

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JUNE 12, 2013

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of a contract with CCMSI for third party administrator services for Douglas county worker's compensation fund (Sarah Plinsky);
- (c) Consider approval of low bid for supply of Highway De-Icing Salt (Keith Browning); and
- (d) Consider approval of a resolution waiving GAAP procedures by the Board of County Commissioners of Douglas County, Kansas (Sarah Plinsky); and
- (e) Consider agreement on workers compensation excess insurance coverage (Sarah Plinsky).

REGULAR AGENDA

- (2) Receive update regarding approval of the new T2040 Metropolitan Transportation Plan. (Todd Girdler is the Planner)
- (3) Consider approval to waive bidding process and authorize staff to enter into an agreement with Spillman Technologies for software and licensing related to the CAD/Mobile and Records Management (Scott Ruf)
- (4) Consider awarding construction contract for E 1750 Rd surfacing E 1750 Road from Baldwin City limits to Route 12, Project No. 2013-5; CIP Project #119 (Keith Browning)
- (5) a) Consider approval of a resolution providing for the adoption of an omnibus continuing disclosure undertaking relating to obligations issues and to be issued by Douglas County, Kansas (Sarah Plinsky)

b) Consider approval of a resolution authorizing the construction of capital improvement projects of Douglas County, Kansas: and providing for the payments of the cost therefore.(Sarah Plinsky)

c) Consider approval of a resolution authorizing the offering for sale of General Obligation Bonds Refunding and Sales Tax Improvements Bonds Series 2013k of Douglas County, Kansas (Sarah Plinsky)
- (6) Authorize a Master Plan Proposal with Treanor architects for the Douglas County Fairground (Sarah Plinsky)
- (7) Executive Session to consult with attorney to receive update on litigation (Evan Ice)
- (8) (a) Consider approval of Accounts Payable (if necessary)
(b) Appointments
 -Douglas County Fire District No. 1 - Vacancy
 -Douglas County Senior Services - Vacancy
(c) Public Comment
(d) Miscellaneous

RECESS

RECONVENE

6:35 p.m.

- (9) **CPA-13-00067**: Consider Comprehensive Plan Amendment, CPA-13-00067, to Horizon 2020 Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, Revised Southern Development Plan, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menard, Inc. (Michelle Leininger)

- (10) Adjourn

WEDNESDAY, JUNE 19, 2013

6:35 p.m.

-Annual review of the Conditional Use Permit, CUP-11-5-76, for the Hamm/Buchheim Quarry located west of E 550 Road between N 1450 and N 1500 Roads. (Mary Miller)

WEDNESDAY, JUNE 26, 2013

FRIDAY, JULY 12, 2013

-12:00-1:30 p.m. Planning Commission Orientation lunch in the City Commission room

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



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Douglas County Courthouse

1100 Massachusetts Street, Unit 204

Lawrence, KS 66044-3064

(785) 832-5329 Fax (785) 832-5320

www.douglas-county.com

Sarah Plinsky

Assistant County Administrator

MEMO TO: Board of County Commissioners

FROM: Sarah Plinsky, Assistant County Administrator
Julie Clouse, Management Information Analyst

SUBJECT: Contract Renewal for Third Party Administrator for Workers' Compensation Services

DATE: June 7, 2013

Douglas County is self-insured for Workers' Compensation. We currently utilize a Third Party Administrator (TPA) to manage our claims administration. Our current contract is with Cannon, Cochran Management Services Inc., (CCMSI). In 2012, we changed our agreement with CCMSI to move towards a more traditional TPA agreement. In the past, Douglas County was allowed to partially administer our own program. While we still have access to the to their on-line computer system, we are no longer responsible for entering claims and updating reports. We continue to retain all authority on medical payments and benefits.

The County has had a contract with CCMSI since 2006 and has a very good working relationship with them. The proposed contract provides for a minimum total fee of \$25,000 plus fees for loss control services, MMSEA Section 111 Reporting, managed care services, and special system reports. The contract fee is the same, but the per claim bill review services have been increased from \$7.50 a claim to \$9.00 a claim based of the State Schedule. We do receive a 33% discount on PPO services and pharmaceuticals as a part of this agreement.

The agreement was authorized last year and will automatically renew for successive one (1) year terms for up to four (4) successive one (1) year terms.

Recommended Motion: Approve the Service Agreement between Douglas County, KS and Cannon Cochran Management Services, Inc. at a minimum total fee of \$25,000 plus fees for loss control services, MMSEA Section 111 Reporting, managed care services, and special system reports for a one (1) year period beginning on June 15, 2013, and terminating on June 14, 2014.

MEMORANDUM

To : Board of County Commissioners

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

Date : June 5, 2013

Re : Consent Agenda Acceptance of Low Bid for Supply of Highway De-Icing Salt

Bids were opened June 4, 2013 for the supply of highway de-icing salt for the 2013-2014 snow and ice season. The City of Lawrence, City of Eudora, City of Baldwin, City of Ottawa, Wakarusa Township, and Franklin County all participated with Douglas County in the request for bids. Bids for Douglas County are as follows.

<u>Vendor</u>	<u>Quantity (tons)</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Central Salt	1,500	\$46.88	\$ 70,320.00
Cargill Salt	1,500	\$48.84	\$ 73,260.00
Independent Salt	1,500	\$52.57	\$ 78,855.00
Dale Brothers	1,500	\$64.00	\$ 96,000.00
North American Salt	1,500	\$96.64	\$ 144,960.00
Morton Salt	1,500	No Bid	\$ 0.00

Action Required: Consent Agenda approval of the low bid from Central Salt for the supply of 1,500 tons of highway de-icing salt at a total cost of \$70,320.00.

BID TAB FOR HIGHWAY SALT			Bid No. 13-F-0013 - Bid Opening Date June 4, 2013																				
			Douglas County			City of Lawrence			City of Eudora			City of Baldwin			Wakarusa Twp.			Franklin County			City of Ottawa		
<u>VENDOR</u>			Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton	Qty	\$/Ton					
Dale Bro's.	1500	\$64.00	\$96,000.00	2500	\$64.00	\$160,000.00	150	\$64.00	\$9,600.00	50	\$64.00	\$3,200.00	250	\$64.00	\$16,000.00	800	\$64.00	\$51,200.00	250	\$64.00	\$16,000.00		
Central Salt	1500	\$46.88	\$70,320.00	2500	\$46.88	\$117,200.00	150	\$46.88	\$7,032.00	50	\$46.88	\$2,344.00	250	\$46.88	\$11,720.00	800	\$46.88	\$37,504.00	250	\$46.88	\$11,720.00		
North Am. Salt	1500	\$96.64	\$144,960.00	2500	\$96.64	\$241,600.00	150	\$96.48	\$14,472.00	50	\$97.11	\$4,855.50	250	\$100.87	\$25,217.50	800	\$98.21	\$78,568.00	250	\$98.21	\$24,552.50		
Cargill	1500	\$48.84	\$73,260.00	2500	\$48.84	\$122,100.00	150	\$48.84	\$7,326.00	50	\$48.84	\$2,442.00	250	\$48.84	\$12,210.00	800	\$48.84	\$39,072.00	250	\$48.84	\$12,210.00		
Independent Salt	1500	\$52.57	\$78,855.00	2500	\$52.57	\$131,425.00	150	\$52.57	\$7,885.50	50	\$52.57	\$2,628.50	250	\$52.57	\$13,142.50	800	\$52.57	\$42,056.00	250	\$52.57	\$13,142.50		
Morton Salt	1500	No Bid		2500	No Bid		150	No Bid		50	No Bid		250	No Bid		800	No Bid		250	No Bid			
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Director of Public Works: Keith A. Browning			County Clerk: Jamie Shew						Dated: 06/04/2013														
By: Gayle Johnson																							

RESOLUTION NO. 13--

**A RESOLUTION WAIVING GAAP PROCEDURES BY THE BOARD OF COUNTY
COMMISSIONERS OF DOUGLAS COUNTY, KANSAS**

WHEREAS, The Board of County Commissioners, Douglas County, Kansas, has determined that the financial statements and financial reports for the year ended 2011 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of County Commissioners or the members of the general public of Douglas County and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended 2013.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of Douglas County, Kansas, in regular meeting duly assembled this 12th day of June, 2013 that the Board of County Commissioners waives the requirements of K.S.A. 75-1120a(a) as they apply to Douglas County for the year ended 2013.

BE IT FURTHER RESOLVED that Douglas County shall cause the financial statements and financial reports of Douglas County to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

This Resolution shall take effect and be in force from and after its adoption.

IN WITNESS WHEREOF, the foregoing Resolution was adopted this 12th day of June, 2013.

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

Mike Gaughan, Chair

ATTEST:

Nancy Thellman, Commissioner

Jameson D. Shew, County Clerk

Jim Flory, Commissioner



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

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Sarah Plinsky
Assistant County Administrator

MEMO TO: Board of County Commissioners

FROM: Sarah Plinsky, Assistant County Administrator

SUBJECT: Excess Workers' Compensation Insurance Coverage

DATE: June 7, 2013

Douglas County is self insured for Workers' Compensation, but we are required by the State of Kansas to maintain insurance coverage for high claims. In recent history, we have never reached our deductible (retention) on any one claim, which would activate the excess coverage. Our current provider is Safety National Casualty Corporation and our current retention levels are \$450,000 for law enforcement personnel and \$400,000 for remainder of our employees. We increased the retention levels in 2011. Our retention level is \$500,000 for all employees.

The County has been with Safety National since the 2011 – 2012 Plan year. Our payroll has increased slightly at 1%, but our average rate has decreased slightly at 1% leading to a slightly reduced premium of \$72,075 from last year's premium of \$72,739.

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

RECOMMENDED MOTION

Approve an agreement with Safety National Casualty for Workers' Compensation excess coverage at a \$500,000 retention level for all employees for \$72,075 for June 15, 2013 through June 15, 2014.



Memorandum

TO: David L. Corliss, Lawrence City Manager
FROM: Todd Girdler, MPO Senior Transportation Planner
CC: Craig Weinaug-Douglas County Administrator, MPO Policy Board ,
MPO Technical Advisory Committee , MPO Regional Transit Advisory
Committee
Date: May 14, 2013
RE: MPO Approval of the new Metropolitan Transportation Plan (MTP) -
Transportation 2040 (T2040)

Please place the following item on the June 11, 2013 City Commission meeting agenda

Background

For the past year and a half the MPO staff and committees have been working on an update to the Transportation 2030 Plan that was approved in early 2008. That update is called Transportation 2040, or T2040, and is the new Metropolitan Transportation Plan for the Lawrence-Douglas County Region. This new transportation plan like its predecessor is a regionally based policy plan for creating and maintaining a multimodal transportation system to serve the needs of our region's citizens and businesses. Also, like the T2030 document, this new T2040 Plan has a five-year lifespan before it expires. The MPO Policy Board approved this new T2040 Plan on March 21, 2013. A new plan to replace T2040 will be developed in 2017 for approval in early 2018. The T2040 Plan is now on the MPO website and has been submitted to the Kansas Department of Transportation, Federal Highway Administration, and the Federal Transit Administration staffs for information purposes. Those agencies do not approve this document, but the MPO does need to provide them a copy of the approved plan since those agencies are planning partners with the MPO.

In years past the regional transportation plan produced and approved by the MPO has been used by Douglas County and Lawrence as their transportation plans and as part of their joint Comprehensive Plan. That was the case for the T2020, T2025 and T2030 documents over the last fifteen years. The Transportation Chapter of the Comprehensive Plan was most recently updated to reflect alignment with the T2030 Plan in early 2011 when the Lawrence City Commission and the Douglas County Board of County Commissioners approved an amendment to their Comprehensive Plan stating that the current version of the MTP is the Transportation Element of the Comprehensive Plan.

Now that the MTP update process is complete, it is appropriate for the City of Lawrence and Douglas County to update the Comprehensive to include the Goals, Objectives and Strategies in the T2040 Plan. In a similar fashion, the three smaller cities in the region (Baldwin city, Eudora and LeCompton) may act to approve this T2040 Plan as an amendment to their Comprehensive Plans.

The T2040 Plan acts as the Metropolitan Transportation Plan under federal regulations and in that role it takes a broad perspective that charts out a shared regional vision for the future of our transportation system. In doing that it fits well with the other parts of the Comprehensive Plan that layout general guidance for how the region is to develop in the future. However, the T2040 Plan does not dictate project level details like curb radiuses and street widths and the myriad of other engineering details for roads, bridges, transit operations, bikeways and sidewalks. Most of those details are decided at the project level and guided by local regulations and best practices for each type of project. The T2040 Plan does point the way to a more balanced multimodal transportation system in the future, but many details about how that will occur are left to local discretion.

The MPO staff and MPO committees work closely with and have members who are experts in the planning/design/engineering fields and project details are sometimes discussed at various MPO meetings. The MPO has two official advisory committees (the Technical Advisory Committee and the Regional Transit Advisory Committee). The MPO staff also works closely with the Lawrence-Douglas County Bicycle Advisory Committee. All of those groups had opportunities to provide input to the MPO staff as the T2040 document was being drafted. The T2040 update process also included a lengthy public participation program run over several months in 2012 in which hundreds of comments were received from the public about the transportation needs in our region. Those comments were reviewed and many of those ideas were incorporated into T2040.

Actions Requested:

Initiate Comprehensive Plan amendment to update Horizon 2020-Chapter 8 to incorporate the Goals, Objectives and Strategies approved in the new T2040 Metropolitan Transportation Plan and forward to the Lawrence-Douglas County Planning Commission for consideration.

Attachments:

T2040 Metropolitan Transportation Plan – MPO approved on March 21, 2013

<http://www.lawrenceks.org/assets/mpo/T2040/EntirePlan.pdf>

Chapter 8 – Lawrence-Douglas County Comprehensive Plan – amended on February 7, 2011

Draft Update – Chapter 8 of the Lawrence-Douglas County Comprehensive Plan

CHAPTER EIGHT - TRANSPORTATION

This chapter references the Metropolitan Transportation Plan (MTP) as the Transportation Chapter of Horizon 2020, reflects the goals of the MTP as adopted, and presents a brief explanation of the regional transportation planning process conducted in Douglas County by the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) and how that regional transportation planning program relates to the land use planning activities conducted by the Lawrence-Douglas County Metropolitan Planning Commission. This chapter also explains how both transportation planning and land use planning for the area are documented in the regional comprehensive plan.

Metropolitan Transportation Plan

The MTP, currently titled Transportation 2040 or T2040 is a document produced and approved by the L-DC MPO. The MTP sets regional transportation policies and it articulates goals and objectives for the creation of a multi-modal transportation system that complements land use plans, economic development plans, environmental plans, and other comprehensive plan elements for the region. The MTP assists state and local government agencies in improving the quality of life for area residents by developing a safe and efficient transportation system. The library of L-DC MPO documents, including the MTP, along with a description of the MPO process can be found on the web at <http://www.lawrenceks.org/mpo/>.

In addition to the regional scale planning policies found in the MTP which show major transportation corridors and services in a systematic way, there are smaller scale planning and design issues that are also important to the safe and efficient development of a multi-modal transportation system. Although many of these detailed items are more traffic engineering concerns than planning level issues, it is important to note that some items that need to be included in the transportation element of a comprehensive plan are not always included in the MTP. However, the MTP does reference the need for corridor and access management and other traffic engineering items designed to protect the operational integrity of the major roads in the region. This is important to support system planning for the regional multi-modal transportation system that is described in the MTP. For this reason, the state and local policies that address traffic engineering and transportation planning need to be used along with this chapter and the MTP in the review of proposed developments and infrastructure improvements. Local development codes should be supportive of the transportation planning policies set forth in this Comprehensive Plan Chapter and in the MTP.

MPO Planning Process

The MPO transportation planning process is designed to provide a regional forum for decision-making for the development and operation of a multi-modal transportation system designed to provide safe and efficient mobility for all of the region's residents and businesses. Coordination and information sharing among jurisdictions are important elements of MPO activities. The L-DC MPO covers the entirety of Douglas County including the three smaller cities (Baldwin City, Eudora, and Lecompton) which are not included in or approving bodies for this comprehensive plan and may produce their own comprehensive plans.

The MPO planning process is called the 3 C (Continuing, Comprehensive, Cooperative) process. It is a continuing process that does not end when a new transportation plan document is approved. The MPO produces a new transportation plan at least once every five years (may change to every four years in the foreseeable future due to air quality issues), but as soon as a new plan is approved the MPO begins to work on related documents and improvements to put in the next edition of the transportation plan. The MPO process is comprehensive in that it views transportation system planning as one part of a larger planning process where various types of planning (transportation, land use, environmental, economic, etc.) work together to improve the quality of life for all people in the region. Transportation planning is intricately tied together with land use planning since much of the planning for mobility corridors is predicated on the types and intensities of land uses planned along those routes. Likewise, the land uses planned for an area depend on the access afforded by the transportation network. Transportation and land use planning have a symbiotic relationship. MPO activities are also part of a cooperative process involving several different government agencies and an ample amount of public review. Two federal agencies (Federal Highway Administration and Federal Transit Agency), the Kansas Department of Transportation, Douglas County, and the four city governments in Douglas County all participate in the MPO process and its committee meetings. This regional transportation planning process is open to the public which is welcome to attend meetings and encouraged to send comments about transportation planning issues to the MPO staff.

Transportation 2040 Goals, Objectives and Strategies

(copied from Chapter 3 of the Transportation 2040 Metropolitan Transportation Plan)

The goals and objectives of this Transportation 2040 (T2040) – Metropolitan Transportation Plan (MTP) for the Lawrence-Douglas County Metropolitan Planning Area (MPA) are based in part on the overarching goal of creating a shared regional vision for how the Lawrence-Douglas County Region will grow and what the community will look like in the future as depicted in the Lawrence-Douglas County Comprehensive Plan. The goals and objectives in this T2040 Plan are based on the following considerations:

- Public Participation from meetings and interviews with transportation stakeholders, various advisory committees, and written comments from the public

- The previous MTP; Transportation 2030 – Lawrence-Douglas County Long Range Transportation Plan
- [Horizon 2020 – Lawrence-Douglas County Comprehensive Plan](#)
- Planning Factors from the Federal surface transportation act - Moving Ahead for Progress in the 21st Century (MAP-21) and Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Comprehensive multimodal nature of the MTP which is outlined in the MPO Policy Board Bylaws
- Knowledge and experience of numerous transportation professionals involved in our region's MPO process
- Guidance from the Kansas Department of Transportation and State emphasis areas outlined in the [Transportation Works for Kansas \(T-WORKS\) program](#)
- Federal transportation planning regulations for MPOs

The creation of this T2040 Plan was supported by an open public participation process and the willingness of the local, state, and federal officials involved in developing and approving this document to chart a comprehensive vision for a regional transportation system. This vision considers the region's short- and long-term needs; land use patterns; planning decisions impacting transportation systems; the desire to provide mobility for all users; and the relationships between the transportation system, the environment and the economy. That comprehensive view of regional transportation planning and the recognition that transportation planning does not take place in its own universe, but that it is intricately related to several other forms of planning is an important part of the MTP development process. The T2040 vision, goals, and objectives also consider and reflect on the federal requirements of the SAFETEA-LU and MAP-21 planning factors listed below.

The MPO has provided the forum for the planning process to create this regional multimodal plan. The T2040 Plan relies on the understanding that a Continuing, Comprehensive, and Cooperative (3C) process will be required to carry out the vision, goals and actions addressed in this plan. That will require the MPO, local governments, KDOT, FHWA and any other invested parties to work together to implement the policies and programs recognized in this document.

Federal Planning Factors

The new MAP-21 planning factors are similar to the previous SAFETEA-LU planning factors and both address several important issues related to mobility, equity, economic viability, safety, security, environmental stewardship, intermodal coordination, system preservation, operations and maintenance, and sustainability. Simply put – these factors represent comprehensive transportation system planning that is done for all users. The T2040 Plan addresses these Planning Factors by incorporating the ideas expressed in these factors in the T2040 Goals and Objectives and throughout the text of this document.

MAP-21 Planning Factors

The metropolitan planning process for a metropolitan planning area shall provide for consideration of projects and strategies that will:

- support the economic vitality of the United States, the States, non-metropolitan areas,

and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

- increase the safety of the transportation system for motorized and non-motorized users;
- increase the security of the transportation system for motorized and non-motorized users;
- increase the accessibility and mobility of people and freight;
- protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
- promote efficient system management and operation; and
- emphasize the preservation of the existing transportation system.

SAFETEA-LU Planning Factors

The metropolitan planning process for a metropolitan planning area shall provide for consideration of projects and strategies that will:

- support the economic vitality of the United States, the States, non-metropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- increase the safety of the transportation system for motorized and non-motorized users;
- increase the security of the transportation system for motorized and non-motorized users;
- increase the accessibility and mobility of people and for freight;
- protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
- promote efficient system management and operation; and
- emphasize the preservation of the existing transportation system.

Organization of the T2040 Plan around a Vision Statement, Goals, Objectives, Improvement Strategies and Action Steps

This T2040 Plan is organized with generally worded goals meant to expand on and clarify the vision statement followed by several goal related objectives and then followed by improvement strategies and action steps. The objectives form the transition between the good ideas and the work at hand that needs to be done to improve transportation in the plan region. This plan also includes an evaluation system in the form of measures of progress.

In later chapters of this document as each part of the transportation system is discussed in more detail, this plan adds action steps that address specific modal concerns and adds measures of

progress to chart advancement in addressing those concerns. The goals, objectives, improvement strategies and measures of progress are all related. They are designed to encourage overall transportation system improvements as well as to help track the changes in performance for each part of the multimodal transportation system.

Funding constraints, technical problems, interagency coordination issues, political considerations, and other factors will make some action steps in this plan difficult to perform. For those reasons, and not the lack of good intentions, some actions to improve our region's transportation system will not occur soon and may not take place during the expiration period covered by this T2040 document or may just get started during that time. Some projects, that are needed and much desired, take more time than one five year transportation plan update cycle to complete. This timing does not alter the importance of integrity of a specify project or action.

Defining Goals, Objectives, Strategies, Action Steps and Measures of Progress for T2040

It is important to ensure that we define Goals, Objectives, Strategies, Action Steps and Measures of Progress for the T2040 Plan. The definitions below guided the creation of this document and are a tool to help the users of this plan.

Goals are long range approaches to articulate the vision of the community. They represent an improvement to the status quo that can be generally supported by the community.

Objectives are defined approaches to attain the identified goals. An objective is more specific than a goal and is consistent with both the goal and strategies it is related to. Objectives outline the "who, what, when, where, and how" of reaching the goal. Many objectives can fall under each goal. For many objectives the timeline for completion will be the plan's duration (5 years), and for others it will be a shorter or longer term.

Strategies are statements that point out ways in which goals and objectives can be addressed and suggest groups of things to do that can be spelled out with greater detail in the following Action Steps. Strategies can be used to group several action steps around a common theme or general course of action. Not all goals and/or objectives will have Strategies.

**The following elements are included in the specific multimodal chapters where applicable.

Action Steps are specific paths that the organization has chosen to take for completing objectives and realizing goals. They establish specific future actions that should be done and should reflect reasoned choices among all of the available alternatives. Many action steps can fall under a goal, objective and a strategy. Action steps are often very specific and can reference other policies, guidelines and standards.

Measures of Progress are things or accomplishments that can be delineated as being completed using a simple yes/no measure or something measured using a graduated scale or score. These things are used to document the condition and status of the transportation system and the progress towards meeting T2040 goals and objectives. Measures of Progress are a way to annually assess

performance of the multimodal transportation system to determine the success of the action steps. These performance measures are used to evaluate the T2040 Plan and the progress made on recommended projects.

Example of Goal, Objective, Strategy, Action Step and Measure of Progress

Goal - Goal 2: Focus on System Preservation and Economic Efficiency

Objective – Objective 2.1: Maximize the useful life of the streets, highways, bridges, and related transportation structures through the following strategies

Strategy– Maintain the existing road and bridge assets by adequately maintaining transportation facilities to preserve their intended function and maintain their useful life.

Action Step – Inspect bridges on a routine schedule related to the acceptable professional best practices and create a bridge condition inventory that identifies bridges that need improvements soon. Bridges that are in danger of having low weight limits imposed that will impede truck traffic that is expected to use that facility will be identified and scheduled for repairs and/or replacements.

Measures of Progress – Number of bridges identified to impede truck traffic (≤ 10 ton and ≤ 40 ton) compared to those bridges scheduled for upgrades this year. Number of bridges that were upgraded or repaired before lower weight limits were placed on them. The percent of all bridges maintained by the government agency having a low posted weight limit that could hamper efficient freight traffic.

The following Vision Statement and set of goals along with the rest of this document are intended to create and instill a shared regional vision for the future multimodal transportation system that will serve all residents of and visitors to Douglas County and depict a realistic view for how we can achieve that future transportation vision for our community. Action steps and measures of progress are included in each modal chapter.

Transportation 2040 – Moving Forward Together Vision Statement

Develop a multimodal transport system that safely, efficiently and equitably serves all users whom travel to, from and within the region; and develop a regional transport network of facilities and services that complements the region's economy and enhances the region's livability.

The vision emphasizes the importance of multimodal system planning and the value of the transportation network as an asset to the community. The plan supports an accessible environment that serves to improve the quality of life and prosperity in the region.

Goal 1: Improve Safety & Security

Objective 1.1: Reduce the occurrences of fatalities and injuries to transportation system users through design techniques and the application of the “4 E’s” --engineering, education, enforcement, and emergency response through the following strategies:

Strategy 1.1.1: Develop criteria that focus on the safety aspect of transportation projects and require that the safety element of projects be addressed properly before project approval is considered

Strategy 1.1.2: Scrutinize safety issues related to land development projects early in the review process at plan review meetings and at times when projects are still in the conceptual plan stage

Strategy 1.1.3: Participate in the development of the Kansas Strategic Highway Safety Plan

Strategy 1.1.4: Collect and analyze crash, injury and fatality data to set high priority areas for safety improvements

Strategy 1.1.5: Facilitate and support the development and distribution of safety education materials

Strategy 1.1.6: Encourage enforcement of traffic laws for all traffic system users by local police departments

Strategy 1.1.7: Support efforts to provide faster emergency responses through transportation system changes like the installation of signal pre-emption devices for EMS vehicles

Strategy 1.1.8: Support development of policies for using Crime Prevention Through Environmental Design (CPTED) elements in the design of transportation projects so that natural surveillance can be increased.

Strategy 1.1.9: Respond to weather incidents in a timely and effective manner

Strategy 1.1.10: Secure support from the public and its elected representatives through education and advocacy for safer transportation facilities and services.

Objective 1.2: Coordinate with local, state and federal agencies and transportation providers to respond during times of natural disasters, extreme accidents, or other emergencies through the following strategies:

Strategy 1.2.1: Develop a continuity of operations and emergency operations plans

Strategy 1.2.2: Create and maintain an up-to-date contact lists for emergency operations management

Strategy 1.2.3: Develop opportunities for local, state and federal level agencies along with transportation providers to jointly plan and conduct training exercises to test their emergency

response plans and abilities

Objective 1.3: Increase the ability of the transportation system to support homeland security and to safeguard the personal security of all motorized users, non-motorized system users, and vital transportation facilities.

Goal 2: Focus on System Preservation and Economic Efficiency

Objective 2.1: Maximize the useful life of the streets, highways, bridges, and related transportation structures through the following strategies:

Strategy 2.1.1: Maintain the existing road and bridge assets by adequately maintaining transportation facilities to preserve their intended function and maintain their useful life.

Strategy 2.1.2: Develop a process to inventory the size of the regional transportation system and monitor its condition

Objective 2.2: Utilize management techniques and technologies to maximize the capacity of the network and improve the operational efficiencies of the transport system through the following strategies:

Strategy 2.2.1: Develop acceptable critical Level of Service (LOS) standards for all regionally significant transportation facilities, services and modes in Douglas County, and the development of programs to maintain and improve service levels throughout the region's transportation network

Strategy 2.2.2: Prioritize traffic flow improvements to strategically reduce congestion and delay

Strategy 2.2.3: Use Access Management Standards to place access points along major roads at locations where the access will not significantly degrade the operations of the major road and will allow the major road to fulfill its main role of mobility. This will include the development of access management standards by local governments in the region and the coordination of those local standards with KDOT standards, especially for projects located on state system roads.

Strategy 2.2.4: Implement Intelligent Transportation Systems (ITS) and upgrade traffic signal equipment and communications and other technology to improve traffic flow with existing roadway capacity

Strategy 2.2.5: Enhance the efficient movement of freight through the identification of bottleneck locations for truck traffic, the implementation of improvement projects designed to make truck movements safer and more efficient, the enhancement of intermodal facilities (e.g., rail-truck) that will facilitate freight handling between modes, and any other projects planned to improve freight mobility to enhance the region's economy.

Objective 2.3: Incorporate and coordinate transportation improvements with existing and planned future land uses to minimize infrastructure costs through the use of the following strategies:

Strategy 2.3.1: Conduct transportation-related studies and projects such as traffic signal coordination or safety studies on a multi-jurisdictional or regional basis to more efficiently use resources

Strategy 2.3.2: Develop and/or review existing standards for Traffic Impact Studies (TIS) for each local government in the region. Those TIS standards will be used to determine the traffic impacts of major land developments and to recommend transportation system improvements needed to mitigate those impacts. This may include public-private partnerships for funding and building improvements recommended by the TIS.

Objective 2.4: Efficiently utilize existing financial resources to reduce duplication of services and/or other inefficiencies and investigate potential new revenue sources through the use of the following strategies:

Strategy 2.4.1: Explore alternate financing options for transportation funding (e.g., vehicle mileage road user fees, toll roads, private financing, user fees, fuel taxes, etc.)

Strategy 2.4.2: Improve project development processes and services between local, regional, state and federal agencies to reduce costs and increase the speed of project delivery

Strategy 2.4.3: Coordinate service providers and development groups to reduce duplicative services and inefficiencies

Goal 3: Maximize Accessibility and Mobility

Objective 3.1: Minimize delay and congestion to improve travel times through identifying and upgrading traffic signal technology and communications to improve traffic flow.

Objective 3.2: Provide viable transportation alternatives (transit, bicycle, pedestrian) with better interconnectivity for people and goods by considering transit, bikeway and pedestrian facility details in all new development site planning, and adhering to local Complete Streets policies.

Objective 3.3: Assure all users are provided access to the regional transportation system and planning process through the use of the following strategies:

Strategy 3.3.1: Encourage land development patterns and transportation system designs that allow and encourage people to use all transportation modes, especially those that are human powered and support healthy lifestyles

Strategy 3.3.2: Coordinate multimodal review of maintenance plans and transportation facility plans

Strategy 3.3.3: Improve the linkages between transportation planning and public health planning

Strategy 3.3.4: Enhance and maintain a coordinated transit system including special services for senior citizens and persons with disabilities, and connections to regional commuter services

Goal 4: Consider the Environment and Quality of Life

Objective 4.1: Minimize adverse social, economic, and environmental impacts created by the transportation system through the use of the following strategies:

Strategy 4.1.1: Encourage land development patterns that promote transportation efficiency, sustainability and livability through the ongoing coordinated review of land use plans by MPO staff and the ongoing review of transportation plans by land use planners

Strategy 4.1.2: Improve the linkages between transportation planning and environmental planning

Strategy 4.1.3: Maintain and improve air quality to meet or exceed the National Ambient Air Quality Standards and minimize the air pollutant emissions from the use of fossil fuels for transportation by encouraging the improvement of the multimodal transportation system

Strategy 4.1.4: Promote alternative-fueled vehicles that reduce emissions and support the development of needed infrastructure (e.g., charging stations, etc.) that will make the use of those vehicles feasible

Strategy 4.1.5: Encourage the use of alternative modes of transportation and encourage development that minimizes reliance on the automobile, especially the single occupant car

Objective 4.2: Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions through the use of the following strategies:

Strategy 4.2.1: Improve connectivity between existing employment centers, retail activity areas, and regional destinations as feasible to foster the continued growth and vitality of those areas

Strategy 4.2.2: Study traffic impacts and develop traffic impact mitigation standards so that land use decisions do not endanger the primary mobility function of arterial roadways

Summary

This chapter of the Lawrence-Douglas County Comprehensive Plan establishes the current version of the MTP as the transportation element of the Comprehensive Plan for the City of Lawrence and Douglas County. The MTP is the transportation policy guide for comprehensive planning activities to be used in the local and regional policy decision-making process.

CHAPTER EIGHT - TRANSPORTATION

This chapter references the Metropolitan Transportation Plan (MTP) as the Transportation Chapter of Horizon 2020, reflects the goals of the MTP as adopted, and presents a brief explanation of the regional transportation planning process conducted in Douglas County by the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) and how that regional transportation planning program relates to the land use planning activities conducted by the Lawrence-Douglas County Metropolitan Planning Commission. This chapter also explains how both transportation planning and land use planning for the area are documented in the regional comprehensive plan.

Metropolitan Transportation Plan

The MTP, currently titled Transportation 2030 Lawrence Douglas County Long-Range Transportation Plan (T2030), is a document produced and approved by the L-DC MPO. The MTP sets regional transportation policies and it articulates goals and objectives for the creation of a multi-modal transportation system that complements land use plans, economic development plans, environmental plans, parks and open space plans, and other comprehensive plan elements for the region. The MTP assists state and local government agencies in improving the quality of life for area residents by developing a safe and efficient transportation system. The library of L-DC MPO documents, including the MTP, along with a description of the MPO process can be found on the web at <http://www.lawrenceks.org/pds/MPO>.

In addition to the regional scale planning policies found in the MTP which show major transportation corridors and services in a systematic way, there are smaller scale planning and design issues that are also important to the safe and efficient development of a multi-modal transportation system. Although many of these detailed items are more traffic engineering concerns than planning level issues, it is important to note that some items that need to be included in the transportation element of a comprehensive plan are not included in the MTP. However, the MTP does reference the need for corridor and access management and other traffic engineering items designed to protect the operational integrity of the major roads in the region. This is important to support system planning for the regional multi-modal transportation system that is described in the MTP. For this reason, the state and local policies that address traffic engineering and transportation planning need to be used along with this chapter and the MTP in the review of proposed developments and infrastructure improvements. Local development codes should be supportive of the transportation planning policies set forth in this chapter and in the MTP.

Transportation Goals and Objectives

Transportation Goals and detailed Objectives are provided in T2030, Chapter 4. A summary of the Goal Statements is included in this chapter:

Goal 1: Support the Economic Vitality of the Region

Approve guidelines that enhance economic activity and foster the principles of accessibility, convenience, cooperation, and aesthetic character.

Goal 2: Maintain, Expand and Enhance the Existing Transportation Network

Advance policies that promote roadway connectivity and expand multimodal services.

Goal 3: Promote Efficient System Management and Operation

Create policies that promote transportation system management, efficient operation, multimodal transportation, and access management standards.

Goal 4: Protect the Environment and Promote Energy Conservation

Preserve the environment by adopting criteria that promote smart growth patterns to help sustain healthy air quality levels and minimize land use conflicts.

Goal 5: Emphasize Transportation System Safety

Develop criteria that focus on the safety aspect of projects and require that the safety element of projects be addressed properly before approval is considered.

Goal 6: Increase Transportation System Security

Increase the ability of the transportation system to support homeland security and to safeguard the personal security of all motorized and non-motorized system users.

Goal 7: Coordinate Land Use and Transportation

Ensure that land use planning and transportation planning is coordinated.

Goal 8: Pedestrian and Bicycle Transportation System

Establish an integrated system of bicycle and pedestrian improvements that provides for safe and efficient connections throughout the community, and offers viable choices of travel.

Goal 9: Public Transportation System

Implement a coordinated public transportation system that offers a viable choice of travel that addresses the needs of individuals and the community as a whole.

Detailed Action Steps are provided in the subsequent chapters of the MTP and a summary of actions and policies is provided in Chapter 16: Implementation of the Transportation Plan.

MPO Planning Process

The MPO transportation planning process is designed to provide a regional forum for decision-making for the development and operation of a multi-modal transportation system designed to provide safe and efficient mobility for all of the region's residents and businesses. Coordination and information sharing among jurisdictions are important elements of MPO activities. The L-DC MPO covers the entirety of Douglas County including the three smaller cities (Baldwin City, Eudora, and Lecompton) which are not included in or approving bodies for this comprehensive land use plan and may produce their own land use plans.

The MPO planning process is called the 3 C (Continuing, Comprehensive, Cooperative) process. It is a continuing process that does not end when a new transportation plan document is approved. The MPO produces a new transportation plan at least once every five years (may change to every four years in the foreseeable future due to air quality issues), but as soon as a new plan is approved the MPO begins to work on related documents and improvements to put in the next edition of the transportation plan. The MPO process is comprehensive in that it views transportation system planning as one part of a larger planning process where various types of planning (transportation, land use, environmental, economic, etc.) work together to improve the quality of life for all people in the region. Transportation planning is intricately tied together with land use planning since much of the planning for mobility corridors is predicated on the types and intensities of land uses planned along those routes. Likewise, the land uses planned for an area depend on the access afforded by the transportation network. Transportation and land use planning have a symbiotic relationship. MPO activities are also part of a cooperative process involving several different government agencies and an ample amount of public review. Two federal agencies (Federal Highway Administration and Federal Transit Agency), the Kansas Department of Transportation, Douglas County, and the four city governments in Douglas County all participate in the MPO process and its committee meetings. This regional transportation planning process is open to the public which is welcome to attend meetings and encouraged to send comments about transportation planning issues to the MPO staff.

