

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 10, 2012

6:35 p.m.

-Consider approval of a proclamation for "National 4-H Week" October 8-14, 2012 (4-H Ambassadors)

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

- (2) **REGULAR-Z-12-00098**: Consider a request to rezone approximately 31 acres from County A (Agriculture) to County R-T (Rural-Tourism Business), located at 1674 N 1000 Rd. Submitted by Mid-American Association for Autistic Therapy and Research (MAATR), for Marcus and Sandra Patton, property owners of record. (PC Item 2; approved 7-0 on 9/24/12) (Mary Miller will present the item.)
- (3) Other Business
- (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - Board of Zoning Appeals 11/2012 (New Appointee)**
 - Bicycle Advisory Committee 12/2012 (eligible for reappointment)**
 - Food Policy Council 12/2012**
 - (c) Public Comment
 - (d) Miscellaneous

- (4) Adjourn

THURSDAY, OCTOBER 11, 2012

3-6 p.m. – Douglas County Senior Services 40th Anniversary Event

WEDNESDAY, OCTOBER 17, 2012

SATURDAY, OCTOBER 20, 2012

4-7 p.m.-Douglas County Senior Services Chili Cook off

WEDNESDAY, OCTOBER 24, 2012

4:00 p.m. Only

-Consider approving a proclamation for "Kansas Food Day " October 24, 2012 (Eileen Horn)

WEDNESDAY, OCTOBER 31, 2012

WEDNESDAY, NOVEMBER 7, 2012

WEDNESDAY, NOVEMBER 14, 2012- Tentatively Cancelled

THURSDAY, NOVEMBER 15, 2012

9:00 a.m. – Election Canvass (Two or more Commission will be in attendance.)

***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.*



P R O C L A M A T I O N
NATIONAL 4-H WEEK IN DOUGLAS COUNTY
OCTOBER 8-14, 2012

WHEREAS, 4-H youth across the nation are keeping it green by leading efforts to solve problems in their communities, raise awareness about environmental issues, and make a difference for their futures; and

WHEREAS, 4-H is one of the largest youth development organizations in Kansas and the largest in the nation with over six million young people; and

WHEREAS, 4-H in Douglas County, Kansas claims more than 320 members and more than 150 volunteers; and

WHEREAS, 4-H, as part of the Kansas State University Research and Extension, is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology; healthy living and citizenship; and

WHEREAS, 4-H has connected youth and their communities with the innovative research and resources from our nation's 106 land-grant universities and colleges for more than 100 years.

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, proclaims the week of October 8-14, 2012, as

National 4-H Week in Douglas County

and urges the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Douglas County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

ADOPTED this 10th day of October, 2012.

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

Mike Gaughan, Chairman

Nancy Thellman

Jim Flory

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
9/24/12

ITEM NO. 2: A TO R-T; 31 ACRES; 1674 N 1000 RD (MKM)

Z-12-00098: Consider a request to rezone approximately 31 acres from County A (Agriculture) to County R-T (Rural-Tourism Business), located at 1674 N 1000 Rd. Submitted by Mid-American Association for Autistic Training and Research (MAATR), for Marcus and Sandra Patton, property owners of record. MKM

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 31 acres from A (Agricultural) District to R-T (Rural Tourism), and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Staff recommends approval of the buffer width reduction to 100 ft along the north and south property line subject to the following conditions:

- The reduction on the south property line would apply only to the area needed to accommodate the activity area parking area and drive. The buffer on the remainder of the south property line would remain at 200 ft.
- A note would be added to the site plan which limits the use of the driveway to the cabins to 4 cabins, to insure it remains a low-intensity use.

Applicant's reason for request:

"The subject property is in an ideal location to meet the growing demand for service for those with autism via proven successful horse and animal therapy, along with other therapeutic and educational services. Its proximity to Lawrence and the KC metro, yet the country feel, makes it appealing for the applicant and future guests. In addition, the current improvements and uses will tie in to the applicant's overall plans, minimizing the need for construction and alterations to the subject property.

MAATR's proposed plan includes classes (such as art, music and other educational services) and respite cabins for guests to stay in. We may also have a small country store to sell items grown/made by our autistic guests. The current zoning (agricultural) does not allow these as permitted uses. Rezoning to Rural Tourism, would allow all aspects of our plan to be considered permitted uses. It will also have very little impact/change in traffic and remain low use/low intensity—those with autism do better in smaller groups, so we plan on having very personal, low-key activities."

ATTACHMENTS

Attachment A: Concept Plan

Attachment B: Letter regarding buffer area on north

OTHER ACTION REQUIRED

- Approval of rezoning by Board of County Commissioners and publication of resolution.
- Property must be platted prior to development. This includes the submittal of preliminary plat for Planning Commission approval and submittal of final plat for Planning Director's administrative approval and County Commission acceptance of any

dedications. The subject property is part of a larger tract with a residence. The residence and surrounding property will be removed through the Homestead Exemption Survey prior to platting of the subject property.

- Submittal of site plan for County Commission approval.
- Building permit must be obtained from the Zoning and Codes Office prior to construction.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; horse barn, mobile homes for farm employees, and various out-buildings Agricultural uses.

Surrounding Zoning and Land Use: To the North, East and South: A (Agricultural) District,; agricultural and rural residential uses, and open space.

To the west: A (Agricultural), F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts; Agricultural uses and wooded stream corridor.
(Figure 1)

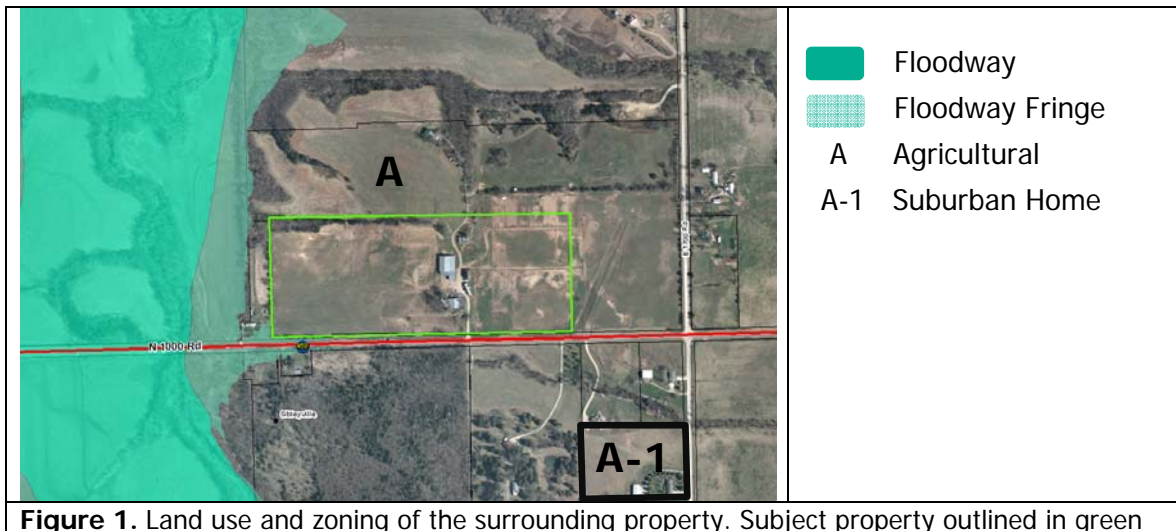


Figure 1. Land use and zoning of the surrounding property. Subject property outlined in green

