

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, FEBRUARY 20, 2013

4:00 p.m.

-Consider approval of the minutes for November 28, 2012; and January 30 and February 6, 2013.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
(b) Consider Merit Increase for Elected Officials and County Administrator (Sarah Plinsky)
(c) Authorization to accept material supply low price quote for precast concrete drainage structure for replacement of Structure No. 02.00N-04.20E (Keith Browning); and
(d) Authorization to accept material supply low price quote for precast concrete drainage structure for replacement of Structure No. 04.00N-08.56E (Keith Browning)

REGULAR AGENDA

- (2) Consider authorization to execute contract with City of Lawrence providing financing mechanism for infrastructure improvements in the undeveloped portion of East Hills Business Park (area just east of Farmland) (Chuck Soules)
- (3) **CUP-12-00248**: Consider a Conditional Use Permit for Baker Wetlands Visitor Center Complex, located at 1365 N 1250 Rd. Submitted by Baker University, for the KS Department of Transportation, property owner of record. (PC Item 10; approved 9-0 on 1/30/13) Mary Miller will present the item
- (4) Consider revisions to Access Management road classification map (Keith Browning/Linda Finger)-*Memo and Map attached; Resolution to follow Monday*
- (5) (a) Consider approval of Accounts Payable (if necessary)
(b) Appointments
-**Lawrence Douglas County Metropolitan Planning Commission 05/13**
-**Heritage Conservation Council 05/13**
-**Property Crimes Compensation Board 04/13**
(c) Public Comment
(d) Miscellaneous
- (6) Adjourn

WEDNESDAY, FEBRUARY 27, 2013

6:35 p.m.

-**CUP-12-00099**: Consider a Conditional Use Permit for sand excavation and extraction for Penny Sand Pit, approximately 434 acres located on the NE Corner of N 1500 Road & E 1850 Road. Submitted by Landplan Engineering, for William Penny & Van LLC, property owners of record. (Mary Miller will present the item.)

WEDNESDAY, MARCH 6, 2013

-Proclamation declaring March 10-17, 2013 as "Ninth Street Missionary Baptist Church Anniversary Celebration Week"

6:35 p.m.

Consider revised phasing schedule for Big Springs Quarry, CUP-12-09-06, located at 2 North 1700 Road, Lecompton. Submitted by Eric Bettis, for Mid-States Materials; operator of Big Springs Quarry. Mary Miller will present.

WEDNESDAY, MARCH 20, 2013 - Light Meeting

WEDNESDAY, MAY 22, 2013-Cancelled

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

MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

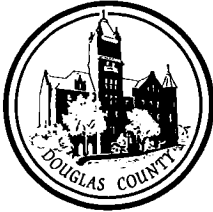
FROM: Sarah Plinsky, Assistant County Administrator

SUBJECT: Merit Increase for Elected Officials and County Administrator

DATE: February 11, 2013

In accordance with the 2013 Operating Budget and the intent of the Commission at the time of its adoption, I am recommending that all County Elected Officials and the County Administrator receive a 1.5% adjustment to their pay. This is the average amount allocated for all employees and what was budgeted for employees. If the Elected Official is not at the maximum of the pay range, the adjustment will be added to base pay. If the Elected official is at the maximum of the pay range, they will receive the adjustment in the form of a lump sum payment.

If there are any questions or concerns, please let me know. Thank you.



DOUGLAS COUNTY PUBLIC WORKS

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

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

MEMORANDUM

To : Board of County Commissioners

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

Date : February 12, 2013

Re : Consent Agenda authorization to accept material supply low price quote
Precast concrete drainage structure
Replacement of Structure No. 02.00N-04.20E

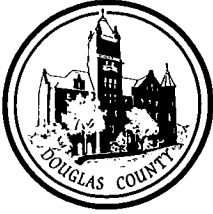
Funds are allocated in the 2013 CIP to replace Structure No. 02.00N-04.20E. This location requires a 7' span x 7' high x 38' long precast reinforced concrete box structure.

We received price quotes from two vendors for the precast concrete structure. The low quote was from Oldcastle Precast.

<u>Vendor</u>	<u>Price Quote</u>
Cretex Concrete Products	\$31,600.00
Oldcastle Precast, Inc.	\$25,380.00

The CIP allocates \$75,000 for this project. The CIP allocation also includes costs for right-of-way acquisition, utility relocations, and crane rental. Public Works department forces will construct the project.

Action Required: Consent Agenda authorization for Public Works Director to approve the low price quote from Oldcastle Precast for supply of a 7' span x 7' high x 38' long precast concrete drainage structure in the amount of \$25,380.00 for the replacement of Structure No. 02.00N-04.20E.



DOUGLAS COUNTY PUBLIC WORKS

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

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

MEMORANDUM

To : Board of County Commissioners

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

Date : February 12, 2013

Re : Consent Agenda authorization to accept material supply low price quote
Precast concrete drainage structure
Replacement of Structure No. 04.00N-08.56E

Funds are allocated in the 2013 CIP to replace Structure No. 04.00N-08.56E. This location requires a 9' span x 6' high x 38' long precast reinforced concrete box structure.

We received price quotes from two vendors for the precast concrete structure. The low quote was from Cretex Concrete Products.

<u>Vendor</u>	<u>Price Quote</u>
Cretex Concrete Products	\$33,900.00
Oldcastle Precast, Inc.	\$38,946.00

The CIP allocates \$75,000 for this project. The CIP allocation also includes costs for right-of-way acquisition, utility relocations, and crane rental. Public Works department forces will construct the project.

Action Required: Consent Agenda authorization for Public Works Director to approve the low price quote from Cretex Concrete Products for supply of a 9' span x 6' high x 38' long precast concrete drainage structure in the amount of \$33,900.00 for the replacement of Structure No. 04.00N-08.56E.

Memorandum

City of Lawrence

Public Works

TO: Craig Weinaug, Douglas County Administrator
FROM: Chuck Soules, Director of Public Works, City of Lawrence
CC:

DATE: February 14, 2013
RE: Farmland Benefit District
County Commission Consent Agenda

Intro:

The infrastructure (street, water, and sanitary sewer) for the Farmland Industrial Park is currently out for bid. To finance the infrastructure costs the City is establishing a special assessment Benefit District. Douglas County is the owner of some of the Farmland platted property that is included within the Benefit District. The City has agreed to defer the assessments to the County pending development or sale of the property. Presented for the County Commission is the agreement between the City and County deferring the special assessments.

Project Background:

- September 2010 the City took ownership of the former Farmland Industries nitrogen fertilizer production plant on Highway K-10
- 2011 the City began demolition of the abandoned structures on the site removing over 1600 tons of scrap metals
- February 2012 the City contracted with Bartlett & West Engineers to develop a masterplan and infrastructure plans for the future industrial land use of the property
- May 2012 the City held meetings with neighbors and businesses to discuss the concept plan
- December 18, 2012 the City Commission approved the final plat
- June 6, 2012 City updates County Commission on Farmland plat
- December 11, 2012 the City Commission awarded the intersection improvements at O'Connell and K-10 including signalization and turn lanes into the Farmland site
- January 2, 2013 County Commission approved plat

- Plat filed January 31, 2013
- City Commission approved Resolution No. 7003 and Resolution No. 7004 establishing February 19th for the public hearing on the Benefit District for infrastructure and approved agreement to defer the special assessments with Douglas County
- Infrastructure Bid March 12, 2013

Project Details:

The improvements include the infrastructure for the Farmland Property:

Streets – 10" concrete pavement, curb and gutter, storm sewer, sidewalks on both sides, bike lanes, and fiber conduit

Water – 12" looped water main, hydrants and valves

Sewer – Sewer main and manholes

Proposed improvement district includes:

Streets and water – all property within the Farmland plat

Sewer – All property within the Farmland plat that does not currently have sewer access

Estimated Costs:

Streets and Water	\$7,855,000	Including some alternates for grading and fiber
-------------------	-------------	---

Sewer	\$1,725,000	
-------	-------------	--

Method of Assessment:

Is based on the proportionate share of square footage of each tract.

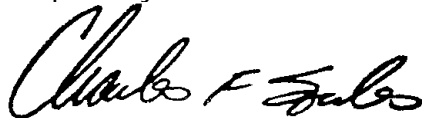
Apportionment of Costs:

100% paid by the Benefit District and 0% paid by City at Large.