Summary

This chapter of the Lawrence-Douglas County Comprehensive Plan establishes the current version of the MTP as the transportation element of the Comprehensive Plan for the City of Lawrence and Douglas County. The MTP is the transportation policy guide for comprehensive planning activities to be used in the local and regional policy decision-making process.



DOUGLAS COUNTY EMERGENCY COMMUNICATIONS

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

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

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

MEMORANDUM

To : Board of County Commissioners

From : Scott W. Ruf, Director of Emergency Communications

Date : June 12, 2013

Re : Regular Agenda item waiving formal bidding process and authorize staff to enter into a Purchased Products and Service Agreement with Spillman Technologies for software and licensing related to the CAD/Mobile and Records Management. In addition access existing State of Kansas, Western States Contract Alliance (WSCA) and related contracts for the purchase and implementation of hardware and services IP Pathways for a countywide CAD/Mobile solution and Records Management solution for the Douglas County Sheriff's Office to include Baldwin City and City of Eudora.

At the Commission's March 13, 2013 (memo attached) meeting Commissioners authorized staff to formally recognize Spillman Technologies as the preferred vendor for the project and to complete system design, needs and project costs. This authorization was made after a lengthy process of issuing an RFI, reviewing responses, and completing vendor demos.

The total cost for this project is \$1,156,574.00. The CAD/Mobile portions are a qualifying expense of the 911 Fee Fund under SB50 (excerpts outlining qualifying expenses attached). The Records Management portion must be funded by the agencies. The following is the cost and funding breakdown:

Costs:

Spillman Technologies	\$922,720.00
IP Pathways	\$233,854.00
TOTAL	\$1,156,574.00

Funding Sources:

911 Fee Fund	\$907,304.00 *
DGSO Equipment Reserve	\$230,670.00
City of Eudora	\$ 9,300.00
Baldwin City	\$ 9,300.00
TOTAL	\$1,156,574.00

(*ECC reserves after project expenses will be approx. \$1,117,209.00)

Action Required: Regular Agenda authorization for Emergency Communications Director to purchase and acquire software applications and licensing related to CAD/Mobile and Records Management through Spillman Technologies and associated hardware and components through IP Pathways. In addition, authorize the Director of Emergency Communications to have change order authority for any and all amounts not exceeding \$15,000.00 and for all credit and no cost amounts.

SCOTT W. RUF
Director

911 ADVISORY BOARD

SHERIFF KENNETH MCGOVERN
Douglas County
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Lawrence Douglas County
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Kansas University

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Wakarusa Township Fire Dept.

FREQUENTLY ASKED QUESTIONS ABOUT ALLOWABLE USES OF 911 FEES

Statute governing the use of 911 fees received by PSAPs from the LCPA:

SB 50, Section 14(a): The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911 equipment and upgrades; (3) maintenance and license fees for 911 equipment; (4) training of personnel; (5) monthly recurring charges billed by service suppliers; (6) installation, service establishment and nonrecurring start-up charges billed by the service supplier; (7) charges for capital improvements and equipment or other physical enhancements to the 911 system; or (8) the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase subscriber radio equipment.

NOTE: The allowed uses for GRANT funds are different. Use this statute only for the 911 fees you receive directly from the LCPA.

Q.1 Can you list examples of purchases allowed by the statute?

- A.** Allowed uses include: equipment, software, GIS technical support and data, technical support services, software and hardware maintenance, training, and telecommunications services that are directly related to a PSAP receiving, processing and transmitting a 911 call. Dispatch console equipment designed specifically for use in a PSAP for 911 and radio operations should be acceptable as are logging recorders, emergency generators, uninterruptible power supply systems, computer-aided dispatch systems, and radio base stations used by a PSAP to support its operations. Also, fiber optic connectivity used to connect the PSAP to the radio transmitters and/or to radio antennas; microwave equipment that connects a PSAP to radio base stations; public safety radio base stations, combiners, Tower Top Pre-amp, radio trunking system, generators, antennas, coaxial cable if it is used to connect microwave or radio base stations to antennas, frequency licensing, installation of any hardware described above, electrical upgrade if it is directly related to the installation of the radio and microwave equipment to be installed at the tower site. 911 funds may be used for mobile computers used by law enforcement, fire and EMS personnel since that equipment is receiving the 911 call, but should not be used for RMS or records and corrections systems because those are not directly involved in processing 911 calls. 911 funds may be used for Computer Aided Dispatch

systems and maintenance. Anti-virus software used on 911 equipment may be purchased with 911 funds. Bi-directional amplifiers may also be purchased. 911 funds may be used to cover software and hardware upgrades and maintenance costs for EMD systems and for training of 911 dispatchers on the EMD system. 911 funds may be used to transfer and move 911 equipment and set up operations in a new location. 911 funds may be used for to purchase a fax machine that is used to send reports or 911 calls. A radio frequency study would be allowable as long as it is limited to developing the technical specifications and requirements to implement appropriate public safety radio communications coverage in a jurisdiction and shows a direct relationship with providing 911 services.

In general, the use of 911 funds must have a direct relationship to the performance of 911 and emergency communications functions performed by PSAP personnel who receive, process and transmit 911 calls to emergency responders.

Q.2 Can 911 fees be used to build radio towers?

A. The 911 Coordinating Council is currently collecting information on, and studying, the topic of using 911 fees for tower construction; therefore, the Council offers no recommendations on the use of monies for towers. The Council defers to local counsel (city attorney, county attorney) for a legal opinion on whether the new 911 laws allow such a use. The Council's review of radio towers includes studying housing, fencing and civil work done in conjunction with a radio tower.

911 fees may be used to lease space on a tower. Electronics used in the tower or to connect the tower to the PSAP is also an allowed use. Fiber optics running from a structure to the radio transmitters and/or to radio antennas is also acceptable.

Q.3 I know that 911 fees cannot be used for subscriber radios. What about pagers?

A. No, pagers are not an allowed use. Pagers are similar to radios so they should not be purchased using 911 fees.

Q.4. What about the costs of sending 911 call information to pagers and mobile radios?

A. A messaging service that transmits the message to a pager, mobile computer or radio is an allowed expense.

Q.5 Can I pay for maintenance of my subscriber radios with 911 fees, such as purchasing batteries?

A. The statute notes only “purchases” of subscriber radios as the prohibited activity; however, the 911 Coordinating Council recommends that no 911 fees be used to purchase or *maintain* subscriber radios, as the legislative intent was to prohibit using 911 fees for subscriber radio equipment.

Q6. The statute says you cannot use 911 fees to lease, construct, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. What all is covered by this prohibition?

A1. Building a new PSAP building would NOT be allowed.

A2. Carpet installation or repairs would NOT be allowed.

Q.7. Are consoles considered furnishing and therefore not allowed?

A. No, consoles designed for 911 dispatch are considered equipment and are allowed.

Q.8. Does a record-keeping system, which integrates with the CAD system but does not automatically records KCJIS or NCIC information and is not part of a dispatch card without input by the communication officers, qualify for 911 funds?

A. Unless the system aids in 911 dispatch and is being used for 911 emergency services, it should not be funded by 911 fees.

Q.9. Can 911 fees be used for trunk lines?

A. Yes, covering the cost of 911 trunk lines is allowed under the new 911 law. Noteworthy, trunk lines also qualified for funding under the old 911 law (prior to 2012).

Q.10. Can I use 911 monies for uses that were allowed when the money was collected?

A. Yes, so long as the money was properly segregated or recorded to show that the money was collected before the change in law. For example, the law prohibiting the purchase of radios was enacted May 27, 2010. Therefore, if you segregated or otherwise recorded what fees you collected before May 27, 2010, you may use those monies to purchase radios. After May 27, 2010 and until January 1, 2012, the monies collected during that period of time may be used for the purposes outlined in the law during that time period. After January 1, 2012, the monies received by PSAPs may be used only for the purposes allowed under the new law, SB 50.



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

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

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

MEMORANDUM

To : Board of County Commissioners
From : Scott W. Ruf, Director of Emergency Communications
Date : March 13, 2013
Re : Regular Agenda item waiving formal bidding process and authorizes staff to enter into negotiations with Spillman Technologies for a countywide CAD/Mobile/RMS solution.

SCOTT W. RUF
Director

911 ADVISORY BOARD

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

CHIEF TARIK KHATIB
Lawrence Police Department

CHIEF RALPH OLIVER
Kansas University

CHIEF CHRIS MOORE
Wakarusa Township Fire Dept.

This approval and authorization will allow for formal recognition of Spillman Technologies as the preferred vendor for the project and to complete system design, needs and project costs.

The total cost of this project is estimated at between \$800K and \$1M.

Douglas County Emergency Communications at the direction of the 9-1-1 Advisory Board solicited a Request for Information and Budgetary Proposals from qualified vendors for the CAD Project. Proposals were to include a CAD/Mobile solution as well as options for adding RMS and its related components. It was determined after review of the responses to seek permission to enter into formal negotiations with Spillman Technologies as they are best capable to provide the solution the County and its partner agencies require.

Vendor	CAD/Mobile	RMS Option/Solution
New World Systems	Yes	Yes
Pro Phoenix Systems	No Response to RFI	
Motorola Solutions	No Response to RFI	
Spillman Technologies	Yes	Yes
Cyrun Technologies	No Response to RFI	
Sungard Public Sector	Yes	Yes
Intergraph Public Safety	No Response to RFI	

The approval of this letter makes no commitment by the County for any capital expenses related to the overall project and its scope is to complete system design, needs, and negotiations related to project pricing. The CAD/Mobile solution is a qualifying expense under the Kansas 911 Act, for which there are sufficient reserve funds available. Costs related to components outside the CAD/Mobile will be itemized and addressed independently with the 911 Advisory Board and agencies wanting to utilize those system components.

Action Required: Regular Agenda authorization for Emergency Communications Director to advise Spillman Technologies of our intent to negotiate for a new countywide CAD/Mobile/RMS solution.

MEMORANDUM

To : Board of County Commissioners

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

Date : June 7, 2013

Re : Consider awarding construction contract for E 1750 Rd surfacing
E 1750 Road from Baldwin City limits to Route 12
Project No. 2013-5; CIP Project #119

Bids were opened on June 3 for the referenced project. Two bids were received, as follows:

<u>Bidder</u>	<u>Total Base Bid</u>	<u>Total Bid w/ Add Alternate</u>
Bettis Asphalt	\$173,048.13	\$164,159.13
RD Johnson	\$301,947.00	\$292,895.00
Engineer's Estimate	\$190,346.13	\$184,556.13

The Base Bid includes the use of CM-L (expanded shale) cover material. The Add-Alternate total bid replaces CM-L cover material with CM-K (crushed limestone) cover material, and adjusts the quantity of emulsified asphalt seal material due to the different aggregate properties. CM-L cover material is the darker colored, lighter weight expanded shale that we have used for the last decade or so. It is preferable to CM-K because it is cleaner (less dust resulting in safer work zones), lighter in weight (resulting in far fewer chipped windshields), and is preferable in residential areas because the lightweight aggregate is safer to mow over. This department and Baldwin City recommend accepting the low base bid and utilizing CM-L cover material.

Baldwin City and Douglas County are sharing costs 50/50. Baldwin City will assume maintenance of this road upon project completion. The Douglas County CIP includes \$80,000 for this project.

Due to the possible need to make construction adjustments when surfacing an existing rock road, I request authorization to approve change orders totaling up to 10% of the contract amount.

Action Required: Award a construction contract in the low base bid amount of \$173,048.13 to Bettis Asphalt & Construction, Inc. for Project No. 2013-5, surfacing of E 1750 Road from Baldwin City limits to Route 12, and authorize the Public Works Director to approve change orders totaling up to 10% of the contract amount.



316-267-2091 MAIN
316-262-6523 FAX
GILMOREBELL.COM

GILMORE & BELL PC
ONE MAIN PLACE - 100 NORTH MAIN, SUITE 800
WICHITA, KANSAS 67202-1311

KANSAS CITY
ST. LOUIS
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June 5, 2013

Ms. Sarah Plinsky, Assistant County Administrator
Douglas County, Kansas
Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas 66044

Re: Douglas County, Kansas – Omnibus Continuing Disclosure Undertaking

Dear Sarah:

The Securities and Exchange Commission (the “SEC”) has promulgated Rule 15c2-12 adopted under the Securities Exchange Act of 1934, as amended (the “Rule”) and regulations relating to continuing disclosure requirements that effect obligations issued by governmental units. Timely and complete continuing disclosure is a major emphasis of federal securities regulators, including the SEC’s recent request for greater authority to regulate disclosures related to municipal securities due to the perceived widespread failure of issuers to comply with continuing disclosure obligations.

Douglas County, Kansas (the “Issuer”) has heretofore issued certain obligations and anticipates future issuances of additional obligations which are or will be subject to the Rule (collectively, the “Bonds”). In conjunction with issuance of the Bonds, the Issuer has entered into continuing disclosure undertakings to provide for submission of annual reports and notices of certain material events relating to such Bonds while the obligations are outstanding. Such reports and notices are required to be filed with the SEC via the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the Municipal Securities Rulemaking Board, which can be accessed at www.emma.msrb.org.

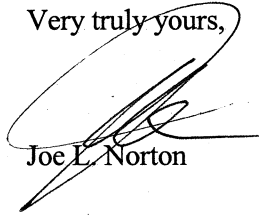
Attached hereto is a form of Omnibus Continuing Disclosure Undertaking which will consolidate the continuing disclosure obligations of the Issuer with respect to its outstanding Bonds and Bonds issued in the future payable from the same revenue source and enhance the efficiency of the administration of the Issuer’s prior and future disclosure undertakings under the Rule.

Also attached hereto is a form Excerpt of Minutes and Resolution adopting the Omnibus Continuing Disclosure Undertaking. We can arrange a special post-issuance securities compliance call or meeting to discuss and answer questions regarding the Omnibus Continuing Disclosure Undertaking, if it would be helpful to you and other Issuer representatives.

After your review of the attachments, if there are no questions or comments, the Resolution and Omnibus Continuing Disclosure Undertaking should be presented to the Board of County Commissioners at your meeting on June 12, 2013. Once adopted, please retain a signed a copy of the Excerpt of Minutes, the Resolution and the Omnibus Continuing Disclosure Undertaking (including Clerk’s Certification) in your permanent records and furnish a copy of each to the undersigned for our records.

Should you have any questions, please feel free to contact Garth J. Herrmann or the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe L. Norton", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Joe L. Norton

JLN:kbd

Enclosures

cc Distribution List

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS
HELD ON JUNE 12, 2013**

The Board of County Commissioners (the "Board") of Douglas County, Kansas met in regular session at the usual meeting place in the County, at 6:35 p.m., the following members of the Board being present and participating, to-wit:

Absent:

The Chair declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION PROVIDING FOR THE ADOPTION OF AN OMNIBUS
CONTINUING DISCLOSURE UNDERTAKING RELATING TO OBLIGATIONS
ISSUED AND TO BE ISSUED BY DOUGLAS COUNTY, KANSAS.**

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, the Chair declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 13-[__] and was signed by the Commissioners and attested by the Clerk.

* * * * *

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(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Douglas County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jameson D. Shew, County Clerk

RESOLUTION NO. 13-[]

A RESOLUTION PROVIDING FOR THE ADOPTION OF AN OMNIBUS CONTINUING DISCLOSURE UNDERTAKING RELATING TO OBLIGATIONS ISSUED AND TO BE ISSUED BY DOUGLAS COUNTY, KANSAS.

WHEREAS, the Douglas County, Kansas (the “Issuer”) is a political subdivision, duly created, organized and existing under the Constitution and laws of the State of Kansas (the “State”); and

WHEREAS, pursuant to the Constitution and statutes of the State, the Issuer is authorized to issue bonds, notes, leases, certificates and other instruments that evidence indebtedness (collectively, the “Obligations”) to finance certain improvements, projects and programs of the Issuer; and

WHEREAS, the Securities and Exchange Commission (the “SEC”) has promulgated Rule 15c2-12 adopted under the Securities Exchange Act of 1934, as amended (the “Rule”), which relates to filing of certain financial information and operating data on an annual basis and notices of certain material events; and

WHEREAS, the Issuer has heretofore issued certain Obligations and anticipates future issuances of additional Obligations which are or will be subject to the Rule (collectively, the “Bonds”); and

WHEREAS, the Issuer is committed to timely and accurate secondary market disclosure relating to the Bonds that are consistent with the Rule; and

WHEREAS, in connection with the issuance of one or more prior issues of Bonds, the Issuer entered into one or more continuing disclosure undertakings (collectively, the “Prior Undertakings”) to assist the underwriter of such Bonds in complying with its obligations under the Rule; and

WHEREAS, in pursuance of the Rule, the Issuer desires to adopt an omnibus continuing disclosure undertaking that will consolidate the obligations of the Issuer under the Rule with respect to the Bonds and the Prior Undertakings to enhance efficiency of the administration of Prior Undertakings and promote timely disclosure by the Issuer.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. Omnibus Continuing Disclosure Undertaking. In order to comply with the provisions of the Rule and directives of the SEC, the governing body of the Issuer hereby approves the form of the Omnibus Continuing Disclosure Undertaking, substantially in the form presented herewith (the “Omnibus Undertaking”). The Chair is hereby directed to execute the Omnibus Undertaking, with such changes as legal counsel to the Issuer and the Chair shall approve (whose signature thereon shall constitute conclusive evidence of such approval).

Section 2. Permanent Record. A copy of the Omnibus Undertaking shall be placed in the permanent records of the Issuer and shall be available for public inspection during regular business hours of the Issuer.

Section 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED AND APPROVED by the Board of County Commissioners of Douglas County, Kansas, on June 12, 2013.

(Seal)

Mike Gaughan, Chair – 1st District

Nancy Thellman, Vice-Chair – 2nd District

Jim Flory, Commissioner – 3rd District

ATTEST:

Jameson D. Shew, County Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 13-[__]
of Douglas County, Kansas adopted by the Board of County Commissioners on June 12, 2013 as the same
appears of record in my office.

DATED: June 12, 2013.

Jameson D. Shew, County Clerk

DOUGLAS COUNTY, KANSAS

OMNIBUS CONTINUING DISCLOSURE UNDERTAKING

DATED AS OF JUNE 12, 2013

OMNIBUS CONTINUING DISCLOSURE UNDERTAKING

THIS OMNIBUS CONTINUING DISCLOSURE UNDERTAKING (the “Disclosure Undertaking”), dated as of June 12, 2013, is executed and delivered by Douglas County, Kansas (the “Issuer”).

RECITALS

1. This Disclosure Undertaking is executed and delivered by the Issuer, pursuant to a resolution adopted by the governing body of the Issuer to consolidate the continuing disclosure obligations of the Issuer with respect to the Bonds and the Prior Undertakings, both as defined below, to enhance efficiency of the administration of Prior Undertakings and promote timely disclosure by the Issuer.

2. The Issuer is executing this Disclosure Undertaking for the benefit of the Beneficial Owners of the Bonds and in order to assist each Participating Underwriter in complying with the SEC Rule, as defined below. The Issuer is the only “obligated person,” as defined in the SEC Rule, with responsibility for continuing disclosure hereunder.

3. This Disclosure Undertaking shall apply with respect to any series of Bonds issued prior to the effective date hereof and subject to the SEC Rule.

In consideration of the foregoing, the Issuer covenants and agrees as follows:

Section 1. Definitions. In addition to the definitions set forth in the Bond Resolution, which apply to any capitalized term used in this Disclosure Undertaking, unless otherwise defined herein, the following capitalized terms shall have the following meanings:

“**Annual Report**” means any Annual Report filed by the Issuer pursuant to, and as described in, *Section 2* of this Disclosure Undertaking, which may include the Issuer’s CAFR, so long as the CAFR contains the Financial Information and Operating Data.

“**Beneficial Owner**” means, with respect to a series of Bonds, any registered owner of any Bonds of such series and any person which: (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds of such series (including persons holding Bonds through nominees, depositories or other intermediaries); or (b) is treated as the owner of any Bonds of such series for federal income tax purposes.

“**Bond Insurer**” means the provider of the bond insurance policy, if any, for any series of Bonds.

“**Bond Resolution**” means collectively the ordinance(s) and/or resolution(s) of the governing body of the Issuer authorizing the issuance of each series of the Bonds.

“**Bonds**” means all bonds, notes, installment sale agreements, leases or certificates intended to be a debt obligation of the Issuer identified on *Schedule 1* as such schedule may be supplemented and amended and, as context may require, the Bonds of any particular series identified on *Schedule 1*. The Issuer may make future series of Bonds subject to this Disclosure Undertaking by incorporating by reference in a Bond Resolution or executing a certificate to such effect in conjunction with the issuance of such series of Bonds.

“Business Day” means a day other than: (a) a Saturday, Sunday or legal holiday; (b) a day on which banks located in any city in which the principal corporate trust office or designated payment office of the trustee, any paying agent or a Dissemination Agent, as applicable, is located are required or authorized by law to remain closed; or (c) a day on which the Securities Depository or the New York Stock Exchange is closed.

“CAFR” means the Issuer's Comprehensive Annual Financial Report, if any.

“Designated Agent” means Gilmore & Bell, P.C. or one or more other entities designated in writing by the Issuer to serve as a designated agent of the Issuer for purposes of this Disclosure Undertaking.

“Dissemination Agent” means any entity designated in writing by the Issuer to serve as dissemination agent pursuant to this Disclosure Undertaking and which has filed with the Issuer a written acceptance of such designation substantially in the form attached hereto as *Exhibit C*.

“EMMA” means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org.

“Financial Information” means the financial information of the Issuer described in *Section 2(a)(1)* hereof.

“Fiscal Year” means the one-year period ending December 31, or such other date or dates as may be adopted by the Issuer for its general accounting purposes.

“GAAP” means generally accepted accounting principles, as applied to governmental units, as in effect at the time of the preparation of the Financial Information.

“Issuer” means Douglas County, Kansas, and any successors or assigns.

“Material Events” means any of the events listed in *Section 3(a)* hereof.

“MSRB” means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with the SEC Rule.

“Official Statement” means collectively the Issuer's Official Statement(s) for each series of the Bonds, including all appendices and exhibits thereto.

“Operating Data” means the operating data of the Issuer described in *Section 2(a)(2)* hereof.

“Participating Underwriter” means each of the original underwriters of a series of Bonds required to comply with the SEC Rule in connection with the offering of such Bonds.

“Prior Undertakings” means the prior continuing disclosure undertakings of the Issuer under the SEC Rule.

“Repository” means the MSRB via EMMA.

“SEC” means the Securities and Exchange Commission of the United States.

“SEC Rule” means Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time.

Section 2. Provision of Annual Reports.

(a) The Issuer shall, or shall cause the Dissemination Agent to, not later than 240 days after the end of the Issuer's Fiscal Year, commencing with the Fiscal Year ended in 2012, file with the Repository the Issuer's Annual Report, consisting of the Financial Information and Operating Data described as follows:

(1) **Financial Information.** The financial statements of the Issuer for such prior Fiscal Year, accompanied by an audit report resulting from an audit conducted by an Independent Accountant in conformity with generally accepted auditing standards. Such financial statements will be prepared in accordance with GAAP for all governmental funds, expendable trust and agency funds. A more detailed explanation of the accounting basis is contained in the Official Statement. If such audit report is not available by the time the Annual Report is required to be filed pursuant to this Section, the Annual Report shall contain summary unaudited financial information and the audit report and accompanying financial statements shall be filed in the same manner as the Annual Report promptly after they become available. In the event that GAAP has changed since the submission of the last Annual Report, and if such changes are material to the Issuer, a narrative explanation describing the impact of such changes shall be contained in the Annual Report.

(2) **Operating Data.** Updates as of the end of the Fiscal Year of certain financial information and operating data described in *Exhibit A*, with such modifications to the formatting and general presentation thereof as deemed appropriate by the Issuer; provided, any substantive change to information provided shall be effected only in accordance with **Section 6** hereof.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the SEC Rule), which have been filed with the Repository, the MSRB or the SEC. If the document included by reference is a final official statement, it must be available from the Repository. The Issuer shall clearly identify each such other document so included by reference.

In each case, the Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in this Section; provided that the audit report and accompanying financial statements may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date. If the Issuer's Fiscal Year changes, it shall give notice of such change in the same manner as for a Material Event under **Section 3(b)**.

(b) From and after such time that Section (b)(5) of the SEC Rule applies to any series of Bonds, if the Annual Report is not filed within the time period specified in **subsection (a)** hereof, the Issuer shall send a notice to the Repository in a timely manner, in substantially the form attached as *Exhibit B*.

(c) Pursuant to Section (d)(3) of the SEC Rule, the provisions of **Section 2(a)(1)** hereof shall not apply to any Bonds with a stated maturity of 18 months or less.

Section 3. Reporting of Material Events.

(a) No later than 10 Business Days after the occurrence of any of the following Material Events, the Issuer shall give, or cause to be given, to the Repository notice of the occurrence of any of the following Material Events with respect to the Bonds, with copies to the Bond Insurer:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of bondholders, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Issuer (which shall be deemed to occur as provided in the SEC Rule);
- (13) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) appointment of a successor or additional paying agent or trustee or the change of name of the paying agent or trustee, if material.

(b) Notwithstanding the foregoing, notice of Material Events described in *subsections (a)(8)* and *(9)* need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to the Owners of affected Bonds pursuant to the Bond Resolution.

Section 4. Dissemination Agent.

(a) **General.** The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Undertaking, and may discharge any such

Dissemination Agent, with or without appointing a successor Dissemination Agent. The Dissemination Agent may resign as Dissemination Agent hereunder at any time upon 30 days prior written notice to the Issuer. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report (including without limitation the Annual Report) prepared by the Issuer pursuant to this Disclosure Undertaking.

(b) **Annual Reports.** Except as provided in *Section 2(c)* hereof, if a Dissemination Agent is appointed, not later than 15 Business Days prior to the date specified in *Section 2(a)* for providing the Annual Report to the Repository, the Issuer shall provide the Annual Report to the Dissemination Agent or the Repository. The Dissemination Agent shall file a report with the Issuer certifying that the Annual Report has been filed pursuant to this Disclosure Undertaking, stating the date it was filed, or that the Issuer has certified to the Dissemination Agent that the Issuer has filed the Annual Report with the Repository. Except as provided in *Section 2(b)* hereof, if the Dissemination Agent has not received an Annual Report or has not received a written notice from the Issuer that it has filed an Annual Report with the Repository, by the date required in *Section 2(a)*, the Dissemination Agent shall send a notice to the Repository in substantially the form attached as *Exhibit A*.

(c) **Material Event Notices.**

(1) The Dissemination Agent shall, promptly after obtaining actual knowledge of the occurrence of any event that it believes may constitute a Material Event, contact the chief financial officer of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Dissemination Agent from time to time, inform such person of the event, and request that the Issuer promptly notify the Dissemination Agent in writing whether or not to report the event pursuant to *Section 4(c)(3)*.

(2) Whenever the Issuer obtains knowledge of the occurrence of an event, because of a notice from the Dissemination Agent pursuant to *Section 4(c)(1)* or otherwise, the Issuer shall promptly determine if such event constitutes a Material Event and shall promptly notify the Dissemination Agent of such determination. If appropriate, such writing shall instruct the Dissemination Agent to report the occurrence pursuant to *Section 4(c)(3)*.

(3) If the Dissemination Agent has been given written instructions by the Issuer to report the occurrence of a Material Event pursuant to *Section 4(c)(2)*, the Dissemination Agent shall promptly file a notice of such Material Event with the Repository and provide a copy thereof to the Issuer and the Bond Insurer. Notwithstanding the foregoing, notice of Material Events described in *Sections 3(a)(8)* and *(9)* need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to the Owners of affected Bonds pursuant to the Bond Resolution.

(d) **Duties, Immunities and Liabilities of Dissemination Agent.** The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Undertaking, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses (including attorneys fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the Issuer pursuant to this Disclosure Undertaking.

(e) **Other Designated Agents.** The Issuer may, from time to time, appoint or designate a Designated Agent to submit Annual Reports, Material Event notices, and other notices or reports pursuant to this Disclosure Undertaking. The Issuer hereby appoints the Dissemination Agent and the Designated Agent(s) solely for the purpose of submitting Issuer-approved Annual Reports, Material Event notices, and other notices or reports pursuant to this Disclosure Undertaking. The Issuer may revoke this designation at any time upon written notice to the Designated Agent.

Section 5. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Undertaking for a particular series of Bonds shall terminate upon the legal defeasance, prior redemption or payment in full of that series of Bonds. If the Issuer's obligations hereunder are assumed in full by some other entity as permitted in the Bond Resolution, such person shall be responsible for compliance with under this Disclosure Undertaking in the same manner as if it were the Issuer, and the Issuer shall have no further responsibility hereunder. If such termination or assumption occurs prior to the final maturity of such Bonds, the Issuer shall give notice of such termination or assumption in the same manner as for a Material Event under **Section 3(b)**.

Section 6. Bonds Subject to this Disclosure Undertaking; Amendment; Waiver.

(a) All outstanding Bonds as of the date of this Disclosure Undertaking shown on **Schedule 1** are hereby made subject to this Disclosure Undertaking. The Issuer may make any future series of Bonds subject to this Disclosure Undertaking by incorporating by reference in a Bond Resolution or executing a certificate to such effect in conjunction with the issuance of such series of Bonds.

(b) All references to the "Bonds" in this Disclosure Undertaking shall apply separately to each series of Bonds that are or become subject to this Disclosure Undertaking, without further amendment hereto.

(c) Notwithstanding the provisions of **subsection (d)** or anything else contained in this Disclosure Undertaking to the contrary, in conjunction with the public offering of any series of Bonds, the Issuer and the Dissemination Agent may amend the categories of Operating Data to be updated as set forth in **Section 2(a)(2)** and **Exhibit A** to conform to the operating data included in the final Official Statement for such series of Bonds, in conformance with the requirements and interpretations of the SEC Rule as of the date of such final Official Statement, without further amendment to this Disclosure Undertaking. Thereafter, the Operating Data to be filed by the Issuer with the Repository with respect to the Bonds (and all other series of Bonds then subject to this Disclosure Undertaking) shall be deemed to be amended to reflect the requirements of the revised **Exhibit A** for the new series of Bonds.

(d) Except as otherwise provided in **subsection (c)**, the Issuer may amend this Disclosure Undertaking and any provision of this Disclosure Undertaking may be waived, provided that Bond Counsel or other counsel experienced in federal securities law matters provides the Issuer with its written opinion that the undertaking of the Issuer contained herein, as so amended or after giving effect to such waiver, is in compliance with the SEC Rule and all current amendments thereto and interpretations thereof that are applicable to this Disclosure Undertaking; provided, however, that this Disclosure Undertaking, including **Schedule 1** hereto, may be amended for the purpose of (1) extending the coverage of this Disclosure Undertaking to any additional series of Bonds or (2) removing reference to any series of Bonds for which the Issuer's reporting obligations have terminated in accordance with **Section 5** hereof, each without the provision of a written opinion as otherwise required by this paragraph.

(e) If a provision of this Disclosure Undertaking is amended or waived with respect to a series of Bonds pursuant to **subsection (d)**, the Issuer shall describe such amendment or waiver in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment

or waiver and its impact on the type (or, in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the Issuer. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements: (1) notice of such change shall be given in the same manner as for a Material Event under **Section 3(b)**; and (2) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 7. Additional Information. Nothing in this Disclosure Undertaking shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Undertaking or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Material Event, in addition to that which is required by this Disclosure Undertaking. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Material Event, in addition to that which is specifically required by this Disclosure Undertaking, the Issuer shall have no obligation under this Disclosure Undertaking to update such information or include it in any future Annual Report or notice of occurrence of a Material Event.

Section 8. Noncompliance. In the event of a failure of the Issuer or the Dissemination Agent, if any, to comply with any provision of this Disclosure Undertaking with respect to a series of Bonds, any Participating Underwriter or any Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer or the Dissemination Agent, if any, as the case may be, to comply with its obligations under this Disclosure Undertaking. Noncompliance with the provisions of this Disclosure Undertaking shall not be deemed an Event of Default under the Bond Resolution or the Bonds, and the sole remedy under this Disclosure Undertaking in the event of any failure of the Issuer or the Dissemination Agent, if any, to comply with this Disclosure Undertaking shall be an action to compel performance.

Section 9. Notices. Any notices or communications to or among the parties referenced in this Disclosure Undertaking shall be given the Notice Representatives at the Notice Addresses set forth in the Bond Resolution for each series of Bonds; provided notice to the Dissemination Agent shall be given at the Notice Address set forth on **Exhibit C** hereto.

Section 10. Electronic Transactions. Actions taken hereunder and the arrangement described herein may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 11. Beneficiaries. This Disclosure Undertaking shall inure solely to the benefit of the Issuer, the Dissemination Agent, if any, each Participating Underwriter and Beneficial Owners from time to time with respect to a series of Bonds, and shall create no rights in any other person or entity.

Section 12. Severability. If any provision in this Disclosure Undertaking, the Bond Resolution or the Bonds relating hereto, shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions of this Disclosure Undertaking shall not in any way be affected or impaired thereby.

Section 13. Governing Law. This Disclosure Undertaking shall be governed by and construed in accordance with the laws of the State of Kansas.

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IN WITNESS WHEREOF, the Issuer has caused this Disclosure Undertaking to be executed as of June 12, 2013.

DOUGLAS COUNTY, KANSAS

(SEAL)

Mike Gaughan, Chair – 1st District

Jameson D. Shew, County Clerk

SCHEDULE 1

DESCRIPTION OF BONDS SUBJECT TO DISCLOSURE UNDERTAKING

General Obligation Bonds (Base CUSIP No.: 259039)

<u>Description of Indebtedness</u>	<u>Dated Date</u>	<u>Final Maturity</u>
G.O. Sales Tax Refunding Bonds, Series 2004-A	02/01/2004	08/01/2019
G.O. Bonds, Series 2006-A	08/15/2006	09/01/2013
G.O. Bonds, Series 2008-A	09/15/2008	09/01/2028
G.O. Refunding & Improvement Bonds, Series 2009-A	10/01/2009	09/01/2030
G.O. Sales Tax Refunding Bonds, Series 2012A	06/04/2012	08/01/2016
G.O. Refunding Bonds, Series 2012C	06/04/2012	09/01/2015
G.O. Bonds, Series 2012E	09/05/2012	08/01/2032
G.O. Refunding & Sales Tax Improvement Bonds, Series 2013	07/22/2013	08/01/2033

Temporary Notes and Lease Obligations (Base CUSIP No.: [])

<u>Description of Indebtedness</u>	<u>Dated Date</u>	<u>Final Maturity</u>
None		

EXHIBIT A

OPERATING DATA TO BE INCLUDED IN ANNUAL REPORT

The Operating Data in the sections and tables contained in the most recent Official Statement (with such modifications to the formatting and general presentation thereof as deemed appropriate by the Issuer) generally described as follows:

Operating Data for General Obligation Bonds, Temporary Notes, Lease Obligations

- Assessed Valuation
- Tax Rates
- Aggregate Tax Levies
- Tax Collection Record
- Major Taxpayers
- Current Indebtedness of the Issuer
- Lease Obligations
- Underlying Indebtedness
- Local Option Sales Tax

Additionally, the Issuer shall provide updates as of the end of the Fiscal Year for any material adverse changes in the portions of the final Official Statement concerning Property Valuations and Pension and Employee Retirement Plans.

EXHIBIT B

NOTICE TO REPOSITORY OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Douglas County, Kansas
Name of Bond Issue: [Description of Bonds], Series [____], dated as of [Bonds Dated Date]
Name of Obligated Person: Douglas County, Kansas
Date of Issuance: [Bonds Closing Date]

NOTICE IS GIVEN that Douglas County, Kansas (the “Issuer”) has not provided an Annual Report with respect to the above-named Bonds as required by the Issuer’s Omnibus Continuing Disclosure Undertaking. The Issuer anticipates that the Annual Report will be filed by _____.

Dated: _____

DOUGLAS COUNTY, KANSAS

By _____

By _____, as
Dissemination Agent

cc: Douglas County, Kansas

EXHIBIT C

ACCEPTANCE OF DISSEMINATION AGENT

Name of Issuer: Douglas County, Kansas

Name of Bond Issue: [Description of Bonds], Series [____], dated as of [Bonds Dated Date]

Dissemination Agent:

Notice Address of Dissemination Agent:

_____, having been duly appointed by Douglas County, Kansas to act in the capacity of Dissemination Agent pursuant to the Disclosure Undertaking, to which this acceptance is attached, accepts such duties and responsibilities set forth therein.