Project Summary

Rezoning to the R-T District is requested for approximately 31 acres to facilitate the development of a facility that would provide therapy and educational services for children and adults with autism. The use would include a commercial riding stable, riding arena, walking trails, cabins, dwelling for on-site manager, open space, and an activity building for music, art, and other classes and activities.

The site currently contains a riding stable and arena, along with other agricultural out-buildings and mobile homes for the farm employees. The plan is to utilize the barn and riding stable as well as the other out-buildings and to maintain one mobile home for the caretaker's residence until they are able to construct a dwelling. The BZA has the authority to approve a temporary and conditional permit for a mobile home (Section 12-323-3.11 of the Zoning Regulations) so

this portion of the request will require BZA approval. The temporary and conditional permit would be required with the site planning of the property.

The applicant explained that the use is by nature low-intensity as people with autism do not do well in loud or crowded situations. They plan to construct several small cabins (3 on the west side of the property and one to the north.) Other cabins could be added during the site planning stage, as the plan provided with the rezoning is a concept plan; however it is unlikely that any additional cabins could be installed along the west side of the property as each cabin is required to have 3 acres available for a septic system. The total number of cabins will be determined at the site planning stage. Any additional cabins will require submittal of a revised site plan for consideration and action by the County Commission.

They may have a petting area in one of the out-buildings for small animal therapy and plan on constructing an activity center for music, art, and other therapy and educational programs. The size of the activity center has not been determined at this time, but the applicant estimates it will be about 2000 to 4000 sq ft. Eventually they will develop a gathering place in the activity center for their guests and their families. The proposed development is illustrated in the concept plan included as Attachment A.

As for the intensity of the use, the applicant provided the following information:

“When you are dealing with children and adults with autism, you have to keep it very simple and small. They typically do not do well in large groups. A good majority of our therapies will be one-on-one. If we do groups, it is best to keep them at 5 or less. With that being said, besides occasional ‘special events’, we do not perceive having more than 10 to 15 guests at a time (that is after we are operating long enough to run multiple groups at once.)”

The uses that are being proposed are permitted in the A District with approval of a Conditional Use Permit; however the applicant elected to seek rezoning to the RT District in order to obtain a more permanent approval.

The applicant provided the following information regarding the proposed use:

“It will be a place of relaxation, learning and respite for children and adults with autism. Our main focus will be horse therapy. That will involve guided horseback riding in the indoor arena and outside areas alike. We will also have small animal therapy and maybe some education on growing and caring for plants.”

We will eventually have small classes (such as art & music therapy), upon approval of the Rural Tourism classification. Once we are operational for awhile, we will plan a Phase II, which would include an activity and gathering place for our guests and their families. It would include a small residential kitchen for preparing small group meals.

We will also need an “on-site” manager to watch over and care for the facility. For now, we would like to keep the allowed mobile home for that person—until we can build them a permanent residence. That residence will have a kitchen and regular “home” basics. The guest cabins, however, will not have any kitchens in them.”

The applicant is requesting a reduced buffer area surrounding the activity area, which will be discussed later in this report.

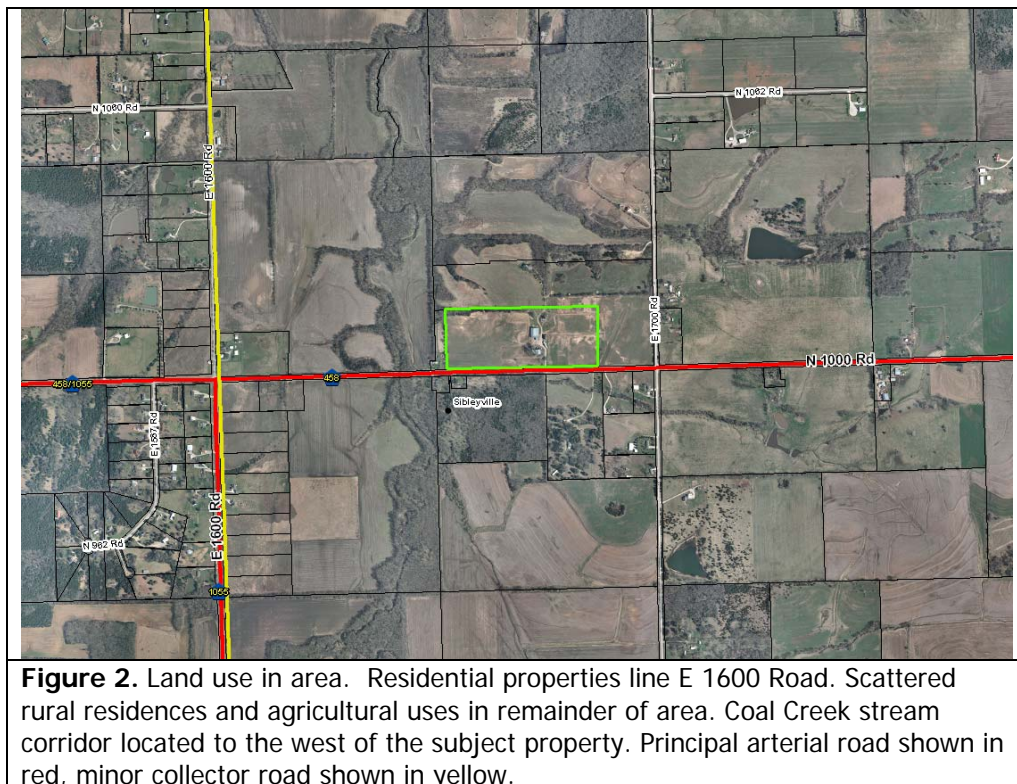
I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The surrounding area is zoned A (Agricultural) with Floodway and Floodway Fringe Overlay Zoning located along the Coal Creek stream corridor to the west and northwest of the subject property. Land uses of surrounding property include agriculture, open space, and rural residences.