Action Requested:

Authorize the Chair of the Douglas County Commission to execute an agreement with The City of Lawrence deferring special assessments for the Farmland infrastructure pending development or sale.

Respectfully Submitted,



Charles F. Soules, P.E.

Director of Public Works

CFS/ch

Attachments: Benefit District Map
City/County Agreement
County Ownership Map

Farmland BUSINESS PARK

LAWRENCE, KS



BLOCK 'E'
LOT 1
32.8 ACRES±

TRACT 'E'
167.94 ACRES±

REGIONAL
DETENTION
POND

TRACT 'E'
167.94 ACRES±

19th STREET

BLOCK 'C'
LOT 1
78.7 ACRES±

LOT 3
25.0 ACRES±

LOT 7
9.40 ACRES±

BLOCK 'C'
LOT 6
27.0 ACRES±

EAST HILLS
BUSINESS PARK

BLOCK 'C'
LOT 2
16.0 ACRES±

LOT 4
1.0 ACRES±

LOT 5
4.68 ACRES±

LOT 8
7.2 ACRES±

LOT 5
6.28 ACRES±

BLOCK 'A'
LOT 6
8.12 ACRES±

TRACT 'D'
3.21 ACRES±
NEW
SUBSTATION

TRACT 'C'
14.89 ACRES±

LOT 4
3.39 ACRES±

LOT 1
4.86 ACRES±

LOT 2
2.5 ACRES±

LOT 3

TRACT 'B'
2.18 ACRES±

TRACT 'A'
4.78 ACRES±

BLOCK 'B'
LOT 1
12.66 ACRES±

LOT 2
10.45 ACRES±

BLOCK 'B'
LOT 3
18.86 ACRES±

LOT 4
15.0 ACRES±

TRACT 'C'
1.88 ACRES±

TRACT 'D'
1.2 ACRES±

BLOCK 'D'
LOT 1
3.87 ACRES±

LOT 2
4.65 ACRES±

TRACT 'B'
4.36 ACRES±

TRACT 'A'
8.90 ACRES±

TRACT 'E'
5.87 ACRES±

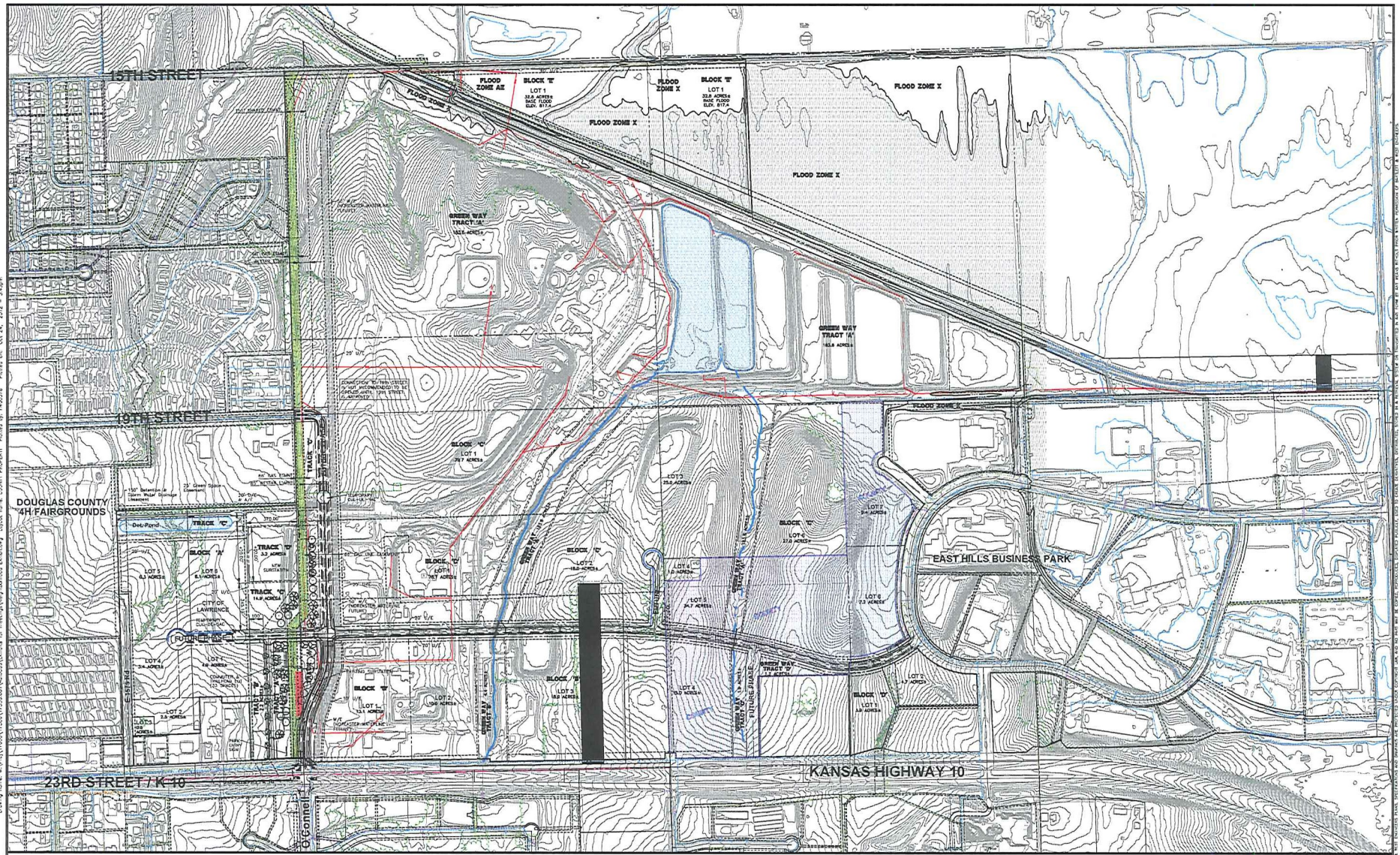
E 1575 Rd

23rd STREET / K 10

23rd STREET / K 10

400 ft





County name: KS; State: KS; USGS 1:25000 1984-1985; for more information contact: Bartlett & West, Inc. 10/24/12 10:24:12 AM



BARTLETT & WEST
 844 COLUMBIA DRIVE - LAWRENCE, KS 66044
 PHONE 785.749.8442 FAX 785.749.9951
 WWW.BARTWEST.COM



**PROPOSED BUSINESS PARK
 AT FARMLAND PROPERTY**
 LAWRENCE, KANSAS

0' 100' 200' 300'
 N
 DATE: 10-24-12

NOTICE OF PUBLIC HEARING

The Governing Body of the City of Lawrence, Kansas, will meet on Tuesday, February 19, 2013 at 6:35 p.m. or thereafter, in the City Commission Chambers, City Hall, 6 East 6th Street to hear any written or oral objections on proposed special assessments related to the following improvements:

THE CONSTRUCTION OF STREETS IN THE FORMER FARMLAND PROPERTY AS SHOWN IN THE MAP ATTACHED AS **EXHIBIT A**, INCLUDING PROPERTY ACQUISITION, BICYCLE FACILITIES, SIDEWALKS ON BOTH SIDES, SUBGRADE STABILIZATION, STORMWATER IMPROVEMENTS, GRADING, WATERLINES WITHIN THE PUBLIC RIGHT OF WAY, AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS

The total cost of the Improvements is \$7,855,000 of which one hundred percent (100%) of the cost of the Improvements shall be assessed to the hereinafter described, lots, pieces parcels and tracts of ground specially benefitted thereby and zero percent (0%) of the cost of the Improvements shall be paid by the City at large.