Dated: _____

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS
HELD ON JUNE 12, 2013**

The Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") met in regular session at the usual meeting place in the County, at 4:00 p.m., the following members of the Board being present and participating, to-wit:

Absent:

The Chairman declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon there was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF CAPITAL
IMPROVEMENT PROJECTS OF DOUGLAS COUNTY, KANSAS; AND
PROVIDING FOR THE PAYMENTS OF THE COSTS THEREOF.**

Thereupon Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the Governing Body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, the Chairman declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 13-___ and was signed by the Commissioners and attested by the Clerk.

* * * * *

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(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Douglas County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jameson D. Shew, County Clerk

RESOLUTION NO. 13-[]

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECTS OF DOUGLAS COUNTY, KANSAS; AND PROVIDING FOR THE PAYMENTS OF THE COSTS THEREOF.

WHEREAS, Douglas County, Kansas (the “County”) is a political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the County is authorized under K.S.A. 12-187 *et seq.*, as amended (the “Act”), to establish a countywide retailers' sales tax and to issue sales tax revenue and general obligation bonds to finance certain public improvements within the boundaries of the County upon obtaining the approval of at least a majority of the qualified electors of the County voting on the question; and

WHEREAS, pursuant to Resolution No. 94-42 and the Act, the County heretofore held an election on November 8, 1994 (the “Election”), to establish a countywide retailers' sales tax in the amount of 1% (the “Sales Tax”), a portion of which shall be received by the County and used for general governmental purposes, including the issuance of sales tax revenue and general obligation bonds, and various other purposes set forth in said proposition, including but not limited to the acquisition and operation of a County detention facility and the acquisition, construction and improvement of the Lawrence-Douglas County Health Department; and

WHEREAS, it was found and determined that more than a majority of the qualified electors of the County voting on such proposition had voted in favor of the establishment of the Sales Tax and the issuance of said bonds for the purpose aforesaid; and

WHEREAS, the Board of County Commissioners (the “Board”) of the County has heretofore authorized and issued several series of general obligation sales tax bonds to finance and refinance capital improvements authorized by the Election and secured, in part by the Sales Tax; and

WHEREAS, other than the Series 2004-A Bonds, the Series 2012-A Bonds and the Series 2012-B Bonds (collectively, the “Outstanding Sales Tax Bonds”), the County does not have outstanding any sales tax revenue bonds, general obligation bonds or temporary notes heretofore authorized by the Election and the Act which are secured, in part, by the Sales Tax; and

WHEREAS, the County and the City of Lawrence, Kansas (the “City”) have heretofore entered into an Emergency Communications System Funding Agreement (the “Funding Agreement”) relating to the acquisition, construction and installation of various capital improvements to the unified emergency communications system of the County and the City (the “Communications System Improvements”); and

WHEREAS, the Board desires to finance its share of the costs of the Communications System Improvements by the issuance of general obligation bonds; and

WHEREAS, the Board desires to construct, furnish and equip a new public works facility for the County (the “Public Works Facility”) and finance the costs thereof by the issuance of general obligation bonds; and

WHEREAS, the County is authorized pursuant to the Act to issue general obligation bonds secured by a pledge of the Sales Tax, provided certain procedural requirements contained in the Act are satisfied, including specifically the preparation of a comprehensive feasibility study showing that revenues received from the Sales Tax would be sufficient to retire such bonds; and

WHEREAS, the Board hereby finds and determines it to be necessary and advisable to issue general obligation sales tax bonds in order to pay all or a portion of the costs of financing the Communications System Improvements and the Public Works Facility (collectively, the “Projects”).

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

SECTION 1. Projects Authorization. It is hereby deemed and declared to be necessary to proceed with the Communications System Improvements at an estimated cost of \$7,000,000. It is further hereby deemed and declared to be necessary to proceed with the Public Works Facility at an estimated cost of \$14,000,000. The Projects shall be constructed and installed in accordance with plans and specifications to be approved by the Director of Public Works of the County.

SECTION 2. Financing Authority. The costs of the Projects (in amounts not exceeding \$5,000,000 for the Communications System Improvements and \$9,500,000 for the Public Works Facility) and associated costs of issuance shall be payable from the proceeds of general obligation sales tax bonds of the County (the “Bonds”) to be issued under authority of the Act. Prior to the issuance of the Bonds, the County shall receive a comprehensive feasibility study showing that revenues received from the Sales Tax would be sufficient to retire the Bonds and the Outstanding Sales Tax Bonds. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation§1.150-2.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board.

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ADOPTED by the Board of County Commissioners of Douglas County, Kansas on June 12, 2013.

(SEAL)

Mike Gaughan, Chair – 1st District

Nancy Thellman, Vice-Chair – 2nd District

Jim Flory, Commissioner – 3rd District

ATTEST:

Jameson D. Shew, County Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 13- [] adopted by the Board of County Commissioners on June 12, 2013, as the same appears of record in my office.

DATED: June [], 2013.

Jameson D. Shew, County Clerk

Gilmore & Bell, P.C.
05/29/06/11/2013

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**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS
HELD ON JUNE 12, 2013**

The Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") met in regular session at the usual meeting place in the County, at ~~6:35~~4:00 p.m., the following members of the Board being present and participating, to-wit:

Absent:

The Chairman declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon there was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING THE CONSTRUCTION OF CAPITAL
IMPROVEMENT PROJECTS OF DOUGLAS COUNTY, KANSAS; AND
PROVIDING FOR THE PAYMENTS OF THE COSTS THEREOF.**

Thereupon Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the Governing Body, the vote being as follows:

Aye: _____.

Nay: _____.

Thereupon, the Chairman declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 13-___ and was signed by the Commissioners and attested by the Clerk.

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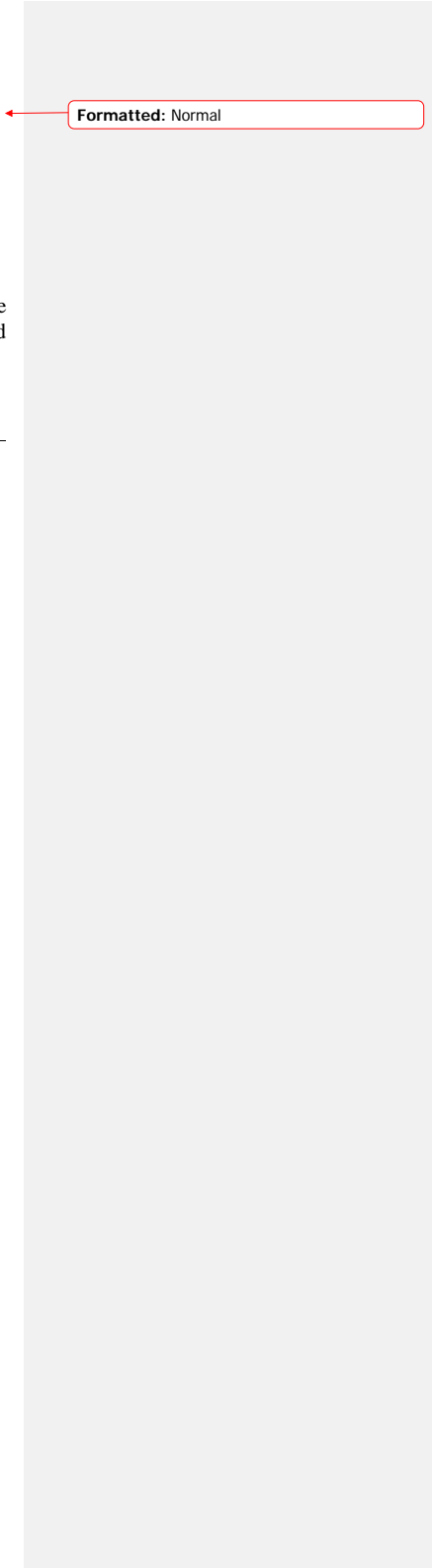
(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Douglas County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jameson D. Shew, County Clerk



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Gilmore & Bell, P.C.
05/29/06/11/2013

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RESOLUTION NO. 13-[]

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECTS OF DOUGLAS COUNTY, KANSAS; AND PROVIDING FOR THE PAYMENTS OF THE COSTS THEREOF.

WHEREAS, Douglas County, Kansas (the "County") is a political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, the County is authorized under K.S.A. 12-187 *et seq.*, as amended (the "Act"), to establish a countywide retailers' sales tax and to issue sales tax revenue and general obligation bonds to finance certain public improvements within the boundaries of the County upon obtaining the approval of at least a majority of the qualified electors of the County voting on the question; and

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WHEREAS, pursuant to Resolution No. 94-42 and the Act, the County heretofore held an election on November 8, 1994 (the "Election"), to establish a countywide retailers' sales tax in the amount of 1% (the "Sales Tax"), a portion of which shall be received by the County and used for general governmental purposes, including the issuance of sales tax revenue and general obligation bonds, and various other purposes set forth in said proposition, including but not limited to the acquisition and operation of a County detention facility and the acquisition, construction and improvement of the Lawrence-Douglas County Health Department; and

WHEREAS, it was found and determined that more than a majority of the qualified electors of the County voting on such proposition had voted in favor of the establishment of the Sales Tax and the issuance of said bonds for the purpose aforesaid; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has heretofore authorized and issued several series of general obligation sales tax bonds to finance and refinance capital improvements authorized by the Election and secured, in part by the Sales Tax; and

WHEREAS, other than the Series 2004-A Bonds, the Series 2012-A Bonds and the Series 2012-B Bonds (collectively, the "Outstanding Sales Tax Bonds"), the County does not have outstanding any sales tax revenue bonds, general obligation bonds or temporary notes heretofore authorized by the Election and the Act which are secured, in part, by the Sales Tax; and

WHEREAS, the County and the City of Lawrence, Kansas (the "City") have heretofore entered into an Emergency Communications System Funding Agreement (the "Funding Agreement") relating to the acquisition, construction and installation of various capital improvements to the unified emergency communications system of the County and the City (the "Communications System Improvements"); and

WHEREAS, the Board desires to finance its share of the costs of the Communications System Improvements by the issuance of general obligation bonds; and

WHEREAS, the Board desires to construct, furnish and equip a new public works facility for the County (the "Public Works Facility") and finance the costs thereof by the issuance of general obligation bonds; and

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WHEREAS, the County is authorized pursuant to the Act to issue general obligation bonds secured by a pledge of the Sales Tax, provided certain procedural requirements contained in the Act are satisfied, including specifically the preparation of a comprehensive feasibility study showing that revenues received from the Sales Tax would be sufficient to retire such bonds; and

WHEREAS, the Board hereby finds and determines it to be necessary and advisable to issue general obligation sales tax bonds in order to pay all or a portion of the costs of financing the Communications System Improvements and the Public Works Facility (collectively, the "Projects").

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

SECTION 1. Projects Authorization. It is hereby deemed and declared to be necessary to proceed with the Communications System Improvements at an estimated cost of ~~\$(_____)~~, with the County's portion thereof not to exceed ~~\$(_____)~~ \$7,000,000. It is further hereby deemed and declared to be necessary to proceed with the Public Works Facility at an estimated cost of ~~\$(_____)~~ \$14,000,000. The Projects shall be constructed and installed in accordance with plans and specifications to be approved by the Director of Public Works of the County.

SECTION 2. Financing Authority. The ~~County's share of the~~ costs of the Projects (in amounts not exceeding \$5,000,000 for the Communications System Improvements and \$9,500,000 for the Public Works Facility) and associated costs of issuance shall be payable from the proceeds of general obligation sales tax bonds of the County (the "Bonds") to be issued under authority of the Act. Prior to the issuance of the Bonds, the County shall receive a comprehensive feasibility study showing that revenues received from the Sales Tax would be sufficient to retire the Bonds and the Outstanding Sales Tax Bonds. The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 3. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board.

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ADOPTED by the Board of County Commissioners of Douglas County, Kansas on June 12, 2013.

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(SEAL)

Mike Gaughan, Chair – 1st District

Nancy Thellman, Vice-Chair – 2nd District

Jim Flory, Commissioner – 3rd District

ATTEST:

Jameson D. Shew, County Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 13- [] adopted by the Board of County Commissioners on June 12, 2013, as the same appears of record in my office.

DATED: June [], 2013.

Jameson D. Shew, County Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS
HELD ON JUNE 12, 2013**

The Board of County Commissioners (the "Board") of Douglas County, Kansas met in regular session at the usual meeting place in the County, at 4:00 p.m., the following members of the Board being present and participating, to-wit:

Absent:

The Chairman declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013, came on for consideration and was discussed.

Commissioner _____ presented and moved the adoption of a Resolution entitled:

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION REFUNDING AND SALES TAX IMPROVEMENT BONDS,
SERIES 2013, OF DOUGLAS COUNTY, KANSAS.**

Commissioner _____ seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: _____.

Nay: _____.

The Chairman declared the Resolution duly adopted; the Clerk designating the same Resolution No. 13-[__].

* * * * *

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Douglas County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jameson D. Shew, County Clerk

RESOLUTION NO. 13-[]

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND SALES TAX IMPROVEMENT BONDS, SERIES 2013, OF DOUGLAS COUNTY, KANSAS.

WHEREAS, Douglas County, Kansas (the “Issuer”), has, pursuant to Resolution No 13-[], heretofore authorized certain capital improvements described as follows (collectively the “Improvements”):

Description	Authority	Amount*
Communications System Improvements	K.S.A. 12-187 <i>et seq.</i>	\$ 7,000,000
Public Works Facility	K.S.A. 12-187 <i>et seq.</i>	14,000,000
Total:		\$21,000,000

* Exclusive of costs of issuance

; and

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance a portion of the costs of the Improvements; and

WHEREAS, the Issuer has heretofore issued and has outstanding general obligation bonds described as follows (the “Refunded Bonds”):

Description	Series	Dated Date	Year	Amount
G.O. Bonds	2006-A	August 15, 2006	2016	\$88,000

; and

WHEREAS, the Issuer hereby selects the firm of Piper Jaffray & Co., Leawood, Kansas (the “Purchaser”), as underwriter for one or more series of general obligation bonds of the Issuer in order to provide funds to permanently finance a portion of the costs of the Improvements and refund the Refunded Bonds; and

WHEREAS, the Issuer desires to authorize the Purchaser to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Purchaser, in conjunction with the County Administrator or designate, to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said general obligation bonds; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said general obligation bonds, the governing body desires to authorize the Chairman to confirm the sale of such general obligation bonds, if necessary, prior to the next meeting of the Board to adopt the necessary resolution providing for the issuance thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

Section 1. The Purchaser is hereby authorized to proceed with the offering for sale of the Issuer's General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013 (the "Bonds") in accordance with the presentation made by the Purchaser. The offering for sale of the Bonds shall be accomplished in consultation with the County Administrator, Gilmore & Bell, P.C. ("Bond Counsel"), and the Purchaser. The confirmation of the sale of the Bonds shall be subject to the execution of a bond purchase agreement between the Purchaser and the Issuer (the "Bond Purchase Agreement") in a form approved by Bond Counsel and the County Counselor, the adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds. The Chairman is hereby authorized to execute the Bond Purchase Agreement subject to the following parameters: (a) the principal amount of the Bonds shall not exceed \$15,200,000; and (b) the true interest cost ("TIC") of the Bonds shall not exceed 4.50%.

Section 2. The Preliminary Official Statement relating to the issuance of the Bonds is hereby approved in substantially the form presented to the governing body this date, with such changes or additions as the Chairman and Assistant County Administrator shall deem necessary and appropriate. The Issuer hereby consents to the use and public distribution by the Purchaser of the Preliminary Official Statement in connection with the offering for sale of the Bonds.

Section 3. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 4. The Issuer agrees to provide to the Purchaser within seven business days of the date of the purchase contract for the Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 5. The Chairman, Vice-Chairman, County Clerk, County Administrator or designate and the other officers and representatives of the Issuer, the Purchaser, Bond Counsel and the County Counselor are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds, to make provision for payment and/or redemption of the Refunded Bonds and the purchase of any United States Treasury Securities needed to accomplish the payment of such Refunded Bonds.

Section 6. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Board of County Commissioners of Douglas County, Kansas on June 12, 2013.

(SEAL)

Mike Gaughan, Chair – 1st District

Nancy Thellman, Vice-Chair – 2nd District

Jim Flory, Commissioner – 3rd District

ATTEST:

Jameson D. Shew, County Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original resolution; that said resolution was passed on June 12, 2013.

DATED: June 12, 2013.

Jameson D. Shew, County Clerk

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

June 17, 2013

To: Piper Jaffray & Co.
Leawood, Kansas

Re: Douglas County, Kansas, General Obligation Refunding and Sales Tax Improvement
Bonds, Series 2013

The undersigneds are the duly acting Chairman and Assistant County Administrator of Douglas County, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the addressee (the "Purchaser") on behalf of the Issuer. The Issuer has heretofore caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced bonds (the "Bonds").

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings and other terms of the Bonds depending on such matters.

DOUGLAS COUNTY, KANSAS

By: _____
Title: Chairman

By: _____
Title: Assistant County Administrator

DOUGLAS COUNTY, KANSAS

Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas 66044

June 12, 2013

Gilmore & Bell, P.C.
100 N. Main, Suite 800
Wichita, Kansas 67202

Re: Subscription for Purchase of United States Treasury Time Deposit Securities – State and Local Government Series

Issuer: Douglas County, Kansas

Tax I.D. No: 48-6033538

Bonds: General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013 (the “Bonds”)

Underwriter: Piper Jaffray & Co., Leawood, Kansas

Bond Counsel: Gilmore & Bell, P.C., Wichita, Kansas

In connection with the issuance of the Bonds, the Issuer authorizes Bond Counsel to submit an initial subscription on its behalf for the purchase of United States Treasury Time Deposit Securities - State and Local Government Series (the “SLGS”), to be issued as entries on the books of the Bureau of the Public Debt, Department of the Treasury. The total amount of the subscription and the issue date will be determined at a later date.

The Issuer certifies that the SLGS will be purchased solely from proceeds of the Bonds, and not from any amounts received from either: (a) the sale or redemption before maturity of any marketable security, or (b) the redemption before maturity of a time deposit SLGS (other than a zero-interest SLG).

The Issuer agrees that the final subscription and payment for the SLGS will be submitted to the U.S. Treasury on or before the issue date. The Issuer further authorizes Bond Counsel and Underwriter to file the final subscription for SLGS, to amend or cancel such subscription, and to re-subscribe for SLGS, all on behalf of the Issuer. The Issuer understands that, if it fails to settle on the subscription for the SLGS or makes an untimely or unauthorized change to the subscription, the Bureau of Public Debt may bar the Issuer from subscribing for SLGS for six months beginning on the earlier of (a) the date the subscription is withdrawn, or (b) the proposed issue date of the SLGS.

DOUGLAS COUNTY, KANSAS

By: _____
Title: Assistant County Administrator

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS
HELD ON JUNE 12, 2013**

The Board of County Commissioners (the "Board") of Douglas County, Kansas met in regular session at the usual meeting place in the County, at ~~6:354:00~~ p.m., the following members of the Board being present and participating, to-wit:

Absent:

The Chairman declared that a quorum was present and called the meeting to order.

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013, came on for consideration and was discussed.

Commissioner _____ presented and moved the adoption of a Resolution entitled:

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION REFUNDING AND SALES TAX IMPROVEMENT BONDS,
SERIES 2013, OF DOUGLAS COUNTY, KANSAS.**

Commissioner _____ seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: _____.

Nay: _____.

The Chairman declared the Resolution duly adopted; the Clerk designating the same Resolution No. 13-[_].

(Other Proceedings)

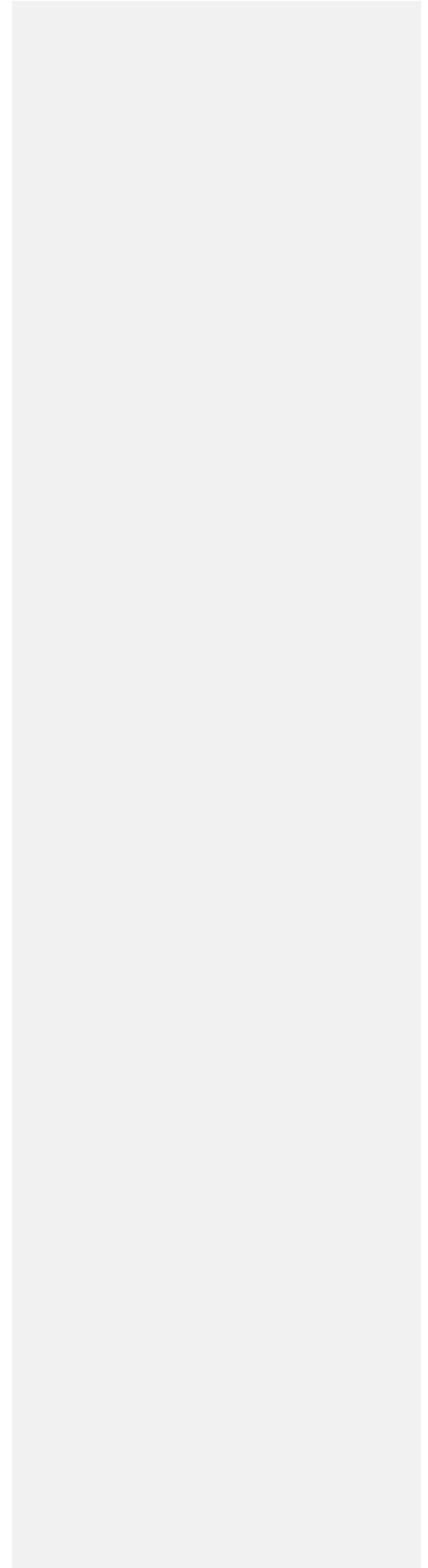
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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Douglas County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jameson D. Shew, County Clerk



RESOLUTION NO. 13-[__]

RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND SALES TAX IMPROVEMENT BONDS, SERIES 2013, OF DOUGLAS COUNTY, KANSAS.

WHEREAS, Douglas County, Kansas (the "Issuer"), has, pursuant to Resolution No 13-[__], heretofore authorized certain capital improvements described as follows (collectively the "Improvements"):

<u>Description</u>	<u>Authority</u>	<u>Amount*</u>
Communications System Improvements	K.S.A. 12-187 <i>et seq.</i>	7,000,000 7,000,000
Public Works Facility	K.S.A. 12-187 <i>et seq.</i>	14,000,000 14,000,000
Total:		21,000,000 21,000,000

* Exclusive of costs of issuance

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; and

WHEREAS, the Issuer desires to issue its general obligation bonds in order to permanently finance a portion of the costs of the Improvements; and

WHEREAS, the Issuer has heretofore issued and has outstanding general obligation bonds described as follows (the "Refunded Bonds"):

<u>Description</u>	<u>Series</u>	<u>Dated Date</u>	<u>Year</u>	<u>Amount</u>
G.O. Bonds	2006-A	August 15, 2006	2016	\$88,000

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; and

WHEREAS, the Issuer hereby selects the firm of Piper Jaffray & Co., Leawood, Kansas (the "Purchaser"), as underwriter for one or more series of general obligation bonds of the Issuer in order to provide funds to permanently finance a portion of the costs of the Improvements and refund the Refunded Bonds; and

WHEREAS, the Issuer desires to authorize the Purchaser to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Purchaser, in conjunction with the County Administrator or designate, to proceed with the preparation and distribution of a preliminary official statement and all other preliminary action necessary to sell said general obligation bonds; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said general obligation bonds, the governing body

desires to authorize the Chairman to confirm the sale of such general obligation bonds, if necessary, prior to the next meeting of the Board to adopt the necessary resolution providing for the issuance thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, AS FOLLOWS:

Section 1. The Purchaser is hereby authorized to proceed with the offering for sale of the Issuer's General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013 (the "Bonds") in accordance with the presentation made by the Purchaser. The offering for sale of the Bonds shall be accomplished in consultation with the County Administrator, Gilmore & Bell, P.C. ("Bond Counsel"), and the Purchaser. The confirmation of the sale of the Bonds shall be subject to the execution of a bond purchase agreement between the Purchaser and the Issuer (the "Bond Purchase Agreement") in a form approved by Bond Counsel and the County Counselor, the adoption of a resolution by the governing body of the Issuer authorizing the issuance of the Bonds and the execution of various documents necessary to deliver the Bonds. The Chairman is hereby authorized to execute the Bond Purchase Agreement subject to the following parameters: (a) the principal amount of the Bonds shall not exceed \$15,~~000~~200,000; and (b) the true interest cost ("TIC") of the Bonds shall not exceed ~~3.994~~.50%.

Section 2. The Preliminary Official Statement relating to the issuance of the Bonds is hereby approved in substantially the form presented to the governing body this date, with such changes or additions as the Chairman and Assistant County Administrator shall deem necessary and appropriate. The Issuer hereby consents to the use and public distribution by the Purchaser of the Preliminary Official Statement in connection with the offering for sale of the Bonds.

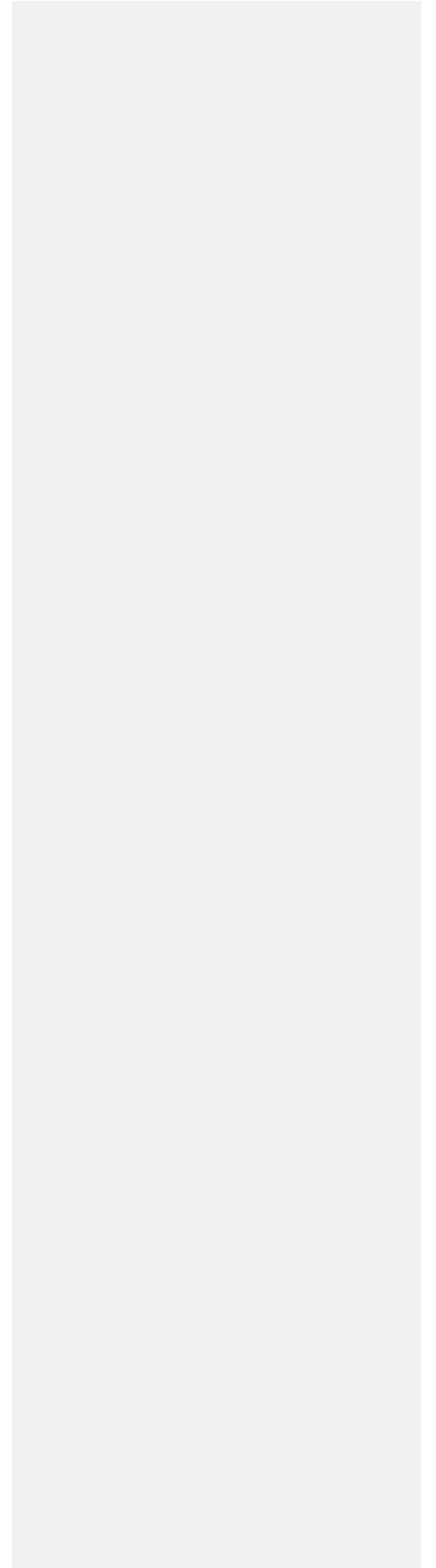
Section 3. For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement, and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to certain national repositories and the Municipal Securities Rulemaking Board, as applicable; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 4. The Issuer agrees to provide to the Purchaser within seven business days of the date of the purchase contract for the Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 5. The Chairman, Vice-Chairman, County Clerk, County Administrator or designate and the other officers and representatives of the Issuer, the Purchaser, Bond Counsel and the County Counselor are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds, to make provision for payment and/or redemption of the Refunded Bonds and the purchase of any United States Treasury Securities needed to accomplish the payment of such Refunded Bonds.

Section 6. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the Board of County Commissioners of Douglas County, Kansas on June 12, 2013.

(SEAL)

Mike Gaughan, Chair – 1st District

Nancy Thellman, Vice-Chair – 2nd District

Jim Flory, Commissioner – 3rd District

ATTEST:

Jameson D. Shew, County Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original resolution; that said resolution was passed on June 12, 2013.

DATED: June 12, 2013.

Jameson D. Shew, County Clerk

Gilmore & Bell, P.C.
06/0311/2013

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

June 17, 2013

To: Piper Jaffray & Co.
Leawood, Kansas

Re: Douglas County, Kansas, General Obligation Refunding and Sales Tax Improvement
Bonds, Series 2013

The undersigneds are the duly acting Chairman and Assistant County Administrator of Douglas County, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the addressee (the "Purchaser") on behalf of the Issuer. The Issuer has heretofore caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the above-referenced bonds (the "Bonds").

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings and other terms of the Bonds depending on such matters.

DOUGLAS COUNTY, KANSAS

By: _____
Title: Chairman

By: _____
Title: Assistant County Administrator

DOUGLAS COUNTY, KANSAS

Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas 66044

June 12, 2013

Gilmore & Bell, P.C.
100 N. Main, Suite 800
Wichita, Kansas 67202

Re: Subscription for Purchase of United States Treasury Time Deposit Securities – State and Local Government Series

Issuer: Douglas County, Kansas

Tax I.D. No: 48-6033538

Bonds: General Obligation Refunding and Sales Tax Improvement Bonds, Series 2013 (the “Bonds”)

Underwriter: Piper Jaffray & Co., Leawood, Kansas

Bond Counsel: Gilmore & Bell, P.C., Wichita, Kansas

In connection with the issuance of the Bonds, the Issuer authorizes Bond Counsel to submit an initial subscription on its behalf for the purchase of United States Treasury Time Deposit Securities - State and Local Government Series (the “SLGS”), to be issued as entries on the books of the Bureau of the Public Debt, Department of the Treasury. The total amount of the subscription and the issue date will be determined at a later date.

The Issuer certifies that the SLGS will be purchased solely from proceeds of the Bonds, and not from any amounts received from either: (a) the sale or redemption before maturity of any marketable security, or (b) the redemption before maturity of a time deposit SLGS (other than a zero-interest SLG).

The Issuer agrees that the final subscription and payment for the SLGS will be submitted to the U.S. Treasury on or before the issue date. The Issuer further authorizes Bond Counsel and Underwriter to file the final subscription for SLGS, to amend or cancel such subscription, and to re-subscribe for SLGS, all on behalf of the Issuer. The Issuer understands that, if it fails to settle on the subscription for the SLGS or makes an untimely or unauthorized change to the subscription, the Bureau of Public Debt may bar the Issuer from subscribing for SLGS for six months beginning on the earlier of (a) the date the subscription is withdrawn, or (b) the proposed issue date of the SLGS.

DOUGLAS COUNTY, KANSAS

By: _____
Title: Assistant County Administrator

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EXHIBIT A

Treasurer of the State of Kansas
Landon State Office Bldg.
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235

[CERTIFIED MAIL]

UMB Bank, N.A.
1010 Grand
P.O. Box 419226
Kansas City, Missouri 64141-6226

RE:

CALL FOR REDEMPTION

**DOUGLAS COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2006-A, DATED AUGUST 15, 2006**

Notice is hereby given pursuant to K.S.A. 10-129, as amended, and pursuant to the provisions of Article III of Resolution No. 06-26 (the "Bond Resolution") of Douglas County, Kansas (the "Issuer"), that the above mentioned bonds described in the attached Notice of Call for Redemption (the "Called Bonds"), have been called for redemption and payment on September 1, 2013, subject to the availability of funds therefor from the proceeds of refunding bonds to be issued by the Issuer.

The Paying Agent is hereby requested to disseminate the attached Notice of Call for Redemption in accordance with K.S.A. 10-129 and the Bond Resolution. After redemption of the Called Bonds the Paying Agent is requested to complete the attached Paying Agent's Certification and forward a copy of same to the undersigned.

DOUGLAS COUNTY, KANSAS

By: _____
Clerk

NOTICE OF CALL FOR REDEMPTION

**DOUGLAS COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2006-A, DATED AUGUST 15, 2006**

Notice is hereby given to the registered owners of the above-captioned bonds (the "Bonds") that pursuant to the provisions of Article III of Resolution No. 06-26 (the "Bond Resolution") of Douglas County, Kansas (the "Issuer"), that the Bonds subject to optional redemption and maturing September 1, 2016 (the "Called Bonds"), have been called for redemption and payment on September 1, 2013 (the "Redemption Date"), at the principal office of the Treasurer of the State of Kansas, Topeka, Kansas (the "Bond Registrar and Paying Agent").

TERM BONDS

<u>Maturity Date</u> <u>(September 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>CUSIP No.</u> <u>(Base: 259039)</u>
2016	\$88,000*	3.90%	YD1

*Represents the callable portion of the Term Bond maturing September 1, 2016; the balance of said Term Bond in the amount of \$27,000 is not callable and will mature on September 1, 2013.

On the Redemption Date there shall become due and payable, upon the presentation and surrender of each such Called Bond, the redemption price thereof equal to 100% of the principal amount thereof together with interest accrued to the Redemption Date. Interest shall cease to accrue on the Called Bonds so called for redemption from and after the Redemption Date provided such funds for redemption are on deposit with the Paying Agent, subject to the availability of funds therefor from the proceeds of refunding bonds to be issued by the Issuer.

Neither the Issuer nor the Paying Agent shall be responsible for the selection or use of the CUSIP identification numbers shown above or printed on any of the Called Bonds. Said CUSIP identification numbers are included solely for the convenience of the owners of the Bonds.

Under the provisions of Section 3406(a)(1) of the Internal Revenue Code of 1986, as amended, paying agents making payments of principal on municipal securities may be obligated to withhold a 28% tax on the payment of principal to registered owners who have failed to provide the paying agent with a valid taxpayer identification number. Registered Owners of the Bonds who wish to avoid the imposition of the tax should provide a certified taxpayer identification number to the Paying Agent when presenting the Bonds for payment.

DOUGLAS COUNTY, KANSAS

By: _____
Treasurer of the State of Kansas,
Topeka, Kansas, as Paying Agent

This Notice of Redemption shall be mailed by certified mail to the Treasurer of the State of Kansas, Topeka, Kansas, not less than 45 days prior to the Redemption Date and to UMB Bank, N.A., the original purchaser of the Series 2006-A Bonds, not less than 30 days prior to the Redemption Date. Notice may also be given in accordance with guidelines set forth in Securities and Exchange Commission Release No. 34-23856, but such notice is not required by law. The Paying Agent shall notify the registered owners of the Called Bonds as provided in K.S.A. 10-129 as amended, and the Bond Resolution.

PAYING AGENT'S CERTIFICATION
DOUGLAS COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2006-A, DATED AUGUST 15, 2006

The State Treasurer, in its capacity as Paying Agent for the above-captioned Bonds, does hereby certify as follows:

1. Capitalized terms not defined herein, shall have the meanings ascribed thereto in the attached Notice of Call for Redemption or the Bond Resolution defined therein.

2. The Called Bonds have been called for redemption and payment on September 1, 2013 (the "Redemption Date").

3. The full redemption price of the Called Bonds as determined pursuant to the Bond Resolution is calculated as follows:

Principal Amount of Called Bonds	\$88,000
Accrued Interest to Redemption Date	[_____]
Total	\$

4. There was deposited with the Paying Agent the sum set forth above, which has been irrevocably pledged for the payment of the principal of, redemption premium, if any, and interest on the Called Bonds to the Redemption Date. In addition, sufficient funds have been deposited to provide for additional costs associated with such redemption.

5. The Notice of Call for Redemption, a copy of which is attached hereto, was disseminated in accordance with K.S.A. 10-129, as amended, and the Bond Resolution.

DATED as of September 1, 2013.

TREASURER OF THE STATE OF KANSAS,
TOPEKA, KANSAS

By: _____

EXHIBIT B

NOTICE OF DEFEASANCE OF BONDS

**DOUGLAS COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2006-A, DATED AUGUST 15, 2006**

Notice is hereby given that Douglas County, Kansas and the Treasurer of the State of Kansas (“the Paying Agent”) have entered into a certain Escrow Instruction Letter dated as of July 22, 2013 which provides that the above mentioned bonds subject to optional redemption and maturing September 1, 2016 will be called for redemption and payment on September 1, 2013 (the “Redemption Date”), at the office of the Paying Agent.

A Notice of Call for Redemption shall be disseminated prior to the Redemption Date.

DOUGLAS COUNTY, KANSAS

By: Treasurer of the State of Kansas,
Topeka, Kansas, as Paying Agent

This Notice of Defeasance shall be mailed by first class mail to the Treasurer of the State of Kansas, Topeka, Kansas and to UMB Bank, N.A., the original purchaser, of the Series 2006-A Bonds not more than 60 days after July 22, 2013. Notice may also be given in accordance with guidelines set forth in Securities and Exchange Commission Release No. 34-23856, but such notice is not required by law.

