest			719.4	100.0%

Bobbie Walthall

To: David L. Corliss
Subject: RE: Northeast Sector Plan

----- Forwarded message -----

From: "Ellen Paulsen" <elnpaulsen@sbcglobal.net>

To: "Aron Cromwell" <aroncromwell@gmail.com>, "schummfoods@gmail.com"

<schummfoods@gmail.com>, "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "Scott

McCullough" <smccullough@lawrenceks.org>, "David L. Corliss" <DCorliss@lawrenceks.org>,

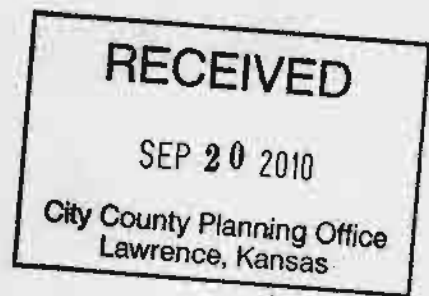
"mdever@sunflower.com" <mdever@sunflower.com>, "hughcarter@sunflower.com"

<hughcarter@sunflower.com>

Subject: Northeast Sector Plan

Date: Sun, Aug 7, 2011 12:17 pm

I will not be able to attend the meeting Tuesday evening when comments will be received concerning the Northeast Sector Plan but as a North Lawrence property owner and resident, I wanted to express my continued concern. I do believe that the problems with drainage and flooding have been well out lined during previous meetings. Solutions, within a reasonable budget, not so much. As a tax paying property owner, I look to my commissioners to make certain that these issues are addressed before any decisions are made. Thank you for your time. Ellen Paulsen 785-312-0801



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
- With proximity to major highways, rail and air transportation, this area serves the needs of Lawrence and all of northeast Kansas. We should not compromise access to industrial and commercial use in this critical transportation hub by placing severe limits on potential development nearby.
- The relatively undefined concept of soil conserving agri-industry opens the possibility that current agri-industry uses such as livestock feeding operations, turf and sod production, agricultural field stations and test plots could be jeopardized in the future.
- The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely, *Leary Brothers Farms Inc.*
Grant Township Property Owners

39 Acres



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
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We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

Emil W. Heck, Jr.
Bette L. Heck

150 acres

FROM : NUNEMAKER-ROSS (INC.)

PHONE NO. : 842 4360

Sep. 16 2010 01:14PM P2



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
- With proximity to major highways, rail and air transportation, this area serves the needs of Lawrence and all of northeast Kansas. We should not compromise access to industrial and commercial use in this critical transportation hub by placing severe limits on potential development nearby.
- The relatively undefined concept of soil conserving agri-industry opens the possibility that current agri-industry uses such as livestock feeding operations, turf and sod production, agricultural field stations and test plots could be jeopardized in the future.
- The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

Lawrence Farms LLC

David A. Huff

324A.

September 15, 2010



To: Members of the Lawrence Douglas County Planning Commission

We are Grant Township property owners, and we are in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan.

A handwritten signature in cursive script that reads "Gary L. Black".

Gary L. Black

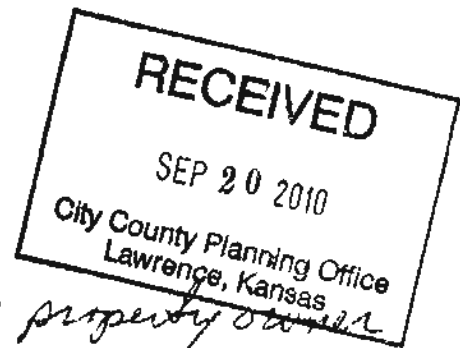
A handwritten signature in cursive script that reads "Larry D. Black".

Larry D. Black

17 acres owned in Grant Township

Sept 15, 2010

TO: Planning Commissions



I am a Grant Township property owner
and I am in favor of the letter dated Sept.
10, 2010, in support of option #1 of the
NE Sector plan.

Respectfully yours,

Jerry Hecke

Owner of approx 40 acres
in Grant Township

Address: 47 Hickory Ridge
Cicero, IN.
46034

Grant township letter

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

I am a Grant Township property owner, and I am in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan.

Jane McCabe Jane McCabe

Acres owned in Grant Township aprox 35

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

September 10, 2010

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Sincerely,

Grant Township Property Owners

Care & Bawa
Julian V. Bawa
owners, 153 acres in Grant Township
9.16.2010

September 10, 2010

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

To: **Members of the Lawrence Douglas County Planning Commission**

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Sincerely,

Grant Township Property Owners

Clifford Harding

51 A



September 10, 2010

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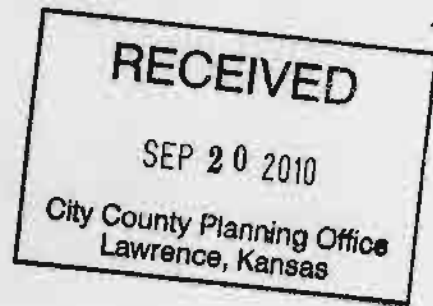
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Sincerely,

Grant Township Property Owners

How Farms 420 A. m.

 A handwritten signature "How Farms" is written in cursive. To its right, the address "420 A. m." is written in a simple, blocky font. Below the signature is a large, hand-drawn oval scribble.



September 10, 2010

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Sincerely,

Grant Township Property Owners

Pine Family Investments }
 Roger & Sue Pine }
 Brian & Kathy Pine }

Roger Pine }
 Susan Pine }
 Kepler R. Pine }

349 acres

No. 1419
RECEIVED
SEP 20 2010
City County Planning Office
Lawrence, Kansas

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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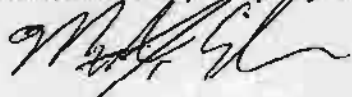
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We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners


Matthew J. Eichman

420 acres



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

508+ Acres

Roger Kitzmiller - owner
Ralph Kitzmiller - owner

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 19, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT FOR NORTHEAST SECTOR
PLAN.

Dear Chairman Blaser and Planning Commissioners:

We would like to present some comments on the new recommendations for inclusion in the
Northeast Sector Plan: a choice between the Options #1 and #2.

The important question addressed here is how to preserve the Class I and II Soils as a goal, but at
the same time accommodate some industrial development. After reviewing these options we
believe that the consequences of adopting either of these options at this stage would not achieve
the desired outcome.

We have attached our analysis of some of the problems involved in attempting to accommodate
both the preservation of these irreplaceable soils and at the same time accommodate industrial
development.

We suggest that before you incorporate either of these options into the Northeast Sector Plan that
you review our discussion and consider this particular issue further.

Thank you for your consideration.

Sincerely yours,



Brooke Goc
President



Alan Black, Chairman
Land Use Committee

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

ATTACHMENT

PROBLEMS WITH SUGGESTED OPTIONS FOR PRESERVING CLASS I & II SOILS IN INDUSTRIAL AREAS

Option #1: The recommendation to incorporate into the *Northeast Sector Plan* suggested by staff for preserving Class I and II Soils in industrially designated areas is to “encourage” Agri-Industrial use in these areas.

Problem: With only “encouragement” there is no way to guarantee that Agri-Industrial uses will go into such areas. It seems to us that this would *not* be an effective method for saving these valuable soils. This is not recommended as a requirement nor is there recommended any incentive to do it. To be effective, there should be both a requirement and an incentive incorporated into the Land Development Code.

Option #2: The recommended suggestion here is to require a portion of an industrial development on Class I and/or II Soil to be set aside and permanently preserved for agricultural use. The suggested amount is half of the original tract. If this recommendation of Option #2 is incorporated into the Land Development Code and the Douglas County Zoning Regulations, the Agri-Industrial use would be a permitted use within the Industrial category.

Problems:

1. **Implementation:** There should be some mechanism for separating out the undesirable industrial permitted uses from the benign ones. Although there is one permitted use added—Agri-Industrial—there is no distinction in terms of the many choices for permitted uses available under the “Industrial” category in Option #2. Not all of these other industrial uses included here are equal in intensity and in possible negative effects on the set-aside farmland. There is a need to be able to select or condition uses, or to be able to do both.

- (a) One method used recently has been to allow conditioning of conventional zoning to eliminate all permitted uses other than agricultural-business uses. It could be applied to Agri-Industrial permitted uses in the Industrial category.
- (b) Another method would be to require a Planned Development.
- (c) A third method would be to establish all industrial uses in Class I and II soils as Special Uses with the ability to establish strict environmental controls through the Conditional or Special Use Permits.
- (d) A fourth method could be to create a new zoning district for Class I and II soils and then control uses individually under the Section 20-501 Use Regulations.

2. The size and configuration of the original tracts and their set-aside parcels is critical in preserving the set-aside land for its agricultural usefulness.

- (a) If half of the land of a single tract is set-aside for preserving Class I and II soils each parcel from the tract should be contiguous so that it is not preserved in separate small pieces. Set-backs and required open spaces between buildings or other normal “open space” requirements would not preserve sufficiently large tracts for usable agricultural land.
- (b) The original acreage of the industrial tract would determine how useful a set-aside parcel would be. For example, the parcels set-aside from small industrial tracts—under one acre—would generally be less agriculturally useful. You need to know what is considered economically and practically feasible to preserve.

3. Protecting the set-aside farmland area from pollution and runoff from the developed industrial parcel would have to be a condition placed on any industrial development adjacent to preserved farmland—an additional development expense and difficult to enforce.

4. An additional problem is that almost the entire Class I and II Soils are also subject to flooding. Added problems and hazards of developing in the floodplain:

(a) The cost/benefit to the city and county of industrial development in the floodplain is apt to be negative. Why?

(1) Both the flat North Lawrence area and the floodplain have a very high water table and minimal slope. This causes major engineering problems with sewerage and added costs of providing and maintaining it. Sewerage would likely need lift stations and because of the high water table, sump pumps would likely be necessary. A major public cost.

(2) Floodplain development requires high capital investment. Needed flood protection or raising building levels, generally with added soil, makes development cost higher than average.

(3) Raising soil levels adjacent to farmland can change the drainage patterns to the disadvantage of the farmland, marginalizing it and reducing its productivity.

(b) Hazards are created with floodplain development because of the proximity of the airport. Raising soil levels may create ponds that attract waterfowl and other wildlife if fill dirt comes from the same floodplain area. This effect is due in part to the high water table.

5. Problems of jurisdiction.

(a) If a development is not annexed and provided public utilities, it will likely be substandard; public benefit will likely be negative.

(b) If a development is provided utilities and public services but not annexed, costs to the city will not be publicly compensated through taxes, resulting in lack of public benefit to city.

(c) If development is annexed and provided public services, costs may still exceed public benefits in taxes because of above listed problems.

6. Cost implications: Farming is one of the land uses in the county that costs the county much less than the county regains from it in taxes. When the League made its study on county development, one of our sources was the Farmland Trust. The Trust found that for every dollar returned in taxes from open space and farmland, expenditures to counties averaged about \$0.50. On the other hand, for every dollar returned to the county in taxes from rural residential use, the county expenditures for this use were higher, up to \$1.50 per household. That was in 1999. The disparity now is likely more.

CITIZENS FOR RESPONSIBLE PLANNING

September 18, 2010

Dear Commissioners Blaser, Harris, Finkeldei, Carter, Burger, Hird, Dominguez, Rasmussen, Singleton, and Liese,

Citizens for Responsible Planning (CRP) remains in support of the 3rd Draft of the Northeast Sector Plan as presented at the Planning Commission meeting on July 21, 2010. This draft document skillfully and fairly represents public input from the beginning of the public document planning sessions that began in the Fall of 2009.

One of our primary concerns remains flooding and stormwater run-off associated with development and urbanization in the Northeast Sector. The "Option #1" alternative being presented clearly states, "The industrial category is expected to urbanize." This statement is in direct conflict with the desires expressed through the public process. It will also increase the probability of catastrophic flooding within the area and the North Lawrence residential community. Urbanization within the Northeast Sector will force implementation of the costly North Lawrence Drainage Study recommendations. CRP would request that should any development proposal come forward it be reviewed through a cost-benefit analysis whenever public dollars are being used for infrastructure extension.

It is impossible to segregate the area's unique challenges to development. As stated on **Pg. 3-1 under Recommendations these unique challenges include:**

- o **Costly stormwater infrastructure needs as urbanization occurs**
- o **Significant amounts of regulatory floodplain**
- o **Significant amounts of Class I and II soils**
- o **FAA Regulations and Lawrence Municipal Airport Protection Zones**

The current draft states on: **Page 3-13 3.3 Implementation , Item 6. "Consider implementing regulations that promote no adverse impact for floodplain management."** CRP supports this statement of an **Implementation recommendation**. It is recognized that flooding is the number one natural disaster in the United States (FEMA). To identify flood hazards, the risks they pose to people and property, and the regulatory boundaries of floodplains, the Federal Emergency Management Agency (FEMA) develops flood hazard maps, officially known as Flood Insurance Rate Maps (FIRMs). **The Flood Hazard Area map shown on page 2-18 should be updated to reflect the new LiDAR - DFIRM County map dated August 5, 2010.**

http://www.douglas-county.com/depts/zc/docs/pdf/floodplainmap_080510.pdf

The map seen in the above link replaces the flood hazard map that dates back to November 7, 2001. Drainage patterns have changed dramatically due to land use, surface erosion, and other natural forces. As a result, the likelihood of riverine flooding in some areas has increased significantly. Moreover, the technology used to estimate risk has been much improved. Up-to-date maps will much more accurately represent the risk of flooding; they are an important tool in the effort to protect lives and properties in Douglas County. This statement is taken from the National Initiative for Flood Map Modernization.

This August 5, 2010 DFIRM Map indicates areas to be in the 1% chance floodplain or 100 year floodplain that are indicated on the Future Land Use Map Draft Pg. 3-12 for both Industrial and Soil-Conserving Agri-Industry. The new 100 year floodplain designations for these areas should require further detailed study prior to determining future land use possibilities within the Northeast Sector Plan.

Thank you for considering CRP's comments and requests.

As always, with great respect.

Citizens for Responsible Planning Steering Committee

September 10, 2010

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Sincerely,

Grant Township Property Owners

Attachment to Grant Township Property Owners Letter

Trusted Management
By Carolyn Phillips 252 acres

Vogelland
By Nancy Vogel ≈ 170 acres

Kenneth R. Halladay M.D. 40 acres

Kenneth D. Reiling 60+ acres

~~Michael Haloy~~ ≈ 130 acres
Michael Haloy
Haloy Farms

Dorothy L. Congrove Trust 238 acres
by Dorothy Congrove

Stantz Land L.C.
by Neil Stantz, Mark Stantz 145 acres

Irene Vogel Trust
DOUGLAS COUNTY BANK TRUSTEE
By: JIMM DAIN SAUANTO 510 ACRES

John Vogel Trust
Douglas County Bank, TRUSTEE
By: JIMM DAIN SAUANTO

September 10, 2010

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Sincerely,

Grant Township Property Owners

Mary P. Ross

Patrick D. Ross

Herb E. Winkler

Debra A. Newrate

Pauline M. Funemaker

457 acres

10520 Inverness Ct
Fishers, IN 46037
September 13, 2010

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, KS 66044

Dear Planning Commission:

As the owner of 54 acres on the NW corner of the Midland Junction in Grant Township, I support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the upcoming September 20, 2010 Planning Commission Meeting.

I appreciate the opportunity to express my opinion. If you have any questions or would like to discuss this issue further, please contact me at 317-450-6242. Additionally, you may speak with my father, Earl Van Meter, who manages my property. He can be reached at 785-749-5956.

Sincerely,



Karen Van Meter

Cc: Earl Van Meter
621 Country Club Terrace
Lawrence, KS 66049

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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Sincerely,

Grant Township Property Owners

John S. Arnsby (132 Acres)

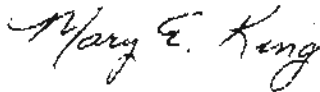
BILL & MARY KING
2231 GARFIELD
GREAT BEND, KS 67530

Tel. #620 793 6168
Fax # 620 793 8473
Cell # 620 791 7150
E-mail bking6@cox.net

September 12, 2010

Members of the Lawrence Douglas County Planning Commission:

I am a Grant Township property owner, and I am in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan. I own 170 acres in Grant Township



Mary E King

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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- 5 The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

Don & Westheffer
Wanda L. Westheffer
306 acres in Grant townships

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]

Sent: Wednesday, July 21, 2010 3:11 PM

To: Chuck Blaser; Lisa Harris; Brad Finkeldei; Hugh Carter; Lara Adams Burger; Richard Hird; Charlie Dominguez; Stan Rasmussen; Kenzie Singleton; Bruce Liese

Cc: Dan Warner; Scott McCullough; Sheila Stogsdill

Subject: Fw: Possible "Best Practices" Examples

Dear Commissioners,

I am forwarding three very recent documents to you that may act as "best practices" guides. I believe at the last meeting on May 24th when the Northeast Sector Plan was discussed there was a statement that there should be communities that are engaged in the same issues we are here in Douglas County. I hope these will assist as we move forward.

Two are from Pennsylvania and one from Washington State.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Preservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. From my perspective the process the planning staff undertook and skillfully facilitated for the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: <http://www.shrewsburytownship.org/Codorus%20Comprehensive%20Plan%20DRAFT.pdf>

Codorus Township Comprehensive Plan Update Draft, March 2010

This very recent Comprehensive Plan Draft has a strong focus on agricultural soils preservation, tools to achieve agricultural preservation, and valuation systems for implementation. On page 11, a lengthy discussion of soils begins and the various land use capabilities appropriate to various soil types. Page 38 begins a discussion of this county's preservation work.

The third link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you all for taking the time to review these documents. I know you are called upon by many groups to read volumes of text. Your time and dedication to our community is greatly appreciated.

Best,

Barbara Clark

Maggie's Farm

www.maggiesfarm-ks.com

CITIZENS FOR RESPONSIBLE PLANNING

July 21, 2010

Dear Commissioners Blaser, Harris, Finkeldei, Carter, Burger, Hird, Dominguez, Rasmussen, Singleton, and Liese,

Citizens for Responsible Planning (CRP) would like to express their gratitude for the diligence shown by the Planning Department Staff in their skillful and inclusive facilitation of the Northeast Sector Plan Draft development. From the initial "kick-off" meeting in the Fall of 2009 public attendance and public input has been carefully recorded and used to direct language currently represented in the 3rd draft of this document.

It is also our expressed opinion that the Q and A paper has been invaluable in clarifying and giving further elaboration on questions and concerns that were voiced at the May 24th Planning Commission meeting.

CRP recommends the following new language additions (**identified in black bold type**) to the 3rd draft.

Pg. 3-1 - Due to the *area's* unique challenges to development, including:

CRP's two overarching concerns for the Northeast Sector Plan have consistently been stormwater mitigation and the preservation of the largest contiguous tract of Capability Class 1 and 2 soils in Douglas County.

Pg. 3-1 - The plan recognizes *the interconnectedness of* these unique elements and proposes only limited development in the planning area.

The addition of "*the interconnectedness of*" gives recognition of how these deep, fertile soils are the best mitigation source for recurring stormwater issues facing this area. These soil's natural absorptive sponge capabilities offer both from a cost basis and highest and best land use perspective the greatest mitigation option available. These two concerns are best addressed in tandem.

Pg. 3-2 - 3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary *by limiting it* to those areas of Grant Township feasible for the urban-type development through the analysis of the Sector Plan and the analysis of future water and wastewater master plans.

CRP supports the Plan Growth Area as defined by the Future Land Use map presented on pg. 3-14 of this draft.

In addition, we would like to use a transcribed reference from the May 24th Planning Commission meeting to further support CRP's thoughts on the limiting of the UGA.

"Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is --we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like - Farmland Industries is one area, Farmers' Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low

growth / low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just - It's easy to get into Grant Township and say, 'why aren't we pro-development here?' Why are we restrictive?' ...and those kind of things. We're trying to let the history and the land talk to us on this one and say, "there are reasons for this today; what do we reasonably anticipate?' We talk about expectations for the residents...is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well."

Scott McCullough, Lawrence/Metropolitan Planning Director - May 24, 2010

CRP agrees with Scott McCullough that good long-range, comprehensive land-use planning should consider the most effective allocation of limited public resources for the costly infrastructure necessary for industrial employment centers and high density residential areas. Our community already has identified these public investments for other areas. There are historically validated reasons why Grant Township has experienced limited development in significant part due to flooding and storm water drainage. Sustaining agricultural land uses within Grant Township complements best economic land use with storm water mitigation. We hope that you concur in your thoughts and actions.

CRP has consistently pressed for incentive mechanisms to aid in farmland preservation. Some "Best Practices" documents have been sent to you under separate cover. At this time we would like to suggest some other references that may aid in finding appropriate tools for Douglas County to incorporate into their practices. The first would be a link to the American Farmland Trust toolbox. This link is: http://www.farmlandinfo.org/documents/27761/fp_toolbox_02-2008.pdf

This fact sheet will give you a brief description of many of the planning and incentive tools available for farmland protection.

A second link is to the American Planning Association's Policy Guide on Agricultural Land Preservation. This link is:

<http://www.planning.org/policy/guides/adopted/agricultural.htm>

This is a frequently cited reference and in CRP's opinion reflects many of the planning guides set forth in the Northeast Sector Plan Draft.

As always, CRP is aware of the many factors that come to bear on your decisions. Our continued efforts have been to present reasonable, authoritative data to assist in your deliberations.