The properties to be assessed (the "Improvement District") and the assessment per lot, piece, parcel and tract are as follows:

OWNER	BLOCK	LOT	Plat Area (Acre)	Cost
City of Lawrence	A	1	4.86	\$216,640.60
City of Lawrence	A	4	3.39	\$151,113.51
City of Lawrence	A	Tract A	4.78	\$213,074.50
City of Lawrence	A	Tract B	2.18	\$97,176.24
City of Lawrence	B	1	12.66	\$564,335.40
City of Lawrence	B	2	10.45	\$465,821.87
City of Lawrence	B	3	18.86	\$840,708.18
City of Lawrence	B	4	15.00	\$261,450.00
Douglas County				\$405,742.66
City of Lawrence	B	Greenway Tract C	1.88	\$83,803.36
City of Lawrence	B	Greenway Tract B	4.36	\$194,352.47
Douglas County	D	1	3.87	\$172,510.11
Douglas County	D	2	4.65	\$207,279.59
City of Lawrence	D	Greenway Tract D	1.20	\$53,491.51
			Total	\$3,927,500.00
City of Lawrence	A	5	6.28	\$66,855.13
City of Lawrence	A	6	8.12	\$86,443.26
City of Lawrence	A	Tract C	14.89	\$158,514.79
Westar	A	Tract D	3.21	\$34,172.76
City of Lawrence	C	Tract E	167.94	\$1,787,842.40
City of Lawrence	C	1	78.70	\$837,818.25
City of Lawrence	C	GreenWay Tract A	8.90	\$94,746.92
City of Lawrence	C	2	16.00	\$170,331.54
City of Lawrence	C	3	25.00	\$266,143.03
AT&T (Kansas City SMSA Tower Holdings LLC)	C	4	1.00	\$10,645.72
City of Lawrence	C	5	4.86	\$992.34
Douglas County				\$48,817.24
City of Lawrence	C	6	27.00	\$161,727.20
Douglas County				\$125,800.23
Douglas County	C	8	7.20	\$76,649.19
			Total	\$3,927,500.00

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by resolution as to the advisability of the Improvement, the nature of the Improvement, the estimated cost, the boundaries of the Improvement District, the method of assessment and the apportionment of cost between the Improvement District and the city-at-large, all as finally determined by the governing body.

Interested parties may see the reports related to the Improvements and the cost thereof in the office of the City Clerk prior to the hearing if they so desire. Written and oral comments will be considered by the City Commission at the hearing. Written comments should be submitted to the City Clerk's Office, at 6 East 6th, P.O. Box 708, Lawrence, KS, 66044-0708

Jonathan M. Douglass, City Clerk

NOTICE OF PUBLIC HEARING

The Governing Body of the City of Lawrence, Kansas, will meet on Tuesday, February 19, 2013 at 6:35 p.m. or thereafter, in the City Commission Chambers, City Hall, 6 East 6th Street to hear any written or oral objections on proposed special assessments related to the following improvements:

THE CONSTRUCTION OF SANITARY SEWER IN THE FORMER FARMLAND PROPERTY INCLUDING PROPERTY ACQUISITION, EXCAVATION, INSTALLING SEWER MAIN, MANHOLES AND OTHER NECESSARY AND APPROPRIATE IMPROVEMENTS

The total cost of the Improvements is \$1,725,000 of which one hundred percent (100%) of the cost of the Improvements shall be assessed to the hereinafter described, lots, pieces parcels and tracts of ground specially benefitted thereby and zero percent (0%) of the cost of the Improvements shall be paid by the City at large.

The properties to be assessed (the "Improvement District") and the assessment per lot, piece, parcel and tract are as follows:

OWNER	BLOCK	LOT	Plat Area (Acre)	Cost
City of Lawrence	A	1	4.86	\$35,197.43
City of Lawrence	A	2	2.50	\$18,105.67
City of Lawrence	A	3	0.50	\$3,621.13
City of Lawrence	A	4	3.39	\$24,551.29
City of Lawrence	A	5	6.28	\$45,481.45
City of Lawrence	A	6	8.12	\$58,807.23
Westar	A	Tract D	3.21	\$23,247.68
City of Lawrence	B	1	12.66	\$91,687.13
City of Lawrence	B	2	10.45	\$75,681.71
City of Lawrence	B	3	18.86	\$136,589.20
City of Lawrence	B	4	15.00	\$42,477.58
Douglas County				\$65,920.69
City of Lawrence	C	1	78.70	\$569,966.59
City of Lawrence	C	2	16.00	\$115,876.31
City of Lawrence	C	3	25.00	\$181,056.73
AT&T (Kansas City SMSA Tower Holdings LLC)	C	4	1.00	\$7,242.27
City of Lawrence	C	5	4.68	\$675.09
Douglas County				\$33,210.30
City of Lawrence	C	6	27.00	\$110,022.79
Douglas County				\$85,581.72

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by resolution as to the advisability of the Improvement, the nature of the Improvement, the estimated cost, the boundaries of the Improvement District, the method of assessment and the apportionment of cost between the Improvement District and the city-at-large, all as finally determined by the governing body.

Interested parties may see the reports related to the Improvements and the cost thereof in the office of the City Clerk prior to the hearing if they so desire. Written and oral comments will be considered by the City Commission at the hearing. Written comments should be submitted to the City Clerk's Office, at 6 East 6th, P.O. Box 708, Lawrence, KS, 66044-0708

Jonathan M. Douglass, City Clerk

AGREEMENT

This Agreement (the "Agreement"), dated as of _____, is made and entered into by and between the **BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS** (the "County"), and the **CITY OF LAWRENCE, KANSAS** (the City").

RECITALS

1. *Whereas*, the County and City have a history of working cooperatively to achieve job growth in excess of population growth, to increase the share of the tax base coming from non-residential growth, and to increase career opportunities by attracting high-skilled jobs in expanding industries in the City and County;

2. *Whereas*, the City, in furtherance of the City's economic development goals, acquired the former Farmland Industries nitrogen fertilizer production plant in 2010, for the purpose of adding land for industrial and business park expansion within the city limits. The County approved the annexation of the land into the City, and has been supportive of the City's efforts to acquire and prepare the site for industrial redevelopment;

3. *Whereas*, the City intends to make certain internal improvements to the former Farmland property, including the construction of streets from the intersection of K-10 north to the intersection of an east/west road including and east/west road approximately 700 feet west of the intersection and approximately 5000 feet east to Greenway Circle. Said street improvements shall include property acquisition, bicycle facilities, sidewalks on both sides, subgrade stabilization, stormwater improvements, and waterlines within the public right-of-way. Further, the City intends to construct sanitary sewer improvements in the former Farmland property, including property acquisition, excavation, installing sewer mains, manholes and other necessary and appropriate improvements (the Improvements);

4. *Whereas*, the Governing Body of the City is authorized to make, or cause to be made, improvements which confer a special benefit upon property within a definable area of the City and may levy and collect special assessments upon property in the area deemed by the City's Governing Body to be benefited by such improvement for payment of all or any part of the cost of the improvements pursuant to K.S.A. 12-6a01 *et seq.*;

5. *Whereas*, on February 19, 2013, the Governing Body of the City made the necessary findings by Resolution Nos. 7006 and 7007, as to the advisability of the Improvements, the nature of the Improvements, the estimated cost thereof, the boundaries of the improvement district, and the method of assessment and apportionment of costs, if any, between the improvement district and the city at large, all in accordance with K.S.A. 12-6a01 *et seq.*. A copy of Resolution Nos. 7006 and 7007 are attached hereto as Exhibit A and incorporated herein by reference as if fully set forth; and

6. *Whereas*, as soon as the total cost of the Improvements is determined, the City's Governing Body shall cause the assessments against each lot, piece or parcel of land deemed to be benefited, to be determined in the manner set forth in Resolution Nos. 7006 and 7007; and

7. *Whereas*, the County and the City wish to enter into this Agreement pursuant to K.S.A. 12-2908 to provide for the making of the Improvements by the City and the deferral and payment of the County's special assessments for the Improvements.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The City will contract for the design and construction of the Improvements, and shall pay for the design and construction of the Improvements from City funds. The Improvements shall be the property of the City, and the City will maintain the Improvements.
3. The County's assessments against each lot, piece or parcel of land owned entirely or in part by the County for the cost of the Improvements in the improvement district, levied in accordance with Resolution No. _____, shall be deferred until such time as the County's lots are sold or transferred. At the closing of any such sale of a lot(s), piece or parcel of land by the County, the County shall pay the full amount of the County's assessments for the lot, piece or parcel of land that is being sold, unless the City and County otherwise agree in writing.
4. If the City and County mutually agree that it is in the best interests of the City and County and it furthers economic development in the City and/or County, for the County to transfer a lot or lots, piece or parcel of land in the Improvement District by donation or below the fair market value of the land, the City may, if the City's Governing Body acts to do so, waive all or part of the special assessments for the lot, piece or parcel of land that is being transferred.
5. If at any time this Agreement is in effect and before the County's assessments have been fully paid, or otherwise waived or reduced as provided herein, the County uses a lot piece or parcel of land within the Improvement District for the County's purposes, or any other purpose that does not further the economic development interests of the City and/or County, the County shall be responsible and shall pay the special assessments upon commencement of the use.
6. The duration of this Agreement shall remain in full force and effect unless terminated, amended or modified in writing by both the County and the City, or until the special assessments levied in accordance with Resolution Nos. 7006 and 7001 on each lot, piece or parcel of the land in the improvement district are fully paid, waived or reduced pursuant to the terms of this Agreement, whichever occurs first.
7. This Agreement constitutes the complete and final understanding of both the County and the City with respect to the making of the Improvements and the sharing of the cost thereof.