**DOUGLAS COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 2013-A**

DISTRIBUTION LIST

ISSUER	BOND COUNSEL
<p>DOUGLAS COUNTY, KANSAS 1100 Massachusetts Street Lawrence, Kansas 66044 Telephone: (785) 832-5268 Fax: (785) 832-5192</p> <p>Mr. G. Craig Weinaug, Administrator Extension 5328 E-mail: cweinaug@douglas-county.com</p> <p>Ms. Sarah J. Plinsky, Assistant Co. Administrator Extension 5329 E-mail: splinsky@douglas-county.com</p> <p>Mr. Jamie Shew, County Clerk Extension 5267 E-mail: jshew@douglas-county.com</p> <p>Ms. Marni Penrod, Chief Deputy County Clerk Extension 5279 E-mail: mpenrod@douglas-county.com</p> <p>Ms. Robin Crabtree, Executive Secretary Extension 5268 E-mail: rcrabtree@douglas-county.com</p>	<p>GILMORE & BELL, P.C. 100 N. Main, Suite 800 Wichita, Kansas 67202 Telephone: (316) 267-2091 Fax: (316) 262-6523</p> <p>Joe L. Norton, Esq. E-mail: jnorton@gilmorebell.com</p> <p>Garth J. Herrmann, Esq. E-mail: gherrmann@gilmorebell.com</p> <p>Mitch L. Walter, Esq. E-mail: mwalter@gilmorebell.com</p> <p>Ms. Robyn R. Dunlap, Senior Legal Assistant E-mail: rdunlap@gilmorebell.com</p> <p>Ms. Katherine B. Daniels, Legal Assistant E-mail: kdaniels@gilmorebell.com</p> <p>GILMORE & BELL, P.C. 2405 Grand Boulevard, Suite 1100 Kansas City, Missouri 64108-2521 Telephone: (816) 221-1000 Fax: (816) 221-1018</p> <p>Alan Woolever, Esq. E-mail: awoolever@gilmorebell.com</p> <p>Michael McRobbie, Esq. E-mail: mmcrobbie@gilmorebell.com</p> <p>Mae Oberste, Legal Assistant E-mail: moberste@gilmorebell.com</p>
<p style="text-align:center">ISSUER'S COUNSEL</p> <p>STEVENS & BRAND, L.L.P. 900 Massachusetts, Suite 500 P.O. Box 189 Lawrence, Kansas 66044-0189 Telephone: (785) 843-0811 Fax: (785) 843-0341</p> <p>Evan H. Ice, Esq. E-mail: EIce@stevensbrand.com</p>	<p style="text-align:center">FINANCIAL ADVISOR</p> <p>PIPER JAFFRAY & CO. 11150 Overbrook, Suite 310 Leawood, Kansas 66211 Telephone: (913) 345-3374 Fax: (913) 345-3393</p> <p>Mr. Greg Vahrenberg E-mail: gregory.m.vahrenberg@pjc.com</p> <p>Ms. Kelli Manson Telephone: (913) 345-3323 E-mail: kelli.d.manson@pjc.com</p>

PAYING AGENT

TREASURER OF THE STATE OF KANSAS
Landon State Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Telephone: (785) 296-4148
Fax: (785) 296-7950

Mr. Stan Jones, Director of Bond Services

E-mail: Stan@treasurer.ks.gov

**Ms. Shauna Fearnow,
Deputy Director of Bond Services**

Telephone: (785) 296-4160

E-mail: shauna@treasurer.state.ks.us



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Douglas County Courthouse

1100 Massachusetts Street, Unit 204

Lawrence, KS 66044-3064

(785) 832-5329 Fax (785) 832-5320

www.douglas-county.com

Sarah Plinsky

Assistant County Administrator

MEMORANDUM

TO: Board of County Commissioners

FROM: Sarah Plinsky, Assistant County Administrator
Julie Clouse, Management Information Analyst

SUBJECT: Authorize a Master Plan Proposal with Treanor Architects for the Douglas County Fairgrounds in an amount not to exceed \$20,000.

DATE: June 7, 2013

In the Fall of 2012, the Commission authorized the Fairgrounds CIP committee to proceed with planning work for an upgrade to the Douglas County Fairgrounds. The committee was worked with Treanor Architects to prepare a proposal on how to proceed. At the direction of the Commission, staff has prepared a list of additional questions and issues to be included in the master planning process. The committee has reviewed these questions and is supportive of their inclusion in the planning process.

The committee will be meeting on a regular basis with Treanor Architects to provide input and feedback on this process as it continues. Staff will ensure that input and feedback is sought from key users and stakeholders, as well as the Commission.

The master plan process will be billed on an hourly basis and will not exceed \$20,000. We anticipate this work will be completed in time for 2014 Capital Improvement Plan discussions. Staff will be available at the meeting to answer any questions or concerns.

Additions to the Fairgrounds Master Plan Analysis

- Outline previously identified space requirements, including current spaces, current need and future need.
- Review existing size and space, current and future need and confirm them against master plan improvement projections.
- Include a review of accessibility of all modified structures to ensure that retained structures are in compliance with all Federal accessibility regulations.
- Consider alternate strategies to address identified needs and concerns that could be more cost effective, for example:
 - o Could Building 1 and 2 be significantly rehabilitated to address the need for a new building?
 - o Could the current needs of the existing small show arena be addressed without constructing a new open pavilion in a different location and that would allow for the existing historic barns to be retained and used?
- Include options for phasing construction and prioritizing projects for consideration by the Committee and the Board of County Commissioners

October 3rd, 2012



Douglas County Fairground - Masterplanning Proposal

Douglas County
Sarah Plinsky
Assistant County Administrator
1100 Massachusetts St.
Lawrence, KS 66044

Dear Sarah,

We are pleased to present this scope for the continued Masterplanning services at the Douglas County Fairgrounds. Please review this scope of services and comment as necessary. The scope of services that we plan on providing is as follows:

Planning Services:

1. Develop a revised and more detailed masterplan based on the original masterplan presented in 2008. Layout options will be presented with possible re-location of previously located functions.
2. Re-evaluate new building programs.
3. Develop more detailed outline descriptions of all new facilities and buildings to be constructed, this will include schematic floor plans of the buildings that are intended to be built.
4. Present new masterplan and plans of new buildings/facilities to committee for comment.
5. Modify masterplan and schematic plans as necessary or as requested.
6. Develop elevation concepts of the identified buildings once a plan has been established and agreed upon for each identified building.
7. Work with construction firm to develop overall schedule of costs for all new buildings and infrastructure changes by phase identified in new Masterplan.
8. Present phasing plan and cost analysis to Committee for comment and approval.

Services not included:

1. Any engineering fees or work (Civil or Mechanical).
2. Any Estimating fees or work by a Construction Manager.

Compensation:

We propose to do the services outlined above on an hourly basis not to exceed twenty thousand dollars (\$20,000). Due to the fluid nature of the scope of work presented, we feel that this is the best approach to the project. We will update you at appropriate intervals regarding time spent on the project. We would expect that our work outlined could span a 2-3 month period.

Please let us know when you would like to proceed with these services. We are very excited to have this opportunity and are looking forward to helping you and the CIP committee work towards a new fairgrounds plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cunningham".

Treanor Architects P.A.
Chris Cunningham

A RESOLUTION OF THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION ADOPTING AND RECOMMENDING ADOPTION OF A PROPOSED AMENDMENT TO *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, AMENDING CHAPTER 6 – COMMERCIAL REGARDING THE SOUTH IOWA STREET REGIONAL COMMERCIAL CENTER AND CHAPTER 14 – SPECIFIC PLANS, REVISED SOUTHERN DEVELOPMENT PLAN.

WHEREAS the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and to protect property values in the City and the County, are authorized by K.S.A. 12-741, *et seq.*, to prepare, adopt, amend, extend, and execute a comprehensive plan;

WHEREAS the City of Lawrence, Kansas, Douglas County, Kansas, and the Lawrence-Douglas County Metropolitan Planning Commission, in order to coordinate development in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure efficient expenditures of public funds in the City and the County, and to promote the health safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have adopted *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County; and

WHEREAS, on May 20, 2013, after giving lawful notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing regarding a proposed amendment of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-13-00067, amending Chapter 6 – Commercial regarding the South Iowa Street Regional Commercial Center and Chapter 14 – Specific Plans, Revised Southern Development Plan.

WHEREAS, on May 20, 2013, the Lawrence-Douglas County Metropolitan Planning Commission modified the proposed amendment of *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, revising the language regarding expanding commercial development east along West 31st Street and identifying property as commercial in the Revised Southern Development Plan.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission hereby adopts and recommends to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that they adopt the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-13-00067, as modified by the Lawrence-Douglas County Metropolitan Planning Commission, amending Chapter 6 - Commercial,

regarding the South Iowa Street Regional Commercial Center and Chapter 14 – Specific Plans, Revised Southern Development Plan.


SECTION 3. The revised and updated Chapter 6 - Commercial, affixed hereto as Exhibit 1, and Revised Southern Development Plan, affixed hereto as Exhibit 2, shall upon adoption by governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, be incorporated into *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 4. This Resolution, together with a certified copy of the proposed amendment to *Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the May 20, 2013, public hearing, shall be transmitted to the governing bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, as appropriate.


ADOPTED by the Lawrence-Douglas County Metropolitan Planning Commission this 20th day of May, 2013.



Bruce Liese, Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Bryan Culyer, Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

CHAPTER SIX - COMMERCIAL LAND USE

The Plan's goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

The principal strategies for the development and maintenance of commercial land use areas are:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.
- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads.
- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.
- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.
- Require new Commercial Centers in the unincorporated portion of Douglas County to be located at the intersection of two hard surfaced County Routes or the intersection of a hard surfaced county route and a state or federally designated highway and no closer than four miles to another Commercial Center in the unincorporated portion of Douglas County.

NODAL DEVELOPMENT

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development.

Nodal Development is the antithesis of “Strip Development”. “Strip Development” is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection’s corner. Termination of commercial development can be accomplished through a number of methods, including: 1) Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area; 2) restricting the extension of new commercial uses past established commercial areas; and 3) defining the boundaries of the development through the use of “reverse frontage” roads to contain the commercial uses.

DESIGN STANDARDS

The city shall strive to improve the design of shopping areas. The objective will be to work with commercial developers to achieve compact, pedestrian-oriented centers versus conventional strip malls. The overall goal of these standards is to improve community aesthetics, encourage more shopping per trip, facilitate neighborhood identification and support, and make shopping an enjoyable event.

New design standards shall be developed and adopted which better integrate the centers into the surrounding neighborhoods and create a focal point for those that live nearby. They should include elements that reflect appropriate and compatible site design patterns and architectural features of neighboring areas. Site design and building features shall be reflective of the quality and character of the overall community and incorporate elements familiar to the local landscape. Using a variety of building incentives to encourage mixed use development will bring consumers closer to the businesses

Design elements of particular interest that will receive close scrutiny include:

1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacings with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).
2. Building design features, such as architectural compatibility, massing, rooflines, detailing, materials, colors, entryways, window and door treatments, backsides of buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

The Comprehensive Plan includes recommendations for the improvement of existing commercial areas and the development of compatible new commercial areas. It establishes a system of commercial and retail development that applies to both existing and new development locations. This system involves the designation of different types of commercial areas to distinguish between the basic role and types of land uses and the scale of development. These include the neighborhood, community and regional commercial classifications. The following descriptions are based upon recognized standards formulated by the Urban Land Institute (ULI) and knowledge gathered by the community through past experiences.

An integral component in the description of each commercial center category is the designation of an amount of commercial gross square footage deemed appropriate for each center classification. However, this plan recognizes that there will be instances in which a rezoning request for a commercial district will not be accompanied by a development plan showing the total amount of gross square footage associated with the rezoning request. In such circumstances, part of the commercial rezoning request shall include a statement regarding the maximum amount of commercial square footage that will be permitted with each particular commercial rezoning request.

■ *Commercial Uses*

For the purposes of this section of the Plan, the term “commercial” means retail businesses as defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:

1. Sector 44-4S: Retail Trade;
2. Subsector 722: Food Services and Drinking Places;
3. Subsector 811: Repair and Maintenance; and
4. Subsector 812: Personal and Laundry Services

■ *Downtown Commercial Center*

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the “Comprehensive Downtown Plan”, and are described as: *starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in

design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

■ ***Neighborhood Commercial Centers***

The typical nodal development concept for Neighborhood Commercial Centers includes commercial on only one corner of an arterial/collector street intersection or arterial/arterial street intersection. The remaining corners are appropriate for a variety of other land uses, including office, public facilities and high density residential. Commercial development shall not be the dominant land use at the intersection or extend into the surrounding lower-density residential portions of the neighborhood. The surrounding residential area shall be provided adequate buffering from the commercial uses through transitional zoning or lower-intensity developments. Transitions shall be accomplished by using a number of methods, such as intensive landscaping and berming, grouping of lower-intensity developments, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

Neighborhood Commercial Centers may contain a variety of commercial uses, including a grocery store, convenience store, and other smaller retail shops and services such as a barbershop or beauty salon. To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers shall contain no more than a total of 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers that have a grocery store larger than 60,001 gross square feet may have up to a total of 125,000 gross square feet of commercial space.

To ensure that the commercial area in a new Neighborhood Commercial Center has adequate lot size and depth, any proposal for a commercial development shall have a length-to-depth ratio between 1:1 and 3:2.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete “nodal plans” for each future commercial center in advance of development proposals.

If a nodal plan had not been created by the city, the need to create a nodal plan for a specific intersection shall be “triggered” by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ ***Mixed-Use Redevelopment Center***

The City of Lawrence includes areas where existing structures that have not been utilized for their original purposes for an extended period of time, have experienced a high turnover rate, or have remained vacant for an extended period of time and, therefore, are suitable for redevelopment. Such areas present potential opportunities for redevelopment into mixed-use centers, offering a mix of residential, civic, office, small-scale commercial, and open space uses. This mixed use is encouraged in individual structures as well as throughout the area.

Mixed-use redevelopment centers shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than six acres in size. As such, retail uses within mixed-use redevelopment centers shall not exceed 25% of the net floor area within the subject area, and a single retail shop or tenant shall not occupy more than 16,000 square feet of a ground-floor level, net floor area. Neighborhood integration shall also be accomplished by providing transitions through alleyways and use and landscaping buffers, and by ensuring existing structures are incorporated into the new center where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City’s Historic Resources Administrator shall be contacted if it is likely that historic structures exist within or near the project area.

Centers shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and, if available, transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and gathering places shall be utilized to allow for social activity in public places. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Mixed-Use Districts***

The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district. Such areas present potential opportunities for development and redevelopment as mixed-use districts, offering a mix of residential and non-residential uses. This mixed use is encouraged in individual

structures as well as throughout the area. There are also areas that are currently mixed use in nature that should be preserved.

Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size. Neighborhood integration may also be accomplished by providing transitions through alleyways, variation among development intensity, implementation of landscaping buffers, or by ensuring existing structures are incorporated into the development where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be included in the review process if it is likely that historic structures exist within or near the project area.

Mixed use districts shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and public spaces shall be planned to be utilized to allow for social activity. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Inner-Neighborhood Commercial Centers***

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- Northeast corner of 13th and Haskell

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas

■ ***Community Commercial Center***

A Community Commercial Center provides goods and services to several different neighborhood areas. It requires a site of sufficient size to accommodate buildings, parking, stormwater detention and open space areas. Although it may include a food or drug store, it is likely to provide a broad range of retail uses and services that typically generate more traffic and require larger lot sizes than found in a Neighborhood Commercial Center. Community Commercial Center uses may include hardware stores, video outlets, clothing stores, furniture stores, grocery store, movie theaters, home improvement stores, auto supply and services, athletic and fitness centers, indoor entertainment centers, etc.

Community Commercial Center (under 200,000 square feet): CC200

The primary purpose of the CC200 category is to provide for the expansion and redevelopment of existing Community Commercial Centers. However, a new CC200 Center can be designated. Expansion of an existing CC200 Center shall not intrude into surrounding residential areas or lower-intensity land uses. Any proposal for commercial expansion or redevelopment occurring in an area designated as a CC200 Center shall include a plan for reducing curb cuts, improving pedestrian connections, providing cross access easements to adjacent properties, and creating and/or maintaining buffering for any adjacent non-commercial uses.

All corners of CC200 Center intersections should not be devoted to commercial uses. CC200 Centers should have a variety of uses such as office, employment-related uses, public and semi-public uses, parks and recreation, multi-family residential, etc.

To insure that there are a variety of commercial uses and that no single store front dominates the CC200 Center, no individual or single store shall occupy more than 100,000 gross square feet. A general merchandise store (including discount and apparel stores) that does not exceed 65,000 gross square feet in size may be located in a CC200 Center. The sum of the gross square footage for all stores that occupy space between 40,000 and 100,000 cannot exceed 50 percent of the gross commercial square footage for the corner of the intersection where it is located. To provide adequate access and adequate circulation, CC200 Centers shall be located at an arterial/collector street intersection or arterial/arterial street intersection.

CC200 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surrounding street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

In the absence of a city created nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

Community Commercial Center (under 400,000 square feet): CC400

The second category of Community Commercial Centers is the CC400 Center. Although these centers usually average 150,000 gross square feet, they may be as large as 400,000 gross square feet of retail commercial space if justified by an independent market study. CC400

Centers shall be located at the intersection of two arterial streets that have at least a four-lane cross-section or the intersection of a four-lane arterial with a state or federally designated highway.

CC400 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surround street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

The nodal development concept for CC400 Centers includes the possibility of commercial development on more than one corner of an intersection. The non-commercial corners of a community commercial node are appropriate for a variety of non-commercial retail uses including office, public or religious facilities, health care, and medium- to high-density residential development. Community Commercial development shall not extend into the surrounding lower-density residential portions of neighborhoods. The adjoining residential area shall be provided adequate buffering from the commercial uses through transitional zoning or development. Transitions may be accomplished by using a number of methods, including extensive landscaping and berming, grouping of lower-intensity uses, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

To insure that a specific intersection complies with the CC400 Center nodal standards, a nodal plan for each new CC400 Center must be created. The nodal plan will define the area of the node and provide details including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

In order to facilitate the orderly development of future commercial nodes; Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The

appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners. To comply with the square footage maximum for a CC400 Center and to ensure that the commercial area has adequate lot size and depth, any commercial development proposal for a single corner shall have a length-to- depth ratio between 1:1 and 3:2 and be a minimum of 20 acres in size. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the proposal do not have to meet the minimum acreage and lot length-to-depth ratio requirements.

No one store in a CC400 Center shall occupy more than 175,000 gross square feet. The sum of the gross square footage for all stores that occupy space between 100,000 gross square feet and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection. If a proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single store building that has at least 40,000 gross square feet of commercial space.

Community Commercial Center (under 600,000 square feet): CC600

The third category of Community Commercial Centers is the CC600 Center. The primary purpose of the CC600 center is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop,

These centers allow a maximum of 600,000 square feet of commercial retail space and shall be located at the intersection of two state or federally designated highways. Other uses of a non-retail nature do not have a space limitation. A maximum of 90 percent of the commercial retail square footage in a CC600 center shall be located on two corners of the intersection. The remaining 10 percent shall be located on one or both of the remaining two corners.

CC600 centers should be developed in a nodal development pattern and be part of a specific land use plan that includes the node. The nodal plan shall also address surrounding land uses and provide for adequate transitioning of uses.

■ ***Regional Commercial Centers***

A Regional Commercial Center may provide the same services as a Community Commercial Center but should provide a greater variety and number of general merchandise, apparel and furniture stores, among other tenants. Because of the overall scale and mix of uses, a regional retail commercial center attracts and serves a population greater than and beyond that of the community.

The minimum area for a commercial development plan on any corner is 40 acres and the minimum street frontage is 1,400 linear feet. This will ensure a new Regional Commercial Center is capable of development with the critical mass mixture, including sites for multiple big box buildings, required parking, stormwater detention, and open space areas. A Regional Commercial Center node shall not contain more than 1.5 million gross square feet of retail commercial space. The only location for the next Regional Commercial Center is at the intersection of either two state or federal highways, or the intersection of a street identified on

the Major Thoroughfares Map as an arterial street and a state or federal highway.

Development of another Regional Commercial Center will have significant impacts on the Lawrence/Douglas County community and its existing retail centers, and will place increased service demands on the community's infrastructure system. Due to these impacts, consideration of a Regional Commercial Center by the Planning and City Commissions shall utilize the best available information in the analysis, public hearing and decision making process. Therefore, when the next Regional Commercial Center is proposed, an independent market analysis shall be required at the review and analysis stage and prior to public hearing. The entity proposing the Regional Commercial Center shall provide the funds necessary for the city to hire an independent consultant, selected by the applicant from a list of approved consultants established by the city, to perform the market analysis study.

The market analysis study shall be required, at a minimum, to analyze the proposed Regional Commercial Center based on the following criteria: 1) the overall viability of the commercial proposal and the impact of the proposal on the economic vitality and health of the community in the form of impacts on existing commercial centers; 2) the appropriate phasing or timing of development of the ultimate center size based on the community's ability to absorb additional commercial square footage over a three year period; 3) a comparison of the private costs versus public infrastructure and services costs to develop the commercial center proposed; and 4) other factors identified as relevant impacts on the market by either the developer or the city. The three year time period is a typical cycle for a commercial development to go from a concept to the opening of a store.

As with the Community Commercial Center, in order to insure that a specific intersection complies with the Regional Commercial Center nodal standards, a nodal plan for a new Regional Commercial Center shall be created. The nodal plan shall define the area of the node and provide details, including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be greatly governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners may be considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ *Existing Strip Commercial Developments*

Existing strip commercial development areas are characterized by developments that do not meet current standards for lot dimensions and area, lot frontage, curb cut location(s), or the presence of internal frontage roads for cross access. These areas developed at a time when development standards permitted smaller lots, shallower lot depth, minimum spacing between curb cuts and multiple access points from a site to an arterial street; traffic studies were also not required prior to development at that time. These strip commercial development areas have become obsolete as a result of their inability to adjust to increased traffic volumes and congestion, current needs for site area and depth for redevelopment, and the changing patterns of shopping of the motoring public. As these strip areas become less desirable locations, the ability to redevelop individual lots becomes a matter of both property owner and community concern. The community concern is primarily with the creation of vacant, undeveloped or underdeveloped commercial areas that have the potential to blight the city's gateways.

A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. In addition, other tools of a policy nature which would be helpful to redevelopment need to be considered and, where appropriate, adopted by the appropriate governing bodies. These tools may include the ability for establishment of public/private partnerships, special overlay districts, modified development standards for redevelopment based on an adopted redevelopment plan, tools to assist in lot consolidation and purchase, adopted access management plans and access point relocations, special benefit districts for sidewalks and public transportation stops, assistance in acquiring cross access easements, and similar tools providing community benefit.

Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.

■ *Auto-Related Commercial Centers*

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.

Because these centers have a limited variety of uses and a relatively small amount of commercial square footage, Auto-Related Commercial Centers do not fit within the definition of a Community or Regional Commercial Center. These types of centers are very intensive and therefore need to be directed to areas that have an ability to handle the intensive nature of an

Auto-Related Commercial Center.

Auto-Related Commercial Centers shall be located at the intersection of two state or federally designated highways. To ensure that the Auto-Related Commercial Centers develop in a planned manner that provides a positive benefit to the community, Auto-Related Commercial Centers shall have a lot length-to-depth ratio between 1:1 and 3:2 and must be a minimum of 20 acres in size.

All the potential locations of an Auto-Related Commercial Center are in areas that serve as “gateways” into the city. Since they are in “gateway” areas, any proposal for an Auto-Related Commercial Center shall be closely scrutinized for architectural appearance, landscaping, signage, etc.

■ ***Recreational Uses***

Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.

If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.

The amount of commercial gross square footage occupied by Recreational Uses located in a CC400 or a Regional Commercial Center shall not be counted toward the maximum amount of gross commercial square footage allowed in the respective Commercial Center. The square footage of a Recreational Use is not included in the total commercial square footage because CC400 and Regional Commercial Centers are typically larger-scale commercial developments. This reduces the impact of the Recreational Use on the scale and massing of the CC400 or Regional Center.

The acreage used to accommodate a Recreational Use may be used to meet the minimum acreage requirements for a respective Commercial Center, if the Recreational Use and additional commercial uses at the corner of the node are integrated together.

Community facility-type recreational facilities can be located in non-commercial areas if given the extra scrutiny that is associated with the issuance of a special permit such as a Special Use Permit.

LAWRENCE - EXISTING COMMERCIAL AREAS

Lawrence currently has a number of commercial and retail development areas:

- Downtown Lawrence
- N. 2nd Street and N. 3rd Street
- Iowa Street (Harvard Street to W. 6th Street)
- S. Iowa Street (23rd Street to the South Lawrence Trafficway)
- W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)
- E. 23rd Street (Learnard Street to Harper Street)
- W. 6th Street (Alabama Street to Iowa Street)
- W. 6th Street (Iowa Street to Kasold Drive)
- W. 6th Street and Monterey Drive
- W. 6th Street and Wakarusa Drive
- Clinton Parkway and Kasold Drive
- Clinton Parkway and Wakarusa Drive
- 19th Street and Massachusetts Street
- 19th Street and Haskell Drive
- 15th Street and Kasold Drive
- 15th Street and Wakarusa Drive
- 9th Street (Kentucky Street to Mississippi Street)

Existing commercial areas in Lawrence will need to be upgraded in the future to remain viable in the marketplace. The Plan calls for the incremental improvement of these existing developments through the addition of landscaping and aesthetic improvements as uses change. Some existing developments may be converted to other uses as needs change within the community. Specific land use recommendations for the existing commercial development areas are provided below.

- ***Downtown Lawrence***

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where

people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

- ***N. 2nd Street and N. 3rd Street***

The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an Existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

Historically, the North Lawrence area including the N. 2nd and N. 3rd Street corridor has had

repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor. The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems, as well as devising a plan for dealing with additional runoff from future development in the area.

- ***N. Iowa Street (Harvard Road to W. 6th Street)***

N. Iowa Street is considered an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center). The N. Iowa Street area includes a variety of independent developments and the Hillcrest Shopping Center. Most parcels within the northern segment are already developed. Future development and redevelopment shall occur within the existing commercially zoned areas and shall emphasize coordinated access control and transition yard improvements with adjoining residential areas.

- ***S. Iowa Street (23rd Street to K-10)***

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely development between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

~~Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.~~

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

- ***W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)***

The W. 23rd Street corridor is an Existing Strip Commercial area. The commercial development along W. 23rd Street is the prototypical "strip development" that is centered on the automobile. This area was once considered to be one of Lawrence's most desirable locations for a retail business. However, the status of the W. 23rd Street corridor as a highly desirable retail location has been supplanted by retail developments at South Iowa and in the western portion of the city.

The 23rd Street corridor will remain an important commercial location in the city. For the segment of the corridor between S. Iowa Street and Tennessee Street, the Plan emphasizes visual site improvements related to signage, landscaping and development design. A key factor in the long-term stability of this area is the improvement of traffic access and operations as properties along this corridor redevelop. If access and circulation are not simplified and the area made comfortable to the motorist, shoppers may seek other portions of the community in which to do business. In cooperation with property owners, the city should undertake parkway landscaping improvements. This action, coupled with placing utility lines underground (wherever practical), will help to improve the physical image of the area. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

Landscape and screening improvements between commercial and residential areas are particularly important along this segment where development is compact and differing land uses are situated in close proximity.

- ***E. 23rd Street (Learnard Street to Harper Street)***

E. 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street. The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern.

Like the Iowa Street corridor, emphasis is also placed on improved and coordinated signage in scale with development, as well as on minimizing curb cuts on 23rd Street.

- ***W. 6th Street (Alabama Street to Iowa Street)***

This is the oldest section of the W. 6th Street corridor and is an Existing Strip Commercial Development. There are a variety of uses along this corridor, but the primary two are fast food restaurants and medical offices and supplies. This section is typical strip development with small individual lots, each with a curb cut onto W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street (Iowa Street to Kasold Street)***

This portion of the W. 6th Street corridor is an Existing Strip Commercial Development. The development patterns along this section of W. 6th Street are newer than eastern portion of W. 6th Street. However, the commercial area is still a “strip development”, characterized by numerous curb cuts and intensive retail development fronting the majority of W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street and Monterey Way***

The intersection of W. 6th Street and Monterey Way is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 6th Street and Wakarusa Drive***

The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

- ***Clinton Parkway and Kasold Drive***

The intersection of Clinton Parkway and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***Clinton Parkway and Wakarusa Drive***

The intersection of Clinton Parkway and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***E. 19th Street and Massachusetts Street***

The intersection of 19th Street and Massachusetts Street is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property. New development and redevelopment proposals for this area shall include plans for the consolidation of curb cuts and provision of cross access easements to adjoining properties.

- ***E. 19th Street and Haskell Avenue***

The southeast corner of the intersection of E. 19th Street and Haskell Avenue is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the city park property on the southwest corner of the intersection. The Comprehensive Plan does not recommend expanding the commercial uses beyond the current commercial zoning at the southeast corner. Enhancement of the corner's existing retail space is highly encouraged. Like the Inner-Neighborhood Commercial Centers, this area would benefit from a reduction in development standards that would increase the potential for redevelopment.

- ***W. 15th Street and Wakarusa Drive***

The intersection of W. 15th Street and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The southeast corner is commercially zoned. The current uses at this corner are a bank and small shopping center. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 15th Street and Kasold Drive***

The northeast corner of the intersection of W. 15th Street and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the southwest corner. The Comprehensive Plan does not recommend the expansion of commercial uses beyond the footprint of the existing retail uses on the northeast corner.

- ***W. 9th Street (Kentucky Street to Illinois Street)***

This area is an existing Neighborhood Commercial Center with a strip development pattern that serves as a gateway into Downtown Lawrence. The group of buildings at the northeast corner of W. 9th Street and Indiana Street has a scale and configuration of structures similar to Downtown Lawrence. The majority of the development along this corridor is characterized by stand-alone structures with multiple curb cuts. New development and redevelopment proposals along this corridor shall include consolidation of curb cuts and cross access easements to adjoining properties. Because the corridor serves as a gateway to Downtown Lawrence, the Downtown Architectural Design Guidelines should be amended to specifically address this area.

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

* This column includes all approved gross square footage of commercial space.

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-12.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-7.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, however small, new inner-neighborhood centers are possible and/or anticipated as part of an overall new planned neighborhoods.

- ***Inner-Neighborhood Commercial Centers***

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a local, collector or arterial street. It may also take access from an alley. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. Inner-Neighborhood Commercial Centers may also include residential uses.

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

- ***Neighborhood Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd
3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 1 mile north of US-40
8. E 700 Rd and US-40
9. E 800 Rd and N 1500 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

- ***Community Commercial Centers (CC200)***

The Comprehensive Plan recommends the following intersection as potential location for a new CC200 Centers.

1. E. 23rd Street and O'Connell Road

- ***Community Commercial Centers (CC400)***

The Comprehensive Plan recommends the following intersections as potential locations for new CC400 Centers.

1. Eastern leg of the SLT and K-10 (southeast of the intersection of E 1750 Rd and K-10)
2. US-59 and N 1000 Rd

The development of these nodes shall carefully follow the commercial goals and policies. Commercial development shall not occur in advance of market conditions that would support such development, nor shall it be permitted to occur in a manner that is contrary to adopted city infrastructure plans.

- ***Community Commercial Centers (CC600)***

The Comprehensive Plan recommends the following intersection as potential location for a new CC600 Center.

1. W. 6th Street and K-10

- ***Auto-Related Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Auto-Related Centers.

1. I-70 and K-10
2. US-59/40 and I-70
3. US-59 and K-10

- ***Regional Commercial Centers***

The need for development of a new Regional Commercial Center within the community is not anticipated within the planning period. Consideration of requests to expand existing commercial areas shall include the potential for development of additional Regional Commercial Centers and the impact of such expansion and development on the existing commercial inventory. The need for additional regional commercial development within the community shall be evaluated on a regular basis, based upon updated land use and population data. Before a new Regional Commercial Center is considered, the Comprehensive Plan shall be amended to include the possibility of a new Regional Commercial Center.

UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS

Unincorporated Douglas County currently maintains a variety of commercial areas. Each of these areas provides neighborhood level retail goods and services to both farm and non-farm residents. As the rural areas of Douglas County continue to receive new non-farm residential development, demands will increase for retail goods and services.

It is recommended that these commercial locations be developed as small convenience service nodes, providing products to meet the day-to-day requirements of rural residents. The development of these nodes shall follow the basic principles described for commercial development or redevelopment. It is important that these commercial locations provide for adequate wastewater treatment facilities in the future. Any new or expanded developments shall utilize treatment systems that minimize potential environmental impacts.

The design of these locations should be consistent with the rural character of Douglas County. Therefore, design and development standards should promote larger, more spacious settings and encourage building and site design reflective of the unique characteristics surrounding each location.

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.

Commercial activities related to conference, recreational, or tourism uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Revised Southern Development Plan

Lawrence-Douglas County Planning Commission Approved 11/28/07
Lawrence City Commission Approved 12/18/07
Board of County Commissions Approved 1/7/08

REVISED

Lawrence-Douglas County Planning Commission Approved 5/20/13
Lawrence City Commission Approved DATE
Board of County Commissions Approved DATE

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INTRODUCTION

Background and Purpose

The original Southern Development Plan was adopted March 1, 1994 by the Lawrence City Commission. This plan covered an area roughly bounded on the north by W. 31st Street, to the west by Kasold Drive, to the south by the north bank of the Wakarusa River, and to the east by Louisiana Street. This land was historically used for agricultural purposes and with the growth of the city moving south and west, a guide for development was needed. The study area has not developed to the extent that the Southern Development Plan had anticipated, and the plan needs to be updated.

The purpose of the *Revised Southern Development Plan* is to update the boundaries of the study area and update the plan regarding land use, existing facilities, and transportation to show current information. Also, updated land use policies, and future land use maps are needed to reflect the current conditions and current community visions.

Description of Planning Area

The planning area for the *Revised Southern Development Plan* has been expanded to include property along the W. 31st Street corridor to allow the consideration of future transportation issues. The adjusted planning area for the *Revised Southern Development Plan* contains approximately 2,260 acres, and is shown on Map 1-1. The planning area is contained as follows:

- to the north: W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street;
- to the west: E. 1150 Road extended;
- to the south: the north side of the Wakarusa River;
- to the east: E. 1500 Road (Haskell Avenue).

Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans serve as the general “umbrella” policies under which the plan is developed. Listed, these plans are:

- *Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County.* Lawrence-Douglas County Metropolitan Planning Office. 1998.
- *Transportation 2025, Lawrence/Douglas County Long Range Transportation Plan.* Lawrence/ Douglas County Metropolitan Planning Office and LSA Associates. September 2002.
- *Lawrence-Douglas County Bicycle Plan,* Lawrence/ Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan.* Leon Younger & PROS. 2000.
- *31st Street Corridor Study, Iowa Street to County Route 1057.* TransSystems Corporation. January 28, 2003.
- *City of Lawrence, Kansas Water Master Plan.* Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan.* Black & Veatch. December 2003.

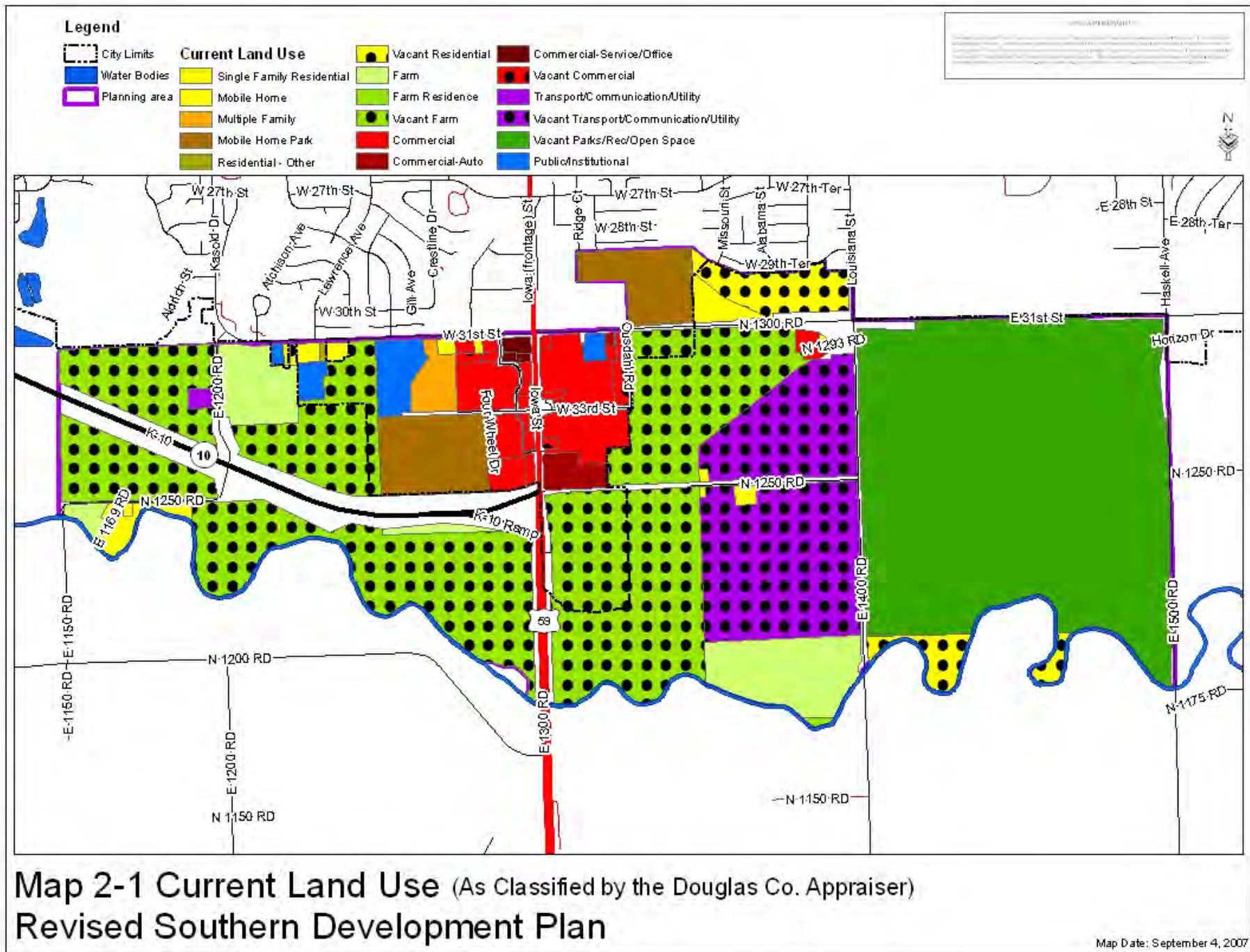
EXISTING CONDITIONS

Current Land Use

The *Revised Southern Development Plan's* current land uses vary from farmland to commercial uses within its approximately 2,260 acres. According to the Douglas County Appraiser's Office, the majority of the acreage is categorized as Parks/Rec/Open Space and Commercial land uses. These two uses comprise of over half of the planning area's acreage. The appraiser's land use acreage totals excludes most road right-of-ways.