With great respect and appreciation for your tireless efforts on behalf of our community,

Citizens for Responsible Planning Steering Committee

Barbara Clark

Jerry Jost

Lane Williams

Ellen Paulsen

Lori McMinn

Chet and Deanna Fitch

cc: Dan Warner, Scott McCullough, Sheila Stogsdill

From: Nuts2sell@aol.com [mailto:Nuts2sell@aol.com]
Sent: Friday, July 23, 2010 12:01 AM
To: Dan Warner
Subject: Comment to Planning Commission, Northeast Sector Plan

July 22, 2010

Re: Draft Northeast Sector Plan

Dear Planning Commissioners:

Although we will be out-of-town for the next meeting on the Northeast Sector Plan, my wife and I wish to encourage your continued work on this and, in particular, your attention to storm drainage challenges and soils. As most of you know, we have a tree farm in the area and have made comments in the past.

In the past few days we have driven North 3rd street and watched as at least 6 feet of clay fill has been trucked in and compacted for the pad and parking lot of the new Dollar Store. It is a impressive, but typical, fill for North Lawrence. We have remarked how each development in the flood plain incrementally degrades the drainage for their neighbors who had previously built at the natural grade.

In the ten years since the last FEMA floodplain map was adopted, degradation of the Maple Grove drainage has now resulted in a new FEMA map with a greatly increased 100-year floodplain area. The new regulatory floodplain covers much more of our neighbors' lands and, for the first time, includes part of our orchard. The map reflects the cumulative effect of development over the past decade. Ironically, floodplain regulations encourage or require building on fill, which is invariably less permeable than the natural soil. New development is built on ever higher fill. Whoever is lower, whoever built before, is burdened with the runoff.

In North Lawrence the better agricultural soils are sponges of storm water. The higher Capability 1 soils are better sponges than the lower Capability 2 soils; loss of Capability 1 soils to development will impact area drainage more severely, although it is the lower soils that will flood more quickly.

We are encouraged by the fact that the Northeast Sector Plan articulates that drainage and agricultural soils are important planning considerations for the City of Lawrence. For us, as interested farmer landowners, drainage and prime soil preservation are paramount considerations for this particular area. We encourage your continued efforts to incorporate a reasonable reference respecting the best agricultural soils into the Northeast Sector Plan.

We appreciate your thoughtful efforts throughout this process.

Charles NovoGradac
Deborah Milks

Chestnut Charlie's
Organic Tree Crops

P.O. Box 1166
Lawrence, KS 66044
www.chestnutcharlie.com
nuts2sell@aol.com

Dan Warner

From: Scott McCullough
Sent: Wednesday, July 14, 2010 4:17 PM
To: 'Rasmussen, Stanley L NWK'
Cc: Dan Warner; Denny Ewert
Subject: RE: Northeast Sector Plan

Dan – for PC packet and file.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Rasmussen, Stanley L NWK [mailto:Stanley.L.Rasmussen@usace.army.mil]
Sent: Wednesday, July 14, 2010 4:12 PM
To: Scott McCullough
Subject: Northeast Sector Plan

Scott,

After reviewing the 12 July 2010 draft of the Northeast Sector Plan, I am particularly concerned with the Soil Conserving Agri-Industry boundary designated on the Future Land Use Map 3-1 (see page 3-14). Specifically, the proposed boundary appears to be better suited for industrial development than to soil-preservation activities.

This area is bounded on the north and the east by the airport (as well as on the north by U.S. Highway 24/40), to the south by Interstate-70, and is essentially bounded on the west by US Highway 40/59.

In my opinion, an area such as this, with immediate access to multiple highways, the interstate, the airport, as well as close proximity to rail access, and an area which is essentially devoid of residential property, is naturally suited to industrial development as opposed to soil preservation. By looking at the soil classification map 2-13 (on page 2-24), better areas for soil conserving agri-industry can be readily identified. For example, while the draft designated area contains a mix of soil types, there are areas south of I-70 and north of the Kansas River that contain large swaths of Class I soil types, that are adjacent to existing industrial land, and that appear to be much better suited to soil conserving agri-industry activities.

I suggest that the Soil Conserving Agri-Industry classification be eliminated from the Future Land Use Map 3-1 (on page 3-14) and that this area be designated as Industrial. Second, I suggest that the last sentence in Section 3.2.1.4 be deleted (this is the sentence which reads: This use is identified south of highway 24/40...when a nodal plan is developed for that area). Alternatively, it may be appropriate to discuss the merits of designating the general area in the southeast portion of this Sector Plan as an area where soil-conserving agri-industry may be encouraged.

Please share my comments with my fellow Planning Commissioners, Planning Department staff, and other interested parties.

Stanley L. Rasmussen, Planning Commissioner

Dan Warner

From: Kelly Barth [ludditekel@earthlink.net]
Sent: Wednesday, May 26, 2010 3:47 PM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Dan,

I wanted to take a moment to thank you for your lucid and strong articulation of the reasoning behind the Northeast Sector Plan at Monday's meeting.

Though I certainly realize the county can't please everyone with its documents, I want to express my concerns about the following:

- * Potential flooding of the area and the expense and logistical nightmare created by implementation of the North Lawrence Drainage study recommendations that would be needed to accommodate large-scale develop in the area.

- * Potential damage to irreplaceable Class 1 and 2 soils that have developed over millennia and represent one of Douglas County's most valuable cultural, environmental, and commercial assets.

I also appreciate the document's recognition that the development of aviation-related industry sited at the airport itself is an entirely appropriate development use for the area given the above two concerns.

Thanks for all your good work!

Best,

Kelly Barth

Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 8:59 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Brad Finkeldei; Richard Hird; Jeff Chaney; Kenzie Singleton; Greg Moore; Charlie Dominguez; Hugh Carter
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Land Capability Classes
Attachments: class 2.pdf; class 1 and 2.jpg; class 1 and 2.pdf; class 1.jpg; class 1.pdf; class 2.jpg

Dear Commissioners Moore, Finkeldei, Harris, Blaser, Rasmussen, Hird, Chaney, Singleton, Carter, and Dominguez,

I'm forwarding information you requested at the Planning Commission meeting on Monday evening.

My intention has always been to submit objective, current data from authoritative sources concerning the soils in Douglas County. The majority of what I am forwarding to you in this document came from Cleveland Watts, State Agronomist with the USDA/NRCS out of the Salina offices. Mr. Watts has always been extremely helpful and generous with his time in assisting me with the generation of maps designating location and acreage of Capability Class 1 and 2 Soils in Douglas County. I am forwarding the actual communication received from Mr. Watts for your review.

On Tuesday of this week I called Mr. Watts to once again ask for his assistance in generating a map that will show Capability Class 1 and 2 Soils within the State of Kansas. I believe this was a question Commissioner Rasmussen posed. Mr. Watts told me he would have this data for me within 30 days. They are currently short staffed because of vacation schedules. So, my hope is that this time frame will be agreeable. I will forward this new information at the earliest possible date.

Under separate email I will forward the maps that show Capability Class 1 and 2 Soils within the county that are urbanized. This map and the corresponding acreage updates were created for me by DeAnn Presley, Associate Professor Environmental Soil Science/Soil and Water Management at Kansas State University - Agronomy Department. Professor Presley utilized a combination of GIS layers with Web Soil Survey data to create these maps and data tables.

Thank you for reviewing these documents. I would be glad to answer any questions, or secure answers from Mr. Watts or Professor Presley for any clarification you may want.

Respectfully,
Barbara Clark
Citizens for Responsible Planning

Maggie's Farm
www.maggiesfarm-ks.com

----- Forwarded Message -----

From: "Watts, Cleveland - Salina, KS" <cleveland.watts@ks.usda.gov>
To: maggiesfarm@sbcglobal.net
Cc: "Sabata, Larry - Topeka, KS" <Larry.Sabata@ks.usda.gov>
Sent: Thu, June 5, 2008 1:26:11 PM
Subject: Land Capability Classes

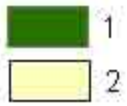
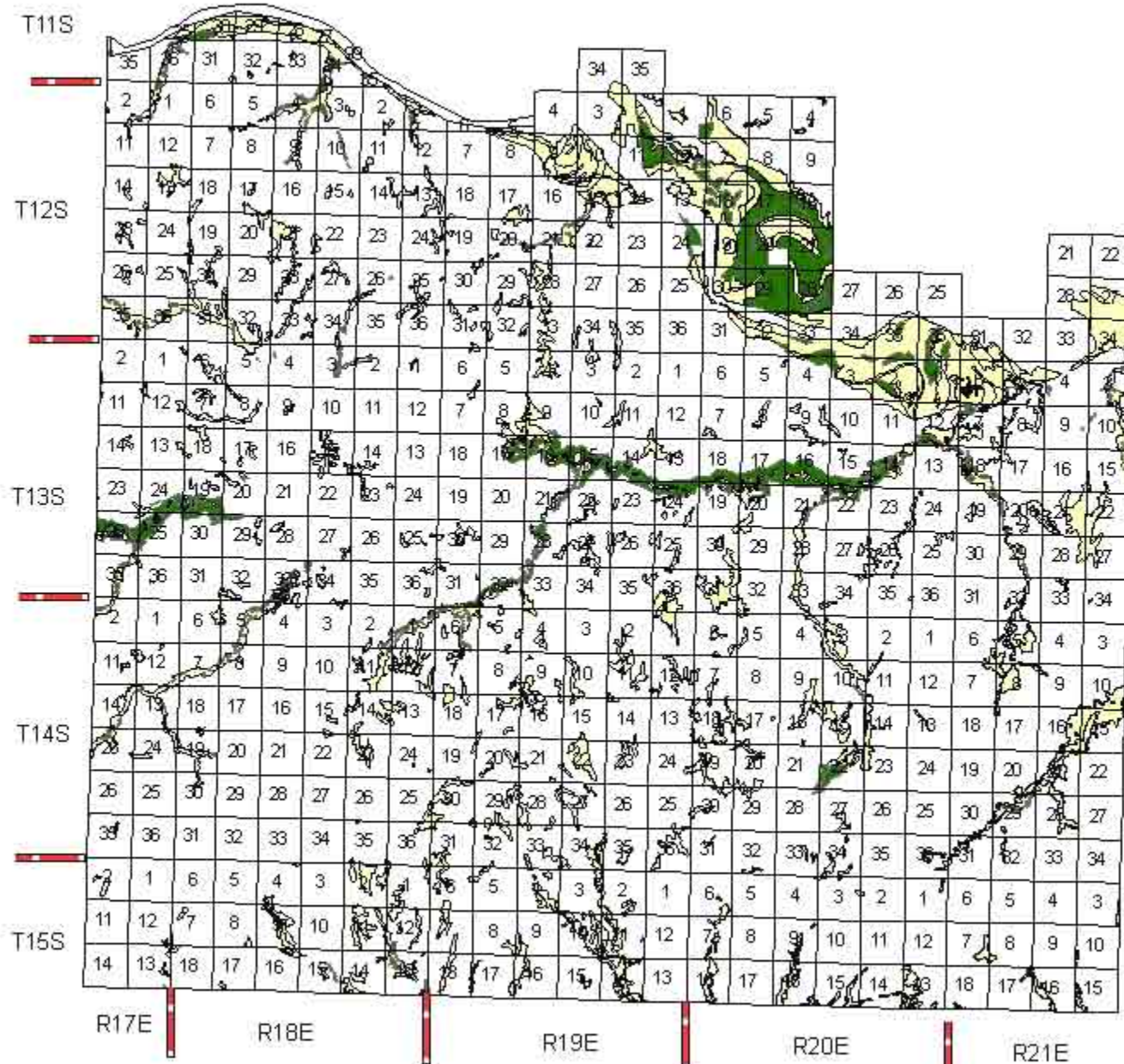
Mrs Clark

Larry Sabata submitted to me the request that you had made to him in regards to developing land capability interpretation map for Douglas county for class 1 and 2 land.

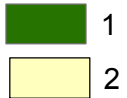
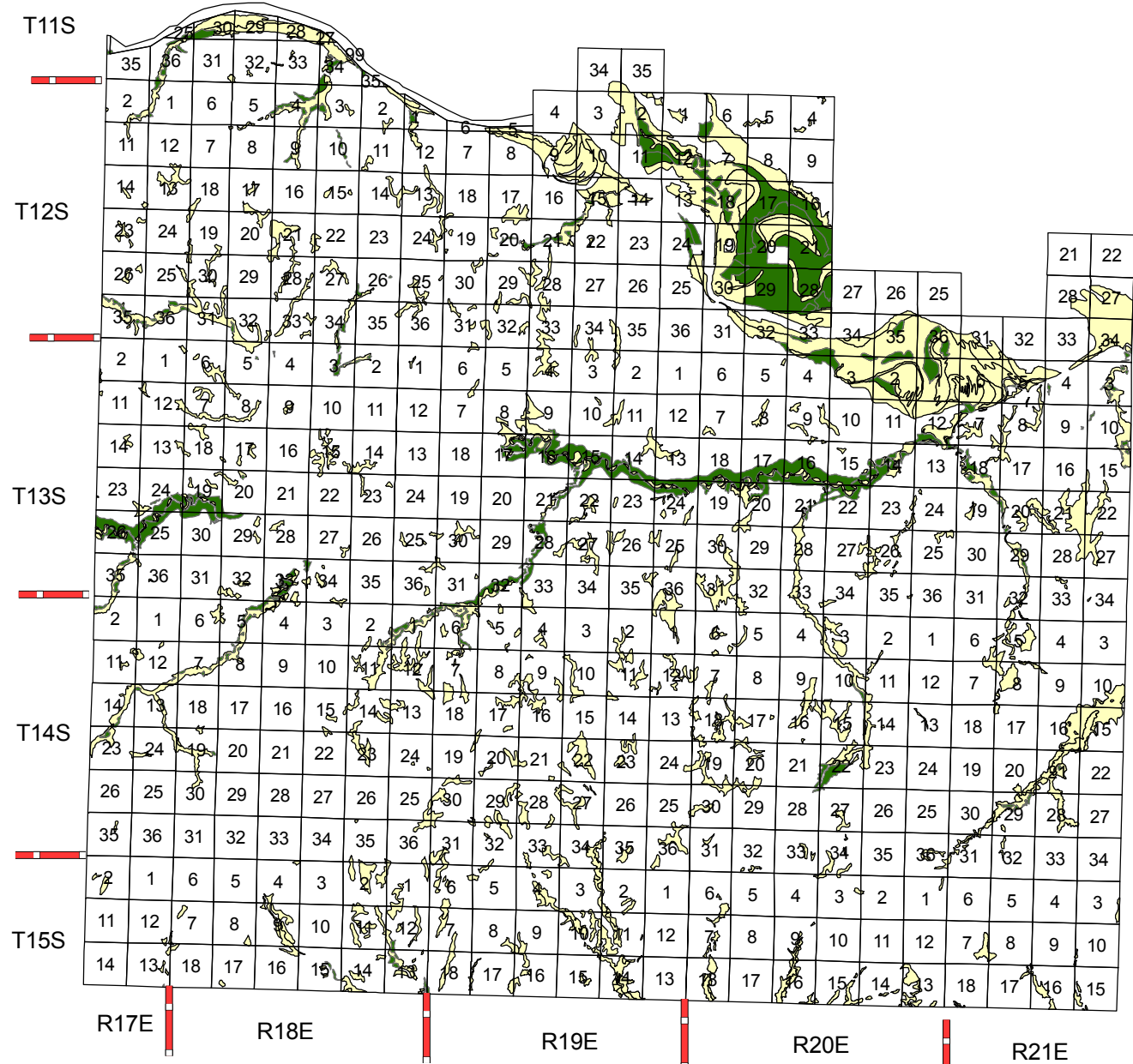
Attached is 6 maps related to this request. I developed maps for capability class 1 and 2 and also, with capability classes 1 and 2 combined. Each class is in a .jpeg and .pdf format.

If this information is not what you need, please feel free to give me a call at 785-823-4558.

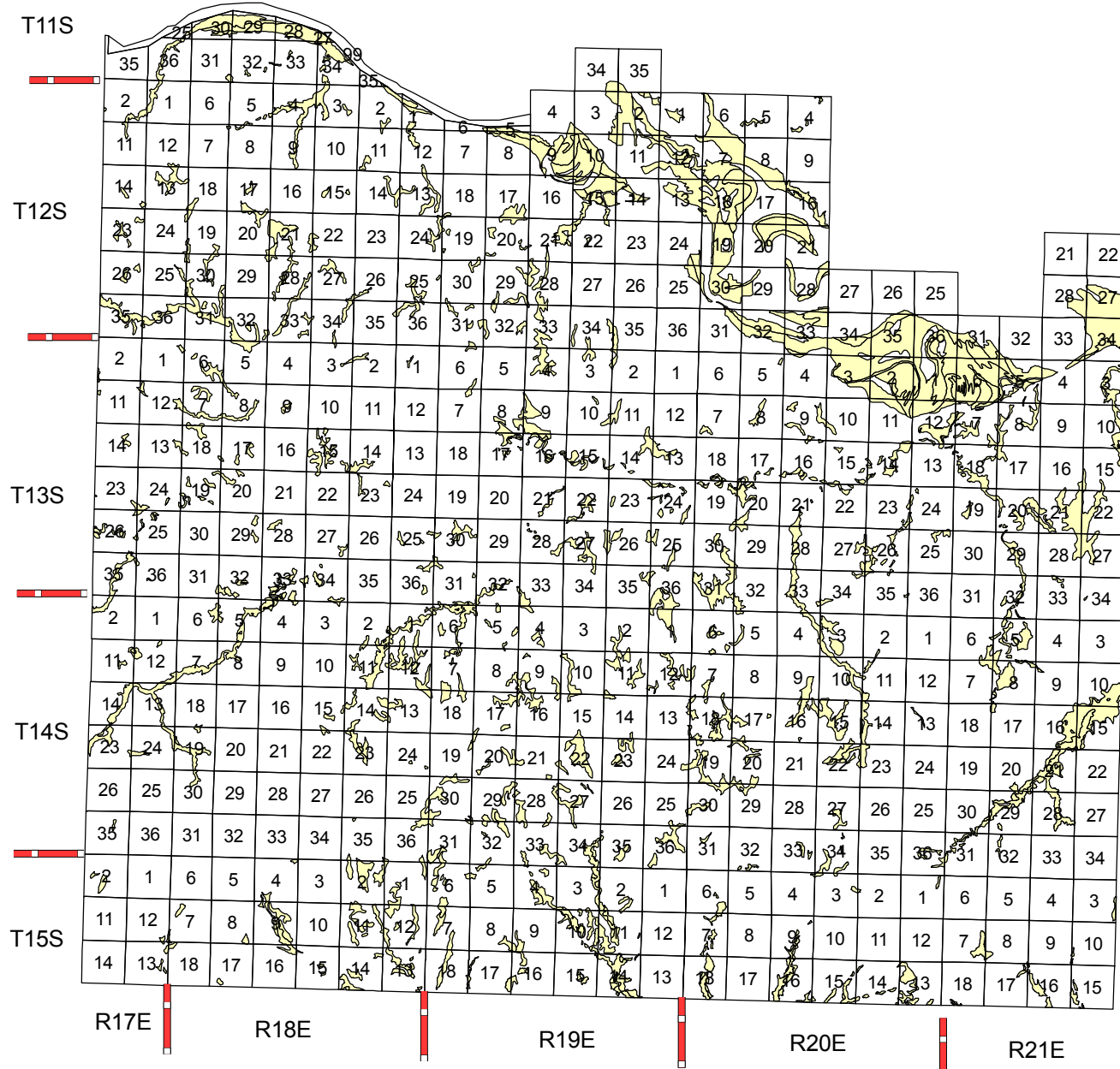
Land Capability Class 1 and 2 in Douglas County, Kansas



Land Capability Class 1 and 2 in Douglas County, Kansas



Land Capability Class 2 in Douglas County, Kansas



Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 9:47 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Hugh Carter; Greg Moore; Charlie Dominguez; Brad Finkeldej; Jeff Chaney; Kenzie Singleton; Richard Hird
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Urbanized Capability Class 1 and 2 Soils Douglas County
Attachments: class_1_and_2_acres.xls; class_1_2_urban.jpg

Dear Commissioners,

Attached are the documents created by DeAnn Presley, KSU Agronomy Department. These files show the urbanized percentages and acres of Capability Class 1 and 2 Soils in Douglas County. I also believe these documents are included in early public comments associated with the Northeast Sector Plan. I might add this data is based on a 2005 dataset. So, any urbanization of Capability Class 1 and 2 Soils after that date would not be reflected in these percentages or acres calculations.

As always, I will be happy to answer any questions you may have or obtain further information for you.