IN WITNESS WHEREOF, the County and the City have each caused this Agreement to be executed by its duly authorized officials.

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

By _____
Mike Gaughan, Chairperson

(SEAL)

ATTEST:

Jameson D. Shew, County Clerk

THE CITY OF LAWRENCE, KANSAS

By _____
Robert J. Schumm, Mayor

(SEAL)

ATTEST:

Jonathan M. Douglass, City Clerk

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
1/30/13

ITEM NO. 10: CONDITIONAL USE PERMIT FOR BAKER WETLANDS VISITOR CENTER COMPLEX; 1365 N 1250 RD (MKM)

CUP-12-00248: Consider a Conditional Use Permit for Baker Wetlands Visitor Center Complex, located at 1365 N 1250 Rd. Submitted by Baker University, for the KS Department of Transportation, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the Baker Wetlands Visitor Center 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 subject to the following conditions:

- 1) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Addition of a minimum of 5 bicycle parking spaces.
 - b. Show the areas for the 2 septic systems and a back-up site for the visitor center septic system on the plan. These areas must be a minimum of 3 acres outside of the 100 year floodplain.
 - c. Label or otherwise identify the existing residence, shed, and info pavilion.
 - d. Addition of the following note regarding the measures being taken to improve fire protection at the site: *"The supply line will be increased from 3" to 4" with a flush-out in front of the existing wetland manager's residence on N 1250 Rd. The applicant will pay RWD #2 the cost of establishing a flush out/hydrant from their 10" line on the south side of N 1250 Rd approximately 2,200 ft west of the residence and visitor center. These changes will be completed prior to release of a certificate of occupancy for the visitor center."*
- 2) Wakarusa Fire Chief approval of the proposed fire protection measures.

Reason for Request: *"To construct a visitor center and storage shed on the premises."*

KEY POINTS

- The proposed use, a visitor center for the Baker Wetlands, is permitted in the A and V-C District with approval as a Conditional Use. Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County lists *non-profit, religious, educational and philanthropic institutions* as a use which may be approved as a Conditional Use.
- KDOT, Baker University, and other interested parties have developed a Mitigation Plan in conjunction with the South Lawrence Trafficway project. This CUP request was submitted for improvements on property now owned by KDOT pursuant to the terms of the Mitigation Plan.

ATTACHMENTS

A – CUP Plan

DESCRIPTION OF USE

The applicant is requesting a Conditional Use Permit to allow the development of a visitor center for the Baker Wetlands at 1365 N 1250 Road. The wetland manager's residence is located on the subject property and the improvements will include a 3,160 sq ft display hall, approximately 2,000 sq ft of classrooms, a 374 sq ft gift shop, and accessory offices. The facility will also include a 3,000 sq ft storage facility and a 3,322 sq ft truck garage/workshop. The facility will be accessed

from N 1250 Road which will terminate in a cul-de-sac at the visitor center. Hike/Bike trails will be installed by KDOT along N 1250 Road and to the north to allow additional access to the visitor center and wetlands.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval of Conditional Use by the Board of County Commissioners.
- Conditional Use Permit Plan released to the Zoning and Codes Office.
- Issuance of permit for the Conditional Use by the Zoning and Codes Department following application and determination that all conditions have been met.
- Building plans submitted for approval and issuance of building permit from the Douglas County Zoning and Codes Office prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment has been received.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural), V-C (Valley Channel), F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts; single-family residence and mitigated Baker Wetlands.

Surrounding Zoning and Land Use: To the north and west:
A (Agricultural), V-C (Valley Channel) and F-F (Floodway Fringe Overlay) District agricultural uses.

To the south:
V-C (Valley Channel), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; agricultural uses.

To the east:
V V-C (Valley Channel), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; undeveloped, the Baker Wetlands.

(Figure 1)

Site Summary:	
Subject Property:	7,056,720 sq ft (approximately 162 acres)
Existing Buildings:	3,061 sq ft
Proposed Buildings:	17,761 sq ft
Off Street Parking Required:	Public library, museum, art gallery, community center: 10 plus 1 per each 300 sq ft in excess of 1000 sq ft. 8,378 sq ft = 10 + (7378/300=25)—35 spaces required. ADA: 26 to 50 parking spaces requires 2 ADA spaces.
Off Street Parking Provided:	36 spaces. 2 ADA spaces

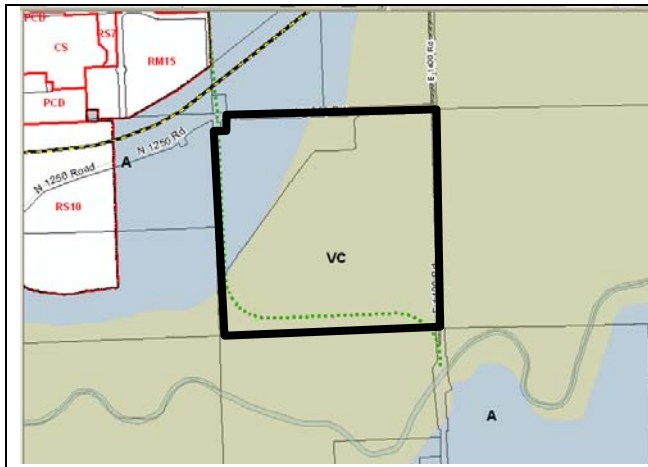


Figure 1a. Area zoning. (Subject property outlined.)



Figure 1b. Area land use. (Subject property outlined.)

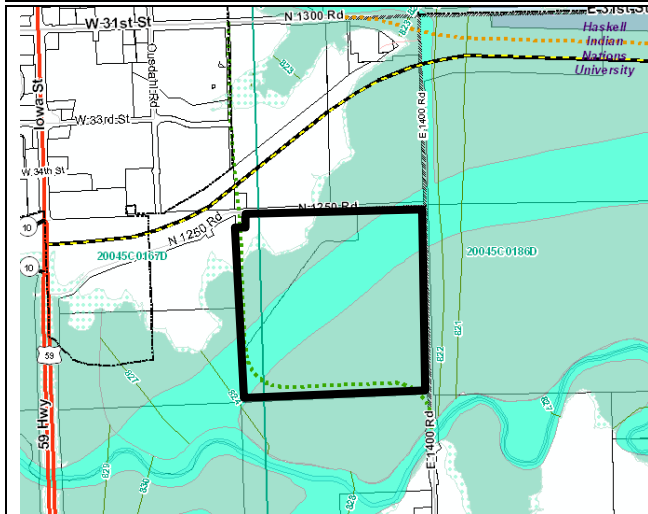


Figure 1c. Floodplain in the area

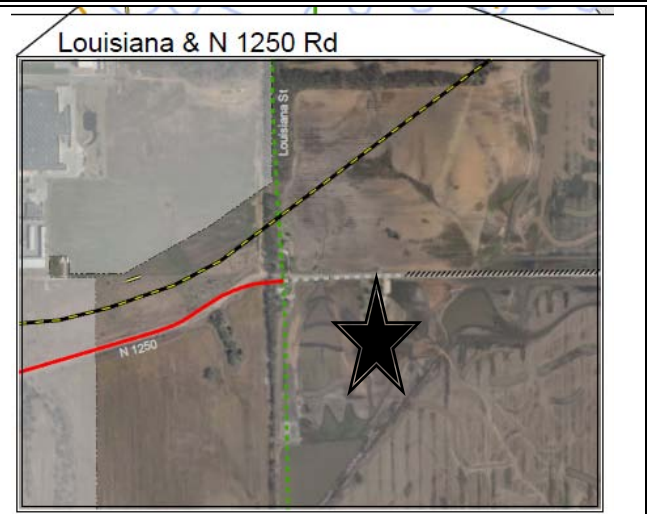


Figure 2. Changes to roads in the area due to construction of the SLT. N 1250 Road is a major collector (red) to the realigned Louisiana Street, it then becomes a local road and terminates at the subject property (marked with a star). Roads to be removed are shown with hatchmarks.