Table 2-1

Appraiser's Land Use Classification	Acres
Single Family Residential	37.03
Mobile Home	0.74
Multiple Family	16.48
Mobile Home Park	96.87
Residential - Other	0.87
Vacant Residential	63.44
Farm	111.40
Farm Residence	1.41
Vacant Farm	692.24
Commercial	104.16
Commercial-Auto	13.69
Commercial-Service/Office	4.38
Vacant Commercial	8.10
Transport/Communication/Utility	3.51
Vacant Transport/Communication/Utility	89.08
Vacant Parks/Rec/Open Space	763.22
Public/Institutional	31.52
TOTAL	2,038.13



Current Zoning

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

The *Revised Southern Development Plan* planning area is located partially in the county and partially within the city. Map 2-2 shows the current zoning designations and the tables below describe the map designations.

Table 2-2

City Zoning	District Name	Comprehensive Plan Designation
RS10	Single-Dwelling Residential (10,000 sq. feet per dwelling unit)	Low-Density Residential
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RM12	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
PRD	Planned Residential Development	N/A
CO	Office Commercial	Office or Office/Research
CS	Strip Commercial	N/A
PCD	Planned Commercial Development	N/A
GPI	General Public and Institutional	N/A
UR	Urban Reserve	N/A

Table 2-3

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural District	Agriculture
B-2	General Business District	N/A
V-C	Valley Channel District	N/A

Current Infrastructure

Water

City water is supplied to most of the planning area that is within the city limits. The portions of the planning area that are located in the county are not located in a rural water district. These properties are obtaining water from wells located on the property. The City water lines are shown on Map 2-3.

Sanitary Sewer

City sanitary sewer is supplied to most of the planning area that is within the city limits and to limited areas in the county. The portions of the planning area located in the county that are not serviced by City sanitary sewer are serviced by private septic systems. The City sanitary sewer lines are shown on Map 2-3.

Storm Sewer

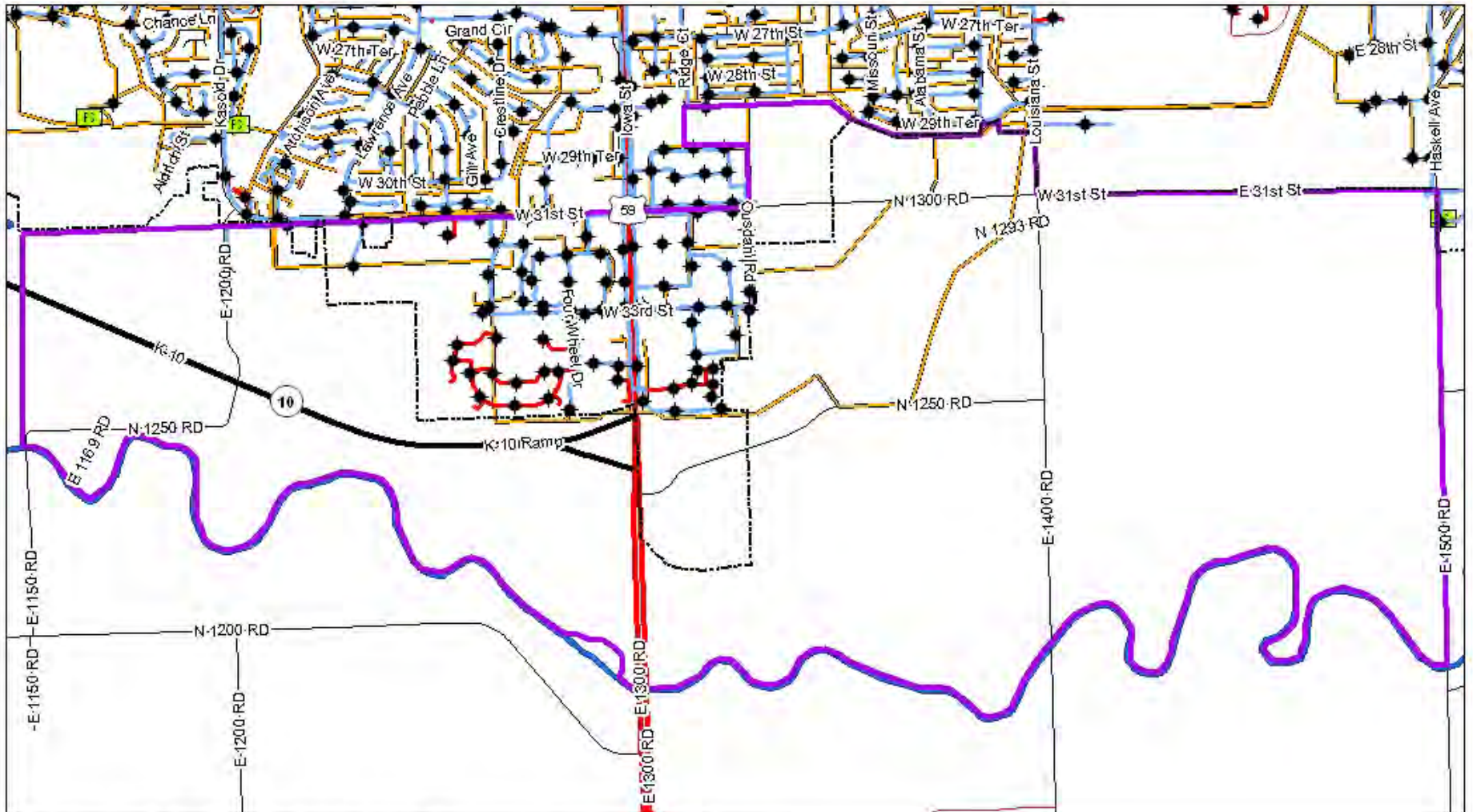
City storm sewer is provided throughout the planning area that is within the city limits by storm pipes, storm channels, or by way of streams. The portion of the planning area that is in the county is partially serviced by way of streams. The City storm sewer and streams are shown on Map 2-4.

Gas

Southern Star Gas has pipes that pass through a large portion of the planning area. These pipelines are shown on Map 2-4.

Legend



- City Limits
- ◆ Water Hydrant
- Lift Station
- Planning area
- Private Water Main
- Sanitary Sewer Main
- Water Bodies
- Water Main



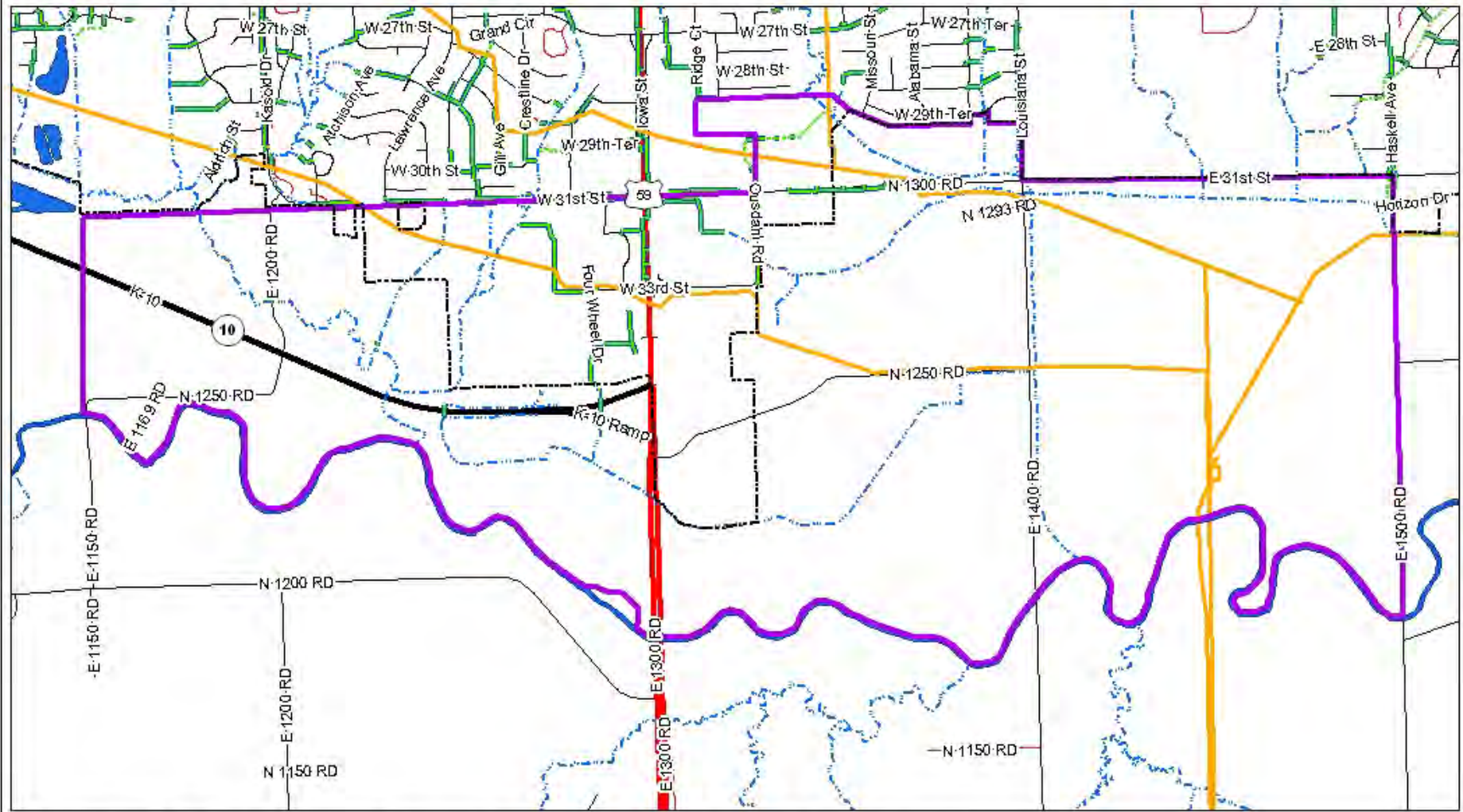
**Map 2-3 City Sanitary Sewer and Water
Revised Southern Development Plan**

Map Date: April 20, 2007

Legend

-  City Limits
-  Storm Pipe
-  Planning area
-  Storm Channel
-  Water Bodies
-  Stream
-  Gas Lines

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This map is a representation of the current information available to Southern Star Gas as of the date of this map. Southern Star Gas does not warrant the accuracy or completeness of this information. Southern Star Gas is not responsible for any errors or omissions in this map. Southern Star Gas is not responsible for any damages, including consequential damages, arising from the use of this map.



Map 2-4 City Storm Water and Southern Star Gas Revised Southern Development Plan

Map Date: April 20, 2007

Floodplain

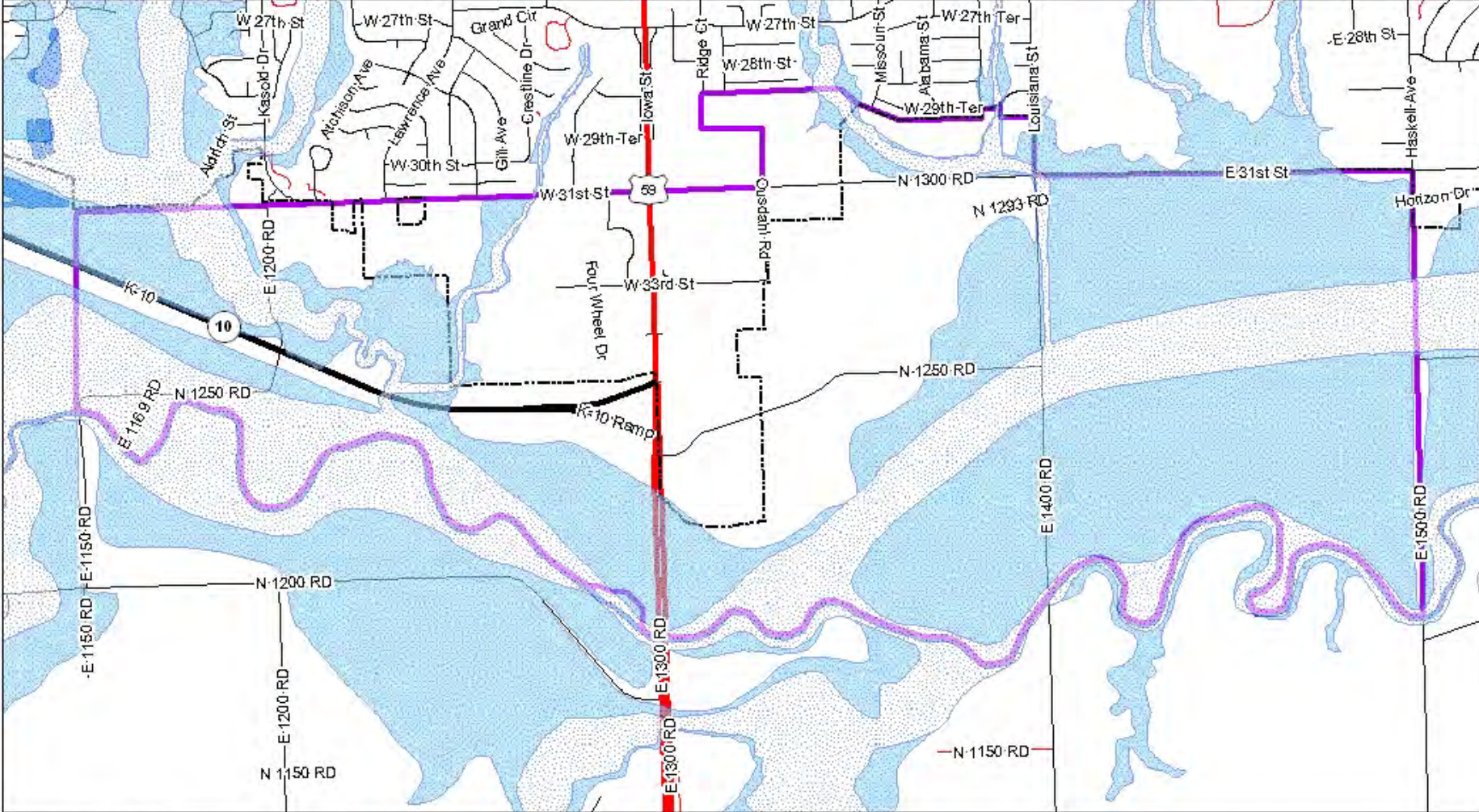
The FEMA (Federal Emergency Management Agency) designated special flood hazard area makes up a large portion of the *Revised Southern Development Plan* planning area and is shown on Map 2-5. Of the total 2,260 acres within the planning area, 1,464 acres are located within the floodplain and/or the floodway. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the City and in the County based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Legend

- City Limits
- Planning area
- Water Bodies
- Floodway
- Floodplain

DISCLAIMER NOTICE

This map is prepared for the City of Southern Pines, North Carolina, and is intended to provide information only. It is not intended to be used as a basis for any legal action or as a substitute for professional engineering or architectural services. The City of Southern Pines, North Carolina, and its officials assume no liability for any errors or omissions in this map. The City of Southern Pines, North Carolina, and its officials assume no liability for any damages or losses resulting from the use of this map. The City of Southern Pines, North Carolina, and its officials assume no liability for any damages or losses resulting from the use of this map.



**Map 2-5 Floodplain
Revised Southern Development Plan**


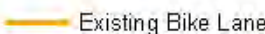
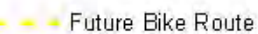



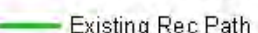

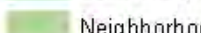
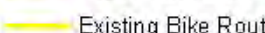
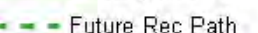

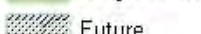
Map Date: April 20, 2007

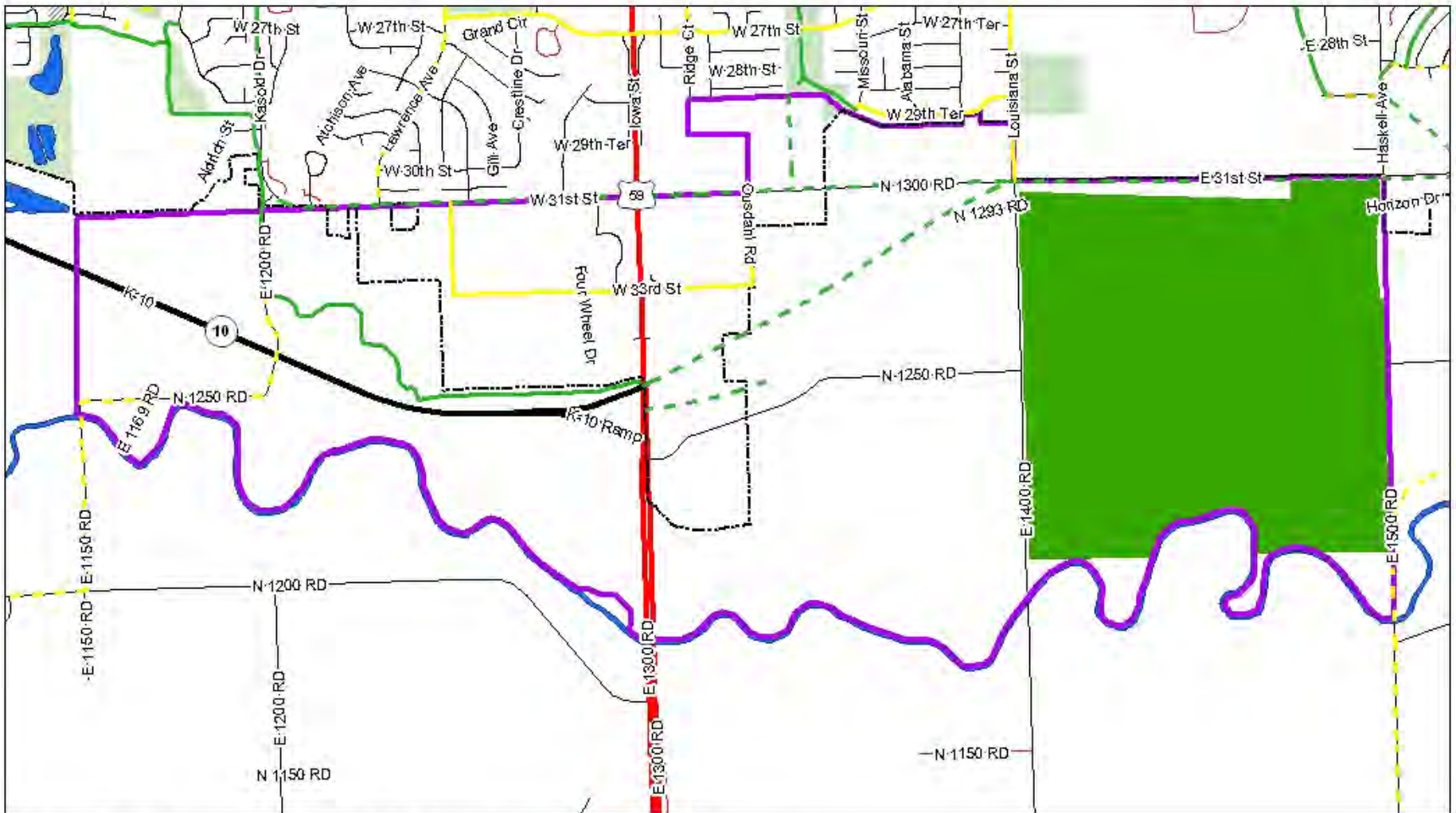
Parks and Recreational Facilities

The planning area of the *Revised Southern Development Plan* includes one park and recreational facility shown on Map 2-6. The planning area includes existing and future bike routes and recreational paths. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A Recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

The Haskell-Baker Wetlands is located on the eastern edge of the planning area and includes approximately 583 acres of wetlands. These wetlands are jointly owned by Baker University, Haskell Indian Nations University, the Kansas Department of Wildlife and Parks, and University of Kansas. The wetlands are a National Natural Landmark and they support 471 documented species of vascular plant, 254 species of bird, and 61 additional vertebrate species. A self guided tour of the wetlands via a boardwalk is provided through the wetlands.

Legend

- | | | | |
|---|--|---|--|
|  City Limits | City Parks |  Existing Bike Lane |  Future Bike Route |
|  Planning area |  Community |  Future Bike Lane |  Existing Rec Path |
|  Water Bodies |  Neighborhood |  Existing Bike Route |  Future Rec Path |
|  BakerWetlands |  Future | | |



Map 2-6 Parks and Recreational Facilities
Revised Southern Development Plan

Map Date: April 20, 2007

Transportation

Streets

Transportation 2025 (T2025) is the comprehensive, long-range transportation plan for the metropolitan area. T2025 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, local streets that serve to provide direct access to adjacent property, to collector streets that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

The planning area for the *Revised Southern Development Plan* includes all the *Transportation 2025* identified gateways into Lawrence from the south. S. Iowa Street/Hwy 59 is identified as a major gateway, and Louisiana Street /E. 1400 Road and Haskell Avenue/E. 1500 Road are identified as minor gateways.

Transportation 2025 identifies the South Lawrence Traffic Way (SLT/K-10) and S. Iowa Street/Hwy 59 as truck routes.

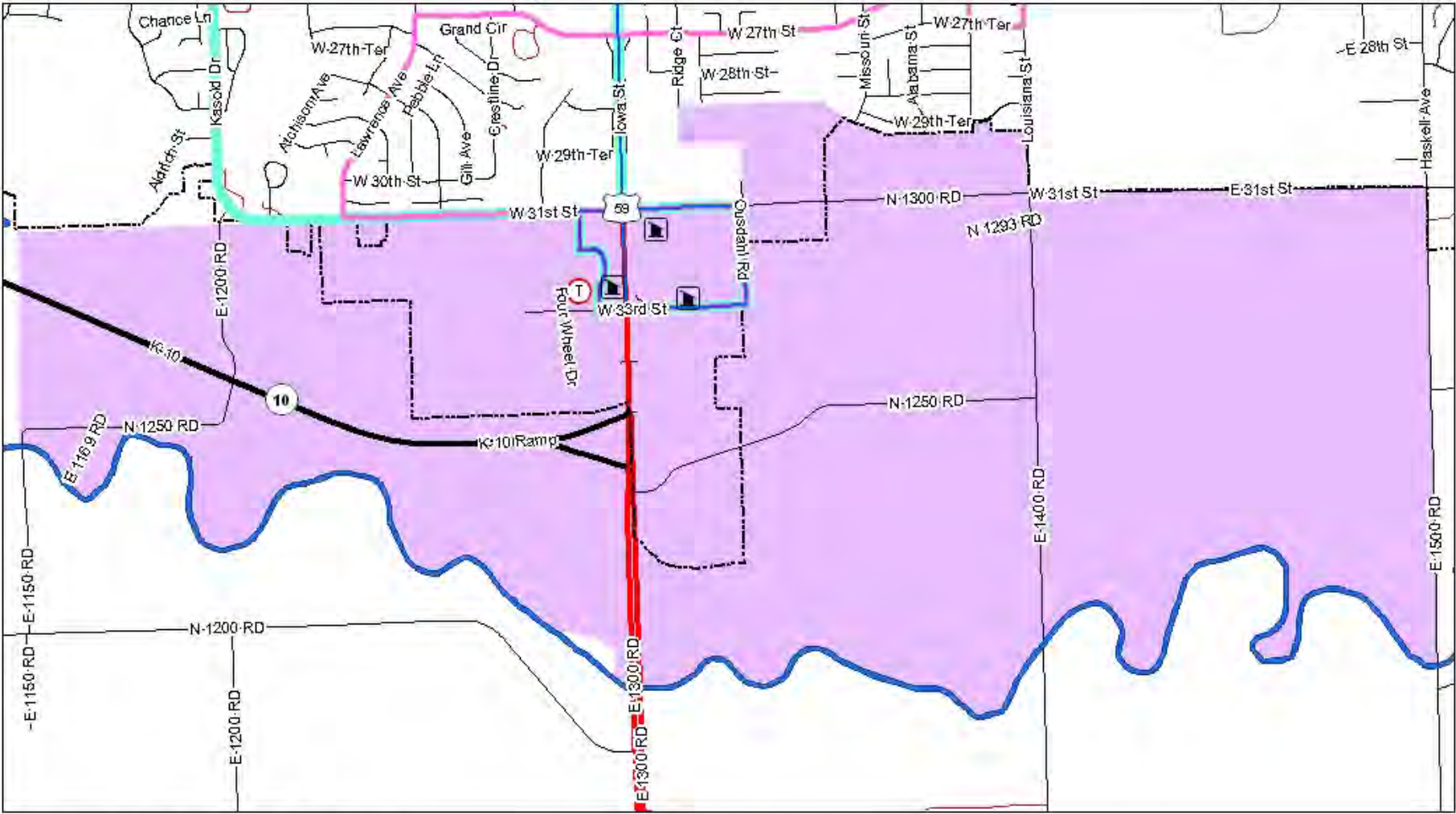
Transit

Lawrence has a public transportation system (The "T") which operates throughout the city. This system allows people that do not live within walking distance of a neighborhood to utilize the neighborhood services without relying on an automobile. The city transit system has three routes that travel into the *Revised Southern Development Plan* planning area, which are shown along with shelters and a transfer location, on Map 2-8.

- Route 5, 23rd/Clinton Crosstown - Wakarusa/South Iowa/Industrial Park, travels through the planning area along Kasold Drive, W. 31st Street, Neider Road, Four Wheel Drive, and S. Iowa Street.
- Route 7, South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.
- Route 8, KU/South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.

Legend

- City Limits
- Bus Shelter
- Transit Routes**
- Planning area
- T Transfer Location
- 5
- 7
- 8



Map 2-8 Transit Routes
Revised Southern Development Plan

Map Date: April 20, 2007

RECOMMENDATIONS

Land Use (See Map 3-1 or Map 3-2)

Low-Density Residential:

The intent of the low-density residential use is to allow for single-dwelling type uses.

Density: 6 or fewer dwelling units per acre

Intensity: Low

Applicable Areas:

- Property southwest of the intersection of Kasold Drive and W. 31st Street, and west and east of E. 1200 Road.
- Property southwest of the intersection of Four Wheel Drive and W. 33rd Street.

Zoning Districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, group home, public and civic uses

Medium-Density Residential:

The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.

Density: 7-15 dwelling units per acre

Intensity: Medium

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Lawrence Avenue.
- Property to the southwest of the intersection of Four Wheel Drive and W. 31st Street.
- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- ~~Property to the northeast of the intersection of W. 31st Street and Ousdahl Road.~~
- Property to the north and west of the intersection of Louisiana Street and W. 31st Street, north of the floodplain.
- Property to the southwest of N. 1250 Road.

Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multiple-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, multi-dwelling structures, group home, civic and public uses

Residential/Office:

The intent of the residential/office use is to allow a mix of office use with low-density residential uses.

Density: 4-15 dwelling units per acre

Intensity: Low-Medium

Applicable Areas:

- Property along the east side of Ousdahl Road, south of W. 31st Street.

Zoning Districts: RSO (Single-Dwelling Residential-Office), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, group home, civic and public uses, veterinary, offices, personal improvement

Office:

The intent of the office use is to allow for general office uses that would be minimally evasive to nearby residential uses.

Intensity: Medium

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Lawrence Avenue.

Zoning Districts: CO (Commercial Office), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, medical offices, veterinary office and grooming, general office

Traditional Neighborhood Development (TND):

The intent of Traditional Neighborhood Development areas are characterized by mixed land uses, grid like street patterns, pedestrian circulation, intensively-used open spaces, architectural character, and a sense of community.

Density: Variable

Intensity: Variable

Applicable Areas:

- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the southwest of N. 1250 Road

Zoning Districts: T3, T4, T5, T5.5

Primary Uses: Residential, retail, office, civic

Commercial:

The intent of the commercial use is to allow for retail and service type uses geared toward the community as a whole and auto-related uses geared toward traffic from Hwy K-10.

Intensity: Medium to High

Applicable Areas:

- Property to the south of W. 31st Street and west and east to the floodplain of Iowa Street/Hwy 59. (Regional Commercial Center)
- Property to the southeast and southwest of the intersection of K-10 and Hwy 59. (Auto-Related Commercial Center)

Zoning Districts: CC (Community Commercial Centers District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, animal services, eating and drinking establishments, general office, retail sales and services, vehicle sales and services

Open Space:

The intent of the open space use is to protect the FEMA designated floodplain by allowing very minimal development for the public use.

Intensity: Minimal

Applicable Areas:

- Property to the north of the Wakarusa River.
- Property designated by FEMA to be 100 year floodplain or floodway.

Zoning Districts: OS (Open Space), UR (Urban Reserve)

Primary Uses: Passive recreation, nature preserve, agricultural

Public/ Institutional:

The intent of the public/institutional use is to allow for public and civic uses, recreational facilities, and utility uses.

Intensity: Variable

Applicable Areas:

- Residential care facility south of the intersection of W. 31st Street and Lawrence Avenue.
- Social service facility south of the intersection of W. 31st Street and Harrison Avenue.
- ~~▪ Post office west of Ousdahl Road and south of W. 31st Street.~~
- Property at the northwest corner of W. 31st and Louisiana Streets.

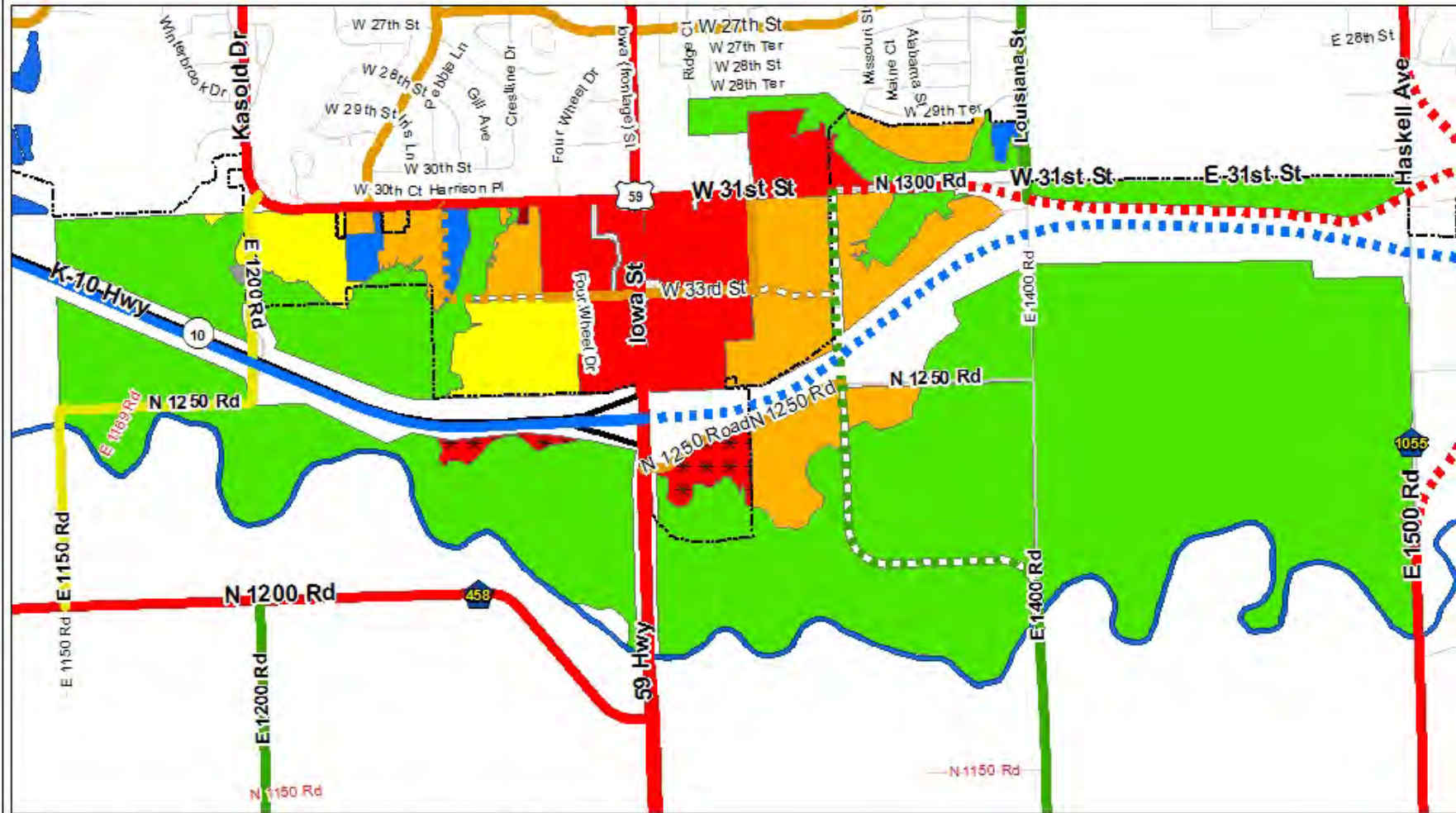
Zoning Districts: GPI (General Public and Institutional)

Primary Uses: Civic and public uses, recreational facilities, utility services

Legend

City Limits	Future Land Use	Commercial	Future Thoroughfares T2040	rural minor collector
Water Bodies	Low-Density Residential	Auto-Related Commercial	future collector	principal arterial
	Medium-Density Residential	Open Space	future freeway	freeway
	Residential/ Office	Public/Institutional	future minor arterial	collector/rural major collector
	Office	Transport/Communication/Utility	future principal arterial	minor arterial

DISCLAIMER NOTICE
 This map is provided as a guide only and does not represent any commitment of the City of Southern Pines. The City of Southern Pines is not responsible for any errors or omissions on this map. The City of Southern Pines is not responsible for any errors or omissions on this map. The City of Southern Pines is not responsible for any errors or omissions on this map. The City of Southern Pines is not responsible for any errors or omissions on this map.