With many thanks.
Barbara Clark

I have included contact information for DeAnn Presley

DeAnn Presley

Extension Specialist/Assistant Professor

Environmental Soil Science/Soil and Water Management

Kansas State University

Agronomy Department

2014 Throckmorton Hall

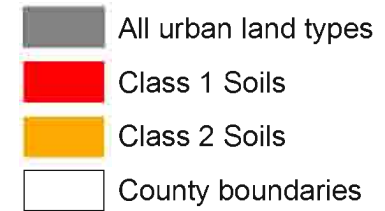
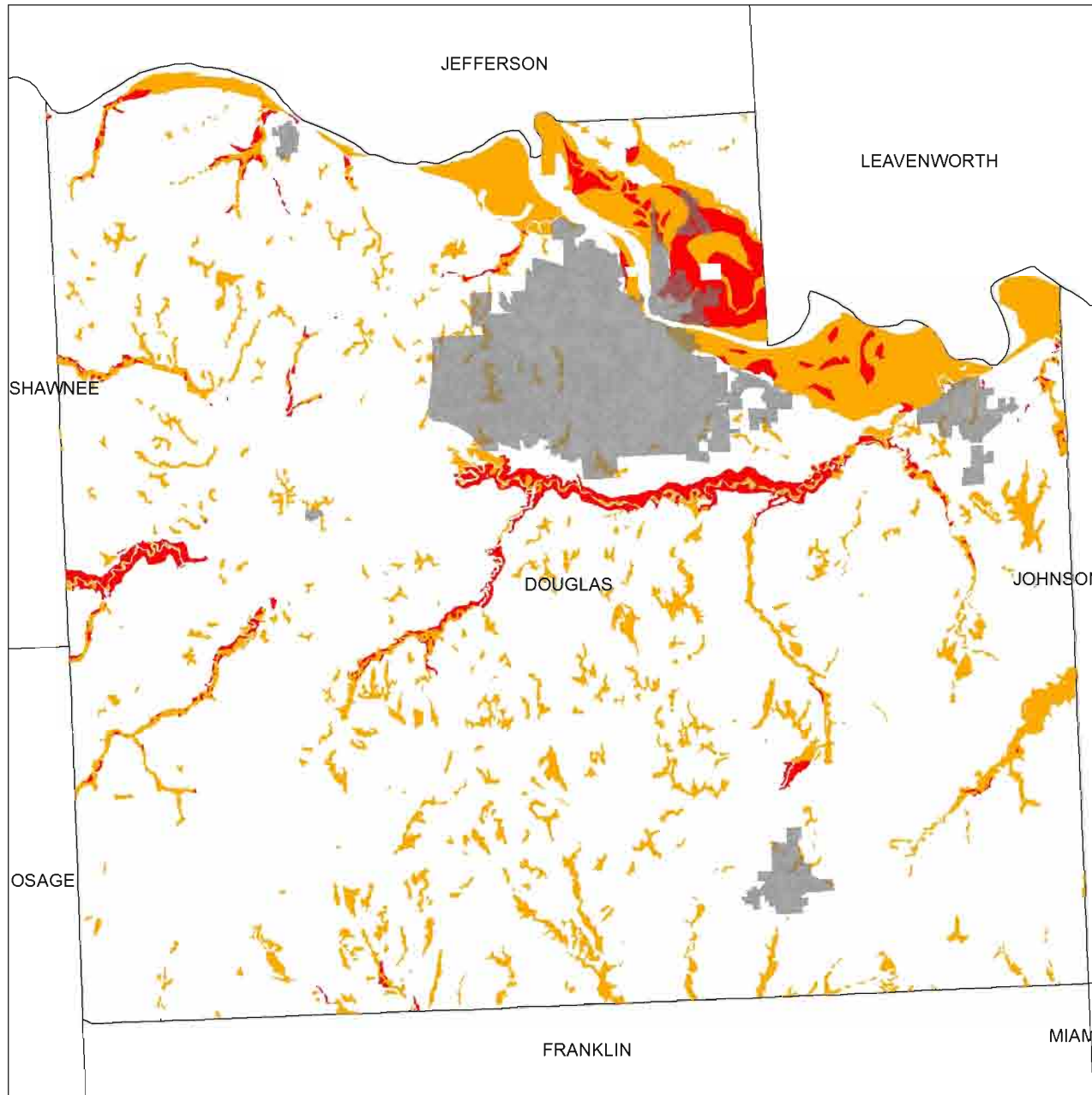
Manhattan , KS 66506

785-532-1218 (office)

785-313-4193 (cell)

deann@ksu.edu

Class 1 and 2 Soils, plus all Urban land types



	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808



county	total county size in acres	total urban acres in county	acres of class 1	% class 1	acres of developed class 1	% of class 1 that is developed	acres of class 2	% class 2	acres of developed class 2	% of class 2 that is developed
Wyandotte	99700		1437	1.4			19972	20.0		
Wabaunsee	511827		842	0.2			48457	9.5		
Shawnee	355488		29518	8.3			57063	16.1		
Riley	398400		15878	4.0			66084	16.6		
Pott	551366		18305	3.3			119415	21.7		
Johnson	307066		3148	1.0			41199	13.4		
Jefferson	356429		2806	0.8			49349	13.8		
Leavenworth	300300		3460	1.2			60112	20.0		
Douglas	303808	21298	8370	2.8	2009	24.0	33053	10.9	12761	38.6
Geary	258611		13187	5.1			39329	15.2		
Jackson	420953		2779	0.7			89739	21.3		

Dan and Scott,

I'm forwarding two links to planning documents from communities that are currently addressing some of the same issues we are with the Northeast Sector Plan.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Reservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. I think much of what you did through the use of inclusive, public process to begin the formation of concepts and language in the draft of the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. This is exactly what I heard you speak to at the last meeting of the Planning Commission. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you both for reviewing these two documents. I know you are constantly called upon to read volumes of data. I would appreciate hearing your thoughts on what might be applicable for Douglas County from these two texts.

Best,
Barbara Clark

-Hello, I am Jim Congrove. Thank you for giving me some time to explain our position on proposed restrictions on use of Class I and II soils in the Northeast Sector plan. My wife and I own three tracts of land within the boundaries of the plan. One tract is located just Southeast of Midland within the plan growth area and is predominately Class II soils, another tract is located southwest of Midland, and is predominately Class I soils and then a tract where we live is just off Highway 24 on the Leavenworth-Douglas County on the hills overlooking the river valley.

In reviewing the draft Northeast Sector plan, a great deal of emphasis is placed on prohibiting or discouraging any industrial development on Class I and II soils. Please refer to map 3-13. The purple shaded area is designated as Soil conserving – Agri-Industry. Based on the definition of this designation on pages 3-10 and 3-11 I believe the result will be no business or industry. Much of this discussion is based on a concern that the potential for local food production could be greatly impaired if any Class I or II soils were allowed to be developed. While we strongly support the efforts to promote more local food that can be marketed at Farmer's Markets , grocery stores, restaurants or any other outlet, I am going to argue that there is sufficient land for local food production and also allow landowner's freedom to exercise their property rights if opportunities arise. If this plan is approved as drafted, we believe that our property rights and land values could be impaired.

Class I and II soils have similar physical properties. They both have potential for high productivity of crops and have less than 1% slope. The main difference in these two soil classes is that Class I has better permeability. Reference is made to map 2-22. The class 1 & 2 soils are cross-hatched. Please note there are some areas not cross-hatched. One area just north of the Kansas River along the eastern side of the plan and another area northwest of teepee junction along the river levee are class 3 because they are too sandy to be considered Class 1 or 2.

While studying at K-State I took several soils courses while obtaining my Bachelor's and Master's degrees in Agronomy. However, most of my remarks will be based on my experience growing various crops on these soils.

I believe too much emphasis has been placed on the Class I and II soils in the sector plan as being the only major soil resource for the production of local foods. First of all, we should be thinking more about regional food policies. For example there are more than 50,000 acres of Class I soils in the Kansas River valley between Manhattan and Kansas City. Back in the 30's and 40's about 6,000 acres of potatoes were grown in the Kansas River Valley and were marketed under a regional brand of Kaw Valley potatoes. Because of weather, storage and marketing problems , acreage gradually decreased and potatoes ceased to be a commercial enterprise in the valley after the 51 flood. We moved to this area in 1973 and had an opportunity to farm in partnership with the Pine family for 18 years. In 1974 we ventured into the potato business by growing about 40 acres. Over the 18 years the acreage had increased to around 300 acres which were marketed to chip companies in Topeka and Kansas City. Our market window was only about 3 weeks in July. As I recall we didn't look at soils maps to see what class of soils we would plant potatoes on. Today as I look at the map to see where the class I and II soils are located, I realize we planted at least half of the acreage on class III sandy soils located in Grant Township and Kansas River Valley land near Linwood in Leavenworth County. During wet years these class III

sandy fields could be harvested when fields of Class I were too wet. Being able to harvest during wet periods was essential to keep the factories supplied. I hope this points out there are other acres in the area that need to be included for potential to produce locally grown food. In fact many of the fruit and vegetable crops that can be grown for a local food program are better adapted to the sandier soils that are not included in Class I and II.

As mentioned earlier our home is located on the hills overlooking the river valley. The hillsides are designated class IV based on a majority of the soils having a slope of more than 4-6%. In addition the soil is sandy. Even on these soils we have areas that are excellent for growing any of the vegetable and fruit crops adapted to this climate. We are growing over 30 fruit and vegetable crops this year. When we purchased this farm in 1984, we learned from some oldtimers in the area that previous owners of the land had produced cantalope and watermelons commercially on this Class IV land. This is another example of land that should be included as potential for local food production. In fact I believe most of the current producers who participate in the local Farmers Market grow their crops on land outside the Kansas River Valley.

Another example of productive soils are the Class III and IV soils in Doniphan County, Kansas which is about 60 miles north. Here again, I believe that should be considered regional. These are soils that have that classification because of slopes greater than 2%. Other than the slope they have similar characteristics as Class I soils. According to information published by Kansas Agricultural Statistics the average corn yield in Doniphan County for the last five years on 82,000 acres was 164 bushels per acre while soybeans averaged 51 bushels per acre on 66,000 acres. The yield information from Kansas Ag Statistics is published on a county basis and therefore I was not able to obtain yields specifically for Class I and II soils in the Kansas River valley. Based on my work in the area as a crop insurance adjuster and from knowledge as a landowner, the yields from 148,000 acres* of these Class III and IV soils in Doniphan County compare very favorably with the Class I and II soils in the Kansas River Valley. I just want to emphasize there is much potential for all types of food production from soils in the region in addition to Class I and II.

I contend the limiting factor for vegetable and fruit production is climatic conditions not soil resources. Some climatic conditions which are limiting factors when compared to other areas include late spring freezes, early fall frosts, hot dry winds in summer and the possibility of excessive precipitation. Using my garden as an example, we have only harvested a few crops such as lettuce, spinach, asparagus and radishes so far this year.

Another example of potential food production is from areas not suitable for cultivation such as the area on our property where I have a forest improvement project on land classified as Class V. It is Class V as it subject to periodic flooding along a stream. Over the past seven years I have removed undesirable trees and planted over 800 walnut trees. This is an example of potential local food production on soils that cannot be cultivated or developed. There are many acres along streams in Douglas County that could be utilized in this manner.

Dan Warner

From: Davis, Cynthia [tripoddog@ku.edu]
Sent: Tuesday, May 25, 2010 11:29 AM
To: Dan Warner
Subject: Good morning, RE: 936 N. 3rd Street

Hello,

I am an owner of 936 N. 3rd Street. I am deeply concerned with regard to the suggested plan to convert this property into "open space." I strongly fear if such a plan is adopted, this would likely decrease the value of the land, because any buyer would know that to obtain a building permit on the land, they would have to get approval for something contrary to the plan.

Thank you,
Cynthia Puckett-Davis

Dan Warner

From: Lisa Grossman [lgrossman@earthlink.net]
Sent: Thursday, May 27, 2010 10:06 AM
To: Dan Warner
Subject: Northeast Sector plan comments

Dear Mr. Warner,

I'm deeply concerned about the future of Douglas County's Northeast Sector. I know you're already well aware of the rich soils present there, so vital for current and future agricultural economy. I know you're aware of the flooding issues, and associated difficulties installing sewer and water infrastructure, as well as the importance of the Lawrence Municipal Airport and the need for open spaces surrounding it.

Please set your sights on long-term planning that values the future of sustainable food production for this county and region. Every day you see agriculture moving toward smaller, healthier, and more profitable production and I believe this land in Douglas County could be the center of such industry. This town is ripe for green industry job development, and we truly don't need more of the same kinds of big box business parks that render the priceless soils useless and benefit a very small segment of society.

Thanks so much for your consideration.

Lisa Grossman,
Lawrence, KS

Dan Warner

From: Samantha Snyder [snyder.samantha@rocketmail.com]
Sent: Friday, May 28, 2010 10:28 AM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Mr. Warner,

I am writing today as a member of Citizens for Responsible Planning regarding the Northeast sector plan. I am highly concerned about the preservation of this space for agricultural needs. It is clearly highly valuable agricultural land, and should be put to it's best use for our local food economy.

Please support development of the aviation related industry at the Lawrence Municipal Airport PROPER and not over the incredibly valuable resource of Class 1 and 2 soils.

Thank you,

Samantha Snyder,
Lawrence

Dan Warner

From: Steven Stemmerman [sstemmer@usd497.org]
Sent: Thursday, May 27, 2010 12:19 PM
To: Dan Warner
Subject: The Northeast Sector Plan Draft

The Northeast Sector Plan Draft

I feel the concerns put forth by the Citizens for Responsible Planning are quite valid and deserving of much consideration. It's becoming ever more apparent the the loss of prime farm land near a municipality is a loss to that municipality. The owners of such land shouldn't be faced with the paving over of the land in which they've worked in order to provide for their retirement. Personally, I would support tax wise the city buying the land and leasing it out for food production, or other means that would preserve this resource.

Steve Stemmerman
315 Maiden Lane
Lawrence, Kansas
66044

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The primary concerns put forward by CRP for the past three years since our initial opposition to the Airport Industrial Park are:

- * Concerns associated with flooding if development takes place without costly implementation of the North Lawrence Drainage Study recommendations.
- * Preservation of Capability Class 1 and 2 Soils for current and future agricultural needs of our community.
- * Recognition that development of aviation related industry should be focused at the Lawrence Municipal Airport proper. This should be the primary industry/economic development focus for the Northeast Sector.

Dan Warner

From: Laurie Ward [ltward@sunflower.com]
Sent: Monday, May 24, 2010 5:33 PM
To: Dan Warner
Subject: NE Sector Plan

Dear Mr. Warner,

I appreciate the process of involving the Grant Township neighborhood and am supportive of the Northeast Sector Plan currently under consideration by the Planning Commission.

In 2009, I wrote two successful grants to establish the Okanis Garden at the Prairie Moon Waldorf School. Located squarely in Capability Class I soils, this market garden--a part of the local food system for Lawrence and the surrounding areas--selling produce to area grocery stores, restaurants, and through an Okanis Garden Community Supported Agriculture (CSA). The garden's productivity, due to the high quality soils, is tremendous. The grant created an agriculture job in the form of a garden manager. Future plans call for more gardening and gardening/education jobs.

Thank you for your part in helping Lawrence and Douglas County plan for best and land-use, taking into consideration the excellent Class 1 and 2 soils, and guiding towards preserving and expanding agricultural use in this part of the Kansas River Valley.

Prairie Moon enthusiastically welcomes its new neighbor to the north on 1600 Road: the University of Kansas Native Medicinal Plant Research Program--a perfect example of appropriate activity in the area.

Laurie Ward
38 Winona Ave.
Lawrence, KS 66046

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

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Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

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A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

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S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
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As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

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The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
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Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

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The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

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- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

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Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

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Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

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S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
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S11-1	0	\$0
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S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
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Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

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- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

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Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
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S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
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S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
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- A shallow, flat and interrupted watershed drainage network

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to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

Watershed Recommendations Cost Summary

Description	Quantity	Unit Cost	Project Costs
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Remove Maple Grove East culvert	Lump Sum		\$22,000
Property containing ponding easement	Full Parcels	Total Value	\$942,000
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Main Channel, E. 1675 Rd., Roadway	2700 ft	\$290/ft	
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Trib. B, E. 1650 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$703,000
Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
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S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
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S11-1	0	\$0
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Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

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III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

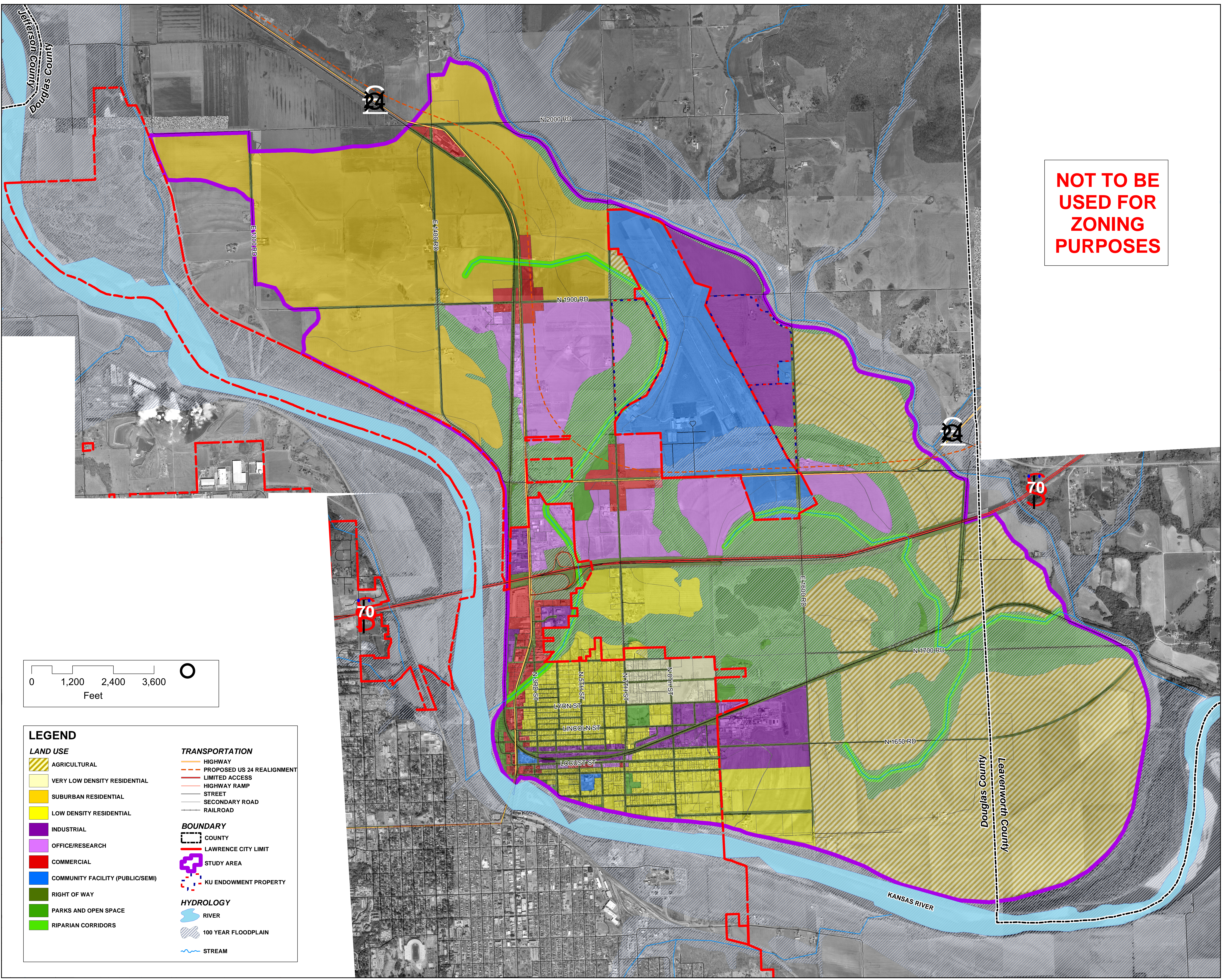
There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

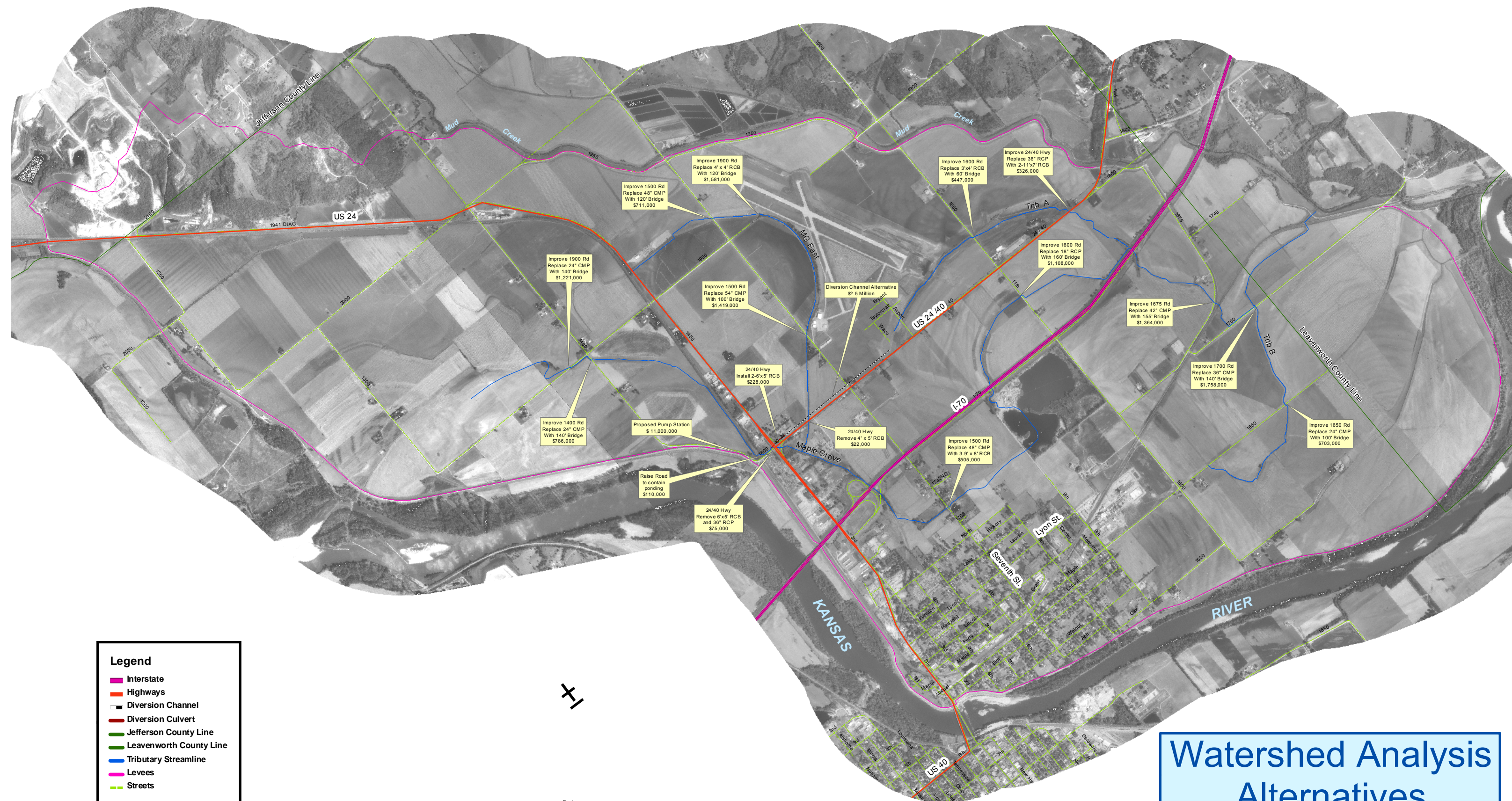
IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).