Staff Finding –The surrounding properties are zoned for and primarily used for agricultural uses. Rural residences and woodlands are also present. The R-T Zoning and rural tourism use would be compatible with the zoning and land uses of surrounding property.

II. CHARACTER OF THE AREA

The subject property is located within the southern portion of the Lawrence Urban Growth Area. The area is rural in nature with a mix of agricultural and residential uses. In addition to scattered rural residences, there are 2 platted residential subdivisions about ½ mile to the west of the subject property along E 1600 Road: Mears Addition with 5 undeveloped lots, and Cedarwood Hills Subdivision with 31 developed lots. Additional smaller land divisions were created through the 5 acre exemption for additional rural residences in this area. (Figure 2)



The area contains environmentally sensitive lands in the form of stream corridors, regulatory floodway and floodway fringe, and woodlands; however, these are not located on the subject property. (Figure 3)

Two principal arterials, N 1000 Road/County Route 458 and E 1600 Road/County Route 1055,

intersect in the area. The subject property has good access to the major transportation network, being located on and taking direct access to N 1000 Road/County Route 458. (Figure 4)

Staff Finding – This is a rural area with a mix of agricultural and residential uses and has good access to the major transportation network. The area contains the following environmentally sensitive lands: stream corridors, regulatory floodway and floodway fringe, and stands of mature trees. The R-T Zoning is compatible with the character of the area and should serve to maintain and enhance it.

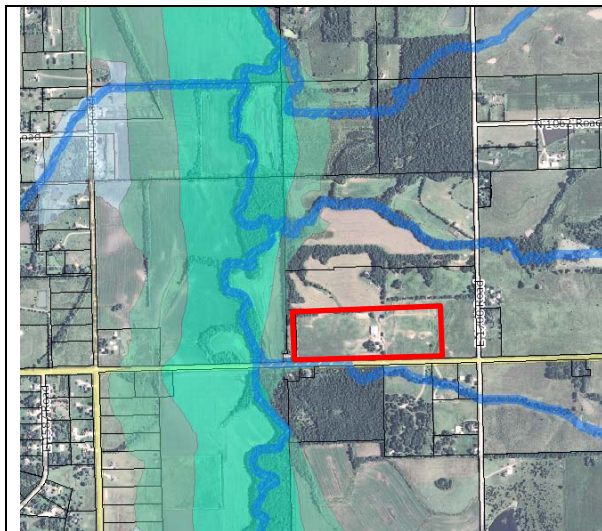


Figure 3a. Subject property outlined in red. Stream corridors in blue, floodway in dark green, floodway fringe in pale green, stream corridors in blue, and woodlands visible from the NAIP photo imagery.

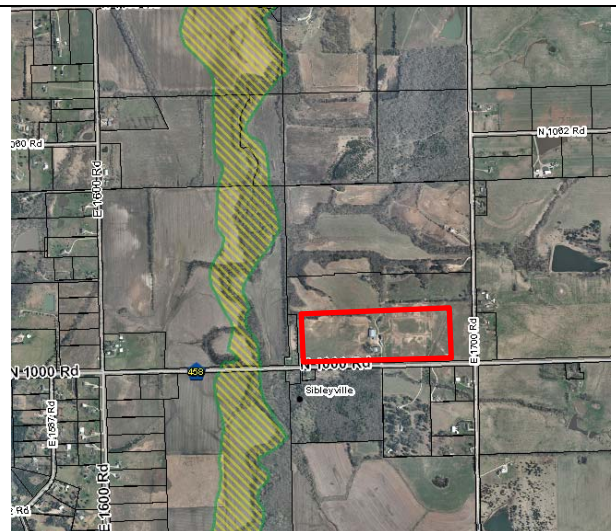


Figure 3b. Subject property outlined in red. High quality agricultural soils in hatched area.

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

Applicant's Response:

"Allowed by current zoning, the current use of the property is a commercial stable and farm. With the acreage and current improvements, it is suitable for that use. With the open space and utilizing those improvements, the property would also be suitable for small classes, small respite cabins and possibly a country store, if allowed by the Rural Tourism zoning."

The subject property is developed with a barn, riding stable, mobile home, and various other out-buildings. (Photos in Figure 6) Per Section 12-306-2 of the Zoning Regulations, permitted

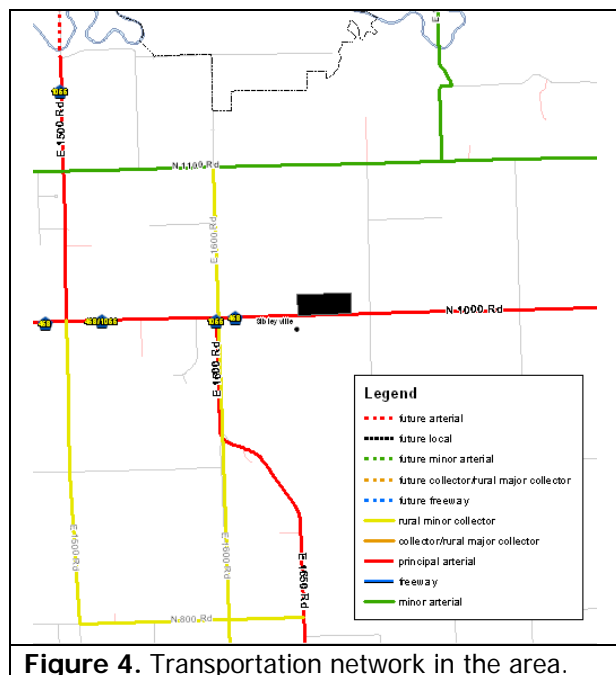


Figure 4. Transportation network in the area.

uses in the A District include agricultural uses; animal hospital or clinic; commercial dog kennel; commercial greenhouse; commercial riding stable; detached dwelling; churches, parish halls, etc; schools; and country clubs. The property is suited for these uses.

Per Section 20-309B-2 of the Zoning Regulations, the following uses are permitted in the R-T District: outdoor recreation; open air theatre; places of social assembly; lodging; cultural centers, museums or similar uses; and agricultural uses. Accessory uses permitted include retail stores, commercial riding stable, and residential dwellings when associated with the tourism use as caretaker or manager. Based on the conceptual site plan, Attachment A, and the applicant's narrative of the use included earlier in this report, the proposed rural tourism use will include cabins, an activity center, a retail component to sell products made by the facility's guests, a dwelling unit for the caretaker, commercial riding stable, and trails for riding or walking. The property is suited to these rural tourism uses.