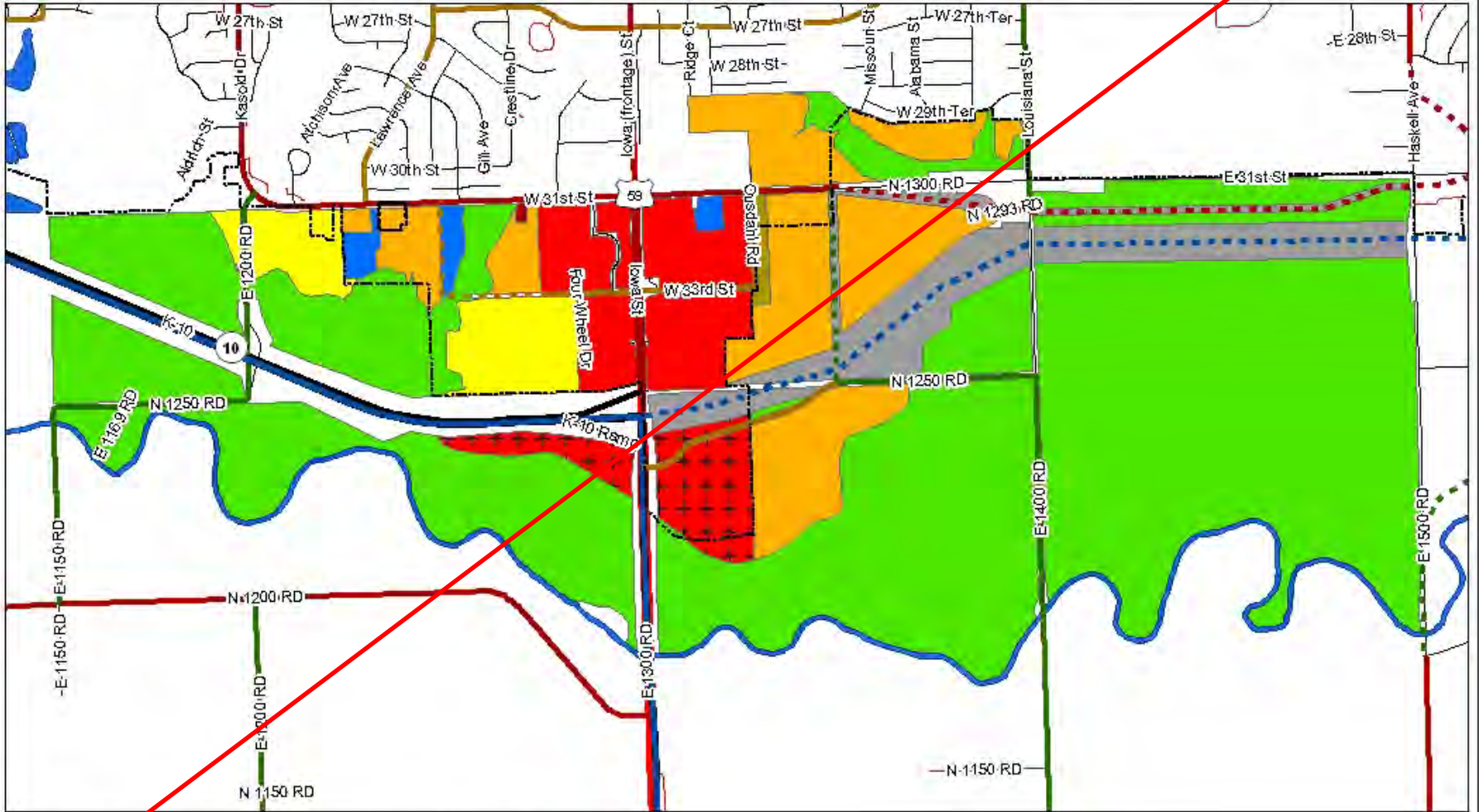


Map 3-1 Future Land Use Map
Revised Southern Development Plan

Map Date: May 22, 2013

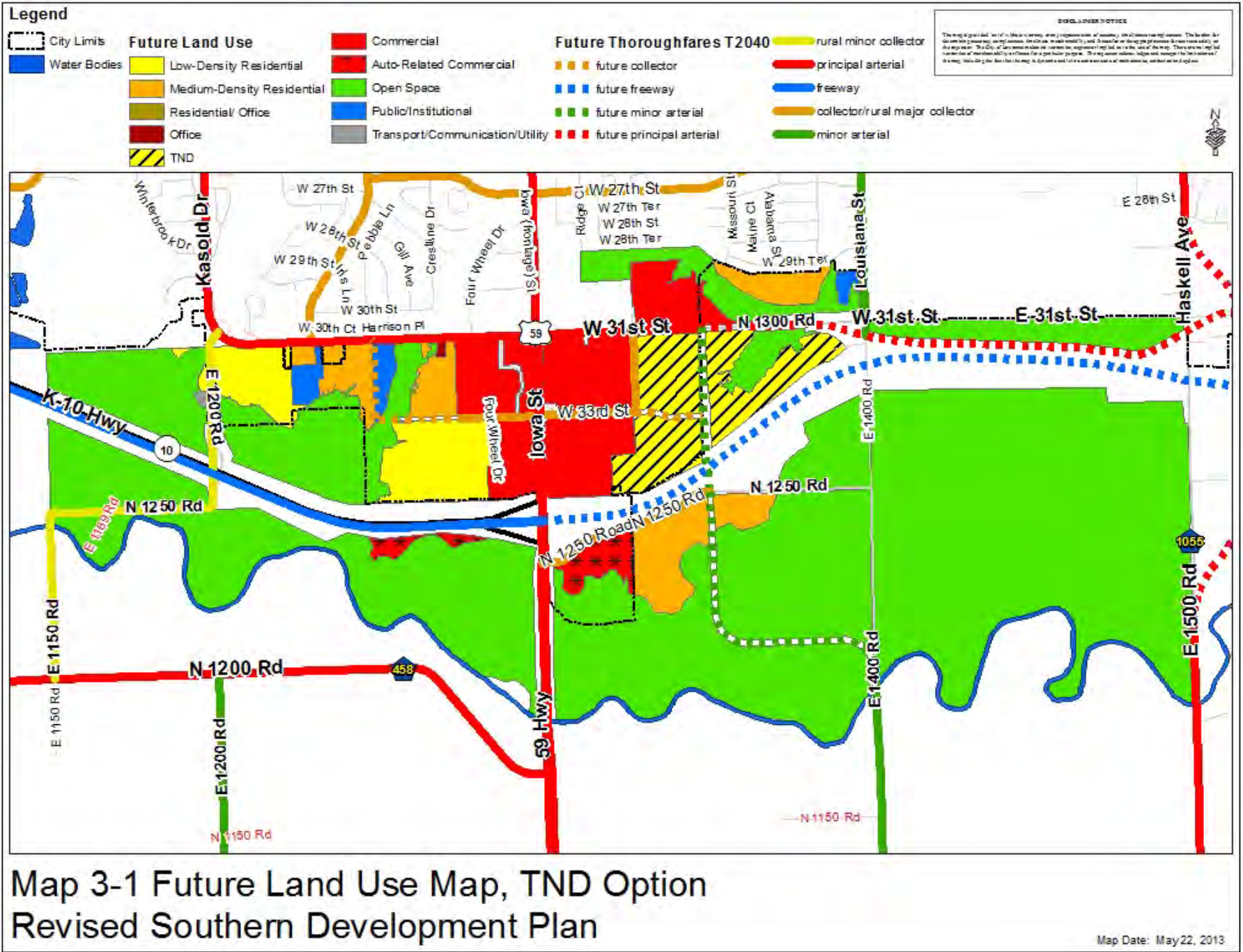
Legend

- | | | | | |
|------------------|-----------------------|----------------|----------------------------|---------------------------------|
| City Limits | future arterial | freeway | Future Land Use | Commercial |
| Water Bodies | future minor arterial | collector | Low-Density Residential | Auto-Related Commercial |
| future freeway | principal arterial | minor arterial | Medium-Density Residential | Open Space |
| future collector | | | Residential/ Office | Public/Institutional |
| | | | Office | Transport/Communication/Utility |



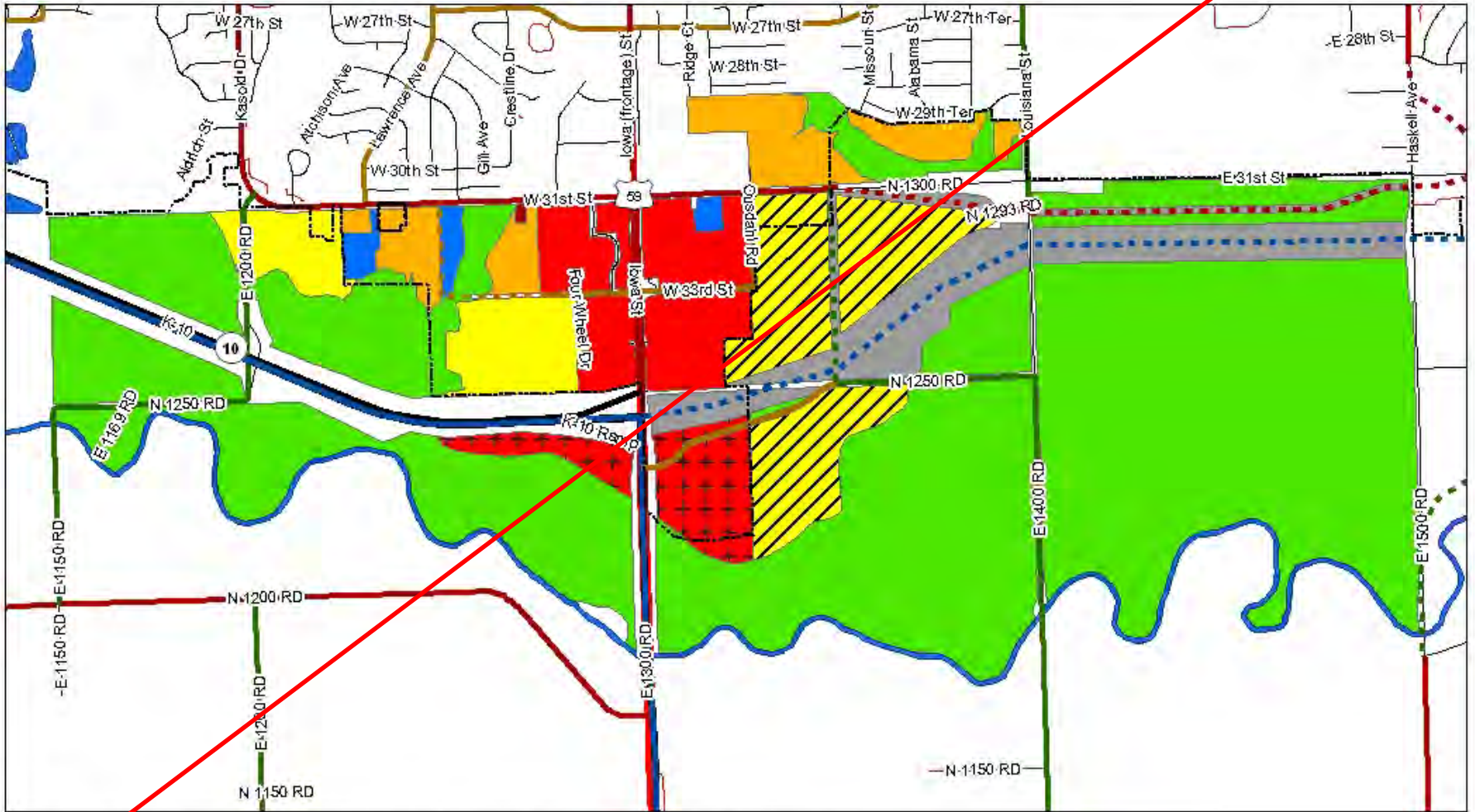
Map 3-1 Future Land Use Map
Revised Southern Development Plan

Map Date: November 28, 2007



Legend

- | | | | | |
|------------------|-----------------------|----------------------------|----------------------------|---------------------------------|
| City Limits | future arterial | freeway | Future Land Use TND | Commercial |
| Water Bodies | future minor arterial | collector | Low-Density Residential | Auto-Related Commercial |
| future freeway | principal arterial | Medium-Density Residential | Office | Open Space |
| future collector | minor arterial | TND | Public/Institutional | Transport/Communication/Utility |



**Map 3-2 Future Land Use Map, TND Option
Revised Southern Development Plan**

Map Date: November 28, 2007

Policies

General

1. Traditional Neighborhood Design (TND) is encouraged where identified.

Gateways

1. Development shall enhance 'Gateways' by creating an aesthetically pleasing view into the city.
2. Aesthetically pleasing landscaped entry way along Gateways shall be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.
3. Fencing installations shall incorporate continuous landscaping at the base and edges of the fence to integrate the fence with site and landscaping
4. High quality, aesthetically pleasing building materials should be used.
5. Pedestrian friendly connectivity between properties shall be incorporated.

Commercial

1. Encourage diversity and gradation of uses with access restricted to arterial, frontage road, or collector streets. Commercial curb cuts on major arterials shall be discouraged and frontage roads shall be encouraged.
2. Planned Development Overlay zones shall be self-contained with consideration given to: independent traffic networks; land use buffers; and/or a gradation of land uses, as well as, landscaped buffer(s) along the perimeter of the planned commercial development.
3. Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays.

Residential

1. Landscaped or open space buffers shall occur between major arterials and residential developments (exclusive of dedicated right-of-way).
2. The gradation of residential intensities of land uses is encouraged as this area develops or redevelops. Medium intensity areas shall be used as buffers between more intensive developments and low-density residential areas. Low-density residential developments shall be encouraged to develop on the interior of the neighborhoods units.
3. Single-family lots shall be designed to take access only from local streets.
4. Planned Residential Developments are encouraged where creative design solutions are warranted.
5. Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:
 - have a gross density of no more than 8 dwelling units per acre, and
 - develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes, and rowhouses.

Open Space/Floodplain

1. Encourage recreational uses that do not alter the natural character of the area.
2. Encourage preservation of the floodplain or open space through private or public/private partnerships.
3. Areas within the regulatory floodplain shall not be counted as *contributing* more than 50% of the open space *used* in the computation of density for Planned Development Overlays e.g., areas designated as open space/floodplain cannot be used to justify increased residential development densities.
4. Encourage connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT).
5. Encourage acquisition or development of land for neighborhood recreational paths.

Landscaping

1. Encourage extensive open space and/or berming between different land use categories (e.g., commercial and residential) to provide noise and visual buffers.
2. Encourage native/low-maintenance landscape materials on public lands.

Transportation Network and Corridors

1. Proposed development along W. 31st Street east of S. Iowa Street should assist in the cost of the interim W. 31st Street and Louisiana Street intersection improvements.
2. Commercial vehicular circulation patterns shall be primarily self-contained within the commercially zoned and developed area.
3. Limit access points onto arterial streets through the use of frontage roads and encourage reverse frontage road(s) access to be located at mid-points of blocks.
4. Sufficient area, outside of the required street rights-of-way, shall be required to provide screening along major transportation corridors. This area shall be restricted in use to providing for: utility needs, berming, and landscaping needs.
5. Churches and other community facilities shall be located where access is available from collector or arterial streets.
6. *Transportation 2030* or subsequent long-range transportation plans, once adopted, shall supersede any recommendations, actions, or policies referenced in *Transportation 2025*.

Signage

1. Signs shall be restricted to one building face (side).
2. Signage on the site (in addition to the building face sign) shall be restricted to monument type signs.
3. Allow only interior illuminated (or comparable) signs.

Utilities

1. Future utility transmission lines and existing overhead lines shall be placed underground when installed or replaced.
2. Easements for utility lines shall not coincide with easements dedicated for another specific purpose e.g., greenspace, drainage, or to protect environmental or natural characteristics such as wetlands areas.
3. All utilities should be provided, whether public or private, before development is allowed to proceed.

Exterior Lighting

1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site.



June 3, 2013

Dear Members of the County Commission:

Menard, Inc. has submitted an application to amend the Comprehensive Plan Horizon 2020 and the Southern Development Plan in relation to the property located at 1900 31st Street in Lawrence. The amendments were requested to allow a Menards home improvement store and several outlots to be developed at that location. The subject property's future designation in H2020 and the SDP is multifamily residential. Menards has spent several years analyzing the Lawrence market and searching for a site that would work with the Menards store model and selected this site and the best possible location.

The proposed development site was formally the location of the Gas Light Village mobile home park but is currently sitting vacant. The site was vacated in 2012 for a large apartment project that was ultimately abandoned due to lack of demand. Menards selected this site above all the other locations in Lawrence for several reasons. First and most importantly this property is located near the south Iowa Street commercial node. South Iowa Street has become Lawrence's major retail destination including several big box stores as well a large number of smaller box and outlot users. All of these retailers in one location create a commercial synergy that Menards strives to be a part of. Consumers like to group shopping trips together because it means they spend less time driving around and more time at their destination. I will not argue that there are no other locations in Lawrence that are already zoned for a big box use. According to city data there is about 732,177 sq ft of vacant ground that is zoned for retail. The question "why not just locate on one of the sites that are already zoned?" has been brought up by both the general public and the Planning Commissioners. The answer is significantly more complex than the question. No one knows where a business should locate better than the business itself, that business that is going to have to compete at that location and stay profitable for many years. Menards has been building new stores for over 50 years and has a detailed understanding of the site selection criteria that make a store successful. The subject property is located adjacent to the heart of Lawrence's major retail district, south Iowa Street. Not one other site on the cities list of available spaces offers that same benefit. These properties that are already been zoned have sat undeveloped for several years for a reason, if a retailer does not find a property to be suitable for development they are likely to not develop at all. Similar businesses are attracted to each other, this is evident in almost every sector of the retail market. Big boxes choose to locate near each other because they have similar customers. Regardless of competition it is mutually beneficial when two stores draw more shoppers in than one store would by itself. Nothing proves this theory better than the concept of a shopping mall, a large number of like businesses most of them clothing related competing within feet of each other. None of those stores would be likely to survive on their own without the other stores even if it does result in more competition. The same principals apply to big box stores on a larger scale. Wal-Mart, Target, Kohl's, JC Penny, Home Depot, and Menards would all draw

far more consumers to south Iowa Street and Lawrence as a group than they would on their own. Menards shares products with just about every retailer on south Iowa Street however the benefits of drawing in a larger customer base far outweighs the competition for all retailers. As I mentioned in the beginning of the letter a plan to develop the property into multifamily apartments was abandoned due to a lack of demand for that type of housing. There is a strong demand for commercial development at this location as it is the last available commercial spot on south Iowa Street.

For the reasons above it should not be assumed that Menards will have a negative impact on the Home Depot located directly west of the Menards development. Menards and Home Depot will both directly benefit from the close proximity and generation of shoppers. Menards carries a greater variety of products than Home Depot's home improvement products. Menards products include electronics, food, clothing, furniture, and many more. Because of the large product selection Menards has more of a regional pull than other big box stores making it a destination store for shoppers willing to travel greater distances to shop. This is evident with the hundreds of shoppers that already make the trip from Lawrence and greater Douglas County to the new Menards store in Topeka every month. Menards is located next door to other home improvement stores across the county with a high rate of success. One example is in Topeka where Menards, Home Depot, and Lowes are all located in close proximity and continue to be profitable. With the new store in Lawrence the city would be able to keep local dollars in town and attract additional shoppers from all of Douglas County and the western suburbs of Kansas City. Shoppers that make the trip to shop at Menards are then likely to put additional money into the local economy through food, gas, and other shopping. In addition to new sales tax dollars through a new customer base Menards will create at least 200 new local jobs and a large number of new construction jobs furthering the projects benefit to the community.

The subject property is an infill development, converting what currently could be classified as a vacant and underutilized piece of property into a well-designed commercial center. Menards has worked in depth with the surrounding neighborhood through a neighborhood meeting, phone calls, and letters. The general consensus is that the commercial Menards project is preferred over another large apartment complex. Menards hours are from 6:30 AM to 10 PM, unlike apartments the overnight hours at Menards will not produce any noise. Extensive screening and buffering has been provided as part of the site design to reduce noise and light impacts during the day. Menards has put forth great efforts to accommodate the neighbors and cities requests to reduce any negative impacts and create a development that will benefit the entire community. The revised plans reflect some of those improvements, a 200 foot setback to the north, a 14 foot tall wood fence, a large number of trees, a trail connection to the Naismith Valley Park trail, a 10 acre open space to the west of the Menards store, and many more. Menards has also designed the site to have only two access points onto 31st street and both will be intersections controlled by lights provided by Menards. Limiting access to 31st Street through controlled intersections eliminates the chaos that commercial development can create when multiple access points are allowed.

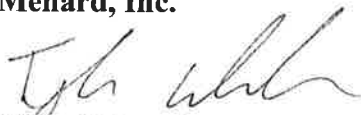
The market study analysis has been a topic of discussion throughout the Planning Commission process. Currently city code requires the analysis of the market study to consider the proposed Menards project as a vacant building and the remaining available commercial land as vacant buildings as well. An analysis of the market study is reasonable when looking at pull factors, population growth, and existing vacant buildings. However the analysis becomes unrealistic when it considers the building Menards is proposing to build as vacant the projects outlots are vacant and all the remaining commercial land as vacant. Menards would not make the investment of over 10 million dollars if we felt there was a chance that the store would ever become vacant while it was operating. Menards is extremely careful when it comes to site selection and has not closed any of its stores due to poor performance, several older stores have been rebuilt in other locations at times but not closed. It is also unreasonable to consider all of the cities vacant commercial ground into the vacancy rate because until a retailer decides to invest in the property and put up a building it is nothing more than open space. In reality the Menards store will lower the vacancy rate in town because it will increase the total amount of occupied buildings. Over time the outlots will be sold off to users but the current economy has lowered the demand for this type of lot so it is anticipated the lots will not immediately be sold and developed.

Final plans for the South Lawrence Traffic way were recently completed and construction is expected to begin in 2014. The new SLT connection will completely change the traffic patterns of south Iowa Street and all of south Lawrence. Because the scope of the SLT project is so large it is not known exactly how traffic patterns will change. 31st Street is a designated arterial road, meaning it is designed to carry heavy traffic from one part of the city to another at higher speeds with limited access. Commercial buildings are typically placed along arterial streets because the traffic is good for business. The heavy traffic is bad for residential homes because it creates noise and lights that disturb everyday life. The Menards project will be designed to minimally impact the traffic on 31st Street and will produce fewer conflicts than residential housing would. Menards sees traffic evenly spread out throughout the day with its peak hours between 12-2 PM, this busy time is different from a traditional big box retailer that generally sees its busiest hours between 5-7 PM when people get off work and go shopping. This is very evident when the traffic counts provided on the cities GIS website show the AM peak hour traffic as 861 cars and the PM peak hour as 1,547 cars at the intersection of Ousdahl and 31st St. This high volume can be attributed to all the traffic generated by evening shoppers. It is hard to argue that a large amount of commercial traffic flows past this location every day and all of that traffic is tied to the existing south Iowa Street commercial district. Some residents had concerns with the traffic impacts on nearby Louisiana Street. After spending some time watching traffic on Louisiana Street it became apparent that the existing traffic congestion occurs when both schools are starting or finishing their day and the residents are going to or from work. During a majority of the day Louisiana Street is relatively quiet with no congestion. With Menards traffic spread evenly throughout the day and the busiest time being at a non-busy time on Louisiana Street the Menards project should have minimal impacts on Louisiana Street congestion.

MENARD, INC.

It is somewhat rare that the conversion from residential to commercial zoning is met with favoritism from a majority of neighbors and a positive recommendation from city staff but that is exactly what this project has. The proposed Menards development will ensure the commercial zoning on 31st street has a permanent end with the floodway preventing any further development. While not yet fully formed the site plan thus far has incorporated suggestions by both community residents and city staff to ensure the best possible fit within the existing neighborhood. Menards will continue to strive to develop the property into a first class shopping center and a destination within the City of Lawrence.

Sincerely,
Menard, Inc.



Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

ORDINANCE NO. 8869

RESOLUTION NO. ____

A JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF DOUGLAS COUNTY, KANSAS, AMENDING *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, "CHAPTER 6 - COMMERCIAL," BY REVISING THEREIN "LAWRENCE – EXISTING COMMERCIAL AREAS, SOUTH IOWA STREET (23RD STREET TO K-10)," AND "CHAPTER 14 - SPECIFIC PLANS," BY REVISING THEREIN THE "REVISED SOUTHERN DEVELOPMENT PLAN" TO DESIGNATE THE PROPERTY NORTH OF WEST 31ST STREET BETWEEN SOUTH IOWA STREET AND THE FLOODPLAIN AS COMMERCIAL LAND USE, BY ADOPTING AND INCORPORATING HEREIN BY REFERENCE "*HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, JUNE 2013 EDITION," AS PREPARED AND PUBLISHED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE.

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

SECTION 1. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747, governing the amendment of comprehensive plans, have been fully met regarding the consideration, approval, and adoption of the "*Horizon 2020*, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, June 2013 Edition", amending "Chapter 6 – Commercial, Lawrence - Existing Commercial Areas, South Iowa Street (23rd Street to K-10)" and "Chapter 14 - Specific Plans, Revised Southern Development Plan," of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, do hereby approve the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission as memorialized at Resolution No. PCR-13-00192, and do hereby amend "Chapter 6 – Commercial, Lawrence - Existing Commercial Areas, South Iowa Street (23rd Street to K-10)" and "Chapter 14 - Specific Plans, Revised Southern Development Plan," of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by adopting "*Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, June 2013 Edition" and by incorporating that document into *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by reference.

SECTION 3. "*Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, June 2013 Edition" as approved by Section 2, *supra*, is hereby adopted and incorporated herein by reference as if set forth in full. One copy of said "*Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County,

June 2013 Edition” shall be marked or stamped as “Official Copy as Adopted by Joint Ordinance No. 8869 and Resolution No. _____” and shall be filed, together with a copy of this joint ordinance and resolution, with the City Clerk. The City Clerk shall make the “Official Copy as Adopted by Joint Ordinance No. 8869 and Resolution No. _____” open to the public and available for inspection at all reasonable office hours. One additional copy of the “Official Copy as Adopted by Joint Ordinance No. 8869 and Resolution No. _____” shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Planning Office of the City of Lawrence, Kansas.

SECTION 4. “*Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, June 2013 Edition” adopted by this joint ordinance and resolution replaces the existing "Chapter 6 - Commercial" and "Chapter 14 - Specific Plans" of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and amendments thereto, it being the intent of the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that “*Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, June 2013 Edition” repeal and replace the same.

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

SECTION 6. This joint ordinance and resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this _____ day of June, 2013.

APPROVED:

Michael Dever
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

ADOPTED by the Board of County Commissioners of Douglas County, Kansas, this ____ day of June, 2013.

Mike Gaughan
Chair

Nancy Thellman
Commissioner

Jim Flory
Commissioner

ATTEST:

Jameson D. Shew
County Clerk

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk, one to the City Attorney, and one to the County Clerk.

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

Date: For May 20, 2013 Planning Commission Meeting

RE: CPA-13-00067: Horizon 2020 Chapter 6 and Revised Southern Development Plan and Z-13-00071: RM12 to CR: Menards

This memo addresses the various issues related to a request to revise Horizon 2020, the revised Southern Development Plan and rezone property to CR for commercial development. This memo identifies specific development actions/options the Planning Commission could take to support the request as well as provides clarification for items discussed by the Planning Commission during their regular meeting on April 22, 2013.

Staff Recommended Option if the comprehensive plan amendment and rezoning requests are recommended for approval:

Option 3c: Approve application with the following conditions:

1. Condition CR to include 200' buffer along north property line, permitting a reduction in the size of out lots on the Menards site, and designate the adjacent property to the east for future commercial development in the Revised Southern Development Plan.
2. Restrict uses to ensure compatibility.

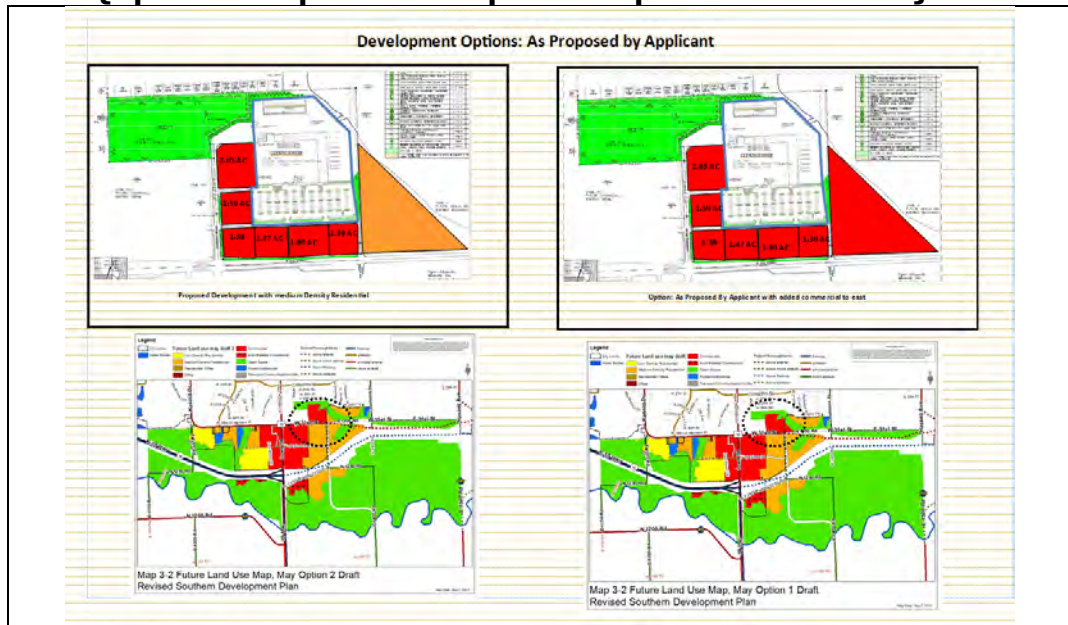
The Planning Commission may take the following actions with regard to the proposed requests:

Development Options:

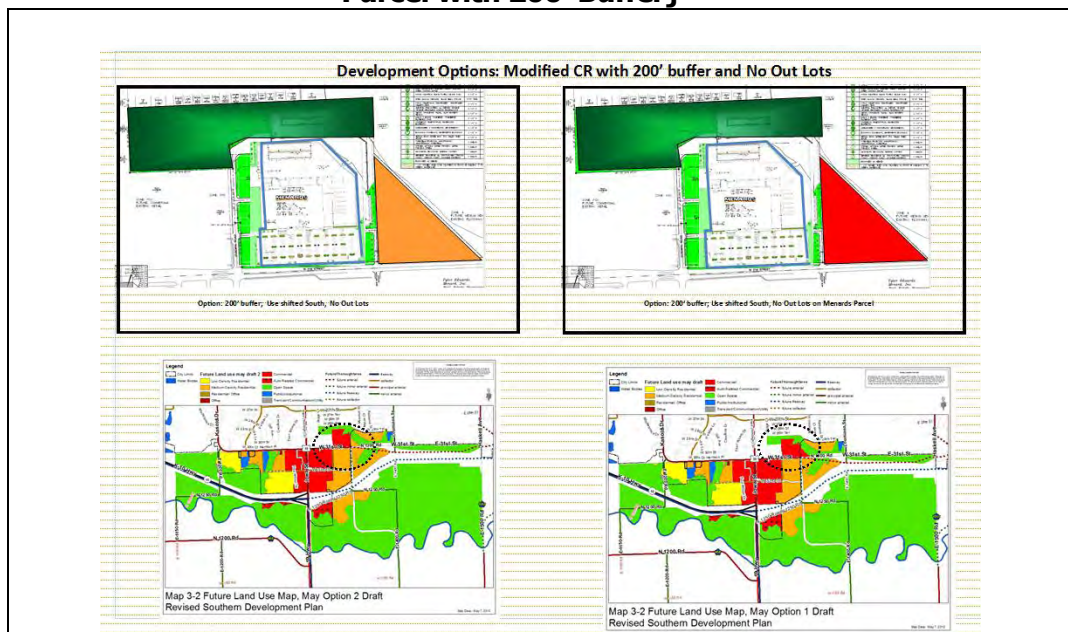
1. Deny the applications.
2. Approve applications as proposed by applicant.
3. Approve applications with conditions:
 - a. Require a 200' buffer along the north property line, limit the development to a single use big box tenant [move building and parking lot forward to frame 31st Street] and exclude out lots.
 - b. Require a 200' buffer, single use big box tenant [move building and parking lot forward to frame 31st Street], and designate adjacent property to the east for future commercial development.
 - c. Require a 200' buffer, permitting a reduction in the size of out lots on the Menards property, and designate the adjacent property to the east for future commercial development in the Revised Southern Development Plan.

The following graphics depict the Menards project as proposed both with and without the inclusion of commercial land to the east (Snodgrass property). An option for consideration is approving the proposed CR request and amending the Revised Southern Development Plan to extend the commercial area to the east property line of the Menards site and retain medium density residential land use east of the subject property. If approved, the Commission may want to consider expanding the commercial designation to the east incorporating the western portion of the Snodgrass property as shown below. The existing floodplain is designated on the Revised Southern Development Plan as open space. The floodplain/floodway would be a clear terminating feature of commercial use along the north side of W. 31st Street.

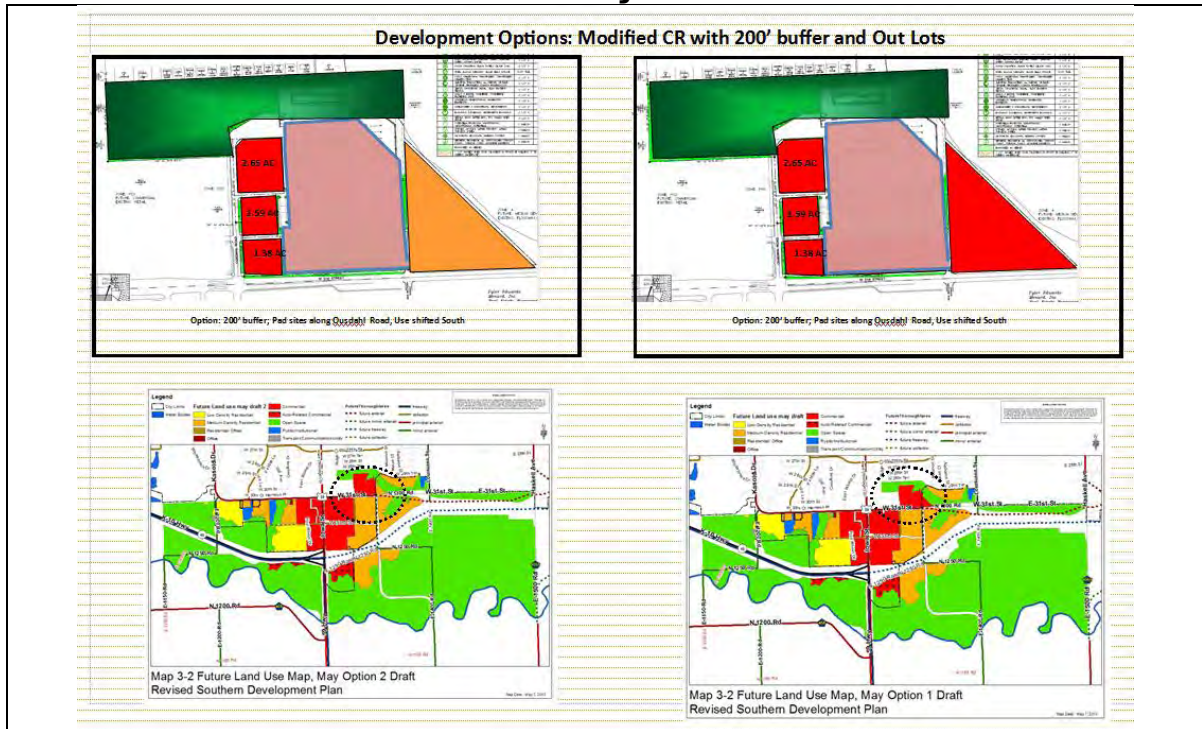
{Option 2: Proposed Development Request with Pad Sites}



{Option 3a and 3b: Proposed Development Request without Pad Sites on Menards Parcel with 200' Buffer}



{Option 3c: Proposed Development Request with Pad Sites on Menards Parcel with 200' Buffer}

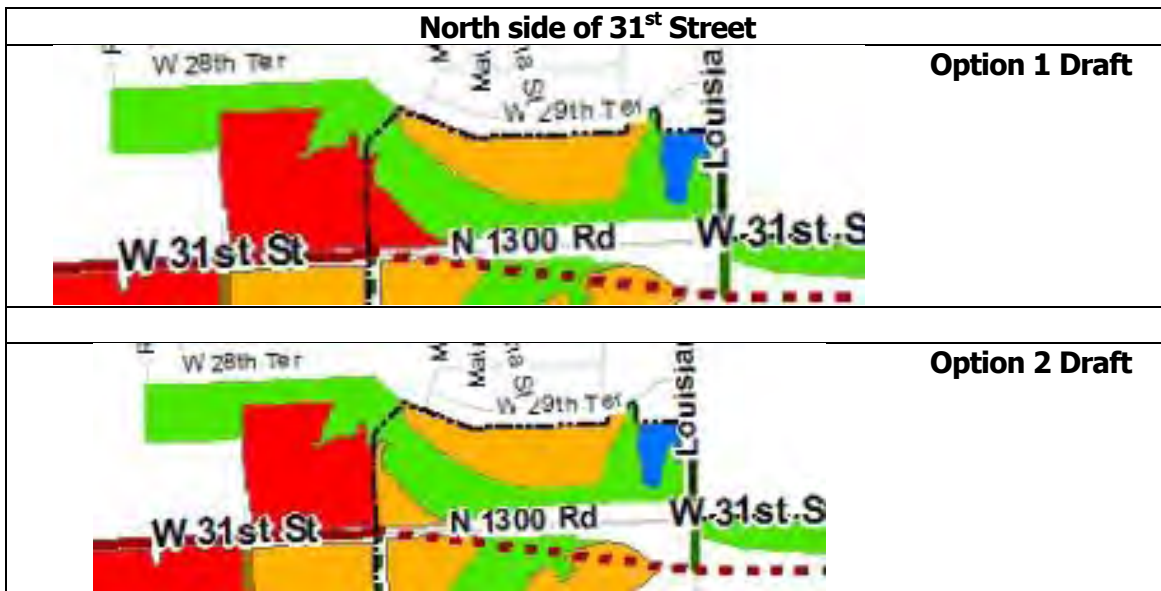


The submitted concept plan reflects an open area used for stormwater/borrow pit in the northwest portion of the site. It also reflects a 55' wide open space along the remaining north property line. There are a number of ways to provide transitions to less intensive uses, such as berms with dense landscaping, open space, fences, etc. The green space represented in the option above is intended to represent 200' along the north property line. This area abuts existing residential homes. The area also includes an open channel of a tributary to Naismith Creek that is prone to flooding. It is not within the regulatory floodplain. This green space buffer could accommodate passive uses such as stormwater management and multi-modal connection of the bicycle path between 31st Street and Naismith Park.