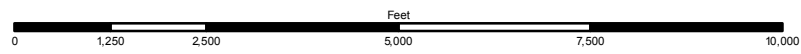
**NOT TO BE
USED FOR
ZONING
PURPOSES**

**North Lawrence Drainage Study
Build-Out Scenario Map**

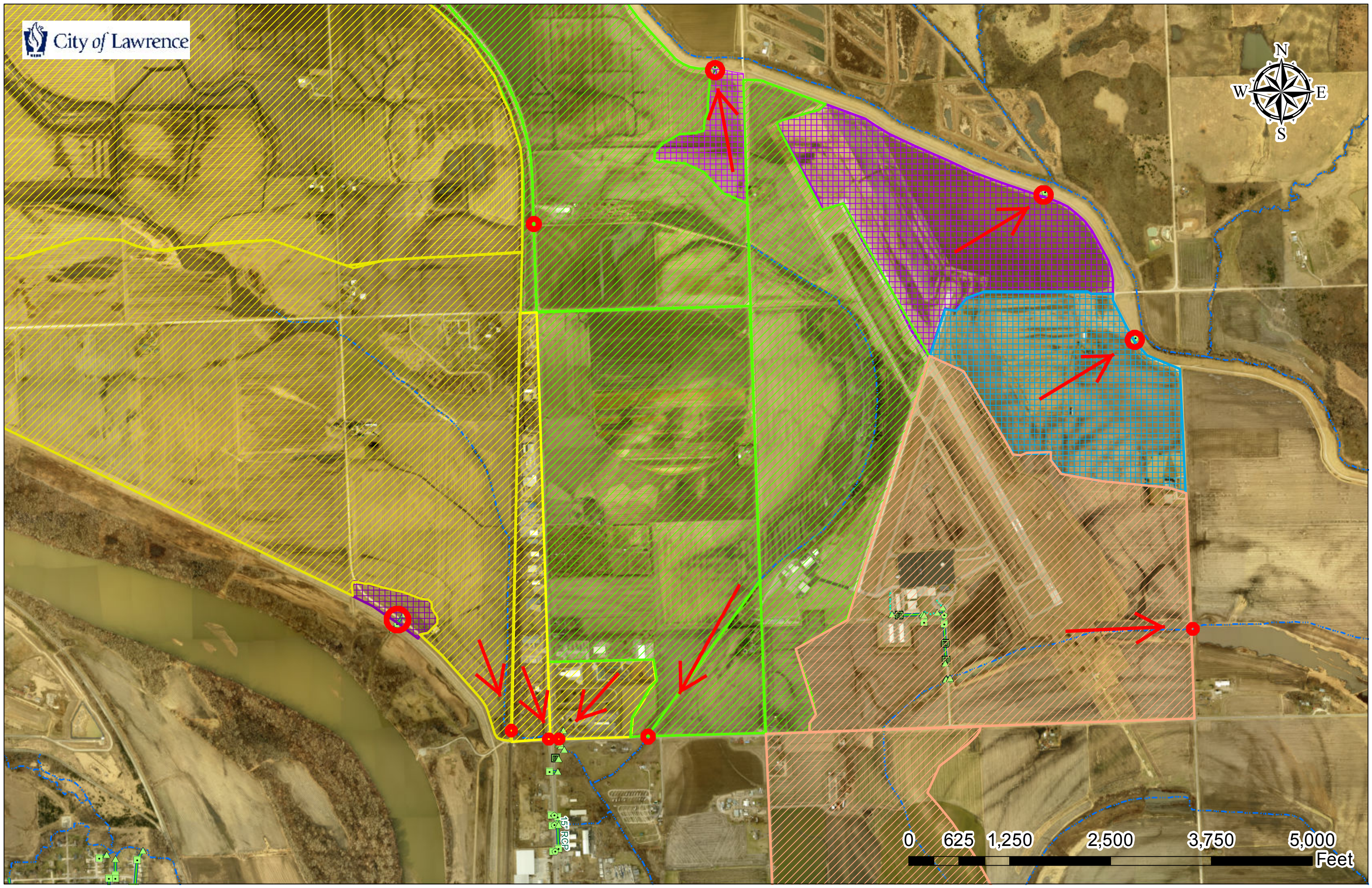


Legend

- Interstate
- Highways
- Diversion Channel
- Diversion Culvert
- Jefferson County Line
- Leavenworth County Line
- Tributary Streamline
- Levees
- Streets



Watershed Analysis Alternatives



0 625 1,250 2,500 3,750 5,000 Feet

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 11, 2011

RECEIVED

DEC 12 2011

City County Planning Office
Lawrence, Kansas

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 5: COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST SECTOR PLAN (DDW))

Dear Chairman Hird and Planning Commissioners:

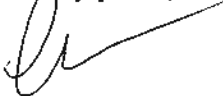
The Planning Commission is being asked by the City and County Commissioners to review certain aspects of the Northeast Sector Plan as approved by the Planning Commission. Two of the considerations that you are being asked to review are costs of developing the Northeast Sector for industrial use compared with other areas, and the definition and appropriate location of agriculturally oriented industries as well as general industrial uses.

We would like to mention that we believe the cost of developing an area should be a consideration in determining its appropriateness for a use. The hazards and risks of developing an area, which will be reflected in the cost, must be a consideration because these issues are of public concern, as well as is the issue of preserving our irreplaceable resources.

These are issues that were mentioned in our September 19, 2010 letter to you. Therefore, we are including this letter to you again as an attachment.

Thank you for considering our letter again.

Sincerely yours,



Caleb Morse
Secretary and Member of the Board



Alan Black, Chairman
Land Use Committee

ATTACHMENT

ATTACHMENT

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 19, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT FOR NORTHEAST SECTOR PLAN.

Dear Chairman Blaser and Planning Commissioners:

We would like to present some comments on the new recommendations for inclusion in the Northeast Sector Plan: a choice between the Options #1 and #2.

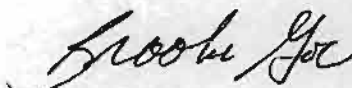
The important question addressed here is how to preserve the Class I and II Soils as a goal, but at the same time accommodate some industrial development. After reviewing these options we believe that the consequences of adopting either of these options at this stage would not achieve the desired outcome.

We have attached our analysis of some of the problems involved in attempting to accommodate both the preservation of these irreplaceable soils and at the same time accommodate industrial development.

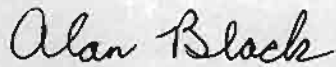
We suggest that before you incorporate either of these options into the Northeast Sector Plan that you review our discussion and consider this particular issue further.

Thank you for your consideration.

Sincerely yours,



Brooke Goc
President



Alan Black, Chairman
Land Use Committee

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

ATTACHMENT

PROBLEMS WITH SUGGESTED OPTIONS FOR PRESERVING CLASS I & II SOILS IN INDUSTRIAL AREAS

Option #1: The recommendation to incorporate into the *Northeast Sector Plan* suggested by staff for preserving Class I and II Soils in industrially designated areas is to “encourage” Agri-Industrial use in these areas.

Problem: With only “encouragement” there is no way to guarantee that Agri-Industrial uses will go into such areas. It seems to us that this would *not* be an effective method for saving these valuable soils. This is not recommended as a requirement nor is there recommended any incentive to do it. To be effective, there should be both a requirement and an incentive incorporated into the Land Development Code.

Option #2: The recommended suggestion here is to require a portion of an industrial development on Class I and/or II Soil to be set aside and permanently preserved for agricultural use. The suggested amount is half of the original tract. If this recommendation of Option #2 is incorporated into the Land Development Code and the Douglas County Zoning Regulations, the Agri-Industrial use would be a permitted use within the Industrial category.

Problems:

1. **Implementation:** There should be some mechanism for separating out the undesirable industrial permitted uses from the benign ones. Although there is one permitted use added—Agri-Industrial—there is no distinction in terms of the many choices for permitted uses available under the “Industrial” category in Option #2. Not all of these other industrial uses included here are equal in intensity and in possible negative effects on the set-aside farmland. There is a need to be able to select or condition uses, or to be able to do both.

- (a) One method used recently has been to allow conditioning of conventional zoning to eliminate all permitted uses other than agricultural-business uses. It could be applied to Agri-Industrial permitted uses in the Industrial category.
- (b) Another method would be to require a Planned Development.
- (c) A third method would be to establish all industrial uses in Class I and II soils as Special Uses with the ability to establish strict environmental controls through the Conditional or Special Use Permits.
- (d) A fourth method could be to create a new zoning district for Class I and II soils and then control uses individually under the Section 20-501 Use Regulations.

2. The size and configuration of the original tracts and their set-aside parcels is critical in preserving the set-aside land for its agricultural usefulness.

- (a) If half of the land of a single tract is set-aside for preserving Class I and II soils each parcel from the tract should be contiguous so that it is not preserved in separate small pieces. Set-backs and required open spaces between buildings or other normal “open space” requirements would not preserve sufficiently large tracts for usable agricultural land.
- (b) The original acreage of the industrial tract would determine how useful a set-aside parcel would be. For example, the parcels set-aside from small industrial tracts—under one acre—would generally be less agriculturally useful. You need to know what is considered economically and practically feasible to preserve.

3. Protecting the set-aside farmland area from pollution and runoff from the developed industrial parcel would have to be a condition placed on any industrial development adjacent to preserved farmland—an additional development expense and difficult to enforce.

4. An additional problem is that almost the entire Class I and II Soils are also subject to flooding. Added problems and hazards of developing in the floodplain:

(a) The cost/benefit to the city and county of industrial development in the floodplain is apt to be negative. Why?

(1) Both the flat North Lawrence area and the floodplain have a very high water table and minimal slope. This causes major engineering problems with sewerage and added costs of providing and maintaining it. Sewerage would likely need lift stations and because of the high water table, sump pumps would likely be necessary. A major public cost.

(2) Floodplain development requires high capital investment. Needed flood protection or raising building levels, generally with added soil, makes development cost higher than average.

(3) Raising soil levels adjacent to farmland can change the drainage patterns to the disadvantage of the farmland, marginalizing it and reducing its productivity.

(b) Hazards are created with floodplain development because of the proximity of the airport. Raising soil levels may create ponds that attract waterfowl and other wildlife if fill dirt comes from the same floodplain area. This effect is due in part to the high water table.

5. Problems of jurisdiction.

(a) If a development is not annexed and provided public utilities, it will likely be substandard; public benefit will likely be negative.

(b) If a development is provided utilities and public services but not annexed, costs to the city will not be publicly compensated through taxes, resulting in lack of public benefit to city.

(c) If development is annexed and provided public services, costs may still exceed public benefits in taxes because of above listed problems.

6. Cost implications: Farming is one of the land uses in the county that costs the county much less than the county regains from it in taxes. When the League made its study on county development, one of our sources was the Farmland Trust. The Trust found that for every dollar returned in taxes from open space and farmland, expenditures to counties averaged about \$0.50. On the other hand, for every dollar returned to the county in taxes from rural residential use, the county expenditures for this use were higher, up to \$1.50 per household. That was in 1999. The disparity now is likely more.

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

DEC 12 2011

City County Planning Office
Lawrence, Kansas

December 11, 2011

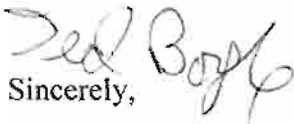
Planning Commission

To Whom It Concerns:

I apologize that I cannot attend the Planning Commission meeting on Monday, December 12. The North Lawrence Improvement Association meeting is also on Monday evening. This is our annual holiday meeting when we accept donations for our adopted families and non-perishable food items for The Ballard Center.

The NLIA is in full agreement with Citizens for Responsible Planning and the people of Grant Township about the storm water flooding as in 1993 and to keep type 1 and 2 soils intact.

I have attached letters showing the history of our support.

Sincerely,


Ted Boyle, President
North Lawrence Improvement Association
310 Elm Street, Lawrence KS 66044

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

December 9, 2010

Dear City Commissioners:

The North Lawrence Improvement Association has been working with Citizens for Responsible Planning and Grant Township residents on the drafting of the NE Sector Plan. NLIA appreciates the work the Planning Department has devoted to this project in the last year. The NLIA, CRP and the Planning Department were all in consensus until the next to last time the plan came before the Planning Commission. At that meeting the Commission asked for a definition of agricultural related industry as it was never defined in the document. At the end of that meeting Planning Director Scott McCullough made his assessment of why slow development or no development has occurred in North Lawrence and the Grant Township. A copy of his statement is attached. The NLIA agrees with this statement.

When the NE Sector Plan was next on the agenda of the Planning Commission, there were two more options that were not publicly discussed and the option (#3) that all of the stake holders worked on for over a year and supported was not discussed.

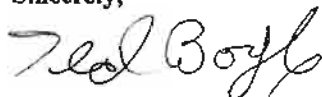
The NE Sector Plan is a very important planning project, but the NLIA feels there are enough choices for industrial development in and around Lawrence without allowing that type of development to occur in the area covered by the NE Sector Plan. If industrial development is allowed in this area the storm water flooding problems in North Lawrence and the Grant Township will be exacerbated. I have attached a storm water survey that the City conducted in June 2004. About 100 residents responded to the survey regarding the storm water flooding issues that occurred on their property.

The NLIA also believes that Type I & II soils that make up a significant portion of the NE Sector Plan area should be protected from development. These soils are not only an invaluable resource for agriculture, but serve as a natural storm water resource. If this land is allowed to be covered with asphalt, concrete and rooftops, the storm water from this land will be flowing into North Lawrence. The pump on North 2nd is at it's maximum and the planned upgrade of the pump at 5th & Maple is designed to only take care of the current existing storm water problem in North Lawrence. We have been waiting fifteen plus years for the upgrade of this pump.

North Lawrence did not have storm water problems until residential housing development was allowed and 100 plus new homes were built. Much of the vacant property that existed in North Lawrence that served as a natural runoff turned into concrete and rooftops. These homes were built in a flood plain or flood prone area. The City and the developers assured us that this development would not adversely affect our neighborhood with flooding. The NLIA disagreed with that assessment.

The Grant Township is also a flood plain/flood prone area. The NLIA is in full agreement with Citizens for Responsible Planning and want to see Option 3 restored to the NE Sector Plan.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association

CC: David Corliss, Lawrence City Manager
Scott McCullough, Planning Department

Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is – we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like – Farmland Industries is one area, Farmer's Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low growth/low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just – it's easy to get into Grant Township and say "why aren't we pro-development here"? "Why are we restrictive"? and those kind of things. We're trying to let the history and the land talk to us on this one and say "there are reasons for this today, what do we reasonably anticipate"? We talk about expectations for the residents – is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well.

Transcript of Scott McCullough's closing statement from Planning Commission Meeting of May 24, 2010, concerning Northeast Sector Plan.

Dear Planning Commissioners,

Citizens for Responsible Planning, an informal network of interested citizens, has been actively engaged in the planning process for the Northeast Sector Plan. We appreciate the efforts to build community input into this planning process. We believe there are some core strengths to this plan and wish to emphasize these fundamental policy guidelines.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas. This rich natural asset in the Northeast Sector creates the largest contiguous acres of Capability Class I and II Soils. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states "The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community."

Of the 303,808 acres in Douglas County, only 8,370 acres have Class I soils and by 2009 24% of those acres have been developed. There are 33,053 acres of Class II soils in our county and 38% has already been developed. (Please refer to the attached Exhibit A.) Citizens for Responsible Planning recommends directing industrial development to other areas already designated for industrial that do not have the high concentration of Class I and II soils. Attached with this letter is a comparison of all eleven sites identified on Map 7-2 - Potential Location for Future Industrial and Employment Related Land Use in Chapter 7 of Horizon 2020. (Please refer to Exhibit B.) The table in Exhibit C demonstrates the many options available to our community for future industrial sites that do not present the extreme challenges or contain comparable content of contiguous acres of Capability Class I and II Soils.

We would like to present some important contextual information for your consideration using maps referenced within the Northeast Sector Plan. It is our feeling that graphically placing the proposed industrial area on these attached maps gives clear context to the challenges facing development in this area.

- | | |
|----------|--|
| Map 3-1 | Northeast Sector Plan - Future Land Use pg. 3-13, Exhibit D |
| Map 2-9 | Regulatory Flood Hazard Area and Streams - Flood Hazard Area
pg. 2-18,
Exhibit E |
| Map 2-13 | Class I and II Soils pg. 2-22, Exhibits E and F |
| Map 2-15 | Airspace Overlay Zones pg. 2-26, Exhibit G |
| Map 2-16 | FAA Wildlife Mitigation Buffer pg. 2-27, Exhibit H |

We have placed comment boxes on each of these mapping tools. We consider these restrictive conditions would impact development in this proposed industrial area. We would also request that the recommendations within the North Lawrence Drainage Study and the difficulty of supplying sewer and water to this area be fully understood.

An example of the unforeseen difficulty with an assumed simple engineering task near this proposed industrial area, placing a septic tank for the airport, has created a significant headache even during a time of severe drought. (Please refer to the Lawrence Journal World news article in Exhibit I.) This story begins to help us anticipate the larger problems associated with attempting to engineer solutions to storm water management after storms within a very flat and flood prone area.

The great likelihood of catastrophic flooding, not unlike that of 1993, the expense of infrastructure, both installation, need of redundancy built into the system, and associated maintenance make this an extremely costly area to develop.

On page 6 of the Memorandum provided by the Douglas County Planning and Development Services, a 125-acre industrial development option is proposed alongside the 300-acre option. Exhibits J and K illustrate the high concentration of Class I and II soils in the proposed industrial areas southwest of the airport.

Citizens for Responsible Planning strongly recommends these parcels not be designated for industrial land uses and continue to be available for agricultural production. The staff finding on page 3 states there are too many variables to determine development costs and states that governing bodies should determine the cost/benefit ratio at the time of specific development requests. If this becomes the decision path for consideration of industrial development of this area, we recommend the following decision criteria should be used by the governing bodies:

1. A clear and comprehensive cost/benefit analysis should be available to the public comparing the development of this area in contrast to other industrial development sites in Douglas County.
2. A comparison of the change in land use of Class I and II soils with industrialization of this site with other industrial development sites in Douglas County.
3. At a minimum, the developer pays for all the additional infrastructure costs compared to similar development with other industrial development sites in the county.
4. A clear and comprehensive analysis determining whether the proposed development would have any adverse impact for floodplain management.

Respectfully Submitted,

Jerry Jost, Ted Boyle, Barbara Clark, Charlie NovoGradac, Lane Williams

Citizens for Responsible Planning Steering Committee

The agricultural Kaw River floodplain north of Lawrence is about to become Lawrence's industrial bottoms. And our storm water and flooding problems are going to get worse.

North Lawrence neighborhoods and businesses are being flooded more and more due to increasing infill development. Nevertheless, the City is making plans to annex and develop an industrial park on the historic Pine family farm.

The Pines' farm, controlled by State Senator Roger Pine, has been successfully operated by the same family since the 1860s. The old house sits upon the best farm soil in Douglas County. It is highly permeable silt-loam topsoil several feet deep which is underlain with several feet of sandy subsoil. This extraordinary soil is a sponge which, if managed well, absorbs tremendous quantities of rainfall before any runoff occurs.

Last October 24, the Lawrence-Douglas County Planning Commission recommended annexation and rezoning of the Pine family farm, about 145 acres, for an industrial subdivision. The subdivision project is a land speculation venture—no industrial tenant has yet committed. Most of the farmland will be made impermeable—roads, sidewalks, parking lots, and warehouses are planned. The storm water runoff from this large and concentrated development will increase flooding, burdening other farms, businesses and residences throughout North Lawrence. The taxpayer is being asked to pay for all needed off-site infrastructure, including flood control earthworks, pumps, and drainways.