Staff Finding – The property is suited for uses permitted in the Agricultural Zoning District and is also suited for uses allowed within the Rural Tourism District as the purpose of the district is to permit uses that integrate with and maintain the rural character of the property.

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

Staff Finding – The property is currently developed with agricultural buildings and a mobile home for a farm employee.

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

Applicant's response:

"Rezoning and removing restrictions will NOT detrimentally affect nearby property. The uses proposed will be very similar to the current uses. The additional uses that would be possible by the rezoning would be low-impact/intensity activities. Applicant does not foresee traffic increasing much more than what is currently seen with the commercial stables of Coal Creek Farm. In addition, the surrounding area is also agricultural; therefore, rezoning to Rural Tourism would fit in with the surrounding agricultural zoning/uses. There are also current slopes and tree lines that act as natural buffers to the site."

Possible impacts from development typically include lighting, noise, and traffic. Per the conceptual site plan, the activity center is proposed to be located within the interior of the site. Cabins, agricultural uses, and walking or riding areas are proposed along the perimeter. Any proposed exterior lighting will be reviewed at the site planning stage to minimize any negative impacts such as light trespass or glare onto the neighboring properties. The subject property is located on N 1000 Road/County Route 458 which is a paved 'principal arterial' that is designed to handle larger volumes of traffic than local or collector roads.

The proposed use will be of a higher intensity than the existing use, but will not be a high impact or intensity use as a limited number of guests are anticipated at any one time due to the nature of the facility. As the property has direct access to a paved arterial road there should be no negative impacts associated with dust or increased traffic.

A 200 ft natural buffer area or other appropriate distance as determined by the Board of County Commissioners is required for Rural Tourism uses to insure that the rural character of the area is maintained and to minimize any negative impacts. The Zoning Regulations note that this buffer area shall be limited to agriculture or other low-impact uses. (Section 12-309B-3.02)

The purpose of the buffer area is to provide separation and buffering between the tourism use and adjacent uses. The proposed facility will include several uses which are permitted by right in the Agricultural District and which currently occur on site; however, the cabins and activity center are uses which would require a CUP in the A District as they could have more impact on adjacent properties than agricultural uses.



Figure 5. Nearby residences identified with green marker.

The applicant requested a reduced buffer width of 100 ft on the west, south, and east side of the property and 0 buffer width on the north side. This request was based in part on the fact that the required 200 ft buffer would encumber approximately 2/3 of the total site area and the fact that their rural tourism use will be primarily agricultural in nature with low intensity activities. The following is a review of the buffer width reduction request:

BUFFER WIDTH REDUCTION REVIEW

SOUTH BUFFER

The activity center is planned for the southern side of the property. The drive and activity center parking area are shown within the 200 ft buffer area on the concept plan. The applicant requested that the buffer width along the south be reduced to 100 ft to allow the activity center parking area and drive to be located between the activity center and the road. Two concept plans are included in Attachment A; one with the 200 ft buffer width, the other with 100 ft. The 100 ft buffer area on the south would result in the drive and parking area being located outside of the buffer area. Landscaped screening for the parking area from N 1000 Road will be determined during the site planning process. The other uses proposed are located outside of the 200 ft buffer area, or are agricultural uses-such as the small horse stable identified as building A and would be permitted to be located within the buffer.

- Staff's recommendation is to reduce the buffer area width to 100 ft as needed to accommodate the parking and drive area for the activity center and cabins while maintaining the 200 ft buffer area for the remainder of the southern portion of the property. The location of the drive and parking area, and associated 100 ft wide buffer area, would be determined at the site planning stage.

EAST BUFFER

The subject property is adjacent to agricultural land to the east. The concept plan shows this area as pasture and riding areas. These would be considered low impact and agricultural uses which are permitted within the buffer area.

- Staff's recommendation is to maintain the 200 ft buffer area width on the east side of the property as there is no conflict with the proposed use and the required buffer area in this location.

WEST BUFFER

A residence is located on the parcel adjacent to the west property line. Three cabins are shown along the west side of the property on the concept plan. The cabins are located outside of the buffer area; however, the access drive to these cabins is within the buffer area. The applicant requested a reduced buffer area of 100 ft along the west side to provide flexibility with locating the cabins. It is necessary to provide 3 acres for a septic system each for cabin.

They also requested that the drive be considered a low-impact use as it will only provide access to the 4 cabins on site. Many of the trips from the cabin to the activity center, barn, or other out-buildings will be on foot or horseback. If the drive is located in the required buffer area, staff recommends restricting its use to accessing the 4 cabins to insure limited traffic. Landscaping would help minimize the visual impact of the drive to the property to the west. Staff recommends that additional landscaping, including a majority of evergreen species, be planted between the drive and the west property line if the driveway is located within the required buffer area.

- Staff's recommendation is to maintain the 200 ft buffer width and allow the location of the access drive to the cabins within the required buffer with the condition that a note be added to the site plan that this driveway use is restricted to providing access to 4 cabins. Landscaping should be planted along the west property line to screen the drive from the residence to the west.

NORTH

Rick Andrews, owner of the property to the north, provided a letter of support for the removal of the buffer along the north property line as he felt the tree line provided adequate buffering. This letter is included as Attachment B. A 100 ft buffer width on the north side of the property would include the tree line. Uses shown on the concept plan include the north cabin and its access drive.

- Staff recommends a reduced buffer width of 100 ft on the north side of the property based on the adjacent property owner's comments and the existing tree row. The 100 ft buffer area will allow space for the tree row and for perhaps a wider tree row to be developed through time to buffer the uses from the property to the north. The drive could be located within the buffer area with the same condition as noted above.

Staff Finding – Due to the low intensity and agricultural nature of the proposed use there should be no negative impact to neighboring property. Attention will be provided to screening, lighting, and site design and configuration through the site planning stage to reduce or minimize any negative impacts. This setback should adequately buffer the adjacent properties from the use, even with the reduced width of 100 ft on the north and the portion that would be reduced to 100 ft on the south to accommodate the activity center parking area and connection to the access drive. The drive to the west providing access to the cabins would be considered a low-impact use if a note were added to the site plan that the drive was limited to providing access to 4 cabins located on the west and north side of the property. Trees, with a majority being evergreen species, could be planted along the west side of the drive to screen it from the property to the west.