I. ZONING AND USES OF PROPERTY NEARBY

The surrounding area is zoned A (Agricultural) and V-C (Valley Channel) with both F-W (Floodway Overlay) and F-F (Floodway Fringe Overlay) Districts. The Wakarusa River is located to the south and the adjacent floodplain and wetlands are natural amenities in the area. The Baker Wetlands are located to the east and northeast of the subject property and the Haskell Wetlands are located further to the northeast. The subject property contains mitigated wetlands which were required for the construction of the South Lawrence Trafficway. Property to the north, west, and south is in agricultural production. The subject property is within close proximity to the Lawrence city limits. Residential zoning and a multi-dwelling residential development are located within the city of Lawrence, northwest of the subject property.

N 1250 Road is classified as a major collector on the Major Thoroughfares Map, but has been recently reclassified as a local road adjacent to the subject property due to changes being

made to accommodate the South Lawrence Trafficway through this area. The South Lawrence Trafficway will be constructed on the properties to the north of the subject property and N 1250 Road will terminate at the east property line of this parcel. (Figure 2)

Staff Finding – Nearby properties are zoned V-C (Valley Channel) and A (Agricultural) with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts. Agriculture and open space are the principal land uses in the area. The proposed development will add an educational component to the open space and will provide a storage and maintenance area for the equipment necessary to manage the wetlands.

II. CHARACTER OF THE AREA

The subject property is located east of the City of Lawrence within Service Area 4 of the Urban Growth Area. This is a rural area with agriculture and open space being the primary land uses. Natural features in the area include the Wakarusa River, which borders the area to the south; riparian woodlands along the Wakarusa River; floodplain; and wetlands. A major thoroughfare, the South Lawrence Trafficway, will be constructed north of the subject property; however, access from N 1250 Road will not be provided to the Trafficway.

Staff Finding -- The area contains primarily open space and agricultural land uses. The subject property is located near a future major transportation corridor within the Lawrence Urban Growth Area. The proposed use, a visitor center for the wetlands, would be compatible with the character of the area.

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

Applicant's response:

"The surrounding floodplain has been restored to wetlands and only a small portion remains suitable for agriculture. All of it remains open space."

The property is zoned V-C (Valley Channel) and A (Agricultural) Districts with floodplain overlay districts. Uses allowed in the V-C District include farms, truck gardens, orchards, nurseries, grazing, hunting and fishing, public or private commercial recreation facilities and structures, preserves, reservations and other similar open uses, and farm residences when located on a minimum of 5 acres. The A District permits many different agriculture-related uses in addition to animal hospitals, commercial dog kennels, residences, churches, and schools. The presence of the floodplain and the jurisdictional wetlands makes much of the land unsuitable for many of the uses permitted in these districts. *Non-profit educational institutions* are allowed in the A and V-C Districts with approval of a Conditional Use Permit. The proposed request will not revise the underlying zoning district.

Staff Finding –The property is well suited for use as a preserve, which is a permitted use in the V-C District. The property is not suited for many of the uses permitted in the A and V-C District due to the presence of wetlands and the floodway and floodway fringe. The proposed use, a visitor center and maintenance/storage facility, will enhance the open space and provide an educational component. The property is suitable for the proposed use as it will not be located within the floodplain.

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

Staff Finding – The property is currently developed with a residence and outbuildings.

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

Applicant's Response:

"There are no close neighbors. Construction of a visitor center will not significantly increase traffic, noise, or dust in the area."

Nearby property is used for agricultural uses or contains the Baker Wetlands. The removal of restrictions will allow the construction of a visitor center which will enhance the visits to the wetlands and provide an educational component. The maintenance/storage facility will assist in the effective management of the wetlands. These changes may result in some increased traffic on N 1250 Road. N 1250 Road is classified as a major collector in the Major Thoroughfares Map up to the western edge of the subject property. The properties to the west are designated for auto-related commercial uses and multi-dwelling uses in the future land use plan for the area, *The Revised Southern Development Plan*. The enhancements to the Baker Wetlands being proposed with this CUP should provide an amenity to properties to the west as they develop. The amount of traffic anticipated should not create an issue for the agricultural lands to the west, or to the commercial or multi-dwelling land uses which may be established in the future.

Staff Finding – The proposed visitor center would be an amenity to the area and the proposed storage/maintenance facility would assist in the effective management of the wetlands. There should be no negative impacts from these improvements to nearby properties.

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:

"Construction of the visitor center would be a tremendous benefit to the public. Denial of the permit would deny Baker University the opportunity to educate the public about the value of wetlands. It would also deny KDOT the opportunity to fulfill its mitigation plan for the SLT."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. Denial of the request for a Conditional Use Permit would prohibit the creation of a visitor center, which was required as part of the KDOT mitigation plan for the South Lawrence Trafficway. Denial of the CUP request would not benefit the public health, safety, and welfare as the visitor center and storage/maintenance facility are not expected to have any negative impacts.

Approval of the CUP request would result in the construction of a visitor center, which would be an enhancement to the wetlands as well as a storage/maintenance facility for the effective management of the wetlands. This would benefit both the public at large and the applicant, Baker University who owns and manages the wetlands.

Staff Finding – There would be no public benefit from the denial of the request which would prohibit the development of the visitor center as required by the mitigation plan for the construction of the South Lawrence Trafficway in this area. The approval of the request would benefit both the public and the applicant by enhancing the visits to the wetlands and providing necessary facilities for the effective management of the wetlands.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Horizon 2020 designates the area as open space. Our use will remain as open space indefinitely for the public to use for education and recreation."

The subject property is located within Service Area 4 of the Lawrence Urban Growth Area and is zoned A (Agricultural) and V-C (Valley Channel). Pertinent sections of the Comprehensive Plan are provided below, followed by staff discussion:

The Comprehensive Plan identifies the Haskell and Baker Wetlands as one of the four cornerstone natural areas for the City of Lawrence. (Page 9-1, *Horizon 2020*) The Comprehensive Plan recommends that the existing open space system be maintained and improved in the future. (Page 9-2, *Horizon 2020*)

--The changes being proposed would be an improvement to the existing open space and would assist in the maintenance of the open space.

Chapter 9 of the Comprehensive Plan, Parks Recreation and Open Space, recommends that linkages be provided to the open space system that improve community accessibility to such areas and that take into consideration the variety of linkage types available for active and passive recreational needs. (Page 9-19, *Horizon 2020*)

---The KDOT plans for the improvements associated with the Visitor Center include Bike/Hike Trails. These trails will provide an additional linkage to the wetlands beside the vehicular access along N 1250 Road.

Chapter 16 of the Comprehensive Plan, Environment, recommends that education and outreach programs be provided to inform citizens of the function and values of wetlands and the measures that protect them. (Policy 1.4(d), Page 16-6, *Horizon 2020*)

---The visitor center will contain educational materials and provide educational programs which will work toward meeting this policy.

Staff Finding – The proposed use is in conformance with the recommendations in the Comprehensive Plan related to the improvements to existing open space areas and the establishment of education and outreach programs pertaining to the function and values of wetlands.

STAFF REVIEW

A visitor center for the Baker Wetlands is being proposed with this CUP application. The CUP is for approximately 162 acres as it includes the adjacent wetlands; however, the proposed improvements will occur on a portion of the site that is approximately 139,200 sq ft in area (1.2 acres). The wetland manager's residence is currently located on the subject property along with an accessory shed and an info pavilion. The visitor center will have 3 wings, one will house a large classroom; the other will house the main display room, a gift shop, a small

classroom, a lab and work area and 3 offices; the third wing will house a shop and vehicle garage.

Vehicular access to the property will be limited to N 1250 Road from the west. N 1250 Road will terminate in a cul-de-sac past the subject property's access point. N 1250 Road will be discontinued beyond this point as the road it currently connects to will be removed with the changes to the area road system with the construction of the South Lawrence Trafficway. Pedestrian and bike access will be provided through Bike/Hike Trails that KDOT has proposed to the west along N 1250 Road and to the east, (see the CUP plans).