The City Commission will discuss and decide this issue at a meeting very soon. If you are for conserving prime agricultural land, if you are against increasing flood risk in North Lawrence, or if you think there are smarter, cheaper, better locations for expansive industrial development, please write our Lawrence City Commissioners now!

For more information, visit: <http://www.lawrencecrp.org/>

Write to: City Hall, City Commission, c/o Bobbie Walthall, Executive Secretary, 6 East 6th St., Lawrence, KS 66044, or email: bjwalthall@cl.lawrence.ks.us, Re: Airport Industrial Park

..... *Sample letter*

City Commission
c/o Executive Secretary Bobbie Walthall
City Hall
6 E. 6th Street
Lawrence, KS 66044

RE: Airport Industrial Park, application of Pine Family Farms for Rezoning/Annexation

Dear City Commissioners:

I oppose the plan to annex and rezone the historic Pine farm for an industrial park. The development would destroy prime agricultural land, it would increase the likelihood of flooding in established parts of North Lawrence, and it would require large expenditures for infrastructure that the city, and its taxpayers, cannot afford. Industrial development will be better located in other less sensitive locations already identified around the city.

Red Boyl
.....

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November 19, 2009

Dan Warner, Long Range Planner
Lawrence-Douglas County Planning Office
PO Box 708
Lawrence, KS 66044

Dear Dan:

The North Lawrence Improvement Association and the residents of North Lawrence endorse and are in full agreement with the comments provided by Citizens for Responsible Planning regarding the process of developing the Northeast Sector Plan.

The NLIA would also like to see the Urban Growth Area pulled back. The other concerns of the NLIA are flooding into North Lawrence from this area as well as the preservation of type 1 & 2 soils for future food production.

Furthermore the NLIA appreciates the opportunity provided by the public meetings concerning this issue and the ability to provide input while this process is taking place.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association

April 7, 2009

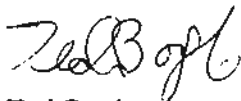
City Commission,

The North Lawrence Improvement Association and the residents of North Lawrence would like to encourage the City Commission to adopt the North Lawrence storm water study as a regulation for development in North Lawrence and in the surrounding area.

The NLIA and residents in the community see this study as a necessity for future development and as a way to protect the residents by making certain development occurs in the appropriate areas.

The storm water study would encourage responsible planning and development if adopted as a regulation.

Thank You,

A handwritten signature in black ink, appearing to read "Ted Boyle". The signature is fluid and cursive, with the first name "Ted" and last name "Boyle" clearly distinguishable.

Ted Boyle
NLIA President

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

January 7, 2002

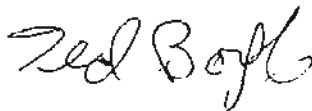
Dear Planning Commission,

The North Lawrence Improvement Association and North Lawrence residents wish to strongly express their concerns about development in North Lawrence. We do not want development in the 100-year flood plain or on larger lots in flood prone or fringe areas.

The residents concern about current and future development in the flood plains causing flooding in their homes and properties is the number one concern brought up at NLIA meetings.

There is also concern about the current trend of developers digging ever deeper and wider ditches and water drainage routes. Deep and wide trenches are unsafe and dangerous and are not a substitute for a planned drainage system in North Lawrence.

Thank you for listening to our concerns,



Ted Boyle
President
North Lawrence Improvement Association

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'Some people are buying it just like gold'



A FARMER IN HIS COMBINE MAKES A PASS THROUGH A FIELD in the river bottoms Monday just north of the Kansas River. Crop land prices in the Midwest have risen by more than 25 percent during the last 12 months, a new report by the Federal Reserve Bank of Kansas City has found.

Mike Tabor/Journal-World Photo

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Property to be cor about s right-of-w

By Chad Lawhorn
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Prices shoot up for Midwest crop land

By Chad Lawhorn
clawhorn@jworld.com

Midwest farmers are certainly growing corn, wheat and soybeans, but now there are questions about whether they're nurturing a real estate bubble as well.

A new report by the Federal Reserve Bank of Kansas City found that crop land prices in the Midwest have risen by more than 25 percent during the last 12 months. It was the highest rate of increase ever monitored by the Kansas City Fed.

"There are people out there

Strong commodity prices, especially for corn during the ethanol boom, have helped drive up land prices. The Fed noted that Nebraska has seen crop land values increase by about 40 percent for the year.

looking for alternative investments to the stock market right now," said Kelvin Heck, a broker with Lawrence's Colliers International. "Land is still something they aren't making any more of, and I think some people are buying it just like gold as a hedge against bad times."

The Federal Reserve report esti-

mated that in Kansas, non-irrigated crop land increased by 20 percent for the year, irrigated crop land by about 15 percent and pasture land by about 12 percent.

In the Douglas County area, the market is more mixed. Heck said the market for fertile bottom ground in the Kansas River has

been active, and prices likely have been increasing near the rates suggested by the Federal Reserve.

But the price for less fertile property outside of the river valleys has seen less of an increase, said Dale Bohn, an appraiser with Frontier Farm Credit. Bohn said those types of properties have been hurt by the slowdown in new housing growth. That's because many of those type of properties in Douglas County aren't just bought as farm land but also are used for rural housing.

Please see PRICES, page 2A

Prices

CONTINUED FROM PAGE 1A

But Bohn agreed with the Fed's assessment that land being bought for truly agricultural purposes is increasing rapidly in value.

"We've been seeing some record income levels for farming the last few years," Bohn said.

Strong commodity prices, especially for corn during the ethanol boom, have helped drive up land prices. The Fed noted that Nebraska has seen crop land values increase by about 40 percent for the year.

Heck said he had heard reports of even more rapidly increasing prices in Iowa, saying that some bottomland in Iowa has sold for \$16,000 an acre. For comparison, Douglas County bottomland is more likely to sell for about \$4,500 an acre, he said.

The rapid increase has some in the agricultural industry watching the situation closely and hoping that a 1980s-style agriculture bubble doesn't emerge. Lenders said the agriculture industry is far less leveraged than it was in the 1980s, which is leading many to hope that any bursting of a bubble won't be as devastating as it was 30 years ago.

"But the pendulum always swings too far in these sorts of things," Bohn said. "I don't know how far agriculture land values have to rise before it happens — it may be 5 percent higher or 50 percent higher — but it will get to the point that the pendulum swings the other way."

Tom Dillon, president of Baldwin State Bank, said he thinks area farmers aren't likely to drive up land prices too much in the coming year. He said area farmers did not have a particularly good year in 2011 because of the dry conditions.

"If they would have just grown an average crop they would have been sitting pretty right now," Dillon said. "But they didn't get the rain when they needed it, and based on what has gone on this fall, I don't think you'll find many farmers real optimistic about next season either."



Citizens for Responsible Planning
December 9, 2011

Richard Hird, Chair
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

Citizens for Responsible Planning, an informal network of interested citizens, has been actively engaged in the planning process for the Northeast Sector Plan. We appreciate the efforts to build community input into this planning process. We believe there are some core strengths to this plan and wish to emphasize these fundamental policy guidelines.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas. This rich natural asset in the Northeast Sector creates the largest contiguous acres of Capability Class I and II Soils. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states "The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community."

Of the 303,808 acres in Douglas County, only 8,370 acres have Class I soils and by 2009 24% of those acres have been developed. There are 33,053 acres of Class II soils in our county and 38% has already been developed. (Please refer to the attached Exhibit A.) Citizens for Responsible Planning recommends directing industrial development to other areas already designated for industrial that do not have the high concentration of Class I and II soils. Attached with this letter is a comparison of all eleven sites identified on Map 7-2 - Potential Location for Future Industrial and Employment Related Land Use in Chapter 7 of Horizon 2020. (Please refer to Exhibit B.) The table in Exhibit C demonstrates the many options available to our community for future industrial sites that do not present the extreme challenges or contain comparable content of contiguous acres of Capability Class I and II Soils.

We would like to present some important contextual information for your consideration using maps referenced within the Northeast Sector Plan. It is our feeling that graphically placing the proposed industrial area on these attached maps gives clear context to the challenges facing development in this area.

Map 3-1	Northeast Sector Plan - Future Land Use pg. 3-13, Exhibit D
Map 2-9	Regulatory Flood Hazard Area and Streams - Flood Hazard Area pg. 2-18, Exhibit E
Map 2-13	Class I and II Soils pg. 2-22, Exhibits F and G
Map 2-15	Airspace Overlay Zones pg. 2-26, Exhibit H
Map 2-16	FAA Wildlife Mitigation Buffer pg. 2-27, Exhibit I

We have placed comment boxes on each of these mapping tools. We believe these restrictive conditions would impact development in this proposed industrial area. We would also request that the recommendations within the North Lawrence Drainage Study and the difficulty of supplying sewer and water to this area be fully understood. We question the assertion that a reduction in the urbanized area

within the Northeast Sector Plan necessarily reduces the costs associated with the North Lawrence Drainage Study. We feel an adequate data set is not available to substantiate this statement.

An example of the unforeseen difficulty with an assumed simple engineering task near this proposed industrial area, placing a septic tank for the airport, has created a significant headache even during a time of severe drought. (Please refer to the Lawrence Journal World news article in Exhibit J.) This story begins to help us anticipate the larger problems associated with attempting to engineer solutions to storm water management after storms within a very flat and flood prone area.

The perennial local storm water problems within the levy, compounded by the likelihood of river flooding and the consequent closing of the floodgates (such as in 1993), and the almost level drainage gradients throughout the area, demand extraordinary engineering solutions. Development on farm land near the drainways reduces the natural buffering and increases the risk of property loss from flooding. The high cost of artificial drainage, including not only the costs of construction but also its maintenance in perpetuity, make the farmland within the natural floodplain a comparatively costly area to develop.

On page 6 of the Memorandum provided by the Douglas County Planning and Development Services, a 125-acre industrial development option is proposed alongside the 300-acre option. Exhibits K and L illustrate the high concentration of Class I and II soils in the proposed industrial areas southwest of the airport.

Citizens for Responsible Planning recommends that these parcels not be designated for industrial land uses and continue to be agricultural.

The staff finding on page 3 states there are too many variables to determine development costs and states that governing bodies should determine the cost/benefit ratio at the time of specific development requests. If this becomes the decision path for consideration of industrial development of this area, we recommend the following decision criteria should be used by the governing bodies:

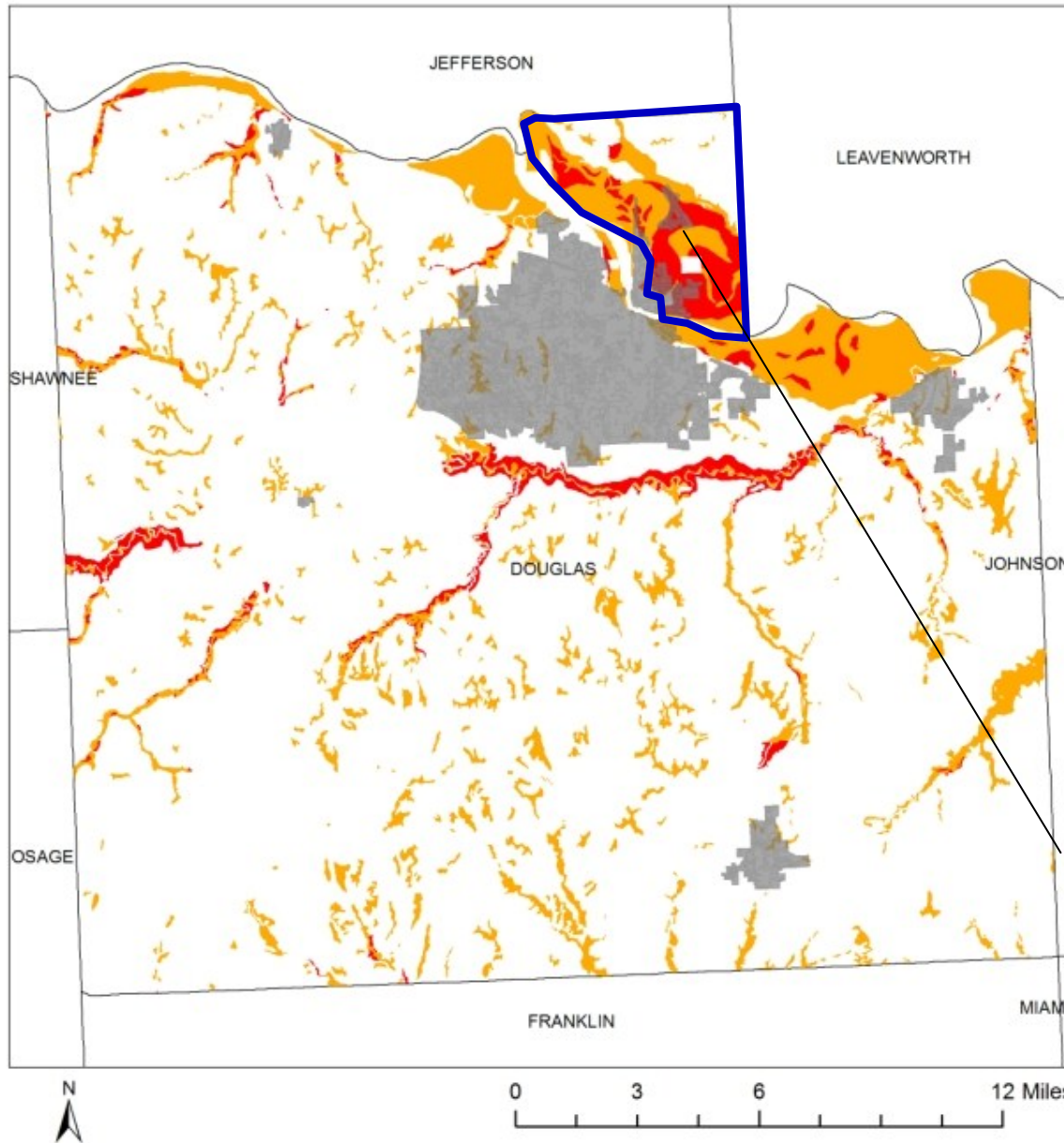
1. A clear and comprehensive cost/benefit analysis should be available to the public comparing the development of this area in contrast to other industrial development sites in Douglas County.
2. The area of Class I and II soils lost to development shall be less than with any other industrial sites in Douglas County.
3. At a minimum, the developer pays for all the additional infrastructure costs compared to similar development with other industrial development sites in the county.
4. A clear and comprehensive analysis determining whether the proposed development would have any adverse impact for floodplain management.

Respectfully Submitted,

Jerry Jost, Ted Boyle, Barbara Clark, Charlie NovoGradac, Lane Williams

Citizens for Responsible Planning Steering Committee

Class 1 and 2 Soils, plus all Urban land types



	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808

The Northeast Sector is outlined with a blue boundary. As you can see, the NE Sector has an extremely high concentration of Class I and II soils compared to the rest of the county. Approximately 27.4% (2,708 acres) is Class I soils and 28.7% (2,842 acres) is Class II soils. This translates as approximately 56% of the land has Class I or Class II soils with fertility created by historical flooding and siltation.

Exhibit B

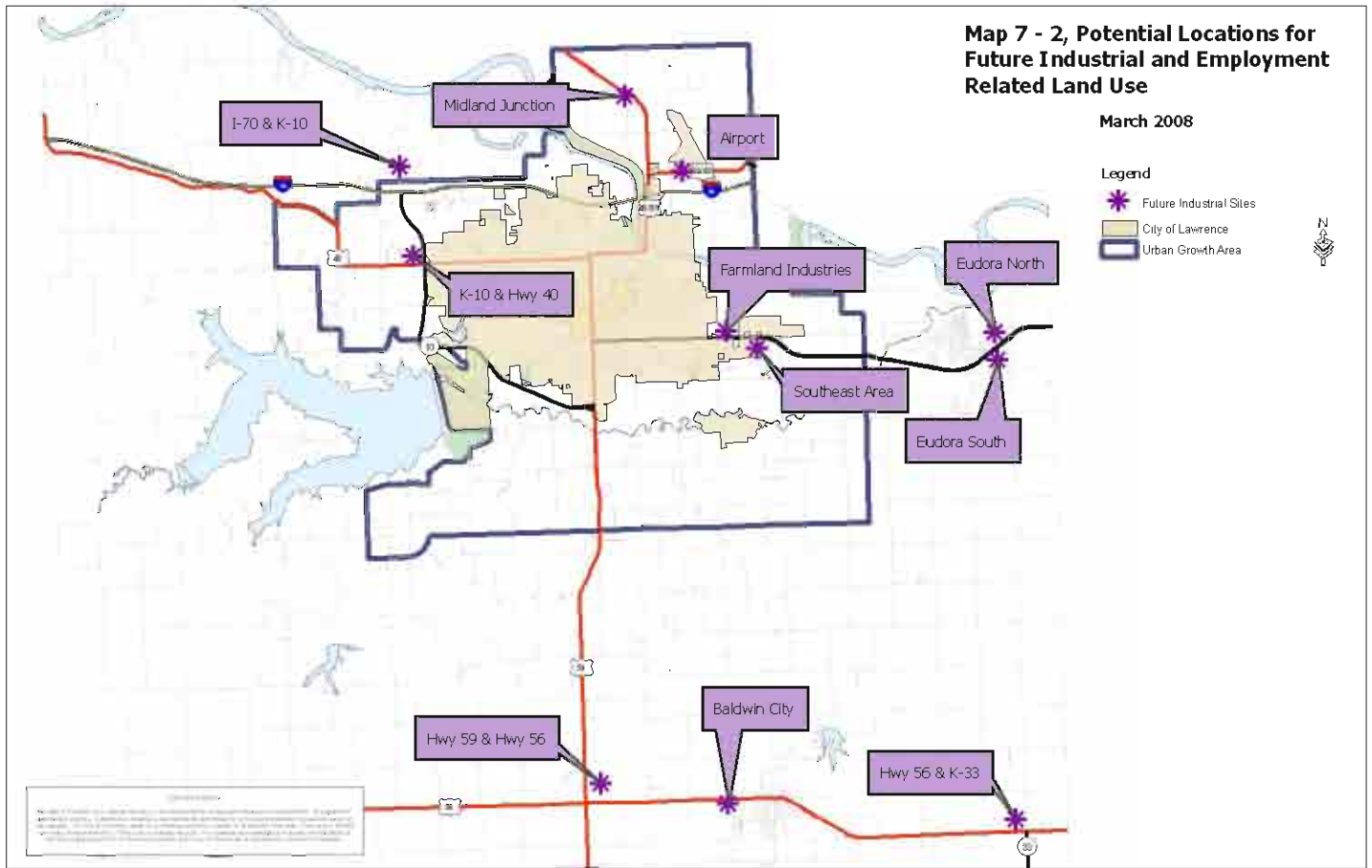
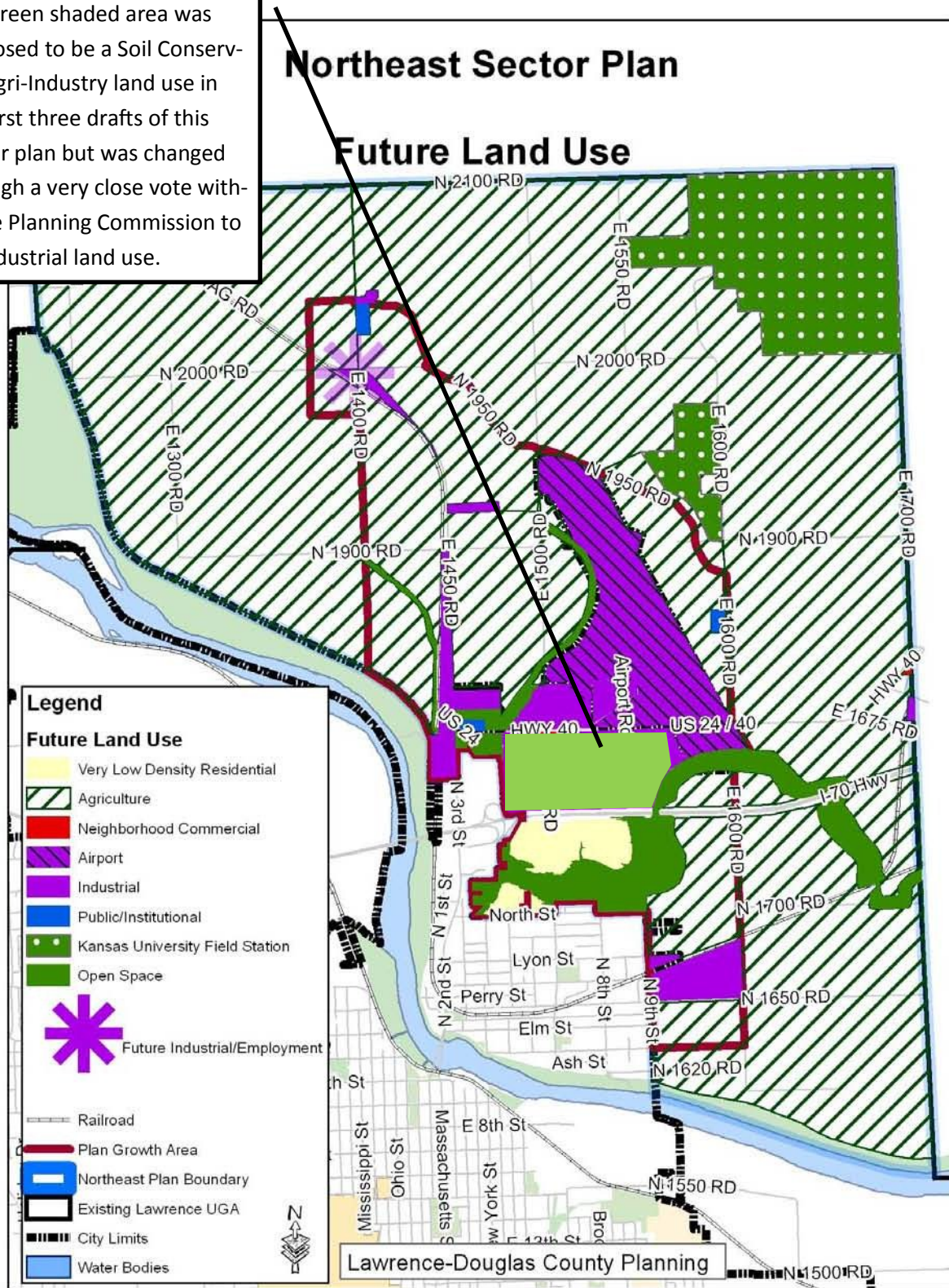