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

Applicant's response:

"Over the years there has been a significant rise in autism, and it continues to grow. Many of those diagnosed with autism years ago are now becoming adolescents and adults. The majority of the focus is on early intervention and the younger population, leaving limited options for those who are older. The applicant's approval and ability to do their project as planned will help fill those many needs and more that are not currently available. It will also be a place for volunteers and even students of KU to do internships and/or learn. Without the approval, applicant would be limited on the educational services, recreational therapy, and much needed respite they could provide."

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning were denied, the property would maintain its Agricultural zoning classification and could be used for agricultural purposes or developed with a use that is permitted within the A District. The proposed use could be achieved through approval as a Conditional Use; however, the applicant wanted a more permanent approval than is provided with the Conditional Use Permit so elected the R-T Zoning. The approval of the rezoning would provide a more permanent approval for the facility and would limit the permitted uses to those which are permitted in the R-T District with the intent to maintain and enhance the rural character of the area.

Staff Finding –There would be little, if any, gain to the public health, safety or welfare from the denial of the rezoning request. The proposed use would be possible under the A Zoning with a Conditional Use Permit; however, the R-T Zoning offers a more permanent approval for the use.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The subject property lies within the Douglas County UGA (Urban Growth Area) and appears to fit much of the planned criteria/goals as specifically stated in the Horizon 2020 Plan. The proposed project will assist in the conservation of the rural character and natural features of the area, help preserve the environmental and ecological function of the area, it will allow a significant amount of 'green space', park and recreation for the public, the majority of the existing vegetation will be utilized (as well as additional vegetation planted), it will provide diverse educational opportunities to the special population with limited access to resources and it would help the progression of land uses to help achieve a transition in land uses and intensity levels."

Chapter 4 of *Horizon 2020*, 'Growth Management', describes the future growth area for Lawrence as the Urban Growth Area (UGA) and establishes criteria for urban development in each service area of the UGA based on its proximity to city limits and availability of City services and infrastructure. The subject property is located within Service Area 4 which is the last service area that is expected to be annexed into the City and provided with City services; therefore, urban development is not anticipated for this area in the near future. The annexation policy recommends that land within the UGA be annexed into the city prior to urban densities of development.

The comprehensive plan distinguishes between the future growth areas of incorporated cities in the county and the remainder of the unincorporated area by designating the future growth area as the UGA (Urban Growth Area) and the remainder of the unincorporated area as rural. The term 'rural' then has various meanings. When used to describe a geographical location in the comprehensive plan it refers to the unincorporated portion of the county that is not within an Urban Growth Area. When used in general discussion, the term 'rural' refers to being 'in the country' as opposed to being within an urbanized area. The Rural Tourism zoning district uses the term 'rural' to refer to the non-urbanized areas rather than to areas that are located outside of the Urban Growth Area. Development and uses within the Rural Tourism District are intended to integrate with and enhance the rural character of the area. The agriculturally based use being proposed in this Rural Tourism District is in conformance with recommendations in the Comprehensive Plan regarding development within the UGA.

Chapter 4 also contains parameters for development within the rural area and includes 'rural tourism uses'. As rural tourism uses may occur in as well as outside of the UGA, the subject location is being reviewed with the following criteria recommended in the Comprehensive Plan (Page 4-4. *Horizon 2020*): (Staff discussion follows the criteria and is *italicized*.)

- 1) Has direct access to an improved arterial roadway.
Subject property is located adjacent to, and has direct access to N 1000 Road, a principal arterial.
- 2) Public water supply available.
The property is serviced by RWD#1. Capacity is available and the applicant is discussing the logistics of service provision with the Rural Water District.
- 3) Separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners.
The proposed R-T District is approximately 3.5 miles northeast of another Rural Tourism Zoning District, Sadies Lake.
- 4) Designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods.
The proposed uses will integrate with the rural environment. Site design, buffering, lighting review, and other measures will insure compatibility with the rural environment during the site planning process.

STAFF REVIEW

The proposed rural tourism use consists of uses which are permitted in the Agricultural District such as agricultural uses and commercial stables. The proposed uses which would require approval of a Conditional Use Permit are the cabins, caretaker's dwelling, and the activity center. The proposed uses are permitted in the Rural Tourism Zoning District.

The property being rezoned is of adequate size to meet the standards of the R-T District, which are the same as those for the B-2 District. The proposed rezoning and subsequent land division would be in conformance with the frontage requirements in the access management standards. The proposed use and the proposed site layout are compatible with the rural character of the area.

The subject property meets the criteria for Rural-Tourism commercial zoning.



Figure 6a. View along N 1000 Rd to the east.