The remaining portion of this report provides responses and clarification to issues identified at the April PC meeting.

1. Land Use Patterns (Refer to attachments Map 3-2 Revised Southern Development Plan Option 1 Draft and Option 2 Draft)

Attached to this memo are revised land use maps for the Revised Southern Development Plan. The regulatory floodplain within the boundary of the Revised Southern Development Plan Area is a significant feature influencing land use patterns, utility extensions, and access.



a. North Side of 31st Street

The city is actively engaged in acquiring the eastern 5.6 acres of the Snodgrass property for future utility improvements. Utility improvements are typically platted and zoned GPI (General Public and Institutional) District reflecting the public nature of the land use. This known land use will preclude commercial development at the northwest corner of 31st Street and Louisiana Street. The attachments show land use along the north side of 31st Street updated with a future utility pump station located on the northwest corner of Louisiana Street and 31st Street. **(Blue Map Area)**

The area abutting the Indian Hills neighborhood continues to be reflected as medium density residential in both Option 1 and Option 2. This area is paired with a text discussion in the plan that defines the land use recommendation to not more than 8 dwelling units per acre for density and that building type should be limited to detached, duplex, triplex and rowhouses (Page 24, Revised Southern Development Plan). **(Orange Map Area)**

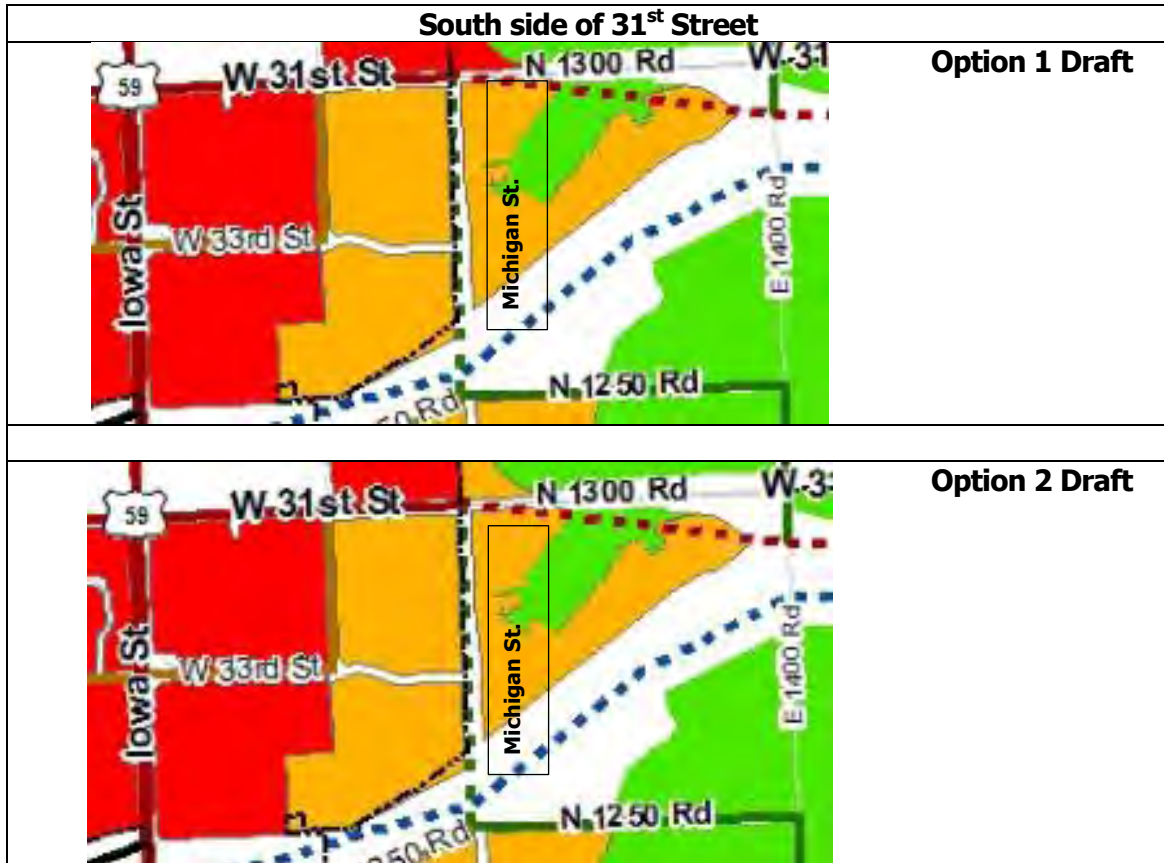
Both options of Map 3-2 show the Menards property as commercial with designated open space along the north property line. The open space shown in this plan reflects the current floodplain boundaries within the study area and recommended open spaces areas as a transitional land use between high intensity and lower intensity land uses. **(Green Map Area)**

Commercial use is shown for the Menards application as an option noted in the beginning of this memo. The two maps depict that commercial area with and without the addition of the western portion of the Snodgrass property included. **(Red Map Area)**

b. South Side of 31st Street

Residential Land Use along the south side of 31st Street east of Ousdahl Road has been set with the existing development. Commercial uses to the west are bound by Ousdahl Road. The area between Ousdahl Road and Michigan Street has been platted, site planned and constructed as a medium density residential use. The Medium Density residential designation allows residential development to be clustered along 31st street and retain a larger connected open space that is needed for stormwater and flood protections.

Development east of Michigan, south of 31st Street is not recommended to change land use in the Revised Southern Development Plan but to continue to be appropriate for medium density residential development. The residential zoning provides a greater protection to the environmentally sensitive floodplain by more rigorous regulatory requirements and by allowing clustered development to offset the wider open space areas. It would mitigate the aesthetic of commercial strip development along 31st Street.



2. Land Use transition between commercial and residential uses.

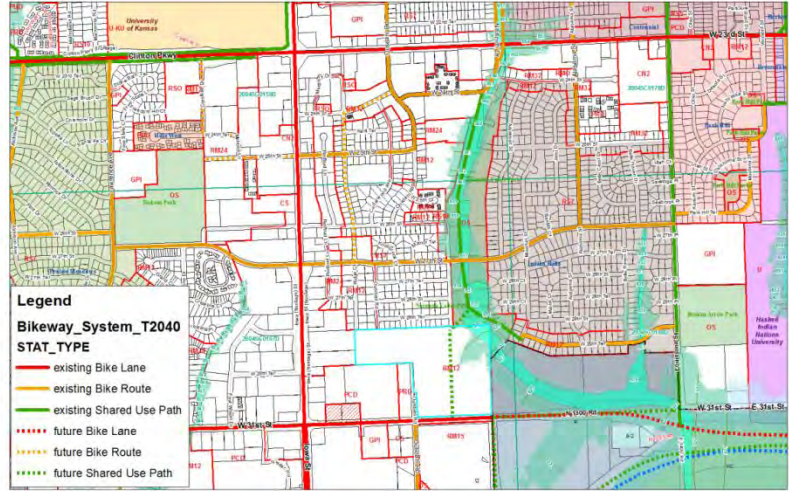
If the Commission finds that the commercial zoning for the Menards project should be supported, then appropriate transition and buffering between the proposed commercial development and the existing residential development should be applied.

a. Transition and Buffering:

Buffering can be created through the application of multiple techniques including use limitations, setbacks, distance separation, landscaping and screening or a combination of these elements. This application is unique with respect to the proximity to existing development and regulatory floodplain. An appropriately wide buffer will accommodate the needed transition between uses and will provide options to address stormwater along the north property line. Additionally, this area can be used to connect the recreation path between 31st Street and Naismith Park.

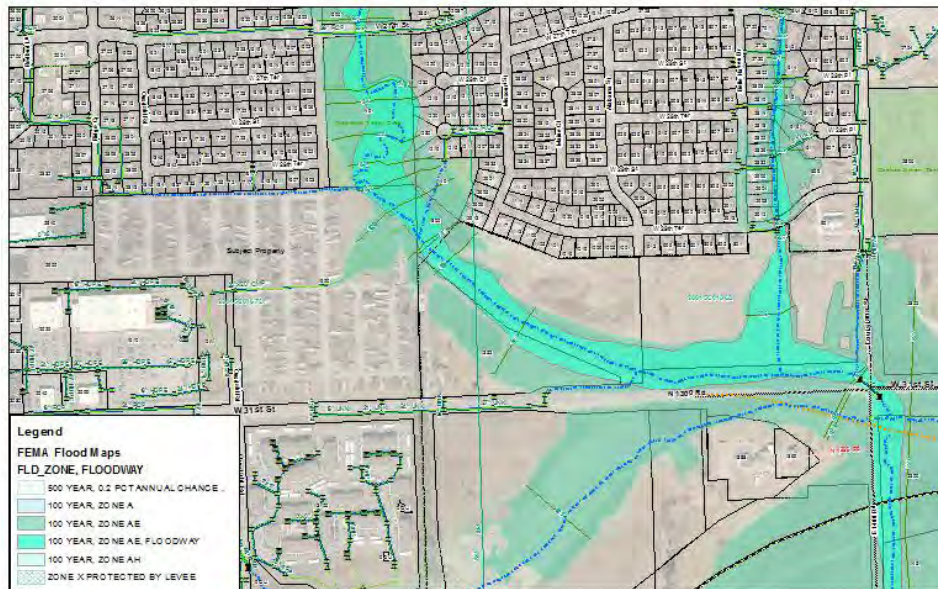
b. Bike Path Connection to be designed

The City's adopted Transportation Plan has for several years shown a future connection between 31st Street and the Naismith Recreation path. Regardless of the type of development this connection is important to the community. This bikeway along the Naismith/Michigan Corridor helps to connect the KU and Haskell campuses, provides a bikeway corridor parallel to Iowa, will help connect the KU campus and neighborhoods south of campus to the SLT pathway, and helps to build the bikeway network so cycling can become more useful for utilitarian trips. This and all the other bikeway segments shown on the MPO approved *Transportation 2040* Bikeway System Map are planned for transportation purpose first and are designed to be part of the region's multimodal transportation system.



c. Floodplain and Stormwater Requirements

This area is encumbered by regulatory floodplain of Naismith Creek. The creek flows to the south east crossing the northeast corner of the subject property and diagonally through the abutting property to the east. A tributary of Naismith Creek is located along the north property line of the subject property. This tributary is not within the regulatory floodplain. The creek depth along the north property line is not large enough to offset additional impervious surface that will result from development. The provision of a wider riparian area (in the form of a dedicated green space area) will provide an opportunity to alleviate existing and potential drainage issues in this area.



As part of the review of this proposed CR zoning request, preliminary review comments were provided to the applicant regarding the conceptual development of the property. It is important to remember that a formal development submission has not been made other than the specific zoning application. Specific comments provided to the applicant included the following from the City's Stormwater Engineer:

1. The Hydrologic & Hydraulic Study dated 2-19-2013 meets the specified requirements and is approved. This H&H Study is for the Naismith Creek floodplain determination only and applies to the zoning request. An additional drainage study will be required for the site proper, specifically the channel running along the north side of the property.
2. A Letter of Map Revision (LOMR) will need to be filed with FEMA to revise the floodplain.

The applicant has provided concept plans to staff along with very preliminary grading and stormwater information. The specific development project has not been submitted for official floodplain or site plan review at this time. Based on information contained in the concept plan staff has identified several issues with regard to floodplain regulations that are not compliant with the City's Development Code, one being that the floodplain regulations prohibit fill within the setback areas.

The setbacks for the CR district:	
Front Yard:	25'
Side Yard Setback:	0' interior when adjacent to a non-residential zone 45' when adjacent to a residential zone
Rear Yard setback:	30'

For reference, the applicant's revised plan represents a 55' setback from the north property line.

The floodplain regulations also prohibit storage of materials within the floodplain. This will have an impact on the site design that will be considered with the submission of a subdivision plat and site plan for the site. In addition, the applicant will need to submit an Hydrologic & Hydraulic study for review that shows no change in the water surface elevation.

Any development of this property, regardless of use, will be required to address drainage. If approved, and controlled by one entity, staff recommends that an Hydrologic & Hydraulic study be prepared for the combined properties of the Menards request and the western portion of the Snodgrass property so that floodplain management is considered comprehensively in this area.

The developer should be aware that in addition to local floodplain and stormwater requirements other state and federal permits are required for this property including a 404 permit from the Corps of Engineers, a fill permit from the Division of Water Resources, and a Division of Water Resources Stream Obstruction permit.

The conceptual plan includes a large area along the northwest portion of the property to be excavated for fill to raise the site above the base flood elevation and to further elevate the site closer to the existing street grade. To achieve an elevated pad site, fill, borrowed from within the

site, will result in a deep pond area that will not drain and will be subject to anaerobic activity that results in attracting mosquitos and that can be a safety hazard depending on final design.

The depth and configuration of this borrow pit area should be designed to maximize the stormwater improvements needed in the area. By making the area wider and shallower, the capacity for stormwater is increased and the overall drainage system in an area prone to flooding is improved.

3. SLT and the Surrounding Street Network (Refer to attached KDOT Map for reference)

Construction of the east leg of the SLT is expected to begin in December 2013 with completion of the project in 2016. The project includes construction of the east leg of the SLT, construction of 31st Street on an offset alignment south of the current centerline between Louisiana Street and the eastern revised alignment of Haskell Avenue.

a. Louisiana Street.

Louisiana Street will not have access to the SLT. It will be relocated to the west for the portion south of 31st Street and intersect 31st Street as a "T" intersection from the north. Louisiana Street will be stop controlled allowing traffic to flow free along 31st Street. Appropriate turn lanes will be constructed to accommodate intersection movements. Existing Louisiana Street improvements between 31st Street and the Wakarusa River will be removed. The existing ROW will be vacated and added to the adjacent wetlands. A new road segment will be constructed to connect Louisiana Street south of the river to 31st Street on an alignment of Michigan Street. This ROW will bridge over the SLT. (SLT Map reference 5.)

Louisiana Street as a bypass for regional traffic and truck traffic is not anticipated. Engineers project that traffic will be reduced over time as travel patterns normalize post SLT/31st Street construction. This should not be taken to mean that traffic will decrease on Louisiana Street.

b. Haskell Avenue

Haskell Avenue is designed as a folded diamond interchange with SLT and is intended to be desirable to heavier traffic and through traffic in the community. This intersection is designed to be preferable access over Louisiana Street. (SLT Map reference 13).

c. 31st Street

A portion of the existing 31st Street improvements will be removed. A new 31st Street will be constructed parallel to the SLT (SLT Map reference 9). Specific access points will be further evaluated as final development proposals along the 31st Street Corridor are developed and submitted. General expectations for access should be considered as the area is platted and site planned to design within these known parameters.

As the area along 31st Street builds out, Louisiana Street intersection improvements such as a traffic signal may be necessary. Traffic will be evaluated through a traffic study AFTER construction AND after traffic patterns have normalized post construction. If approved, the applicant could be required to participate in a future benefit district for specific intersections. This is accomplished through the execution of an agreement not to protest the formation of a benefit district for specific public improvements. This condition is often a standard requirement of the subdivision process.

Direct access to 31st Street is restricted along segments of the corridor per right-of-way acquisition for the SLT project and through adopted access management policies of the City. As such, access to individual parcels will be shared on common property lines or from intersecting side streets.

If the request for CR is approved, it is likely that a 9-acre parcel along the east property line would also be considered for CR zoning (west portion of the Snodgrass property). This parcel is currently accessed via an existing residential driveway to 31st Street. Land Use Development of the western portion of the Snodgrass property would presume to have shared/common access to 31st Street along the west property line or the Michigan Street alignment extended north. This may be developed as a short street extension similar to Ousdahl Road or may be constructed as a commercial driveway with access extended to either property to the east and west.



4. Uses in the CR District

The April Staff Report suggested use restrictions if approved. Certain uses associated with heavy and continuous traffic and noise are not recommended in this specific location because of the proximity to residential uses. If approved, Staff suggests uses be restricted as shown on the attached Table.

5. Retail Market Study Update

Retail Market Study: The applicant submitted a project specific retail market study in November 2012 that was reviewed, in the staff report for CPA-13-00067, against the latest available data at that time from the 2010 Retail Market Report. Staff has been in the process of updating the city wide report and the Planning Commission requested that project specific retail market analysis for Menards be updated with the new figures when the item was brought back to their May 2013 meeting. Staff has issued the 2012 Retail Market Report¹ and the following serves as an update to the information presented in the CPA-13-00067 staff report, using the 2012 Retail Market Report figures as a base. The market study includes this analysis for the addition of a Home Improvement Store (189,988 sf) to be located in Phase I of the development. The report also indicates that an additional 65,350 sf will be built as part of Phase II, for a total of 255,328 sf.

Horizon 2020, Policy 3.13 (b) states that, "The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the

¹ http://www.lawrenceks.org/assets/agendas/cc/2013/05-14-13/cm_report_retail_market_study.pdf

community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate greater than eight percent.” The Development Code uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent citywide market study (2012) figured the city-wide vacancy rate at 7.2%. The addition of this project to those figures show that, when completed and entirely vacant, the construction of the 189,988 sf home improvement store will push the city-wide vacancy rate to 9.1%. If the total square footage for both Phase I and II were constructed (255,328), and vacant, the city-wide vacancy rate would rise to 9.7%. If Phase I were considered occupied, but Phase II were considered vacant, the city-wide vacancy rate would be 7.7%. Staff conducted additional analysis to take into consideration other commercial projects that have received approvals, but have not been constructed to date. The below table illustrates the impact that other projects that have been approved will have on the overall vacancy rate:

	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet	City-wide Vacancy Rate
Total Current Retail Inventory	9,105,151	8,451,929	653,222	7.2%
Gateway - NW Corner 6 th & K-10 Node	155,000	0	155,000	
Mercato - NE Corner 6 th & K-10 Node	359,640	0	359,640	
Fairfield Farms	200,000	0	200,000	
North Mass	215,000	0	217,337	
31 st & Ousdahl – Phase I (Mendards)	189,988	0	189,988	
31 st & Ousdahl – Phase II	65,340	0	65,340	
Total	10,290,119	8,451,929	1,840,527	17.9%

If all commercial space that has been approved were to be constructed and assumed vacant, the city-wide vacancy rate would rise to 17.9%.

Demand factors, such as income, employment and population were also updated with the completion of the 2012 Retail Market Report. From 2006-2011, population increased an average of .8% annually. However, during that same time period retail sales tax collections had an average annual decrease of 1.1% and per capita income had an average annual decrease of .9%, adjusting all dollar figures for inflation. On the supply side of the market, retail stock has shown an average annual increase of 4.3% from 2006-2012. What is important to take away from the above number is that demand has not kept pace with supply as shown by the limited income, population, and retail sales growth.

With the 2012 retail Market Report, in Lawrence there are approximately 97 sf of retail space per capita in 2012. With the addition of this project’s square footage to the market, there would be approximately 100 sf of retail space per capita. In Section 20-1107 (c)(3)(iv) of the Land Development Code, a maximum threshold of 100 square feet per resident is

established to help maintain market health. However, this analysis does not take into consideration any of the other approved commercial development. The addition of Mercato, Fairfield Farms, north side of 6th and the K-10, and the remainder of the Bauer Farm development that is approved, but not constructed, would result in a ratio of 110 retail square feet per capita.

The staff report presented at the April 2013 Planning Commission meeting included analysis on pull factors. That analysis showed that as of December 2012, the pull factor for Lawrence was 1.07. Those numbers were the most updated figures. The original staff report, using the 2010 Retail Market Report Data showed that if Phase I and II were constructed and entirely vacant upon completion, the city wide vacancy rate would rise to 9.7%. Using the updated 2012 Retail Market Report, the above analysis shows that the city wide vacancy rate would be 9.6% under the same circumstances. These updated numbers show little change to the original retail market analysis included in the CPA-13-00067 staff report.

6. Public testimony:

The hearing process has produced testimony from the public that is mixed. Some in the adjacent and nearby neighborhoods support the proposal as a preferred alternative to the potential for student-based housing and others prefer to maintain the potential for residential uses at the subject property. Members of the Indian Hills neighborhood have expressed concern for maintaining the floodplain/floodway crossing the Snodgrass property as a hard boundary if commercial uses are permitted as requested. This memo attempts to demonstrate that commercial uses east of the floodplain would be challenging for several technical reasons, as well as reasons associated with planning for compatible land uses south of the neighborhood.

CONCLUSION:

The Revised Southern Development Plan reflects compatible land uses; however, it may not be the only reasonable pattern given considerations exposed during the hearing process for this request. Items of note since the plan was adopted include:

1. The SLT is planned for construction, affecting the local street network within the planning area.
2. Approval of a student-based residential development on the subject site has left some in the surrounding neighborhoods considering whether commercial development with a transition buffer would be as, or more, compatible with the residences to the north.
3. The city has approved other areas for commercial use, but accommodating big box development remains limited to the market.

If the Planning Commission determines that the request should be supported, staff recommends that a 200' buffer be required along the north portion of the site, but that Menards have the ability to establish out lots on the remainder of the property. In relation to this, staff recommends that the west portion of the Snodgrass property be designated for commercial uses. Staff recommends that the other areas of the Revised Southern Development Plan be maintained as originally adopted.

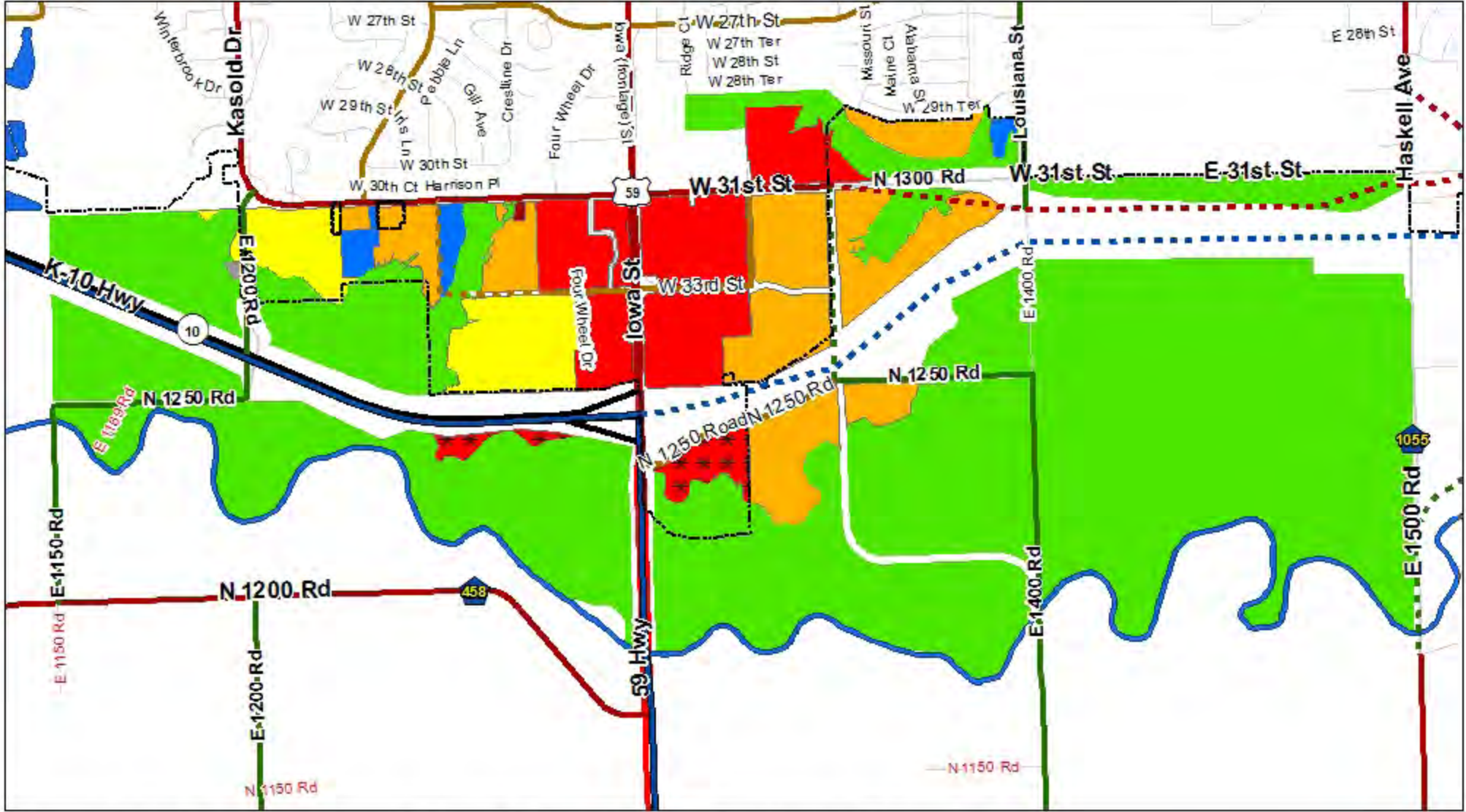
The Planning Commission could find the following if the majority consensus is to support the request:

1. The subject site provides a reasonable alternative to accommodate a large retail use at a time when there is limited opportunity to locate such a use in the city.
2. Public testimony has demonstrated that the request is generally viewed as acceptable if certain conditions are placed on the request.
3. Modifying the adjacent property to the east for future commercial uses maintains a compatible pattern of land use and transportation relationships within the Revised Southern Development Plan.

Legend

City Limits	Future Land use may draft	Commercial	Future Thoroughfares	freeway
Water Bodies	Low-Density Residential	Auto-Related Commercial	future arterial	collector
Medium-Density Residential	Open Space	Open Space	future minor arterial	principal arterial
Residential/ Office	Public/Institutional	Public/Institutional	future freeway	minor arterial
Office	Transport/Communication/Utility	Transport/Communication/Utility	future collector	

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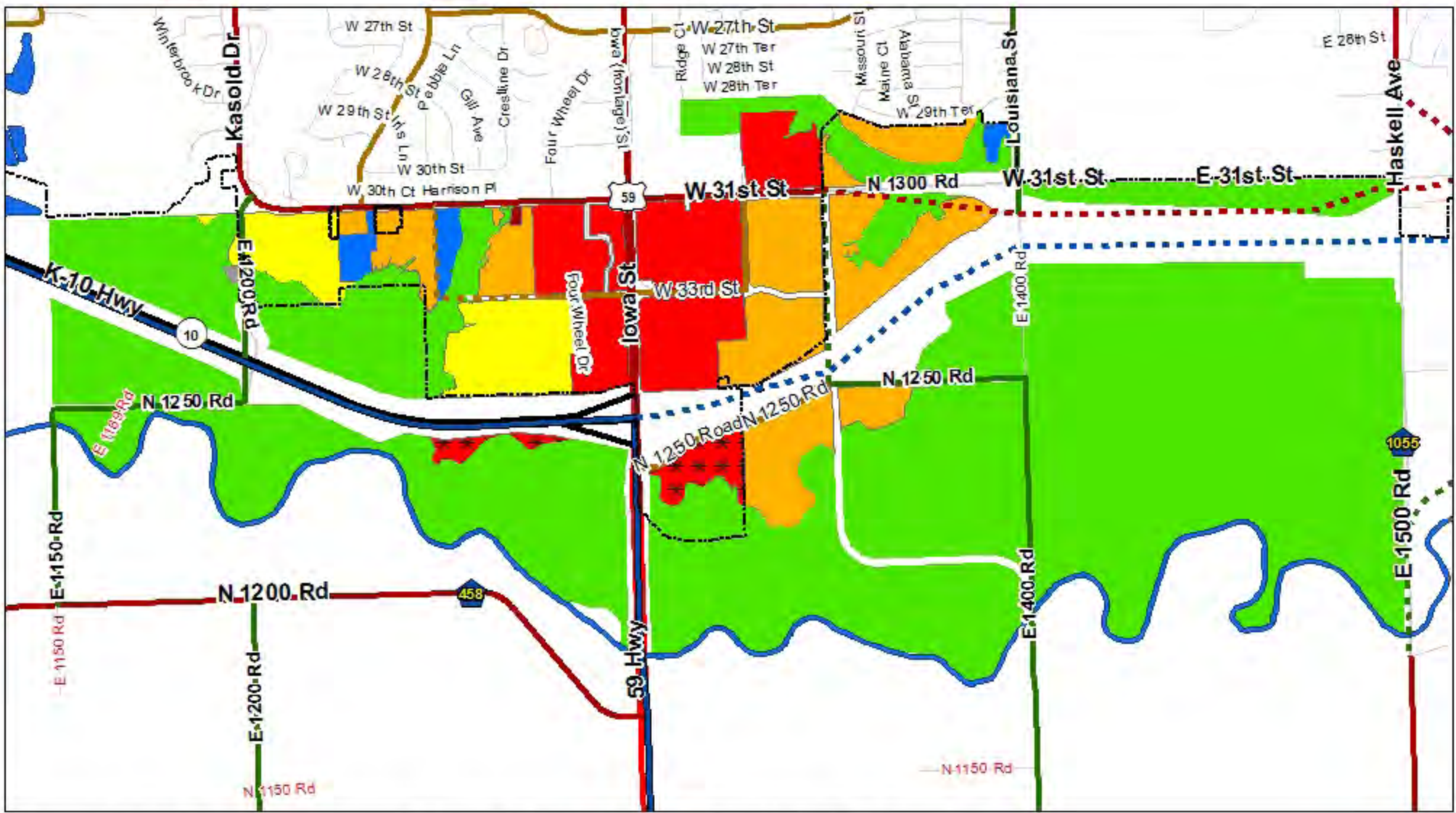


Map 3-2 Future Land Use Map, May Option 1 Draft
 Revised Southern Development Plan

Legend

- City Limits
- Water Bodies
- Future Land use may draft 2
 - Low-Density Residential
 - Medium-Density Residential
 - Residential/ Office
 - Office
 - Commercial
 - Auto-Related Commercial
 - Open Space
 - Public/Institutional
 - Transport/Communication/Utility
- FutureThoroughfares
 - future arterial
 - future minor arterial
 - future freeway
 - future collector
 - freeway
 - collector
 - principal arterial
 - minor arterial

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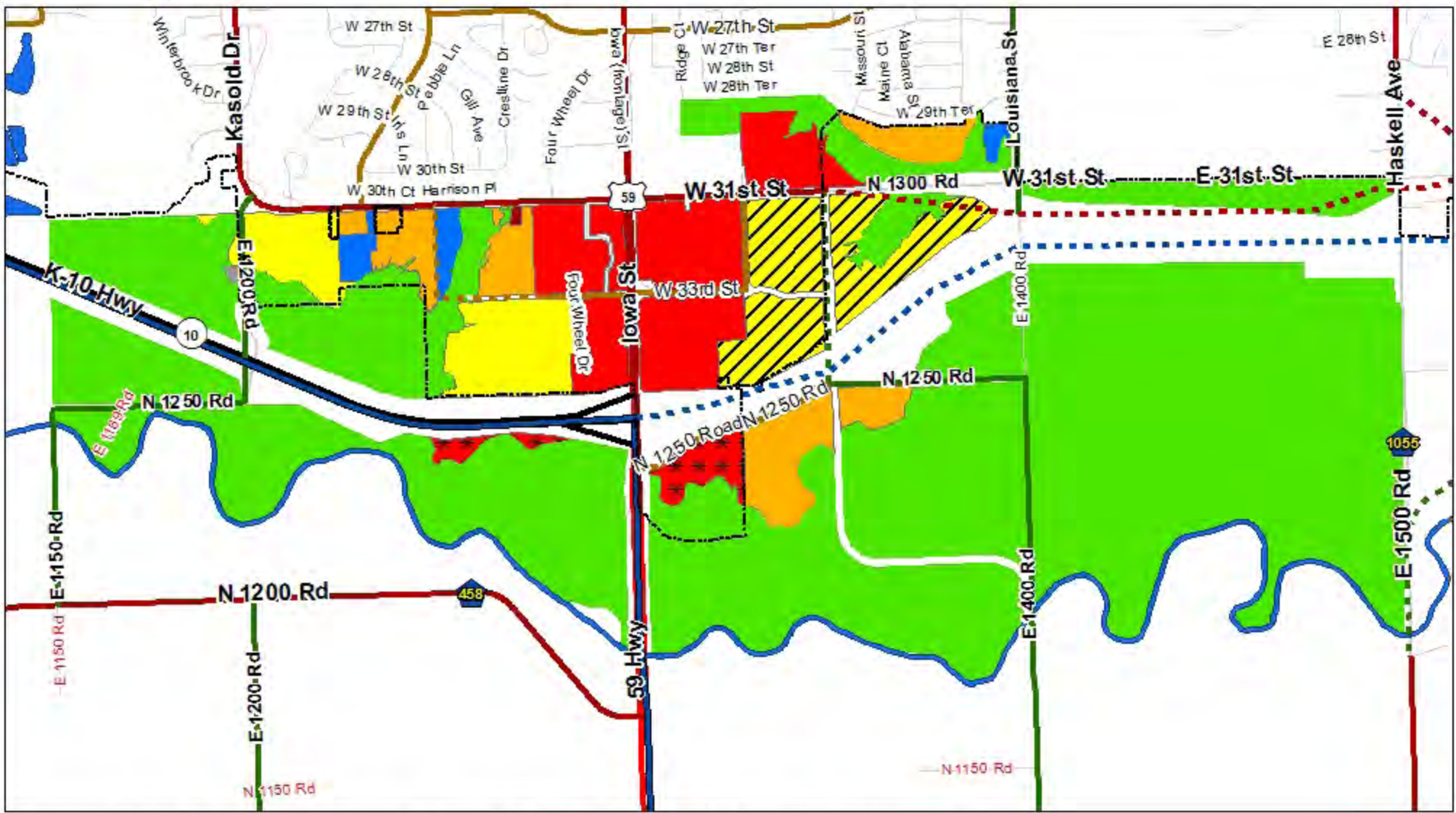


Map 3-2 Future Land Use Map, May Option 2 Draft Revised Southern Development Plan

Legend

- | | | | | |
|--------------|--------------------------------------|---------------------------------|-----------------------------|--------------------|
| City Limits | Future Land use may draft tnd | Commercial | Future Thoroughfares | freeway |
| Water Bodies | Low-Density Residential | Auto-Related Commercial | future arterial | collector |
| | Medium-Density Residential | Open Space | future minor arterial | principal arterial |
| | Residential/ Office | Public/Institutional | future freeway | minor arterial |
| | Office | Transport/Communication/Utility | future collector | |
| | TND | | | |

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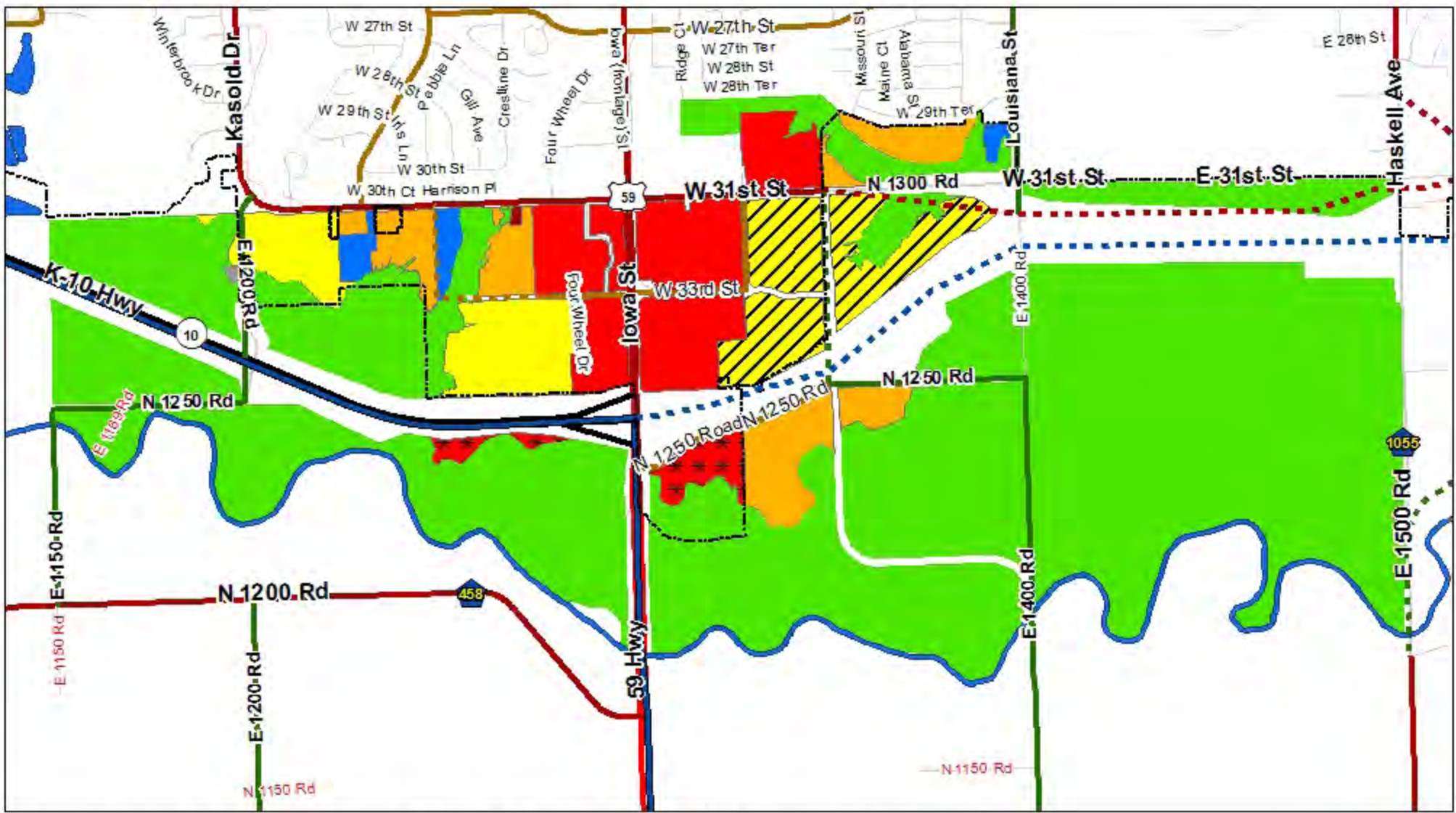


Map 3-2 Future Land Use Map, TND May Option 1 Draft Revised Southern Development Plan

Legend

- | | | | | |
|--------------|--|---------------------------------|-----------------------------|--------------------|
| City Limits | Future Land use may draft tnd 2 | Commercial | Future Thoroughfares | freeway |
| Water Bodies | Low-Density Residential | Auto-Related Commercial | future arterial | collector |
| | Medium-Density Residential | Open Space | future minor arterial | principal arterial |
| | Residential/ Office | Public/Institutional | future freeway | minor arterial |
| | Office | Transport/Communication/Utility | future collector | |
| | TND | | | |

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Map 3-2 Future Land Use Map, TND May Option 2 Draft Revised Southern Development Plan

Lawrence-Douglas County Metropolitan Planning Commission

ATTN: Bruce Liese, Chair

City Hall, 6 East 6th Street

Lawrence, KS 66044

Re: CPA-13-00067: Horizon 2020, Chapter 6 and Revised Southern Development Plan

Z-13-00071: RM12 to CR: Menards

Dear Commissioners,

Over the last few years, we made the decision that we would stay in our property until such time that we were no longer physically capable of doing so. However, over the last several months, things began to change. It looks like the extension of the South Lawrence Trafficway is to become a reality. Concerned for the road alignment changes and the impact on traffic around our property, we sought out KDOT, the City, and the County to discuss our concerns. We were then approached by the City regarding the purchase of the eastern end of our property at 31st and Louisiana. Shortly thereafter, we were made aware of the pending Menard's project.