Exhibit C

Approximate Acreages Containing Class I and II Soils in the Potential Industrial Development Sites According to Horizon 2020					
Potential Industrial Development Sites According to Horizon 2020 (Pages 7-4 through 7-8)	Acres (Approximate)	Class I Soils (Approximate Acres)	Class II Soils (Approximate Acres)	Total Class I and II Soils (Approximate Acres)	% Soils that are Class I and II
Farmland Industries	509	12	7	19	3.7%
Southeast Area	173	0	21	21	12.1%
Airport	374	217	157	374	100.0%
I-70 and K-10	607	0	42	42	6.9%
K-10 and Highway 40	386	0	28	28	7.3%
Eudora North and Eudora South	845	8	4	12	1.4%
Baldwin City	648	0	0	0	0.0%
Highway 56 and Highway 59	656	0	36	36	5.5%
Midland Junction	652	69	214	283	43.4%
Highway 56 and K-33	719	0	0	0	0.0%
Total Acres (Approximate)	5569				

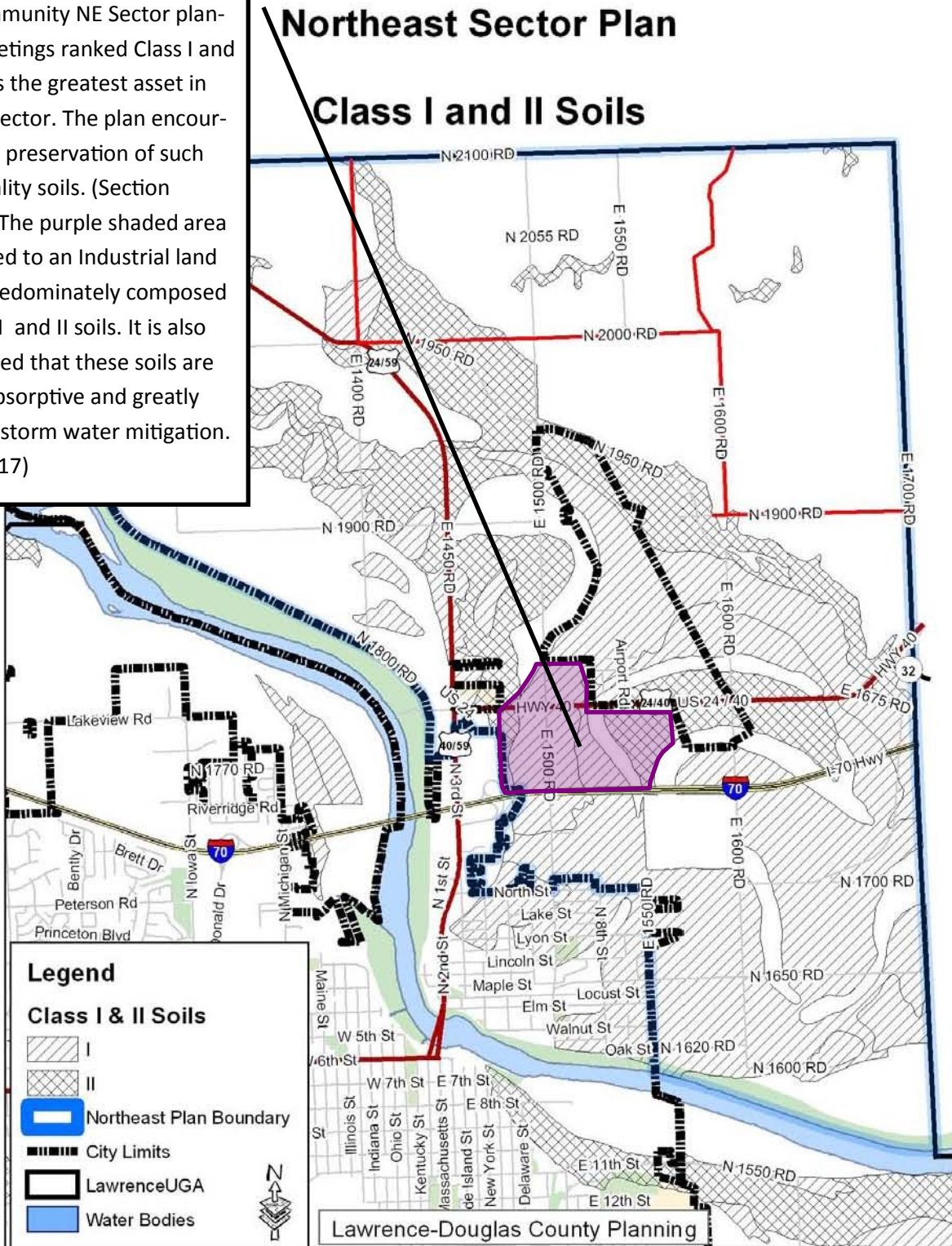
Map 3-1 – Future Land Use

The green shaded area was proposed to be a Soil Conserving Agri-Industry land use in the first three drafts of this Sector plan but was changed through a very close vote within the Planning Commission to an Industrial land use.

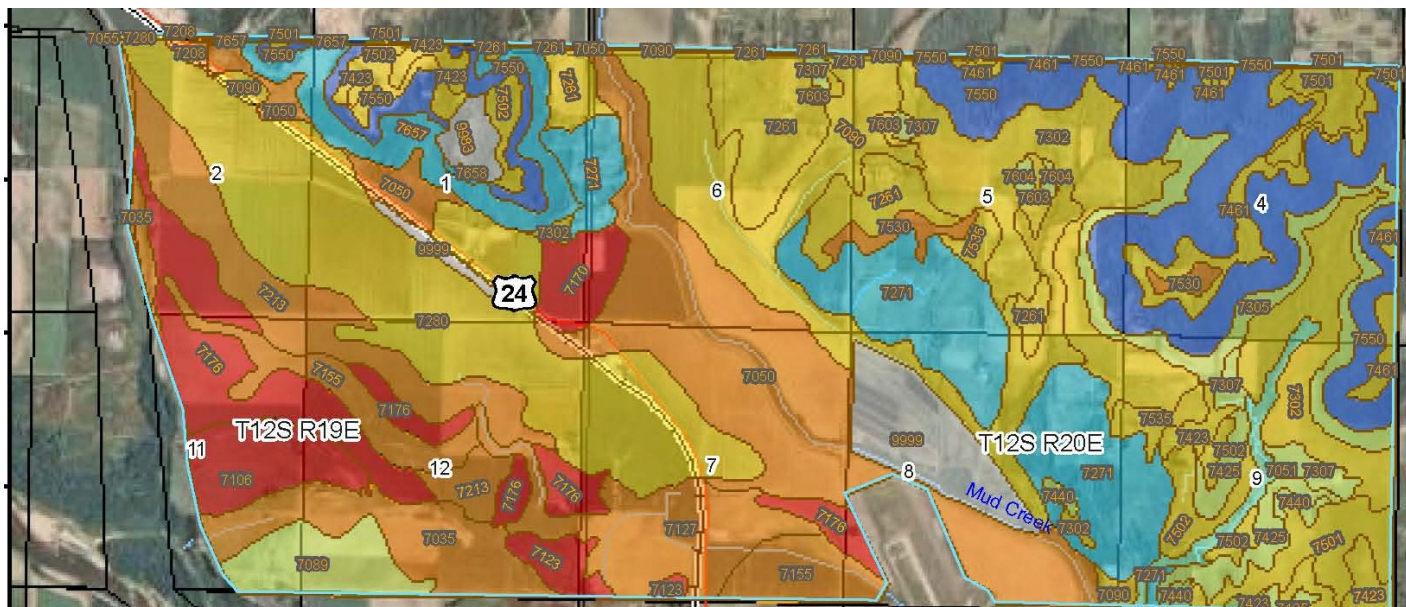


Map 2-13 – Class I and II Soils













The community NE Sector planning meetings ranked Class I and II soils as the greatest asset in the NE Sector. The plan encourages the preservation of such high quality soils. (Section 3.1.2.1) The purple shaded area converted to an Industrial land use is predominately composed of Class I and II soils. It is also recognized that these soils are highly absorptive and greatly assist in storm water mitigation. (Page 2-17)



NE Sector Soil Capability Classes USDA NRCS Soil Survey



MAP LEGEND

- | | | |
|---|---|-------------|
| Area of Interest (AOI) |  | Local Roads |
|  | Area of Interest (AOI) | |
| Soils | | |
|  | Soil Map Units | |
| Soil Ratings | | |
|  | Capability Class - I | |
|  | Capability Class - II | |
|  | Capability Class - III | |
|  | Capability Class - IV | |
|  | Capability Class - V | |
|  | Capability Class - VI | |
|  | Capability Class - VII | |
|  | Capability Class - VIII | |
|  | Not rated or not available | |

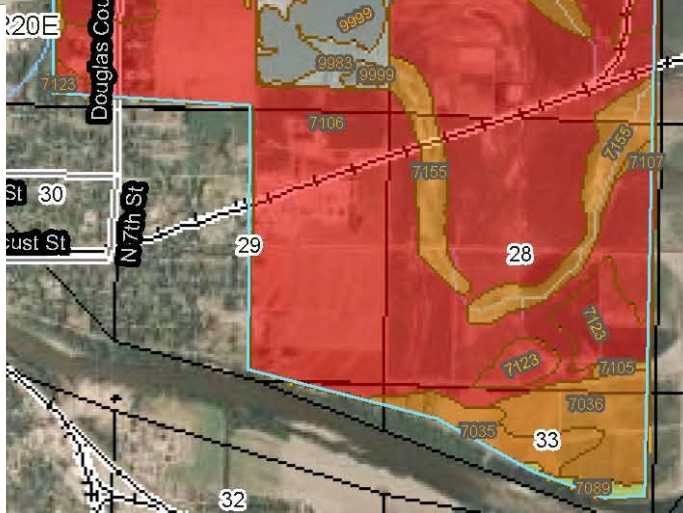
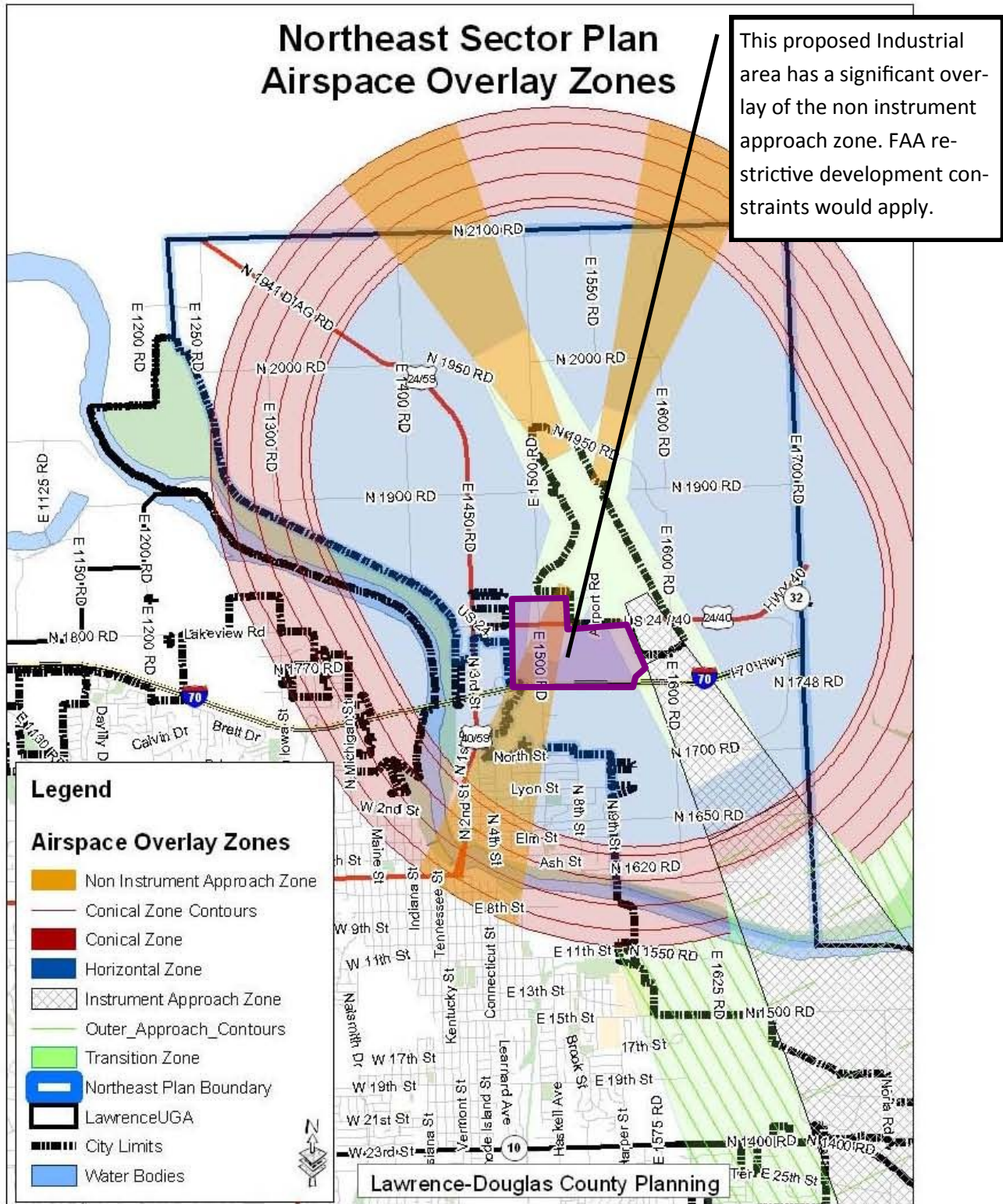


Exhibit H
Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer

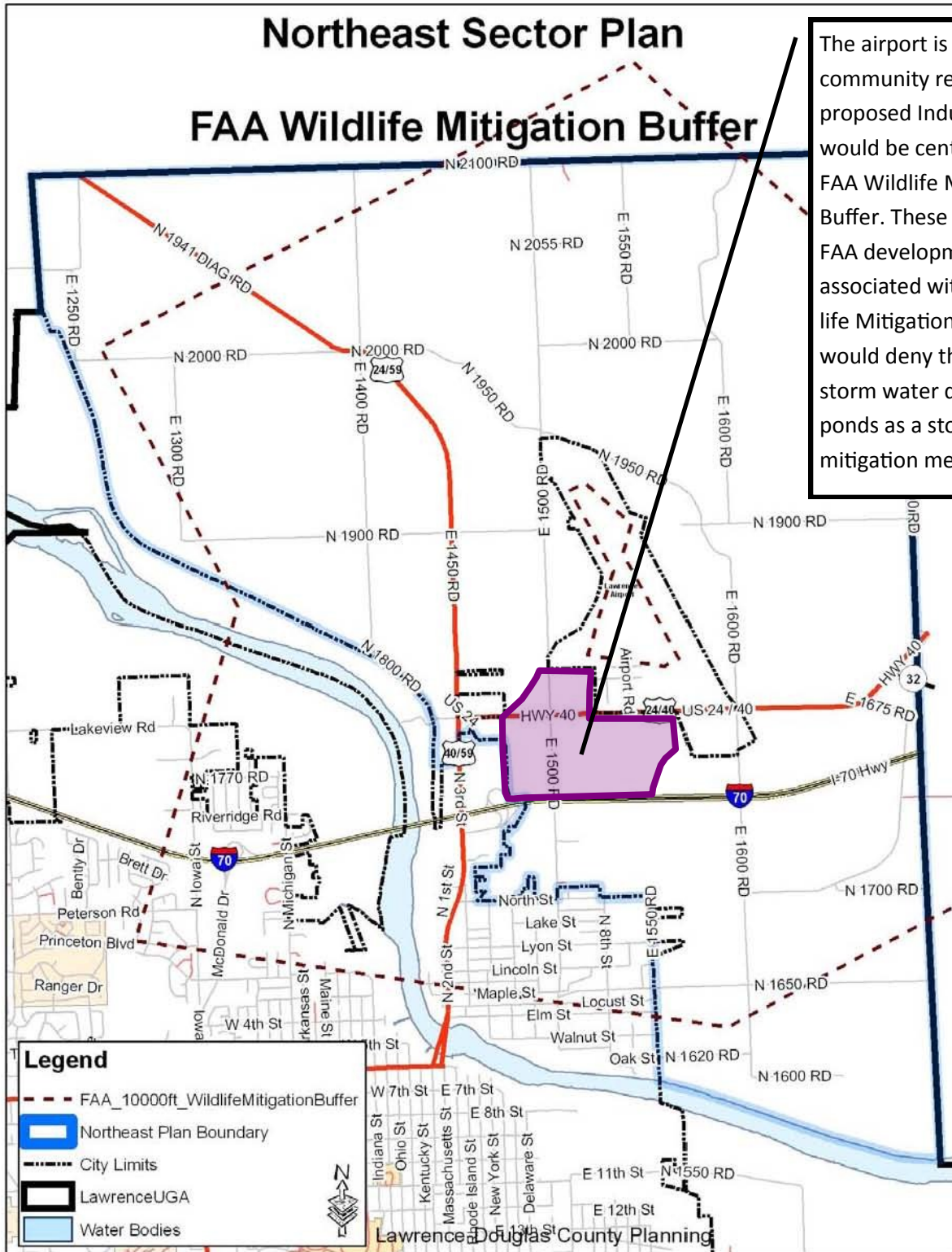


Exhibit J

Lawrence Journal World, October 3, 2011, "Town Talk"

By Chad Lawhorn

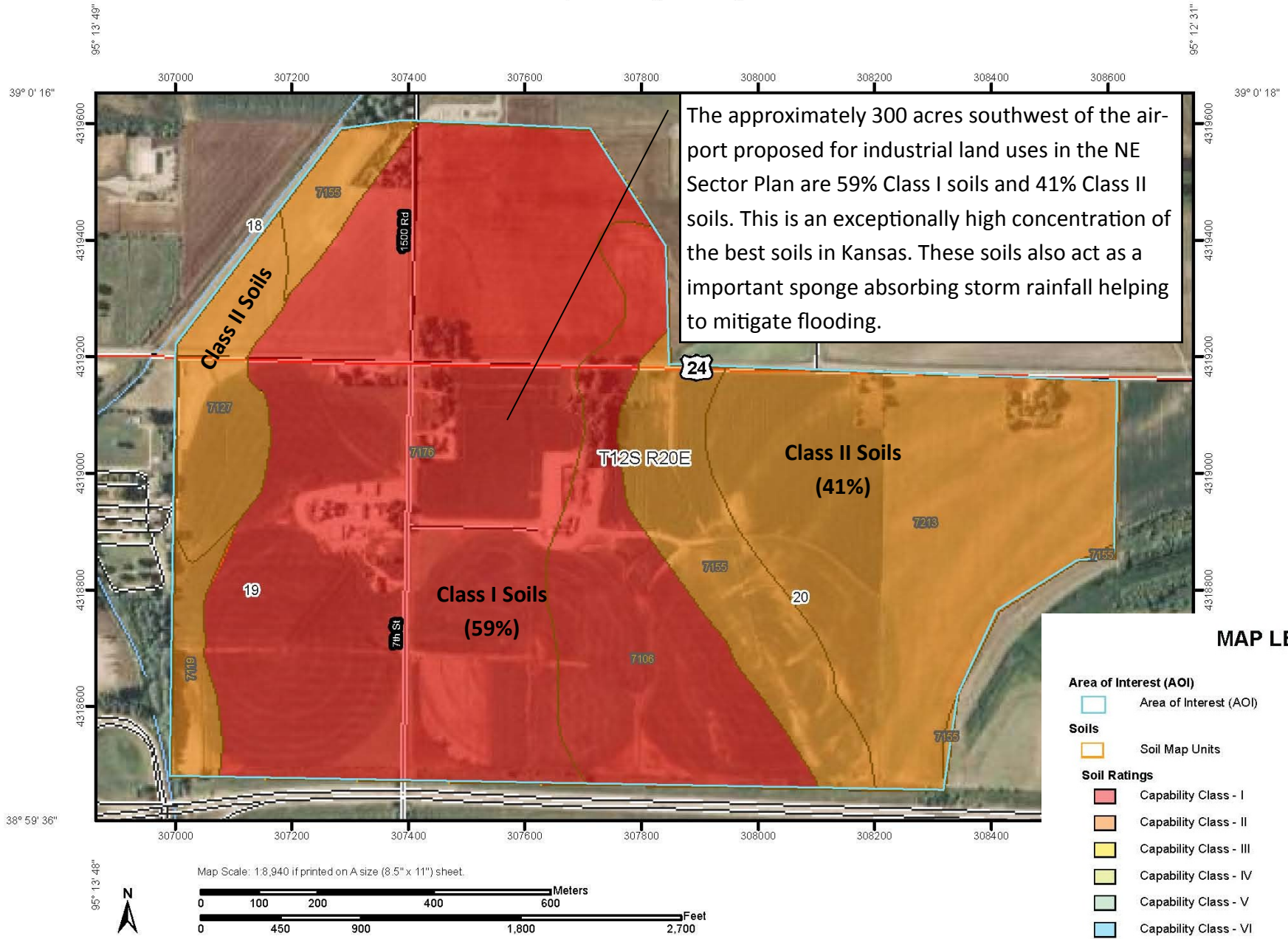
Speaking of North Lawrence, city officials are finding out how difficult it is to get expanded sewer service to the Lawrence Municipal Airport. Folks traveling along U.S. Highway 24-40 in front of the airport may have noticed some digging in an open field by the airport. It may not look like much, but that digging has become a major headache, and now is becoming a concern for some neighbors. A Topeka-based contractor hired by the city is trying to install a sewage holding tank to provide greater sewage capacity for the airport property. But this being North Lawrence, digging a hole in the ground can be challenging because of how quickly you hit groundwater. My understanding is that the hole needs to be more than 25 feet deep. In North Lawrence, that's called a deep swimming pool. Crews have not gotten that far down yet, but now have had to install seven temporary wells around the hole to try pump the hole dry. Those wells are causing concern among some neighbors that the pumping will start drawing groundwater that supplies their wells. Brian Pine told me that his family has serious concerns about the pumping, and believes the city did not thoroughly think this project through. City officials note that the pumping activities do have the proper permits from state water officials.