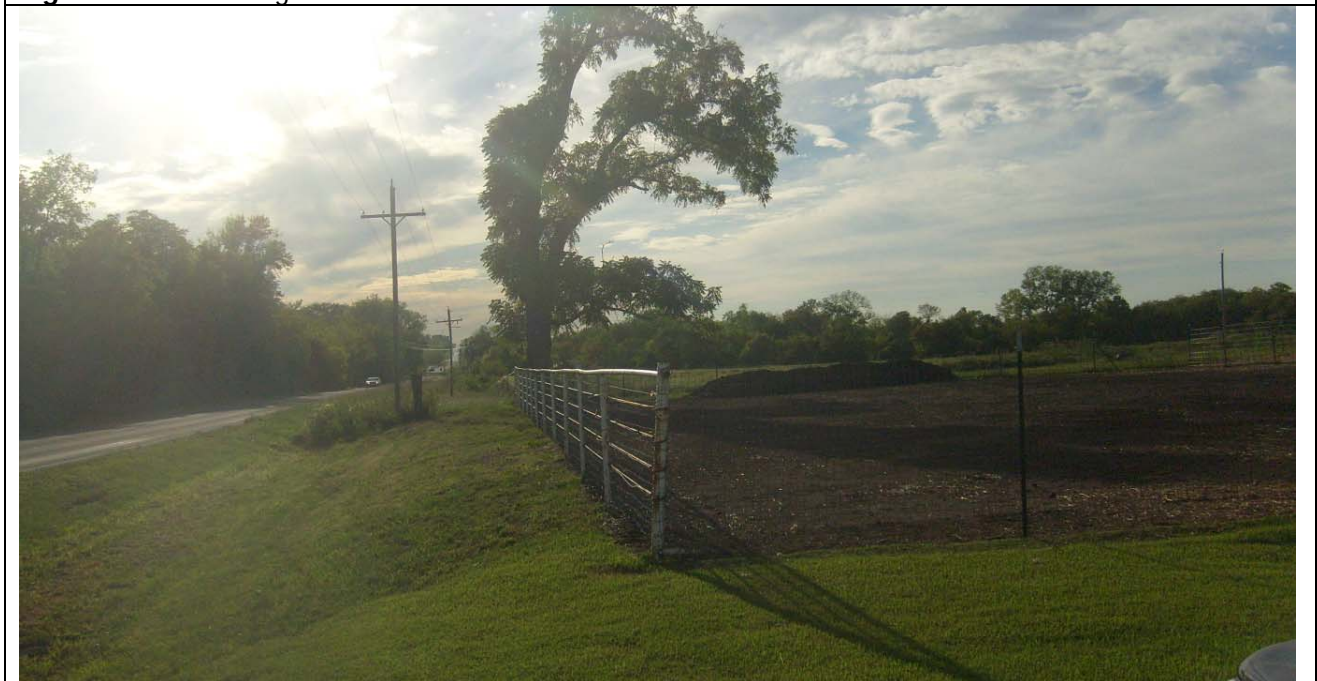
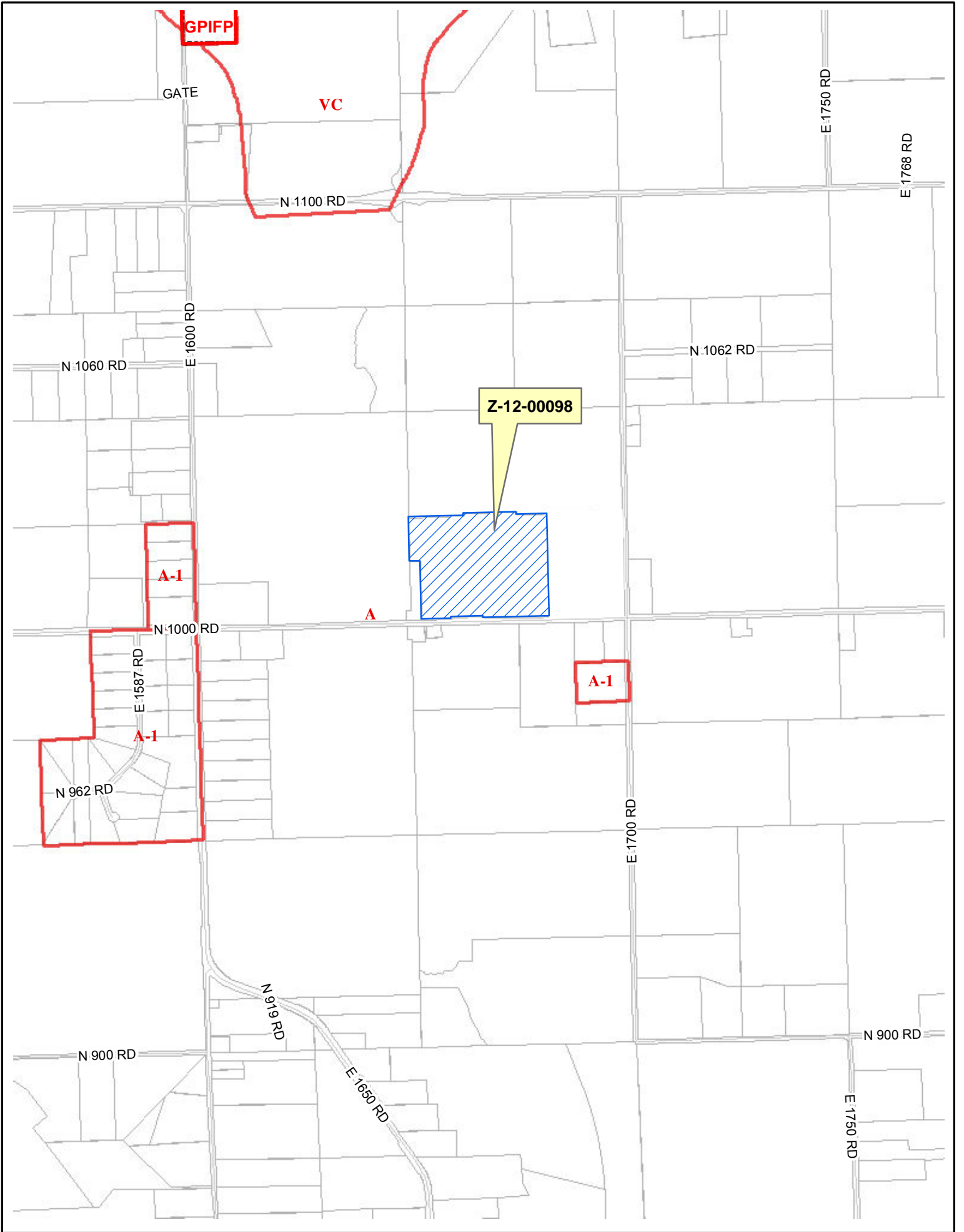


Figure 6b. View along N 1000 Rd to the west.