The property has been added to Rural Water District No. 2's service area and the Rural Water District indicated they would be able to serve this facility. The Wakarusa Fire Chief approved the layout of the site as shown on the CUP plan and indicated that fire hydrants would be preferred for fire protection. Water pressure in this area is not adequate for hydrants so the Fire Chief, the rural water district representatives, and the applicant met to discuss possible fire protection measures for this property. They agreed on the following measures: the supply line will be increased from 3" to 4" with a flush-out in front of the existing wetland manager's residence on N 1250 Rd. In addition to that the applicant will pay RWD#2 the cost of establishing a flush out/hydrant from their 10" line on the south side of N 1250 Rd approximately 2,200 ft west of the residence and visitor center. The Fire Chief indicated that these measures were satisfactory as long as the Water District was able to provide the type of hydrant and connections required. The Fire Chief's approval of the fire protection measures is necessary before the release of the CUP plans to the Zoning and Codes Office for building permits.

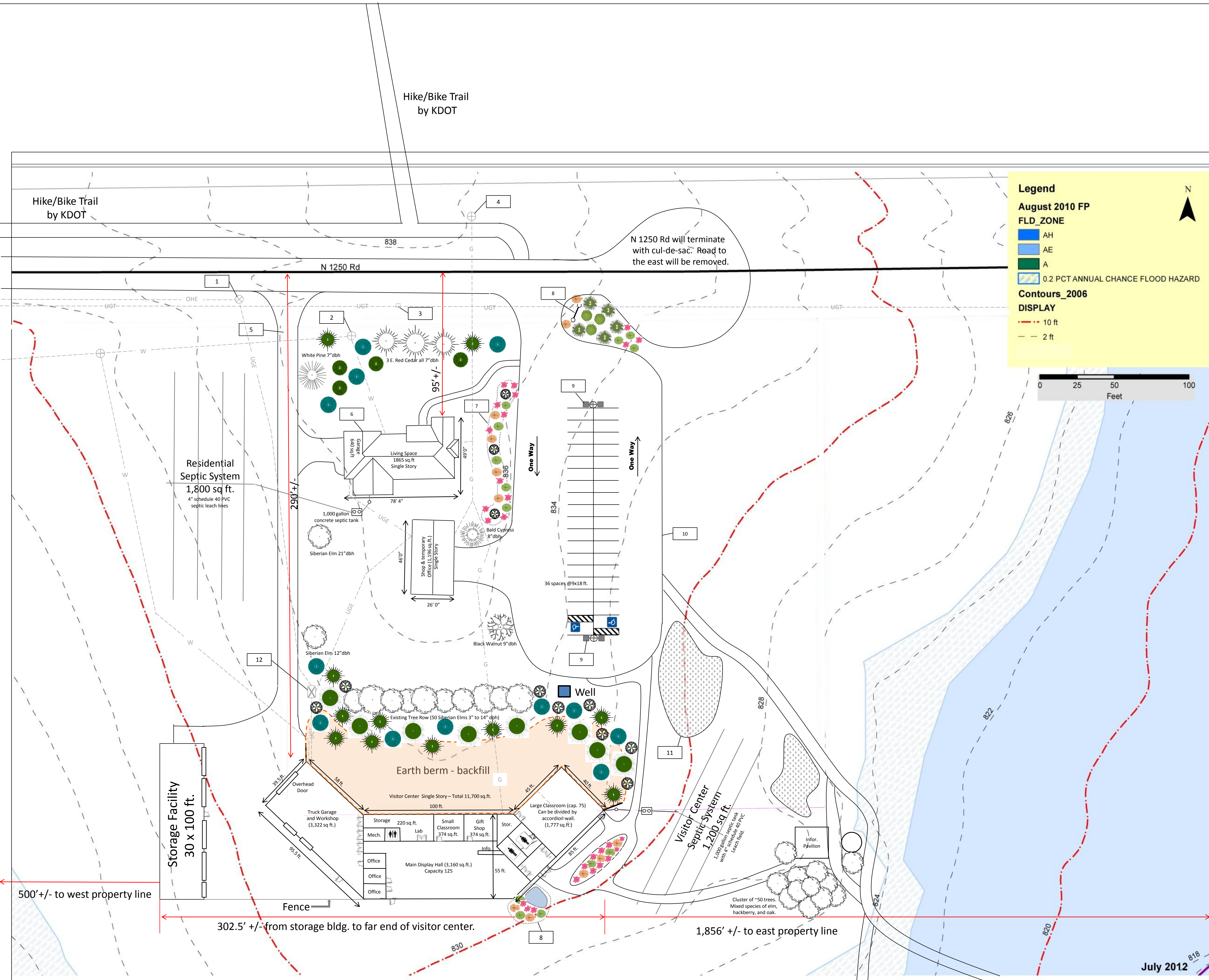
The Health Department approved the proposed on-site sewage management system subject to the condition that the CUP plan be revised to show the areas for the 2 septic systems drawn onto the approved final site plan and a back-up site for the visitor center septic system. These areas must be a minimum of 3 acres outside of the 100 year floodplain.

Adequate parking is being provided for the use and landscaping is being provided to define the parking area and to provide separation from E 1250 Road.

The visitor center itself will be a south facing earth-bermed structure. The design of the structure and the landscaping proposed should result in a development that is compatible with the area. The storage facility will be of more traditional design, but is similar to an agricultural outbuilding. The proposed development will maintain the rural character of the area.

Conclusion

Approval of a Conditional Use can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. The visitor center, as proposed, should be compatible with nearby land uses. The recommended conditions are intended to document the areas set aside for septic systems and the measures taken for fire protection. The County Zoning Regulations do not contain requirements for bicycle parking; however, in this situation with the use being near the city limits and bike trails being provided to the site bicycle parking would be necessary. Staff recommends the installation of bicycle parking for a minimum of 5 bicycles to accommodate the bicycle traffic.