North Lawrence residents also are keeping an eye on the issue, now that they know what is going on. They are concerned about where all the water will go once it is pumped. Plans call for it to go down the Maple Grove tributary and into a North Lawrence pump station. But Ted Boyle, president of the North Lawrence Improvement Association, said that concerns him because that pump station already is near capacity during rain storms. At the moment, city engineers tell me that all the issues with this project aren't costing the city extra dollars. The city contends that it provided the contractor with all the information it needed to know what to expect in terms of water at the site, and thus it must do the project for the bid amount. (I'm not sure what that is, but I'll get it.) That sounds like an issue that could get debated in a court at some point.

The sewer project is designed only to provide service to the airport property, but all the difficulties may end up playing into a larger debate about industrial development surrounding the airport. Like the Farmers Turnpike area, economic development leaders have touted this area's easy access to the turnpike. But neighbors have opposed it, in part, because they say the issue has serious stormwater issues. Whether fair or not, I expect this little episode will come up as an example of how difficult it would be to convert this area into an industrial park.

Exhibit K

Nonirrigated Capability Class—Douglas County, Kansas
(1500 Road Hwy 24 Soil Class)

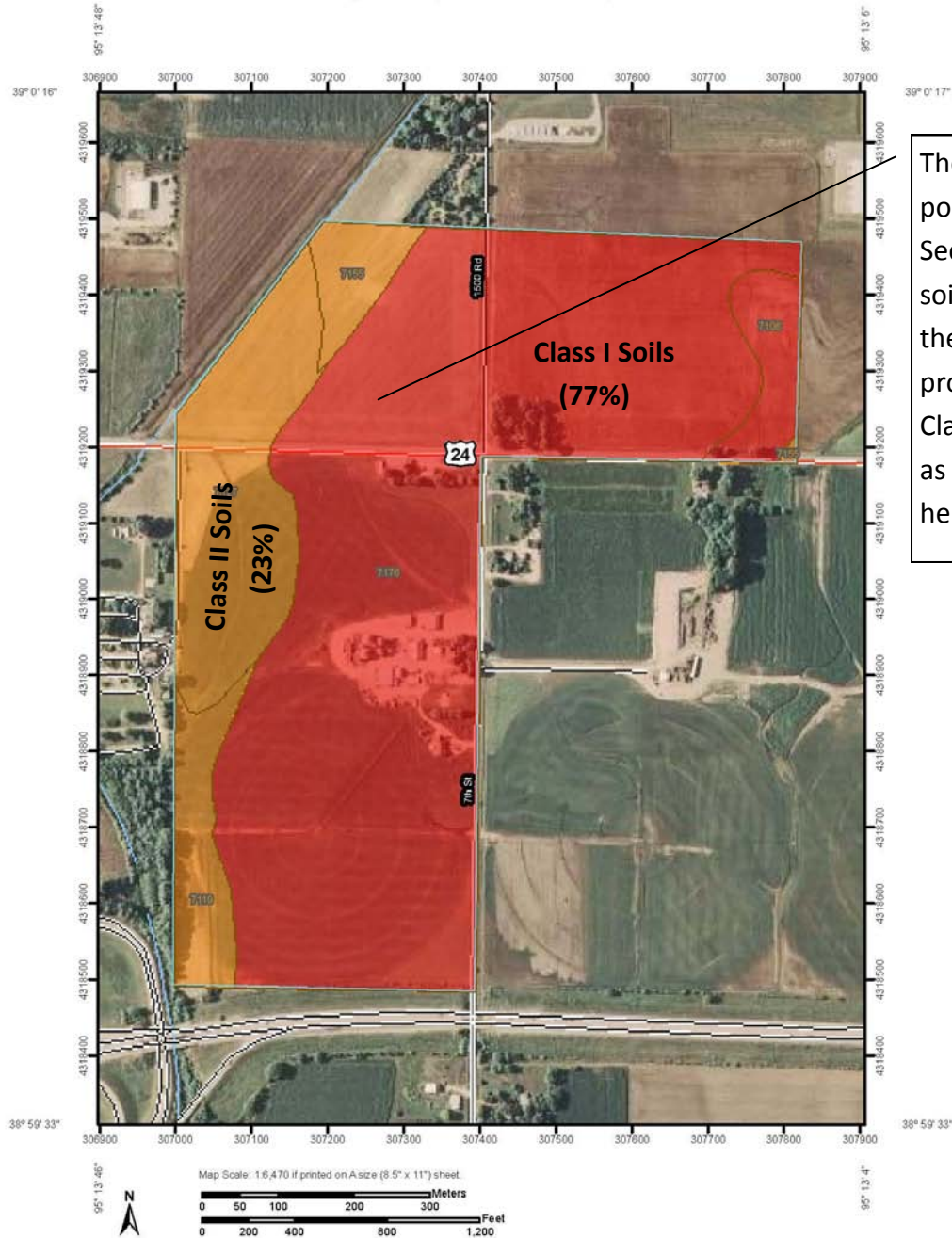


MAP LEGEND

- Area of Interest (AOI)**
 - Area of Interest (AOI)
- Soils**
 - Soil Map Units
- Soil Ratings**
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available

Exhibit L

Nonirrigated Capability Class—Douglas County, Kansas
(NE Sector Proposed Industrial Soil Classes)



The approximately 125 acres southwest of the airport proposed for industrial land uses in the NE Sector Plan are 77% Class I soils and 23% Class II soils. This is an exceptionally high concentration of the best soils in Kansas. This parcel represents approximately 3.5% of the Class I soils and 1% of the Class II soils in the NE Sector. These soils also act as an important sponge absorbing storm rainfall helping to mitigate flooding.

Barbara A. Clark
Maggie's Farm
2050 E. 1550 Road
Lawrence, KS 66044

December 11, 2011

Dear Chairman Hird and Commissioners;

I would like to submit this information for your review as you consider the Northeast Sector Plan. I have attached a series of articles from the Lawrence Journal World that give important insight into stormwater flooding issues relevant to both land within Grant Township and North Lawrence. These articles all date from 1993.

In that year my husband and I were North Lawrence residents, living at 742 N. 5th St. The events of that summer starting with the rain event that began Friday, July 9th are very clear in my memory.

It should be noted that the Flood of '93 was flooding caused by stormwater run-off from the watershed to the north of Lawrence. North Lawrence was most heavily impacted because of its "bathtub" topography. Within the text of the articles I have copied it will be made clear that because of heightened Kansas River levels, floodgates that were designed to aid in the stormwater drainage of North Lawrence failed. Extraordinary pumping measures were required at extraordinary cost to eventually relieve the floodwaters in North Lawrence.

Our community has identified eleven proposed industrial and employment related sites in Chapter 7 of Horizon 2020. We have exceeded our expressed need for 1,000 new acres of industrial sites. *"Within the next few years, the City and County Commission shall identify and designate at least 1,000 acres of land for industrial expansion in the next 25 years."* (Horizon 2020, Chapter 12). Recent sector planning has designated approximately 1,426 acres of future industrial areas. We are not without choices about where our community locates its industrial and employment related sites. One of the considerations given significant weight should be the ability to insure no adverse impact from stormwater run-off to downstream neighbors. I have grave reservations about our ability to insure this justice to North Lawrence residents if industrial development is identified within the Northeast Sector Plan.

I feel a reminder of the 5" rain event of 1993 has significant relevance to your deliberations this evening.

As always, I appreciate the time you dedicate to the important issues brought before you.

With respect,
Barbara Clark

1993 FLOOD FACTS

The U. S. Department of Agriculture estimated that the Flood of '93 affected about 7,000 acres of farm land in Douglas County along the Kansas River. *Reference: LJW, 2/14/1994, Potluck brings, survivors and neighbors together: Summer floods, winter memories, Andrew E. Nachison; Journal World Writer*

City waits for water to recede - Moody said the main culprit - besides more than 5 inches of rainfall Friday night and Saturday morning - was a power failure that shut down an electrical pump in the city's storm sewage system. "When the lights went out, we didn't get the running start we needed," he said. By the time the pumps were running, the water levels were just keeping up with the runoff into the basin, Moody said. *City waits for water to recede, Lawrence Journal World, 7/11/93*

George Williams, the city's public works director, placed the individual and infrastructure loss in Lawrence at \$1.6 million. This total included private property losses of \$1 million. *LJW, 7/13/1993, Finney considers disaster status: Estimate of flood damage is \$1.6 million, Tim Carpenter, Journal World Staff Writer*

"Along North Second Street, flooding on Monday (7/12/1993) extended 3/4 of a mile from the north side of the Kansas River Bridge toward the Kansas Turnpike. In addition, acres and acres of crop land north of the river remain under water. "Near the airport there is a great deal of land under water," Nalbandian said. "That's all trying to drain into North Lawrence." *LJW ibid as above*

Mike Wildgen, City Manager said the series of Kansas River levee gates used to drain water from North Lawrence were overloaded.

Nalbandian said he was concerned that water in reservoirs upstream from Lawrence would be released. *LJW ibid as above*

North Lawrence residents should boil tap water before drinking it or cooking with it, the city announced at a news conference Monday (7/12/1993). "This is only precautionary," Roger Coffey, City Utilities Director. The recent storm flooded a part of the city's water treatment system, namely a "lift station" at Forth and North streets. The station is designed to get sanitary waste to the treatment plant. Because flooding has rendered the station inoperable, sewage is running off into the standing floodwater, Coffey said. City Manager Mike Wildgen said, "Floodwater covers several hydrants in North Lawrence, and a hole in them or in a water main could cause untreated water to be sucked into drinking water supplies." *City sounds drinking water precaution: N. Lawrence residents asked to boil tap water due to flooding, Peter Lundquist, Journal World Staff Writer, 7/14/1993.*

North Lawrence residents and business owners last night voiced their concerns to the City Commission about the City handling of recent flooding. Frank Male, a North Lawrence resident, also was unhappy with what he thought was slow action on the city's part. He said he thought the meeting at Johnny's Tavern was unsuccessful. "We didn't get a lot of answers," he said. *Commission hears plight of flood victims, Katie Greenwald, University Daily Kansan, 7/14/93.*

Debi Moore, Assistant Director of Economic Development for the Lawrence Chamber of Commerce, said the Chamber is collecting flood damage and economic loss estimates from business owners in North Lawrence to help in compiling information for an application for federal disaster relief funds. Moore said that about 100 businesses or property owners with either damage from the flood or economic loss because of inaccessibility have been identified. *Flooding proves costly:*

N. Lawrence businesses clean up, Dave Toplikar, Journal World Staff Writer, 7/15/1993

\$\$ Flood cost climbing: Damages from flood set at 2.7 million. A storm that pounded Douglas County a week ago caused at least \$2.7 million damage to government and business property and marred at least 900 acres of crops in the county, officials said today. The county's revised assessment indicated \$1.5 million damage to public property and \$1.2 million in losses to businesses. "It could go higher. These are shots in the dark," said Paula Phillips, coordinator of the county's emergency preparedness office. The \$2.7 million figure excluded residential damage as well as destruction of crops and cleanup costs for government and businesses in the county, she said

Damages set at \$2.7 million, Tim Carpenter, Journal World Staff Writer, 7/16/1993

Bob Moody (City Commissioner) said the city planned to continue pumping water from North Lawrence, at least through Saturday. Just how much water has been pumped out? Since 11 PM July 9, city and private pumps have pumped 66.99 million gallons of water from North Lawrence, enough to fill a creek 4 feet wide and a foot deep across the entire length of Kansas, Assistant City Manager Rod Bremby said today. Water in rural land around and north of the Lawrence Municipal Airport continues draining into North Lawrence, Moody said. "The problem is, there's such a stack up of water," he said. "It just keeps coming down." N.

Lawrence faces a daunting task, Mark Fagan, Journal World Staff Writer, 7/17/1993

Kansas Gov. Joan Finney's chief of staff, Mary Holladay, on Monday also signed a disaster declaration for the entire state, allowing state resources to be used to assist flood victims and the state to be eligible for federal aid. (Paula) Phillips said Douglas County was awaiting a visit from FEMA later this week before filing a claim for federal aid.

River raging, but levee safe, officials say, Mark Fagan, Journal World Staff Writer, 7/20/1993

Officials at Perry Lake today began releasing water from the rain-swollen reservoir, adding flow entering the Kansas River. Despite the additional water entering the Kaw, a U.S. Army Corps of Engineers official said this morning he didn't expect any serious downstream flooding. *Perry Lake sends water into Kaw, Journal World, 7/24/93*

The Kaw already is swollen by floodwaters because of heavy July rains and water releases from Milford Lake near Junction City and Tuttle Creek Lake near Manhattan. The decision to release water (from Perry) came Friday after officials determined that the Delaware River, which feeds into Perry Lake, was at flood stage and water was flowing into the lake at a rate of 16,000 to 17,000 cubic feet per second, said Frank Funk, Perry project manager. *LJW, ibid above*

December 11, 2011

Lawrence/Douglas County Planning Commission
c/o Dan Warner, Long-Range Planner
City Hall 6 East 6th Street
Lawrence, KS 66044-0708

RE: Northeast Sector Plan Review

To Whom It May Concern,

My name is Julia Mathias Manglitz. I am a licensed Architect in the State of Kansas. I live near Stull now and so you may wonder why I would be writing a letter regarding the Northeast Sector Plan. But I lived in North Lawrence for over a decade. And I am writing this letter to tell the story that explains why, in large part, my husband and I (both witnesses to the 1993 Flood) no longer live in North Lawrence. And further I feel a need to explain why I believe that the policies proposed for developing this area are fundamentally flawed from a storm water management perspective.

North Lawrence –A Personal History

My association with North Lawrence began in 1990 when I took a part time job at Roger’s Food Center which, at the time, occupied the building at North 2nd and Lincoln. Roger liked to call it “Roger’s Fun, Fabulous, Family, Food Center”! It was fun. It was fabulous. And it was family. Not just the Roger Kuker family, but the whole North Lawrence neighborhood family.

And that is why on July 10th 1993, even though I no longer worked for Roger, I came back to help Roger, his family, and some of his employees move anything we could from the store and away from the rising flood waters. My folks grew up on the convergence of the Illinois and Mississippi Rivers. I grew up with my dad’s stories of the 1951 flood. And I knew that I needed to help, just as my dad and his family had helped in ‘51. As I waded through flood water up to my hips in the parking lot, kids and adults jumped off the Union Pacific trestle into the water that was nearly to the bottom of the structure. I climbed over the sandbag wall that was keeping the water at bay – but just barely - and spent a sultry afternoon carrying perishables out to fully charged refrigerated trucks left by generous distributors.

Too exhausted to drive back to my home in Johnson County that evening I went to my now husband’s - then boyfriend’s house. That house stands at 220 North 4th Street. Across the street from that house is Walnut Park, a little pocket park that sits right at the base of the levee. I remember standing on the porch of the little house that evening. We could see the swollen river rushing along just on the other side of the levee. Never before or since that July has that view been possible. We wondered what would happen if the river topped the levee. We wondered



Figure 1 - Grocery store at N 2nd & Lincoln during the 1951 Flood, home to Roger’s Food Center during the 1993 Flood. Lawrence Journal World, file photo.

what would happen if the levee broke. And that night we slept fitfully, taking some small comfort in knowing that the little house had withstood 1951, and probably 1903. We knew the whole first floor had to have been underwater. We knew how high the water was in 1951. Roger's Food Center was completed just in time for the flood of 1951, and when we worked there, the high water mark from 1951 could still be seen on the back wall of the stock room. I met my husband in that store. For a time we had both worked there.



Figure 2 - Roger's Food Center, 608 N. 2nd Street, during the July 1993 Flood - Lawrence Journal World, file photo.



Figure 3 - 220 N. 4th Street and view of Walnut Park and the levee from the front porch. In July of 1993 one could see the swollen river rushing by on the other side of the levee from this vantage point. This house withstood the 1951 Flood.

I had signed a lease that started in August of 1993 for an apartment at 326 Locust Street. And so I moved in, a block and a half from what became known as "the Hole". The big hole, that got bigger and deeper, that took what seemed like forever to fix. And I spent many nights, especially rainy nights,

wondering if I was going to wake up in the bottom of a sink hole like it. People who live along rivers know that they have a life of their own; a life that we see above ground, and another that we don't see below it.

In May of 2001, knowing everything that we knew, my husband and I still bought our first house, 836 Locust Street, in North Lawrence. We loved North Lawrence; we met there, we lived there, we married there. It is a place where people have their priorities straight and they help their neighbors. It is a place where keeping up with the Jones' isn't about what kind of car you drive. It's about who grew the biggest tomato last year. And it is one of the few places in Lawrence with affordable housing. The house was not our dream house. But it was a good house and we were grateful to find a house we could afford in Lawrence. It had a nice yard and I turned out to be a pretty darn good gardener, at least I thought so until we moved to Stull. We felt safe in North Lawrence. We had seen and survived 1993, we knew where water congregated; we felt that there was a balance, maybe tenuous at times, but we felt that with restricted development we were safe. We knew where there were houses that had survived the onslaught of 1951.

But a couple of years later things started to change in North Lawrence. We have a friend who owns a house at North 7th and Lake Streets. She bought the house from the lady who lived there in 1951. The house had stayed dry then. No mean feat, because Lake Street comes by its name honestly. Up until about 2003 the eastern half of that block of Lake Street was open field, low lying open field. And it flooded with regularity. But then a developer bought the land and built houses on those fields, on trucked in, built up fill. And these new houses sit way above the older houses on the block. Our friend received a letter shortly thereafter telling her that house she owned was now required to have flood insurance; the house that did not flood in 1951.



Figure 4 - New houses built on fill along the eastern half of the 700 block of Lake Street – an area that used to flood. Note the lack of culverts under drives in the photo on the right.

Every time we allow more impervious surface the flood line gets higher because we inhibit drainage. Every time we allow land to be built up by fill, it makes existing adjacent land low land, land that will flood with runoff. What happened to our friend was a taking. The people who sold the land and the people who built and sold the houses made money at the expense of our friend and likely many of her neighbors. This was done without improving the existing drainage system in the area.

At about this time we were trying to buy a house on Elm Street, something more like our dream house. It was one of the 1951 survivors. It was on naturally higher ground. And unlike our friend on Lake Street, the area around it was already full of houses. It was not at risk from the same sort of thoughtless development. But when that deal fell through and houses started to be built on fill in empty low-lying lots across the street from us on Locust, again with no improvements to the existing drainage, we decided that it was time to leave.

We felt that the powers that be in the City of Lawrence, the planners and the politicians, did not fully appreciate or understand the fragile balance that North Lawrence has with water. Furthermore we felt that the governing bodies did not care about the existing residents and their investment in the neighborhood. We made these opinions clear in our response to the citizen survey the City solicited as part of the North Lawrence Drainage Study.

We Can Build Here – But at What Cost?

My husband and I were lucky enough in 2004 to be able to afford to leave. We know that not all of our friends and former neighbors have that option. And I am writing this letter, in part, on their behalf. Every time I drive though the area I am struck by how much more has been developed and how little, if anything, has been done to improve the drainage situation.

In 1993 North Lawrence flooded from I-70 to the levee and from the levee to the east. Few roads did not have standing or flowing water. The levee helps protect North Lawrence under certain circumstances. But the levee impedes drainage from runoff and from the tributaries that drain from the higher land to the north which extends into Jefferson County. So there must be pumps. Every square foot of impervious surface, whether it is a parking lot, a road or a roof, added anywhere in North Lawrence or up-hill or up-stream of North Lawrence compounds the drainage problem and diminishes the capacity of the pumps.