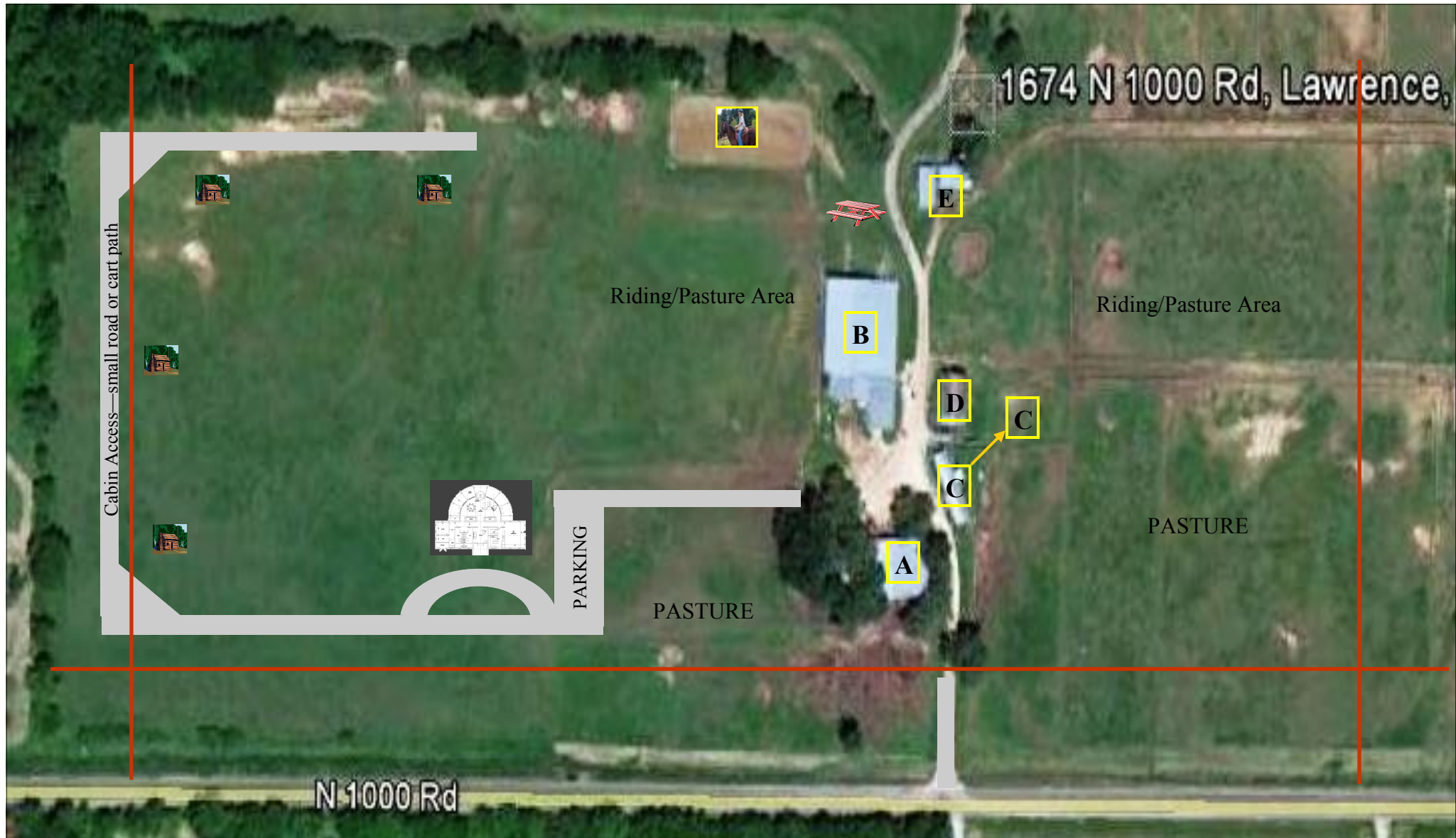


Figure 6c. View of subject property from N 1000 Rd.



MAATR On The Prairie

Conceptual Plan With Requested 100' Buffer (not exact scale)



EXISTING STRUCTURES:

- A—SMALL HORSE STABLE
- B—INDOOR RIDING ARENA
- C—TEMP RANCH HAND HOME (move to NE)
- D—OLD BARN
- E—OUTBUILDINGS



ACTIVITY CENTER/OFFICES



RESPIRE CABINS (GUESTS)



OUTDOOR RIDING ARENA



PICNIC AND VIEWING AREA



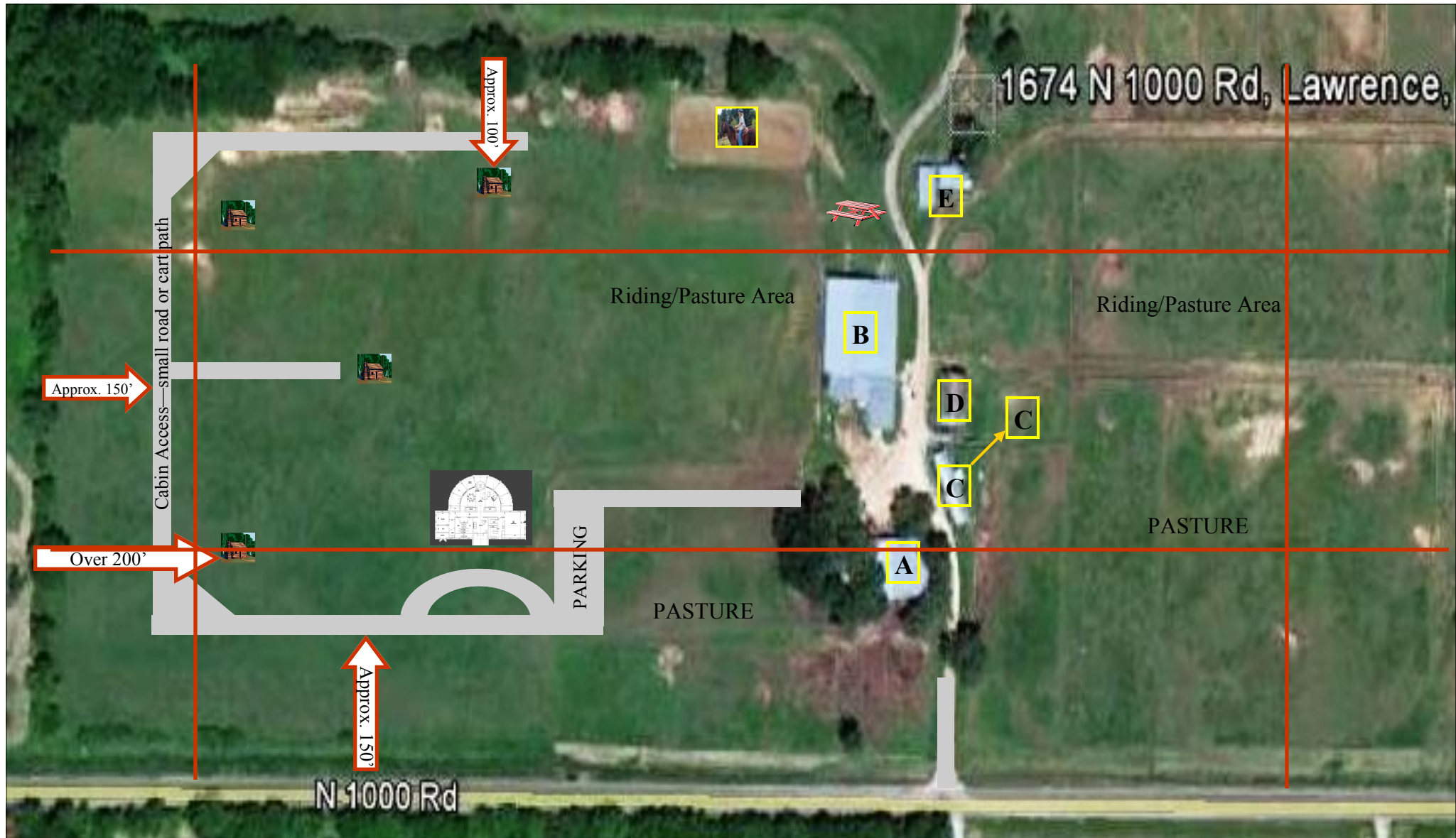
ENTRANCE, PARKING, CIRCLE DRIVE



Estimated 100' Buffer Area (in square, beyond 100')