Legend

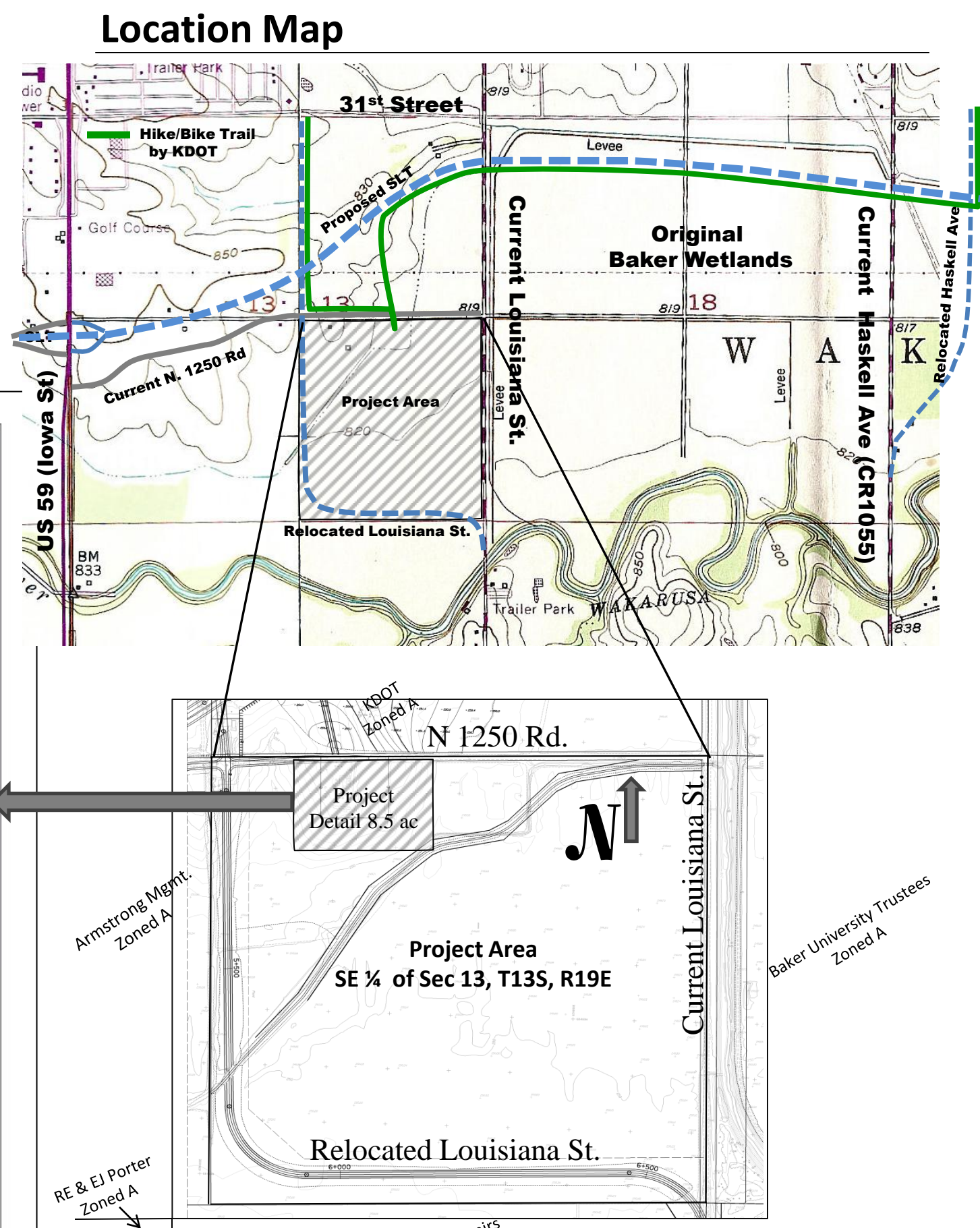
August 2010 FFD_ZONE

- AH
- AE
- A
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Contours_2006

DISPLAY

- 10 ft
- 2 ft



- General Notes**
- Owner: Kansas Department of Transportation, Eisenhower Bldg. 700 SW Harrison, Topeka, Kansas 66603-3745
 - Applicant: Baker University, 618 Eighth St. P.O. Box 65, Baldwin City, KS 66006
 - Agent: Dr. Roger L. Boyd (785-424-0595)
 - Flood Plain map with elevations received from Douglas County Zoning Office
 - Existing Land Use: Agricultural with one residence
 - Proposed Land Use: Visitor Center and one residence
 - Existing Zoning: A (Agricultural) and VC (Valley Channel)
 - Proposed Zoning: A (Agricultural) and VC (Valley Channel)
 - No part of the construction on this site will be located within the floodplain per Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) #20045C0151D, dated 5 Aug. 2010.
 - This site is designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for public buildings, Appendix A to 28 CFR Part 36.
 - Any construction or renovation work must comply with applicable building codes in effect at the time of work.
 - A building permit shall not be issued without having first obtained from the Douglas County Health Department a permit to construct an on-site sewage management system.
 - Proposed buildings will not exceed 18 feet in height.

- Keyed Notes**
- Existing Westar utility pole to remain
 - Proposed location of RWD#2 water meter
 - Existing AT&T telephone pedestal to remain
 - Existing Black Hills gas meter to remain
 - Proposed driveway of concrete or asphalt surface. Drainage to be determined by KDOT during SLT improvements.
 - Residence is for Refuge Manager and family
 - Raised bed to visually separate residence from parking lot
 - Existing wooden sign to be relocated. Six ft wide and eight ft tall
 - Two lamp poles, each with double shoe-box lamp design, 100 watt bulbs each. Height of poles to be 18 ft.
 - Proposed parking lot of concrete or asphalt surface. One-way circle drive with minimum 24 ft aisles
 - Hard surface run-off directed to one or more Rain Garden retention basins
 - Existing Westar transformer to remain

Legal Description

The Southeast Quarter of Section 13, Township 13 South, Range 19 East of the Sixth P.M., Douglas County, Kansas, more particularly described as follows: Beginning at the NW corner of said SE Quarter, thence N90°00'00"E assumed bearing, along the North line of said SE Quarter 2660.48 ft to the NE corner of said SE Quarter; thence S00°30'23" W along the East line of said SE Quarter 2655.90 ft to the SE corner of said SE Quarter; thence N89°58'22" W along the South line of said SE Quarter 2654.60 ft to the SW corner of said SE Quarter; thence N00°24'49"E along the West line of said SE Quarter 2654.60 ft to the Point of Beginning, containing 162.04 acres, more or less. Subject to easements of record and public rights-of-way.

A CUP Site Plan for
BAKER WETLANDS
VISITOR CENTER COMPLEX
 1365 N. 1250 Rd, Douglas County, Kansas

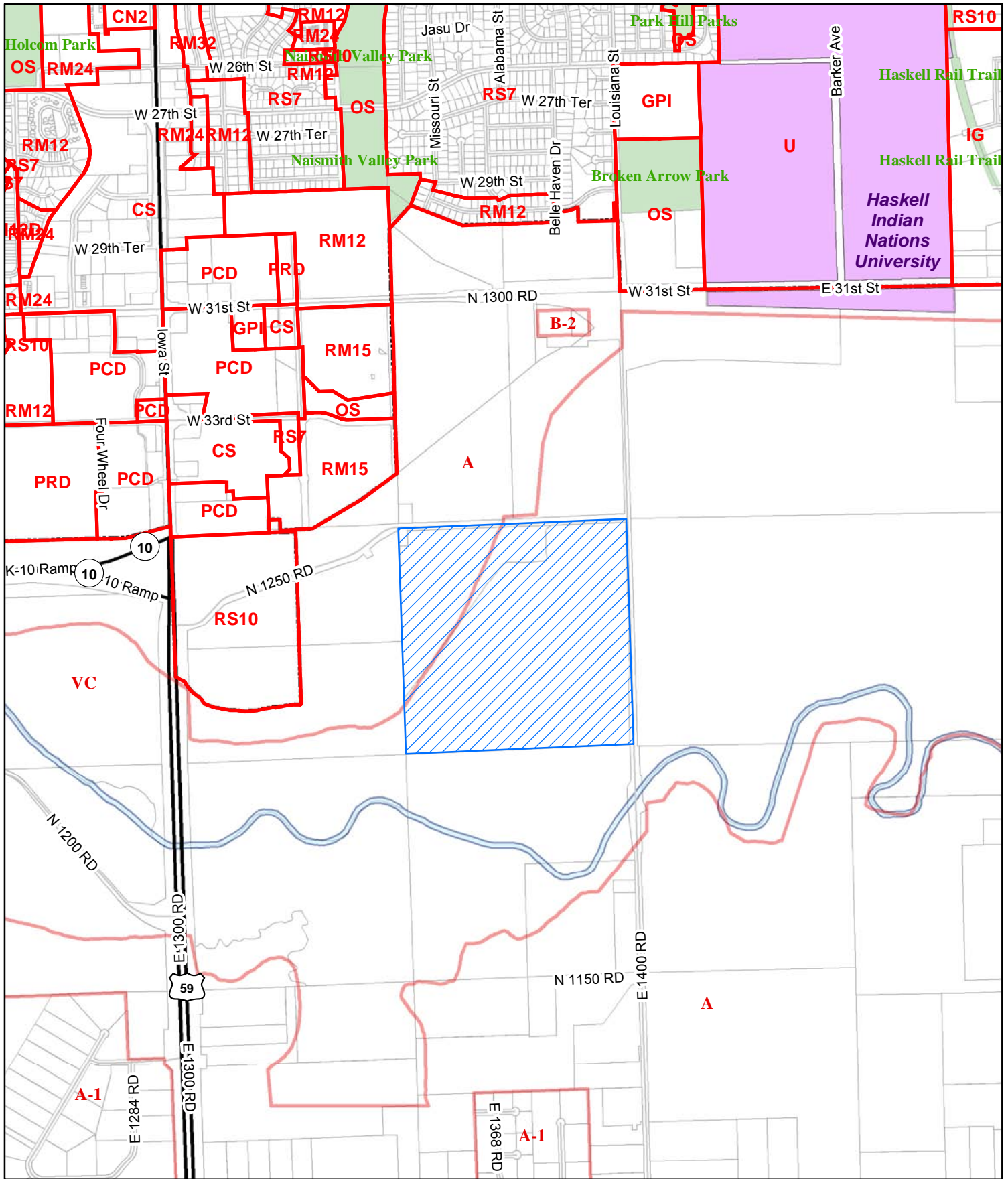
Plantings

Symbol	Qty	Name	Symbol	Qty	Name
	12	Picea pungens Colorado Blue Spruce		5	Juniperus chinensis 'Armstrong' Armstrong Juniper
	12	Picea abies Norway Spruce		3	Forsythia x intermedia 'Spring Glory'
	12	Juniperus virginiana Eastern Red Cedar		11	Cercis canadensis Redbud
				13	Panicum virgatum Switchgrass
				16	Sorghastrum nutans Indiangrass
				27	Echinacea purpurea Eastern Purple Coneflower

Baker University
 618 Eighth Street
 Baldwin City, Kansas 66006

Project:	KDOT/Baker Wetlands Mitigation
Project No.:	KDOT 10-23 K-8392-04
Designed By:	Roger L. Boyd
Drawn By:	Roger L. Boyd
Checked By:	Jon Boyd
Date:	10/2012

Baker Wetlands Visitor Center Complex
 Conditional Use Permit
 Site Plan
 1365 N. 1250 Rd.