Figure 5 - Standing on the levee at Walnut Park looking south, December 2011 (left) and July 1993 after the peak of the flood

To those who say levees will protect us: As many as 1500 levees failed in 1993. There were several levee breaches along the Missouri just this year. The Galloway Report, prepared in the wake of the 1993 floods, seriously questions the protection that levees provide and goes so far as to call for an end to the practice of building levees to protect development saying that the economic development cost benefit does not outweigh the life and financial losses in the event of the inevitable failure.

To those who say that pumps will protect us: Pumps failed to protect New Orleans during Katrina. The pumps failed in North Lawrence in 1993. Pumps have a fixed capacity, when the rain won't stop the capacity may not be enough to keep up. When the river level is above the pump discharge the pumps stop. When the power is out, the pumps stop.

All of these control, containment and management measures are only designed for a certain flood event. Generally a 100 year flood is considered the benchmark. This is done in the name of keeping the construction of this expensive infrastructure from becoming extraordinarily expensive. So which was the 100 year flood in North Lawrence; 1903, 1951 or 1993? The 1903 flood cut a new channel and swallowed blocks of North Lawrence. According to the Kansas Geological Survey 1951 was worse. According to the National Oceanic and Atmospheric Administration 1993 was unprecedented. And the trick with all the information that we use to make decisions is that it is all historic and based on an historic landscape that no longer exists and that we continue to change, generally for the worse so far as flooding is concerned.



VIEW BELOW MILL DAM LOOKING OVER ELECTRIC LIGHT PLANT WITH PART OF NORTH LAWRENCE IN DISTANCE.



Figure 6 - View of the 1903 Flood, UP Depot spire visible in the distance, Bowersock Power Plant at the far right, from F.M. Knight Booklet "Views of the Great Kansas River Flood – Lawrence". And aerial view of the 1951 Flood, Lawrence Journal World, file photo.

It is not a question of "if" these systems will fail. It is a question of "when". It is a question of how great the loss of life, property and money will be, and which generation will pay that price.

When we allow development to continue we build a false sense of security in those who did not witness to the floods of the past. And we encourage ever more investment and ever more risk. Being near the river is a risk, not without benefit, but a risk nonetheless. The most beneficial and least risk land use for this area has been and continues to be agriculture. There is already a great deal of under-utilized developed area within the city limits in North Lawrence. There are other areas of Douglas County already zoned for industrial and other uses that are far less risky and far better suited to development than the Northeast Sector.

To those who say that restricting potential future rezoning in currently agricultural areas is a taking for the current land owners: I say that value which does not exist cannot be taken. Developing land for industrial or most other uses in the Northeast Sector will further endanger every existing property around it, downhill from it and downstream from it; and that is a very real taking.

The purpose of planning and governance is to look out for the greater good, both for us now and for future generations. And this plan needs to weigh the benefits and the risks in the harsh light of day with the full knowledge of flooding this area has witnessed, at least twice within the memories of many who are alive today.

Floods in 1844, 1903, 1951 and 1993 ravaged this area. North Lawrence did not bounce back from 1903 or 1951 and it still shows today. A drive through the area after a day-long rain will illustrate that the current storm drainage situation is tenuous in most areas of North Lawrence. The area needs help, and further development, even sensitive development, is not help. There is no form of development that will have zero impact.



Figure 7 - Turnpike (I-70) entrance, looking south to the intersection of N 3rd and N 2nd Streets, North Lawrence (upper right) during the 1993 Flood, Lawrence Journal World file photo.

As an architect I know that we can build anything, so long as money is no object. However, it has also been my professional experience that this is never the situation. The City of Lawrence is yet to demonstrate that they are able bear the extensive cost to improve the inadequate storm drainage for the development that currently exists.

Proposing policies that allow or encourage development; policies that will compound the existing problem is:

- An insult and an affront to the citizens and businesses that are already invested in North Lawrence.
- Not good planning or good governance.

The future losses in the event of development within this flood prone area far outweigh the potential benefits. Any plan for the Northeast Sector needs to strenuously restrict development and focus on developing policies that preserve and enhance the balance this area has with storm water and the river.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julia", with a large, stylized initial "J" that loops around the start of the name.

Julia Mathias Manglitz

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December 8, 2011

Lawrence and Douglas County
Planning Commission
Attn: Dan Warner
City Hall, at 6 E. 6th Street
Lawrence, KS 66044

Re: Comments to Planning Commission on Northeast Sector Plan
December 12 agenda item

Dear Planning Commissioners and Staff:

The governing bodies have sent the Northeast Sector Plan back to you asking for a more realistic assessment of the challenges of development on farm land in North Lawrence. In our view the Planning Commission is charged with recognizing and articulating these challenges, and removing misinformation.

We are grateful to see that the staff report finally puts to rest the notion that access to rail and to the municipal airport supports industrial development. Approval of an at-grade railroad crossing across US 24 has always been a practical impossibility. And the airport will never be a cargo jet runway.

We are also glad to learn that the sufficient industrial land (1,400 acres) has already been designated in sector plans, exceeding the target goals in Horizon 2020.

However, we believe that members of the governing bodies, and the public, want to see the following issues explored more realistically, with real data professionally collected and presented:

1. That the level terrain and very slight gradients (fall) in the sloughs and ditches create a great challenge for removal of storm water runoff.
2. That even if drainage ditches are widened and lined with concrete, the stormwater will ultimately have to be collected and pumped over the levees to the Kansas River, if not routinely, then certainly when the River is at flood stage.
3. That the shallow water table (10 feet, more or less) and the sandy substrate of the area means any excavation (for example, sewer ditches) will be inundated by the profuse underground water of the alluvial basin—essentially the underground portion of the Kansas River flowing through the sands.
4. That any excavation into the sandy substrate will be mechanically unstable, and that detention or retention ponds will need to be hardened and lined.
5. That the level topography over great distances mean that sanitary sewer mains will not be gravity-flow, their pipes must be pressurized or have multiple lift/pump stations.

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6. Although storage warehouses and truck parking areas may have few employees and may be sufficiently served with septic tanks, any industrial use which actually becomes an employment center will require connections to gravity sanitary sewers.
7. That certain soils (Capability 1) within the area targeted for industrial uses have a superior capability for absorbing rainfall than other soils (Capability 2) which, although still good farm soils, have more restricted water transmitting capacity. These characteristics are quantifiable by reference to the cooperative soil surveys. (The development of the airport property, already zoned, is going to have a major impact on overall rainfall absorption.)
8. That the water and drainage features of the area in question is not a merely local concern but impacts the entire area protected by and enclosed within the Kansas River levee, including the Maple Grove drainage watershed and the population of existing residences and businesses of North Lawrence.
9. That resolving each of the points above add extraordinary costs to the developer, the city, and the neighborhood. These costs will not occur in other designated industrial areas.
10. In any severe weather event, with or without river flooding, the effect of any failure of a storm water drainage, pump station, or sewer lift station could flood or saturate farm land, contaminate domestic and irrigation wells, erode roadbeds, and harm improved property in any number of ways.

As owners and investors of a farm and also (now) an industrial building near the area where new industrial uses are proposed, we are very concerned about the effect of incremental development on the natural drainage and storm water and flooding.

We do not agree that these problems can be handled case-by-case in the plot plan reviews of individual projects as each arises. We suggest that the big problems be responsibly addressed, articulated, and explained in the larger planning process represented by this Northeast Sector Plan so that prospective investors/developers are not misled.

Please also consider amending the draft sector plan to restore the status quo, in particular restoring the agricultural use designation to the properties in the vicinity of the Airport (excepting the City-owned airport). We would like to see a statement that the undeveloped farm land proximate to the City is an asset to the community because of its value as farmland but also for natural and cost-free flood control.

Respectfully submitted

/s/

Charles NovoGradac and Deborah Milks

ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Finkeldei asked how many acres were on each side of 24/40 Highway.

Mr. Warner said there was approximately 60 acres on each side.

Commissioner Blaser asked if the airport side, north of 24/40 Highway, was all city land.

Mr. McCullough said it was private and that he believed there was an aviation easement on a portion of it.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, discussed the creation and future of primary jobs. He said the area was a transportation hub and that the Chamber had been working on it for the last three years in a long range technological bioscience corridor that stretches from the Kansas City metropolitan area through Lawrence and Topeka to Manhattan. He said those communities have been working together. He said it was an aviation and agri-science hub. He wondered if the land shown on the Airport Master Plan been added into the Northeast Sector Plan.

Mr. McCullough said he thought the Airport Master Plan was specific to the boundaries within the airport and showed development within the airport itself. He said he would have to review the document to determine if there was anything outside of the airport that was shown in the plan.

Mr. Jerry Jost, Citizens for Responsible Planning steering committee, reviewed the letter and maps they sent. He said the northeast sector has historically been an area that was created by siltation from historical flooding. He stated the largest concentration of class I and II soils was in Grant Township. He did not feel the best place to have an industrial site was in the northeast sector north of the river that has a high concentration of class I and II soils and is prone to flooding. He felt the parcels should stay agricultural but if they were considered for industrial he recommended the following decision criteria be used by the governing bodies (he read from the letter submitted):

1. A clear and comprehensive cost/benefit analysis should be available to the public comparing the development of this area in contrast to other industrial development sites in Douglas County.
2. A comparison of the change in land use of class I and II soils with industrialization of this site with other industrial development sites in Douglas County.
3. At a minimum, the developer pays for all the additional infrastructure costs compared to similar development with other industrial development sites in the county.
4. A clear and comprehensive analysis determining whether the proposed development would have any adverse impact for floodplain management.

Ms. Debbie Milks said she owns an orchard in the area. She asked that farming be treated with the same respect given to industrial uses. She said there have been increased changes with floodplain and water problems in the 20 years she has owned the property. She felt incremental development had an effect on farming businesses in the area. She asked that they treat agriculture as a legitimate use of prime soils.

Mr. Lane Williams referenced the staff report and wondered how a \$12.4 million dollar pump could be incrementally developed.

Ms. Barbara Clark asked Planning Commission to consider the 1993 flood when they look at the Northeast Sector Plan.

Ms. Julia Manglitz said there was no such thing as zero impact development in the floodplain. She said there was no way to design around 100 flood event and account for everything.

COMMISSION DISCUSSION

Commissioner Liese asked staff to review the 125 acres versus 300 acres that came about.

Mr. McCullough said the 125 acres was the subject of a rezoning a few years ago. He said in part that was what generated this plan. He said some in the township approached the County Commission to initiate the sector plan. He said when staff formulated the draft plan that Planning Commission approved it was the central issue of what, if any, size of industrial should occur there. He said regarding the 125 acres versus 300 acres staff understands what kind of infrastructure improvements and stormwater improvements would be necessary for that, and that was being offered as a consideration to Planning Commission. He asked if it was more appropriate to fall back to some reduced amount of industrial designation in this area or do the other proponents of industrial in the area lend itself to keeping 300 acres. He said the staff memo was a position that staff offered as a consideration.

Commissioner Liese said he was grateful to the City Commission and County Commission for sending this item back. He said he was new to Planning Commission when the item came before them previously and he did not feel like he understood as much as he wanted to but he voted in favor of the plan. He said he was relieved they could now consider a reduction because he was much more comfortable with what had been proposed.

Commissioner Finkeldei asked staff to reply to Mr. Lane's earlier question.

Mr. McCullough said the North Lawrence Drainage Study was an attempt to address the history of flooding in the area and it did have a set of assumptions that were more intense than what was being proposed with the sector plan. He said a lot of the improvements were build out improvements. He said as he understood it, from discussions with the City Stormwater Engineer, that the most immediate concerns were to increase the pump size of the existing pumps. He said it was not an exact science to say when improvements would be necessary for what development. He said there were a good number of community wide improvements that needed to go into it so he would not expect any one developer to put 12.5 million dollars into raising 24/40 Hwy. He said there were ways to help finance those community needs through such things as a benefit district.

Commissioner Finkeldei said it was important to answer the County Commission and City Commission questions. He felt staff did a good job of laying out the issues regarding cost. He said until you the project was known the cost would be unknown. He said a bunch of small projects was different than one large user. He said an industrial user doing ag-industry was completely different than someone who was not doing ag-industry. He supported the staff finding of too many variables to determine cost. He said he appreciated staffs answer regarding urbanization. He said the issue of industrial development outside of the airport was a tough one. He supported the staff finding that this was a unique property, small area, and an area close to the airport, turnpike, and 24/40 Hwy. He appreciated staffs comments regarding the area southwest of the airport. He supported staffs analysis regarding drainage. He said language regarding soil conserving ag-industry was passed by both City and County Commission. He felt they should adopt the language in Horizon 2020 which encourages soil conserving ag-industry. He supported leaving 300 acres of industrial to allow for options available.

Commissioner von Achen asked for an explanation of option 1.

Mr. McCullough said in Chapter 7 of Horizon 2020 there is a 'snowflake' map that designates certain intersections and areas of the entire county for industrial purposes. He stated when this area was identified as an industrial area in Horizon 2020 it came with language associated with it that called out and encouraged soil

conserving agri-industry uses. He said it wasn't necessarily a defined term in Horizon 2020 but once adopted it became the term of art that was used to build the assumption in the sector plan. He said one of the issues that everybody appeared to agree on was that soil conserving agri-industry needed some clarification and definition. He said part of the sector planning effort was an attempt to better define what that meant. He said the majority consensus of the Planning Commission determined that borrowing that language from Chapter 7 of Horizon 2020 and maintaining this as an industrial straight designation was the appropriate designation for this land. He said because Horizon 2020 designated with the caveat that it's a soil conserving agri-industry use, it was maintained that 'we'll know it when we see it' kind of a concept because it was very difficult to define soil conserving agri-industry. He said with any rezoning effort a user would have to demonstrate compliance with Horizon 2020 and the sector plan. He said the Planning Commission consensus was to leave it open ended in order to give flexibility to staff and Commissions.

Commissioner von Achen asked if preferential treatment would be given to soil conserving agri-industry.

Mr. McCullough said yes and that it had enough weight in the comprehensive plan and sector plan that it would be an expectation.

Commissioner Belt asked if both governing bodies were okay with the subjective and nebulous definition.

Mr. McCullough said he presumed otherwise since it was a comment in the list of things that the governing bodies wanted Planning Commission to consider.

Commissioner Burger inquired about the North Lawrence Drainage Study build out scenario map. She said it stated on the page 'not to be used for zoning purposes.' She wanted to clarify it was an interpretation of a consultant as to what the future of this sector plus North Lawrence might look like, not an approval, endorsement, or proposal.

Mr. McCullough said that was correct.

Commissioner Burger asked if Horizon 2020 would require including industrial zoning in every sector plan.

Mr. McCullough said no, however staff uses the chapters of Horizon 2020 as the starting point in sector planning. He said, for example, if industrial designation was stricken from the area then a follow up to the sector plan approval would be to amend Chapter 7 and remove the 'snowflake' designations from that map.

Commissioner Burger asked if the 1000 acres requirement had been exceeded in other sectors.

Mr. McCullough said that was right, not all zoned, but designated for that category.

Commissioner Liese asked for clarification on what the Planning Commission action should be.

Mr. McCullough said going through the individual findings was helpful to the governing bodies. He said ultimately Planning Commission needs to affirm the plan they submitted to the governing bodies or submit a new revised plan to the governing bodies for consideration.

Commissioner Liese asked what a motion would be like in either case.

Mr. McCullough said there were two high level issues to look at. The first issue was soil conserving agri-industry and whether they stand with their recommendation, or revise that and seek further clarification. The second category was the idea of this particular area and whether or not it should remain as proposed with 300 acres of industrial or be reduced.

Commissioner Hird inquired about the parcel sizes of 125 acres.

Mr. McCullough said it depended on 125 acres compared with other designated areas of the community. He said it was probably a small to medium size industrially designated area. He said there were multiple zoning districts that could be employed here and accommodate small, medium, and large industrial sizes. He said there was a project proposed at this location so the market had value in the area.

Commissioner Hird asked staff to describe the process to the new Commissioners and how the 300 acres was arrived at.

Mr. McCullough said the 300 acres went through a public process. He said staff typically looks for boundaries of a land use category, and with the floodplain, airport, interstate highway, industry to the west, this appeared to be the starting point for discussion to complete the industry between the airport and highway. He said staff was asked to dig deeper on all the issues in the staff memo so the findings were based on that.

Commissioner Britton said from his perspective a sector plan was long term and with this particular piece of property it sounded like they ought to be thinking about the environmental and flooding issues first and foremost. He felt they needed to set a high bar to move to industrial and know there would be a return on the investment. He was concerned about the potential for flooding and safety issues for the residents living in the area. He did not see the need for additional industrial when they had already exceeded the 1000+ acres of additional identified industrial. He stated there were specific opportunities around the county, such as Farmers Turnpike area and Farmland Industries. He said he understood this was a unique area because of the airport but he felt it was a more unique area because of the flooding and soil conservation issues. He felt that opening the door to development opened the door for more future development and he was concerned about the long term impact. He wondered how limits could be put in place if development did move to the northeast sector.

Mr. McCullough said because of the elements that this has going for it, such as the limited number of interchanges to I-70, airport, state highways, proximity to Kansas City and Topeka, discussion to date in the governing bodies and Planning Commission has been that this is one of the few recognized areas of choice that the market may want to go to because of the airport and highway interchange.

Commissioner Britton asked if there were other options along the I-70 corridor or on the airport itself.

Mr. McCullough said the airport was an area that they were trying to get airport related uses at. He said the spinoff was that if the airport got some viable land uses and industry that they might need some land outside of the airport to support those businesses.

Commissioner Finkeldei said the basis of this was the adoption of Chapter 7 in Horizon 2020. He said the airport was specifically designated as having industrial around it. He said Planning Commission, County Commission, and City Commission have all changed members and that it was possible that the County and City Commission don't believe Horizon 2020 was accurate anymore and that it should be changed and the airport should be removed from the industrial conversation. He suggested that if that happened it should happen through an amendment process to Horizon 2020 not in the sector plan that implements it. He said he supported the 300 acres of industrial, not going down to 125 acres.

Commissioner Liese said he voted in favor of the Northeast Sector Plan previously but had reservations about environmental and flooding issues.

ACTION

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to maintain all of the Northeast Sector Plan as voted by Planning Commission last year, including the agri-industry designation, except reducing the 300 acres of industrial to 125 acres.

Commissioner Blaser welcomed the opportunity to look outside the box. He agreed it was hard to try and decide if the airport would be more or less expensive. He was concerned about the intensity of industrial. He

suggested making the north side of 24/40 Hwy industrial and the south side agri-land, which might lend itself better to bio-science uses.

Commissioner Hird said Planning Commission spent a lot of time on the Northeast Sector Plan and he was sensing some Commissioners wanted to start over.

Commissioner Blaser said he was not suggesting they start over. He felt the whole 125 acres should not be industrial.

Commissioner Hird said he would be uncomfortable in arbitrarily picking where industrial should go without studying it further. He said Planning Commission spent so much time on this and it was a difficult process that he did not want to rush through a decision. He said he could support the motion but that he sensed that we're heading toward further study of the issue.

Commissioner Blaser wondered if the conserving of agri-land could be made part of the industrial.

Mr. McCullough said the way the plan reads now is that where there are class I and II soils it is encouraged to be soil conserving agri-industry. He stated at one time, in the third draft, there was a new category called soil conserving agri-industry. He said after that discussion it got changed to just industrial with the Chapter 7 language.

Commissioner Liese said if they could reduce the risk to the land and the people by reducing the amount of land potentially used for any kind of industry they would be doing something good for all community members.

Commissioner Culver said he would support the motion. He said when looking at the definition of soil conserving agri-industry it was hard to describe what that would look like, how it would be marketed, and if that would limit opportunities and defeat some of the purposes of the sector plan. He inquired about Mr. Booth's earlier comment regarding the Airport Master Plan including land outside of the airport.

Mr. McCullough said he would have to ask Mr. Booth which map he was looking at. He said there was a map that showed some purple for future acquisition for the airport, not necessarily for outside development potential. He said to his knowledge it was not a land use plan for outside of the airport boundaries.

Commissioner Finkeldei said he would not support the motion. He felt the acreage should remain 300. He expressed concern about which 125 acres were included in the motion. He said if they were recommending a reduction they needed to respect the land owners enough to have staff look at the issue with the specific acreage and where it was located before voting on it.

Commissioner Belt felt the entirety of the plan was about mitigating loss and reducing risk.

Commissioner Britton expressed concern for setting a long term precedent that the area was moving in that direction. He wondered what sort of tools they had to make it clear that they were not looking to expand this type of development out there.

Mr. McCullough said the Northeast Sector Plan and the Comprehensive Plan were tools. He said outside of the Planning regulatory process there were conservation easements that a property owner could put on their own property to preclude development. He said they could not turn away applications to amend the Comprehensive Plan or to request such things as rezoning and platting. He said staff tries to set the expectation through the Comprehensive Plan and sector plans that those are the highest tools used to judge requests.

Commissioner Hird said his recollection of the Planning Commissions discussion was that this would be an industrially designated area, not that it was an exception to another rule, but there were good reasons for the

community at large in some industrial development by the airport. He said he had a hard time supporting the motion without knowing which 125 acres it was.

Motion failed 4-5, with Commissioners Britton, Burger, Finkeldei, Hird, and von Achen voting in opposition. Commissioners Belt, Blaser, Culver, Liese voted in favor.

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to defer and direct staff to present alternatives regarding acreage that could be included in the Northeast Sector Plan as industrial.

Commissioner von Achen asked that the motion include rewording of option 1.

Commissioner Hird said that would not be part of his motion and that he would prefer to leave the wording alone.

Motion carried 9-0.