MAATR On The Prairie

Conceptual Plan w/200' Buffer (not exact scale)



EXISTING STRUCTURES:

- A—SMALL HORSE STABLE
- B—INDOOR RIDING ARENA
- C—TEMP RANCH HAND HOME (move to NE)
- D—OLD BARN
- E—OUTBUILDINGS



ACTIVITY CENTER/OFFICES



RESPIRE CABINS (GUESTS)



OUTDOOR RIDING ARENA



PICNIC AND VIEWING AREA



ENTRANCE, PARKING, CIRCLE DRIVE



Estimated 200' Buffer Area (in square, beyond 200')

1033 E 1700 Rd
Lawrence,KS
September 20, 2012

Mary Miller
City/County Planner
P.O. Box 708
Lawrence, KS 66044

Mary:

Please accept this letter as our approval for MAATR to forgo the 200' set back along proposed North and East property lines. As we would be the property owners adjacent to the North, and also the East. We feel the existing tree line would be a sufficient buffer on the North. Regarding proposed East line , we would welcome any activity , especially a structure as this would be an added protection for our Alpacas.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Andrews", with a long horizontal flourish extending to the right.

Rick Andrews

MAATR Buffer Reduction Request

We appreciate staff's recommendation for approval on the RT rezoning and willingness to work with us on the reduction of the buffer area; however, if our calculations are correct, the buffer area, as recommended by staff, is still approx 45% of our proposed area. The majority of our plan is agriculturally related and the other activities will involve a low number of users and it is anticipated it would not be much busier than the current allowed use of a commercial stable. It is also our understanding that no public comment had been received about any issues with our proposal of use for the property. With that being said, we would like to request the following:

1. NORTH BUFFER REMOVED

There is an existing tree line along the north property line that acts as a natural buffer that we will keep in place. In addition, there is a significant distance to the residential cabin to the north, owned by Rick and Vickie Andrews. We already have a letter from Mr. & Mrs. Andrews, adjacent property owners to the north and east stating they are in favor of removing the north and east side buffers alike.

Having the septic south (down hill) of the cabins would help with the flow to the fields. That might require having the cabins just a bit more north.

2. EAST BUFFER REMOVED

The Andrews plan on having a vineyard to the east of our proposed property. As you will see in their letter, they feel having more activities on the east will also protect their alpacas better. We would like to have the option in the future to expand on our services toward the east, as requested by the Andrews, which would limit the need for expansion to the west and south.

3. WEST BUFFER 100'

Mr. McLear of MAATR spoke with Mr. Evans, property owner to the west to explain our plans there. He has no problems with what we are planning on doing. Though we do not plan on having any high-impact uses, we would like to have a little more room and options for the future.

4. SOUTH BUFFER 100'

Staff had already recommended a reduced buffer of 100' for the parking and drive area. Any other use we would have just outside of that 100' foot buffer would not be any higher impact that a parking/drive area would be anyway.

We are concerned that our board of directors might have a problem with such a drastic reduction in the space we will have to work with. Coal Creek Farm is an ideal location for our project; however, if we are limited on almost half of the land, it makes it less appealing to the board of directors. We feel the general public would benefit greatly from MAATR's proposed uses. We appreciate your consideration of our requests.

ITEM NO. 2 A TO R-T; 31 ACRES; 1674 N 1000 RD (MKM)

Z-12-00098: Consider a request to rezone approximately 31 acres from County A (Agriculture) to County R-T (Rural-Tourism Business), located at 1674 N 1000 Rd. Submitted by Mid-American Association for Autistic Training and Research (MAATR), for Marcus and Sandra Patton, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Lamer arrived at the meeting at 6:50pm.

APPLICANT PRESENTATION

Mr. Harry McLear, Director of MAATR, was present for questioning. He said the program focused on autistic adolescents and young adults.

PUBLIC HEARING

Mr. Gary Holladay wanted to know if all the buildings would be built to code.

Ms. Miller said in the Rural Tourism District it was necessary to plat and site plan and that all the buildings would have to be built to code.

Mr. Holladay asked where the east boundary was from E 1700 Road. He wondered if there would be 15 cabins.

Ms. Miller showed a map of the east boundary on the overhead.

Ms. Deborah Giudicessi, MAATR, said about 12 acres would separate the property from E 1700 Road. She said the number 15 was the number of guests not cabins. She said each cabin would have a separate septic field with three acres per cabin so that would only allow a maximum of 5 cabins. She said there would not be much more activity than the current use as a commercial stable.

COMMISSION DISCUSSION

Commissioner Josserand wondered how much would be dependent upon third party payment from insurance companies, state, federal government for the services provided.

Ms. Miller said this could possibly be considered as agritourism when the text amendment was adopted but that it was coming to them today as rural tourism which was a business zoning district.

Mr. McLear said primarily they were a not-for-profit corporation. He said they exist with the ability to raise funds, primarily from individuals. He said to this day they have not been dependent on federal or state funding but that if funding was available he would not turn it down. He said they were trying to reach a segment of autism, adolescents and teenagers, that had not been truly touched yet. He said he has a 48 year old autistic son and there was nothing for him so he was trying to make something for youngsters at this facility.

Commissioner Hird inquired about the staff recommendation of buffer width reduction to 100' along the north and south property line but no recommendation for the east and west sides.

Ms. Miller said she did not recommend a reduction on those sides so it would be keeping the 200' on the east and west sides.

Commissioner Hird asked the applicant to discuss the buffers.

Mr. McLear said he asked for a lesser buffer on all four sides. He said the south side was along the road and he was not as concerned with that one but that on the west side they were not going to build anything but that he wanted to allow room for another temporary cabin if needed. He did not want to be restricted because of a 200' buffer. He said on the east side the present owners of the property indicated they would give 0' buffer if possible. He said if he could go that far he would but that 100' would satisfy him.

Mr. Holladay asked if it was a non-profit organization.

Commissioner Liese said that was what the applicant said.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner von Achen, to approve the rezoning request for approximately 31 acres from A (Agricultural) District to R-T (Rural Tourism), and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report, and; approval of the buffer width reduction to 100 ft along the north and south property line subject to the following conditions:

- The reduction on the south property line would apply only to the area needed to accommodate the activity area parking area and drive. The buffer on the remainder of the south property line would remain at 200 ft.
- A note would be added to the site plan which limits the use of the driveway to the cabins to 4 cabins, to insure it remains a low-intensity use.

Unanimously approved 7-0.