**CUP-12-00248: Conditional Use Permit for Baker Wetlands Visitor Center
1365 N 1250 Rd**



Area Requested

Scale: 1 Inch = 1500 Feet

**ITEM NO. 10 CONDITIONAL USE PERMIT FOR BAKER WETLANDS VISITOR CENTER COMPLEX;
1365 N 1250 RD (MKM)**

CUP-12-00248: Consider a Conditional Use Permit for Baker Wetlands Visitor Center Complex, located at 1365 N 1250 Rd. Submitted by Baker University, for the KS Department of Transportation, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Roger Boyd, Baker University, was present for questioning.

Commissioner von Achen inquired about who owned the land because the staff report referred to the owner as being Baker University on one page and KDOT on another page.

Mr. Boyd said KDOT currently owned the property that the CUP was requested for and Baker University owned the land to the east. He said at the end of the trafficway construction the property would be transferred to Baker University.

Commissioner Blaser inquired about sewer lines.

Mr. McCullough said there was no sewer. He said it may be a topography issue or capacity issue.

Ms. Miller said it was outside city limits, which was served by the Rural Water District.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to approve the Conditional Use Permit for the Baker Wetlands Visitor Center 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 subject to the following conditions:

- 1) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Addition of a minimum of 5 bicycle parking spaces.
 - b. Show the areas for the 2 septic systems and a back-up site for the visitor center septic system on the plan. These areas must be a minimum of 3 acres outside of the 100 year floodplain.
 - c. Label or otherwise identify the existing residence, shed, and info pavilion.
 - d. Addition of the following note regarding the measures being taken to improve fire protection at the site: "The supply line will be increased from 3" to 4" with a flush-out in front of the existing wetland manager's residence on N 1250 Rd. The applicant will pay RWD #2 the cost of establishing a flush out/hydrant from their 10" line on the south side of N 1250 Rd approximately 2,200 ft west of the residence and visitor center. These changes will be completed prior to release of a certificate of occupancy for the visitor center."
- 2) Wakarusa Fire Chief approval of the proposed fire protection measures

Unanimously approved 9-0.

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer
Linda Finger, Interim Director, Zoning & Codes Department

Date : February 11, 2013

Re : Consider revisions to Access Management road classification map
Exhibit 9-506

As you may be aware, we are in the process of updating the long range transportation plan for Lawrence-Douglas County. The current long range transportation plan, T2030, is being updated to T2040. As part of this process, the Major Thoroughfares Map (MTM) is being updated by the Planning Department. In a recent meeting with Planning Department and City of Lawrence officials, we discussed whether our Access Management road classifications in the Lawrence urban growth area (UGA) need to mirror those of the MTM as they do on the current Access Management road classification map, Exhibit 9-506. The conclusion was they do not need to mirror the MTM classifications.

Several roads in the UGA are currently classified as Principal and Minor Arterials, not because they currently serve as arterials in the unincorporated area, but rather because they will be arterials when annexed into the City of Lawrence. The main purpose of Access Management is to preserve road corridors for their intended future use. However, because setback requirements are much larger in the unincorporated area than in City codes, and because required road frontages in the City are less than in the unincorporated area, we can adequately protect these future City arterial road corridors in the unincorporated area with lesser Access Management road classifications.

The attached resolution amends the County Code to incorporate a revised Exhibit 9-506, which reclassifies several roads in the Lawrence UGA from Principal Arterial or Minor Arterial to Major Collector or Minor Collector.

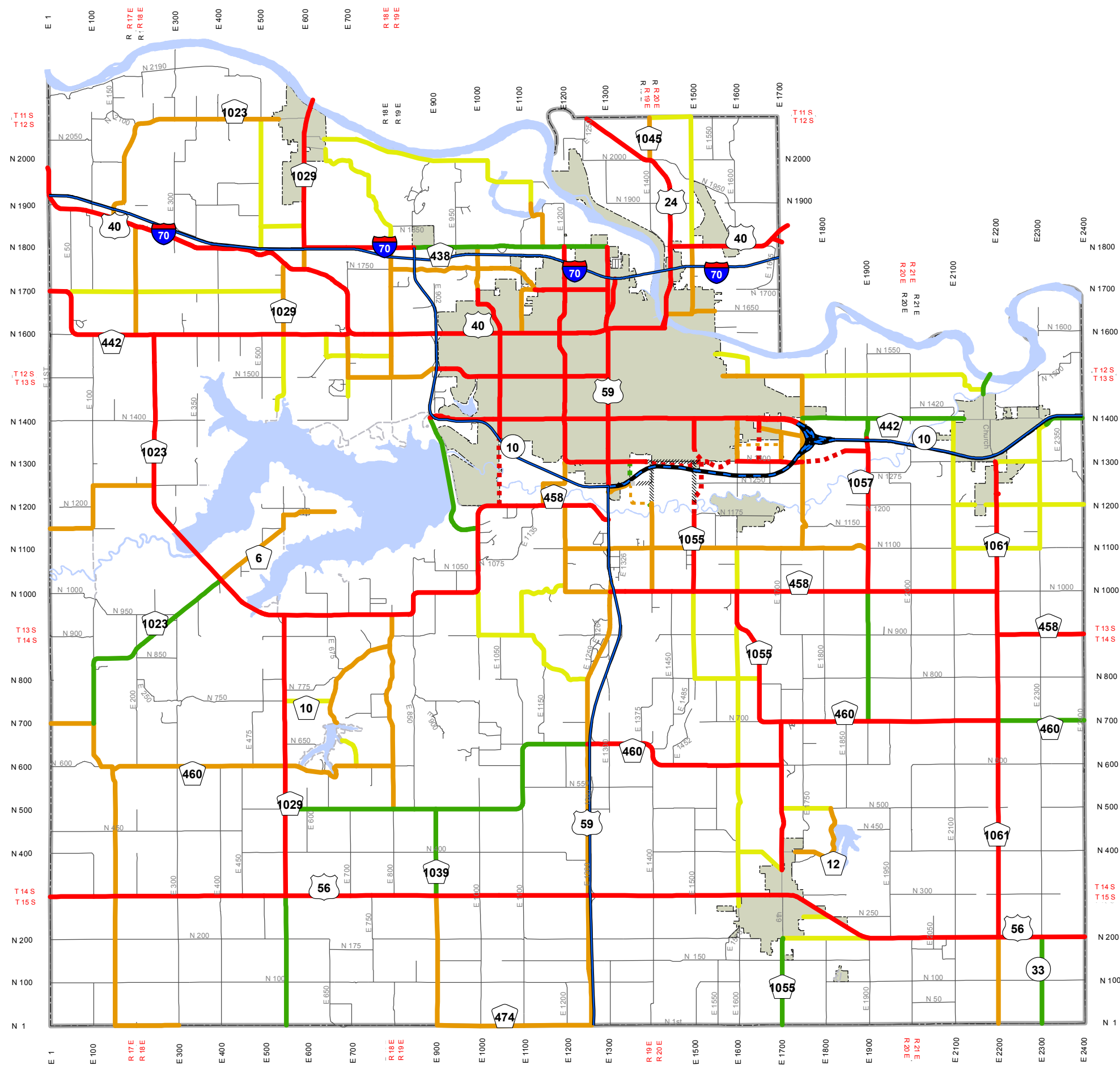
Action Required: Consider approving the attached home rule resolution amending the County Code to incorporate a revised Exhibit 9-506, Access Management road classification map.

Exhibit 9-506

Road Classifications

-  Freeway
-  Future Freeway
-  Principal Arterial
-  Future Principal Arterial
-  Major Collector
-  Future Major Collector
-  Minor Arterial
-  Future Minor Arterial
-  Minor Collector
-  Future local/rural
-  Roads eradicated after completion of SLT
-  Park Road*
-  City Road*
-  Local Road

* Shown for informational purposes, not part of road classification.



MAP DISCLAIMER: All data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness of completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. Douglas County makes no warranties, express or implied, as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular purpose.