Each proposed change has made us re-evaluate our thoughts regarding the ability to stay in our home. Given what is happening around us, it is only prudent for us to become pro-active in what our land might look like going forward. We also believe the happenings present a good opportunity to put to rest many lingering questions about all undeveloped land between Home Depot and Louisiana Street, on the north side of 31st Street. It only makes sense to plan this entire area at the same time, instead of in piecemeal fashion. Doing so allows the entire area's land uses to be identified, as well as access points. To that end, we have enclosed a conceptual plan for our entire property for your review. We ask that you take it into consideration, along with the following comments, as you review H2020, the Southern Development Plan, and the Menard's project proposal.

- We are in general support of the zoning change for Menard's.
- We ask that the changes to H2020 and the Southern Development Plans reflect the uses shown in our conceptual plan. We believe it creates a clear termination to any future 31st Street commercial development; preserves the Naismith Creek and Belle Haven Tributary floodways through Open Space zoning; and provides an extension of the Naismith Valley Park and its shared-use bike path.

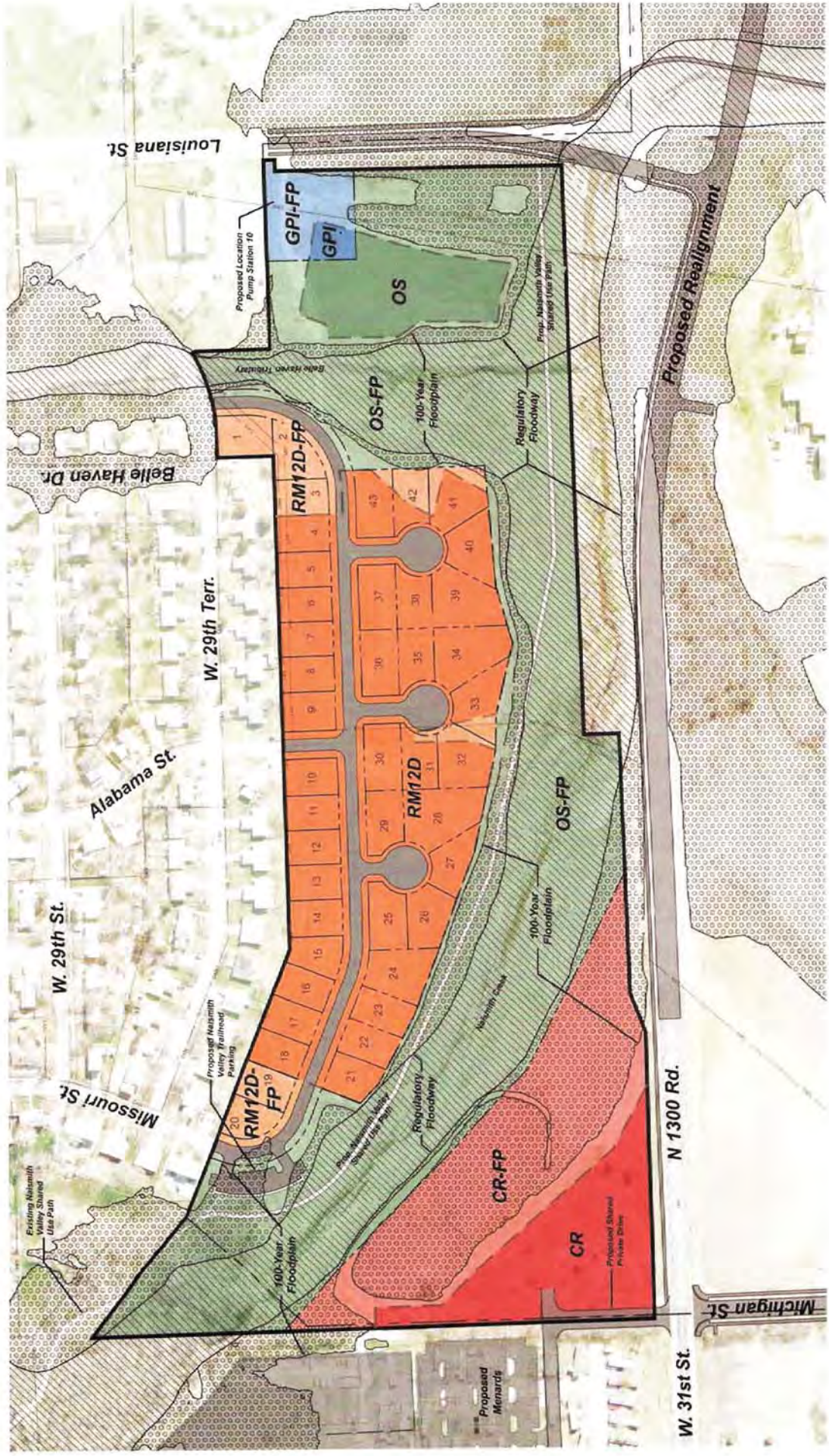
- We believe this is a perfect opportunity to control access onto the remainder of 31st Street east to Louisiana Street. As such, we request that the zoning change requested by Menard's be conditioned upon access points as determined by the City on the final plat. This requirement will allow the City to make sure that curb cuts onto 31st Street are minimized and adequately serve the remainder of the property east to Louisiana. It is our belief (expressed by us to the City, County, and KDOT over the last 6 months) that a lighted intersection will ultimately be needed at the intersection of the re-aligned Louisiana (to be named Michigan Street). Eliminating the current eastern access into the Menard's property, and moving that eastern access to align with the new Michigan Street, allows the entire length of undeveloped property east to Louisiana to be serviced with that one curb cut. Failure to do so will create the need for more curb cuts along 31st and will only serve to hamper travel on 31st Street.

In closing, we understand time changes things. We also understand with change comes opportunity. With the many changes going on, we see an opportunity to work out a plan for a large area of ground in a way that puts to rest many unanswered questions, resulting in a well-planned future. Please let us know if you have any questions.

Sincerely,



Bruce Snodgrass and family



LAND USE SUMMARY: TOTAL SUBJECT SITE AREA: 47.96 AC.

Color	Category	Area (AC)
Green	TOTAL AREA 29.96 AC	29.96
Orange	TOTAL AREA 18.00 AC	18.00
Red	TOTAL AREA 0.00 AC	0.00
Blue	TOTAL AREA 0.00 AC	0.00

PROPOSED

Color	Category	Area (AC)
Green	TOTAL AREA 29.96 AC	29.96
Orange	TOTAL AREA 18.00 AC	18.00
Red	TOTAL AREA 0.00 AC	0.00
Blue	TOTAL AREA 0.00 AC	0.00

EXISTING

Color	Category	Area (AC)
Green	TOTAL AREA 29.96 AC	29.96
Orange	TOTAL AREA 18.00 AC	18.00
Red	TOTAL AREA 0.00 AC	0.00
Blue	TOTAL AREA 0.00 AC	0.00

**SNODGRASS PROPERTY
CONCEPT PLAN**
MAY 7, 2013



LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED
MAY 20 2013
City County Planning Office
Lawrence, Kansas

May 19, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

RE: ITEMS 4 AND 5: CPA-13-00067: HORIZON 20202 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN AND Z-13-00071: RM12 TO CR: MENARDS

Our previous letter on this issue sent to you in April urged the Planning Commission (PC) to deny changing the Revised Southern Development Plan and to deny the Menards' request for rezoning. We reiterate our position here.

Our reasons, summarized, are as follows:

- a. This rezoning would be contrary to the Comprehensive Plan (CP). It would not be in the proper area. In addition, the amount requested would exceed the amount allotted to the area as a Regional Commercial designation.
- b. Rezoning to commercial here would create a detrimental effect on the adjacent land in two directions: to the east because of the natural configuration of the land and the lack of barriers to prevent continuation of commercial zoning to Louisiana Street; and to the north because of the lack of any buffer to the existing residential uses. It also could have a detrimental effect on the land on the south side of 31st Street.
- c. The CR District (Regional Commercial) is too inclusive and is inappropriate for this location. The district will have to be conditioned, but CR is a conventional district and was not intended to be conditioned.
- d. Only a portion will be used for the Menards store. The remainder will be speculative zoning. It would be better to limit the area only to that needed by the Menards store. This would allow buffering on the north. On the east a substantial buffer would prevent continuation of the commercial zoning and also make the area to the east more attractive for residential use.
- e. Please remember that the Menards store could have sought land within other available vacant commercially zoned properties, but they preferred their current choice because of the presence of supporting commercial uses. Because of this, we question whether the additional speculative commercial land is really needed by them for supporting uses.
- f. Also, the fact that only a portion of the subject property has been configured to include the Menards store and needed parking creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists, and because it is surrounded by residential uses on two sides and potentially a third, makes the potential negative impact even more serious. This is in spite of the proposal to condition the zoning. **This leads to the question of why, if the CR zoning is to be allowed, not place it within a PC Overlay District?**

- Co-President*
David Burress
- Co-President*
Cille King
- President-Elect*
Cille King
- Vice President*
marci francisco
- Secretary*
Caleb Morse
- Treasurer*
Marjorie Cole
- Directors*
Margaret Arnold
- Caroljean Brune
- Scott Criqui
- James Dunn
- Ruth Gibbs
- Midge Grinstead
- Marlene Merrill

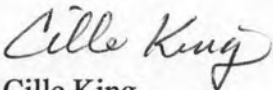
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Page 2

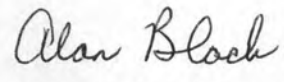
Summary:

1. We oppose changing the Comprehensive Plan (CP) to allow the rezoning for the Menards store and additional speculative zoning, and especially, we oppose rezoning the property to the CR District (Regional Commercial).
2. Therefore, if the CP is to be changed, and a portion of the property is to be rezoned to allow the Menards store, we suggest the following:
 - a. Reduce the area to be rezoned to that which will accommodate only the Menards store and parking.
Create a 200-foot, or wider, natural buffer on the north. On the east create a similar additional natural buffer. This would alleviate the negative impact of the additional commercial zoning for Menards and allow that vacant portion of land (the triangle) to the east of Menards to remain available for residential use.
 - b. To guarantee that the Menards property will be properly conditioned, place any commercial zoning district allotted to Menards within a Planned Development Overlay District, and then provide appropriate conditioning.
 - c. Seek another less inclusive and more commercially appropriate district to rezone the Menards property.
If necessary, change one of the other CC districts so that it would be appropriate for a Menards commercial district rather than choosing the CR District.

Thank you for considering our letter.

Sincerely yours,


Cille King
Co-President


Alan Black, Chairman
Land Use Committee

Kirk McClure, Ph.D.
707 Tennessee Street
Lawrence, KS 66044
mcclurefamily@sbcglobal.net

May 16, 2013

Amalia Graham
amalia.graham@gmail.com

Richard Hird
rhird@pihhlawyers.com

Charles Blaser
cblaser@sunflower.com

Pennie von Achen
squampva@aol.com

Jon Josserand
jonjosserand@gmail.com

Clay Britton
clay.britton@yahoo.com

Lara Adams Burger
laraplancomm@sunflower.com

Chad Lamer
chadlamer@gmail.com

Bryan Culver (Vice-Chair)
bculver@bankingunusual.com

Bruce Liese (Chair)
bruce@kansascitysailing.com

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting May 20, 2013
ITEM NO. 3 2012 RETAIL MARKET STUDY (AAM)
ITEM NO. 4 HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)
ITEM NO. 5 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

As I indicated to you in my letter of April 18, 2012, the proposal to expand the South Iowa Street commercial corridor east along West 31st Street is an example of predatory development which is not beneficial to our community. The recently released 2012 Retail Market Study lends support to this conclusion.

Comparing the Growth of Demand for and the Supply of Retail Space

The 2012 Retail Market Report by the Planning & Development Services staff provides more than ample evidence that Lawrence has not pursued a healthy pace of growth in the supply of retail space.

The growth of retail spending is a good measure of the growth in demand for retail space. The report makes clear that the inflation adjusted growth in retail sales (Table 3-2) grew by 0.93 percent per year

from 1995 through 2005, the boom years. The sales declined by 0.34 percent per year from 2005 through 2012, the bust years. The net growth was 0.40 percent per year.

The supply of retail space grew by various rates over the years. The report does not provide a consistent series of retail space from 1995 through 2012, but Table 2-3 indicates that the pace of growth of retail space has been about 4.4 percent per year.

With a retail stock of 4 million square feet, the growth in demand would suggest that the stock should have grown by about 20,000 square feet per year. Unfortunately, the growth of supply was on the order of 170,000 square feet per year.

When supply grows at a pace much faster than the underlying demand for that space, investment in older space declines. Older downtowns suffer. Had the community exercised foresight in the pace of retail space, it would be confronting fewer problems with the decline and blight found in its older shopping districts. Rather than negotiating subsidies with developers (as it has many times in the past), the City could be negotiating exactions from the developers in exchange for the capacity to build.

Menard's

Menard's seeks to expand our existing shopping district rather than development within the space already provided. The Retail Market Study makes it clear that more than sufficient space exists in the market for a development of this type.

As I indicated in my prior letter, there is insufficient demand for a second home improvement center in Lawrence, thus there is no argument for making an exception for Menard's. Adding more space will not add to the level of retail spending or retail jobs or the tax base of retail buildings. Specifically, making an exception for Menard's will not fill a need that exists in our community.

Recommendation

The retail development industry is prone to overbuilding, as we have seen in Lawrence. The Planning Commission should learn from the Retail Market Study that the market has surplus space and that the market should not be expanded further at this time.

The community cannot support a second home improvement center. The Planning Commission should recognize the proposal as predatory development in an already bloated market and deny the Menard's proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/22/13

ITEM NO. 3: HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

CPA-13-00067: Consider Comprehensive Plan Amendment, CPA-13-00067, to *Horizon 2020* Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, *Revised Southern Development Plan*, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menards, Inc.

STAFF RECOMMENDATION: Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the *Revised Southern Development Plan*, to change the designated land use from medium-density residential to commercial for the property located at 1900 W. 31st Street and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

KEY POINTS

1. The S. Iowa Street corridor is classified as an existing Regional Commercial Center with the intersection of S. Iowa and W. 31st Streets being a commercial node.
2. This is a request to accommodate a Menards home improvement store, as well as additional commercial retail space, at the northeast corner of W. 31st St. and Ousdahl Rd.
2. The S. Iowa Regional Commercial Center limits the amount of retail to 1.5 million square feet. The center currently contains 1,996,450 square feet and this request would add 255,328 retail square feet in an area outside the designated commercial center, bringing the total for the center to 2,251,778 square feet (2.25 million sf) of retail.
3. This area, since the 1970's and through multiple planning efforts, has been identified for residential development including the most recent *Revised Southern Development Plan*.
4. Policy 3.11(K) in Chapter 6 of *Horizon 2020* states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses. The proposal would expand into a lower-intensity area along an arterial street.
5. Policy 3.1(B) in Chapter 6 of *Horizon 2020* states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".
6. The submitted market study does not support increasing the amount of commercial use available in this center when other approved locations are taken into account.
7. There are limited commercial areas to accommodate a Menards store in the city. W. 6th and SLT is one location and there is the potential to extend the Regional Commercial Center south of the S. Iowa and SLT interchange to maintain commercial uses along the S. Iowa Street corridor while taking advantage of the planned S. Iowa St. and SLT interchange. Menards has stated that these locations do not meet their needs at this time.

PROJECT SUMMARY

This comprehensive plan amendment (CPA) was requested by Menards, Inc. in order to develop the former Gas Light Village mobile home park located at the northeast corner of W. 31st St. and Ousdahl Rd. commercial development. Currently Chapter 6 of *Horizon 2020* states, "Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor." The *Revised Southern Development Plan* which is incorporated by reference into Chapter 14 – Specific Plans, identifies this property as medium-density residential uses.

STAFF REVIEW

S. Iowa Street corridor is classified as an existing Regional Commercial Center. A Regional Commercial Center attracts and serves a population greater than and beyond that of the community. Within the Regional Commercial Center, nodal development occurs. The S. Iowa Regional Commercial Center is an existing strip commercial development between 23rd Street and K-10 with nodal development specifically centering around the intersection of W. 31st and S. Iowa Streets. Nodal development requires the clear termination of commercial development within near proximity of an intersection.

Area History:

The S. Iowa Street Regional Commercial Center has had a long history of a large amount of commercial space that generally fronts S. Iowa Street, with a small amount of commercial use expanding west and east along W. 31st Street. The applicant is requesting extension of the S. Iowa and W. 31st Street node beyond its current boundaries to the east along W. 31st St. The argument was made that W. 6th, 23rd and Iowa Streets have similar commercial development and similar traffic counts as the area of S. Iowa and W. 31st Streets and should be developed with a similar strip commercial pattern. It was stated that the property east of the Home Depot site would be an island of residential before the undevelopable floodplain further east on W. 31st Street making the property suitable for commercial development. Long-range documents have made a point to discontinue strip commercial development along street corridors that are not already stripped out, in favor of nodal development.

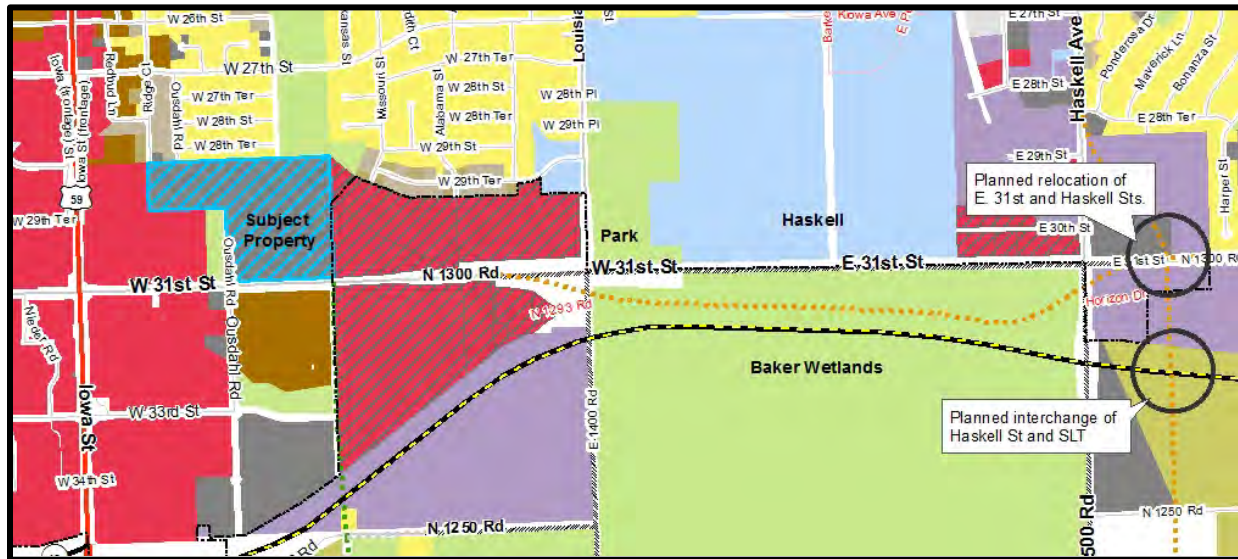
Below is a timeline summary of planning and zoning recommendations and actions over the past 20+ years regarding this commercial center. The history reflects continuous support for limiting the commercial node from expanding along W. 31st Street. The current commercial uses at the intersection of W. 31st and S. Iowa are considered nodal development and is approximately .3 miles west and east of S. Iowa St., along W. 31st Street.

- *Plan '95* – Approved in 1977. The plan identifies minimal commercial development on the northeast corner of the intersection of S. Iowa and W. 31st Streets and then step-down of residential to the east. Policy 13 for Commercial Land Use states that strip commercial shall be avoided.
- *South Lawrence Trafficway Corridor Land Use Plan* – Approved July 1989. The proposed land use map limits commercial development to the S. Iowa Street corridor.

- *Southern Development Plan* – Approved January 1994. Commercial land uses were restricted to the corner of W. 31st and S. Iowa Streets with areas east along W. 31st Street identified for Planned Residential Development.
- *City Commission Resolution 5606* – Approved March 1994. The resolution stated the City Commission endorsed the *Southern Development Plan* Land Use Policies and endorsed the Conceptual Land Use Map with the following amendment: “that no more than 25 acres of the land be used for commercial development in the area identified as PUD, that this commercial development be contiguous, be located as a commercial node at the SLT, and appropriately consider the existing mobile home park located south of 33rd Street.” (The JC Penney/Cinema development was approved after adoption of the plan and contains approximately 22 acres.) The northeast corner of S. Iowa and W. 31st Street remained identified for Planned Residential Development.
- *Horizon 2020* – Approved May 1998. Chapter 6 – Commercial Land Use is built around the concept of nodal development. It states that nodal development is the antithesis of strip development and that nodal development concept requires the clear termination of commercial development within near proximity of an intersection. Discussion of the center as it exists today states that “Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.”
- *Home Depot Proposed Zoning Change* - Denied August 2000. Requested to rezone entire trailer park to commercial. The proposal was denied based on *Horizon 2020* and *Southern Development Plan* – commercial development should not be extended east/west along W. 31st Street.
- *Home Depot Proposed Zoning Change (smaller area)* – Modified version approved December 2001. The original request for 24 acres was approved with a reduction in commercial area and Tract A rezoned to PRD with a restriction that the property be only used for open space & right-of-way to specifically provide a boundary for the eastern limits of the commercial zoning along W. 31st Street.
- *Revised Southern Development Plan* – Approved January 2008. The planning area for the *Revised Southern Development Plan* was expanded to include property along the W. 31st Street corridor to allow the consideration of future transportation issues. The plan identifies the north side of W. 31st Street between Ousdahl Road & Louisiana Street as appropriate for medium-density residential development.
- *Aspen Heights Development* – Medium-density residential development approved for this site in 2012 but subsequently abandoned by the developer.

Horizon 2020:

Horizon 2020 states that a nodal development concept requires a clear termination of commercial development and has policies regarding the discontinuation of strip type commercial (Policy 3.1(B)). In 2001, when the Home Depot project was approved, the City Commission provided for that clear edge of the S. Iowa and W. 31st Street commercial node by zoning a tract at the edge of the development for open space and right-of-way for a transition to the residential to the east. If the subject property is changed to be the new edge of the node, a precedent may be set for requests for the continuation of commercial development east along W. 31st Street to Haskell Street where a new interchange is planned for the SLT. This would create strip commercial development similar to W. 6th and 23rd Streets. Below is a map showing the vacant properties which could potentially become a part of a strip commercial development pattern if requested and approved. The subject property is shown in blue stripe and the vacant or potentially redevelopable property is shown in pink and gray stripe.



The S. Iowa Street corridor is designated as a Regional Commercial Center. Policy 3.11 in Chapter 6 identifies criteria for Regional Commercial Centers. Policy 3.11(C)(3) limits these centers to a maximum of 1.5 million gross square feet of commercial space. Currently the center has 1,996,450 square feet and the addition of this property to the center would continue to be inconsistent with this policy, though intensification of the corridor itself is not necessarily negative given that S. Iowa is an existing strip commercial corridor. Policy 3.11(K) states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses. The proposal would not be consistent with this policy.

Retail Market Study:

The applicant has submitted a project specific retail market study as required by Section 20-1107 of the Land Development Code and Chapter 6, Commercial Land Use of *Horizon 2020*, specifically Policy 3.13. That market study includes all of the required information, including analysis based on vacancy rates, income trends, population trends, mix of businesses, etc. The market study includes this analysis for the addition of a Home Improvement Store (189,988 sf) to be located in Phase I of the development. The report also indicates that an additional 65,350 sf will be built as part of Phase II, for a total of 255,328 sf.

Policy 3.13 in *Horizon 2020* requires a project specific retail market study for projects that would create 150,000 square feet or more of commercial space. Section 20-1107 of the *Land Development Code* applies to zoning or site plan applications that could create 50,000 square feet of retail space. Staff is reviewing the market study based on the *Land Development Code*, in addition to the criteria in *Horizon 2020* and because the criteria in the *Land Development Code* is the most recently adopted set of criteria.

Horizon 2020, Policy 3.13 (b) states that, "The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate greater than eight percent." The Development Code uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent citywide market study completed in Fall of 2010 figured the city-wide vacancy rate at 7%, slightly higher than the 2006 vacancy rate of 6.7%. (<http://www.lawrenceks.org/planning/documents/2010Retail.pdf>) The market study for this

project shows that, when completed and entirely vacant, the the construction of the 189,988 sf home improvement store will push the city-wide vacancy rate to 8.9%. If the total square footage for both Phase I and II were constructed (255,328) and vacant, the city-wide vacancy rate would rise to 9.6%. Staff conducted additional analysis to take into consideration other commercial projects that have received approvals, but have not been constructed to date. The below table illustrates the impact that other projects that have been approved will have on the overall vacancy rate:

	Total Square Feet	Total Occupied Square Feet	Total Vacant Square Feet	City-wide Vacancy Rate
Total Current Retail Inventory	9,120,567	8,478,372	642,195	7.0%
Approved Northwest corner – 6 th and K-10 Node	155,000	0	155,000	
Mercato	359,640	0	359,640	
Fairfield Farms	200,000	0	200,000	
North Mass	217,337*	0	217,337	
31 st & Ousdahl – Phase I (Menards)	189,988	0	189,988	
31 st & Ousdahl – Phase II	65,340	0	65,340	
Total	10,307,872	8,478,372	1,829,500	17.8%

If all commercial space that has been approved were to be constructed and assumed vacant, the city-wide vacancy rate would rise to 17.8%.

While the market study shows that the project, upon completion, will push the city-wide vacancy rate above 8%, this figure alone is not an adequate representation of the impact of this development. This figure is computed by assuming that the project will either be entirely vacant upon completion, or that it will cause the same amount of space to become vacant in other areas of town. Because the majority of the retail space is being built to satisfy a specific tenant, the applicant has stated that there is “no possibility” that the space will be vacant upon completion. While new commercial development can lead to vacancies in other parts of town, the current economic conditions have all but halted speculative commercial building in Lawrence. The current development trend is that buildings are built with known users or committed tenants and therefore, it is unlikely that the space will be vacant upon completion.

The applicant has also provided information on the mix of business types and the potential impact on the downtown area. While the main proposed use exists elsewhere in Lawrence, it is expected to have a limited impact on downtown. The only similar use downtown is a small scale hardware store that is not a direct comparison to the large home improvement store being proposed. It is possible that a large store of this use might pull some business away from other mixed-use or smaller scale hardware stores in the area, in addition to the immediately adjacent existing home improvement store, Home Depot. However, the exact impact that this development may have cannot be determined.

Other demand factors, such as income, employment and population need to be taken into account as well, when looking at the overall impact of this project on the market as a whole. The market study does show that from 2000 to 2010, population has grown 11%, income,

adjusted for inflation, has grown 11.3%, while retail sales have only increased 4.8% for the ten year period. On the supply side of the market, retail stock has increased 70% from 2000 to 2010, however, it is important to note that some of that increase is because of changes in the methodology for figuring total retail space. Supply has increased an average of 7% annually, while population and income have only increased an average of 1.1% annually and retail sales have increased only an average of .48% annually since 2000. What is important to take away from the above number is that demand has not kept pace with supply as shown by the limited income, population, and retail sales growth.

The market study also provides an analysis of “pull factors” or a measure of local commerce based on a comparison of local spending to the state as a whole. A pull factor above 1.00 indicates that a community attracts retail sales, while a factor below 1.00 indicates that the community is losing retail sales to outside areas. The Kansas Department of Revenue issues pull factor reports for all of Kansas. The most recent, issued in December 2012, states that Lawrence’s pull factor was 1.07 in 2012. In 2000, the pull factor was 1.13, but as recently as 2009, the pull factor was .99. In addition, Douglas County’s pull factor has been below 1.00 for the last decade and recently is marked at .90 for 2012. Before 2011 and 2012, the pull factors for both Lawrence and Douglas has been declining since 2000, indicating that the City was losing more retail sales to other areas outside of Douglas County. The marked increase in the City’s pull factor these last two years now means that the City is attracting retail sales to the community.

The market study also provides a demand analysis based on the amount of square feet of retail space per capita. Currently, in Lawrence there are approximately 104 sf of retail space per capita. With the addition of this projects square footage to the market, there would be approximately 107 sf of retail space per capita. In Section 20-1107 (c)(3)(iv) of the Land Development Code, a maximum threshold of 100 square feet per resident is established to help maintain market health. It would take more than 5 years for the ratio to fall below 100 sf per capita if no more retail space were added to the market. However, this analysis does not take into consideration any of the other approved commercial development. The addition of Mercato, Fairfield Farms, NW Corner of 6th and the SLT, and the remainder of the Bauer Farm development that is approved, but not constructed, would result in a ratio of 117 retail square feet per capita.

The market study satisfies the submission requirements of the Land Development Code and *Horizon 2020*. In staff’s opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators associated with demand not keeping pace with supply and because vacancy rates are arguably reaching unhealthy levels. In light of the availability of other suitable commercially zoned sites, including Mercato, NW Corner of 6th and SLT, and Fairfield Farms, the fact that retail demand is not keeping pace with supply, the high retail space per capita figures, and a vacancy rate that is approaching unhealthy levels, this project is not supportable based on the market study.

Other Considerations:

If the Planning Commission wishes to recommend approval of the CPA, staff has provided draft language to Chapter 6 and Chapter 14 - Specific Plans, *Revised Southern Development Plan* to address the requested changes.

The changes to Chapter 6 include revising on pg. 6-15 and 6-16 where the center should be permitted to expand east along W. 31st St.

The changes to Chapter 14 include the *Revised Southern Development Plan*, Future Land Use Maps 3-1 and 3-2, to change the current medium-density residential designation to commercial and the land use descriptions as to where the designations are located.

Copies of the revised Chapter 6: Commercial Land Use and Chapter 14: Specific Plans, *Revised Southern Development Plan* are attached to this staff report with the changes marked.

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant Response: When the plan was adopted, it was anticipated that commercial development could be pushed to the outskirts of the city limits and the market conditions would drive the need for more multifamily housing on the interior. Since the economic downturn multifamily housing has decreased significantly because it requires a developer with enough financing to build the housing units with no guarantee of occupancy. The subject tract is 41 acres and because of the shape it would have to be sold as a whole to ensure no parts of the property was not wasted. It is not longer a reasonable expectation that lenders will finance a project of such a large magnitude. Commercial development has also slowed significantly and retailers are becoming much more selective on the sites they choose. If the site will not be profitable they will not make the investment to build there. it is unreasonable to expect retailer to develop on sites that are on the outskirts of the town away from the consumers they are trying to serve. It is very common for retailers to locate near each other to promote multi trip shopping outings and competition. During the time the plan was adopted Lawrence was home to several national big box retailers and 17 acres of additional land required for a large store near the commercial center was not anticipated.

Staff's Response: *Horizon 2020* anticipates changes and additions over time. Chapter 6 discusses current commercial developments and future developments. It also outlines how development and redevelopment should occur. The chapter is specific on requiring commercial development to be nodal and not continuing strip development as it has occurred in the past. Commercial nodes have been added or changed over time in order to address type and location. Past plans for this area and the city as a whole have supported nodal development vs. strip type development and not expanding the existing S. Iowa Regional Commercial Center west and east along W. 31st Street. The most recent plan, the *Revised Southern Development Plan*, which was approved in 2008, identified the subject property as medium-density residential. That designation was utilized with the recent Aspen Heights plan, though that potential developer choose not to develop at this time. Additionally the apartment complex at the southeast corner of W. 31st and Ousdahl established a residential pattern consistent with the sector plan.

Some may consider the approval and forward movement of the completion of the SLT project as a change in circumstances. A land use plan for the SLT corridor was completed in 1989 (*South Lawrence Trafficway Corridor Land Use Plan*) and in general, circumstances have not changed since the completion of this plan. Plans completed since 1989 have maintained limiting the commercial uses along S. Iowa St.

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

Applicant Response: Yes, the existing subject property is a former mobile home park. the owner was under contract with another purchaser during 2011 and 2012, during that time the tenants left the park leaving about 10 holdouts, 25 abandoned trailers, and a lot of garbage. Trailer parks provide affordable housing to low income residents, however they also tend to have higher crime rates and are generally not maintained in the same first class condition as a single family house. The park that occupied the subject property was deteriorating and needed some major renovations to the roads and the housing units. Because the park is currently empty it is likely that it would stay that way until a residential developer stepped in with the capital to develop 41 acres of residential units. The second possibility is the park owners restart the former use as a trailer park and operate it under those conditions until it is sold to another user. The third option is that Menards purchases the property and develops all 41 acres into a commercial node attracting additional businesses to Lawrence in a well maintained development. Under this option the land would not sit empty and would be developed into a first class retail development center that complements the city of Lawrence and fits well within the character of the neighborhood.

Staff's Response: The proposed amendment is not consistent with the goals and policies outlined in *Horizon 2020* or in the *Revised Southern Development Plan*. Chapter 6 specifically states that the commercial node at S. Iowa and W. 31st Streets shall be maintained. Recent amendments to *Horizon 2020* have given direction to offer large retail locations at the intersection of W. 6th St and SLT and included discussion regarding expanding the Regional Commercial Center designation south of the SLT on S. Iowa St. Specifically the Mercato development at the northeast corner of the intersection of W. 6th and SLT would be the only location that would be able to accommodate a store of that size.

The *Revised Southern Development Plan* identifies the subject property as medium-density residential and the commercial node at S. Iowa and W. 31st Street to be maintained.

In order for the proposal to be consistent with long-range plans, changes to the *Revised Southern Development Plan* and Chapter 6 will need to be made.

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

Applicant's Response: Menards, Inc. is requesting the amendment because it does not conform with the future land use designation of this property. The long range goals listed in *Horizon 2020* include Diversity, Pursuit of Quality, Compatibility, and Sustainability. These goals can be met through the comprehensive design of the development and the developments buildings, landscaping, and open space. The property location on a busy arterial road and access points are ideal for a commercial property however the future land use plan did not take these matters into consideration and designated the property residential. The comprehensive plan was designed to prevent unrestricted commercial growth and encroachment into residential areas. It is the intent of this project to prevent any impacts on the adjacent residential properties and increase the quality of living by providing a new aesthetically appealing commercial development.

Staff's Response: This policy from pg. 6-2 states: *Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to*

access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Further, Policy 3.1B states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".

Public policy has not changed regarding nodal commercial development versus strip commercial development. The policy directs stand alone commercial uses to commercial nodes. In this case, a mostly built commercial center. The description of the commercial center states that commercial development along W. 31st Street should not expand in order to maintain the node in its current boundaries. A transitional area has been provided between the existing commercial node edge and planned medium-density residential on the north side of W. 31st Street and an existing medium-density residential development on the south side of W. 31st Street offers a boundary for the commercial node. A proposal for a medium-density residential development was approved in 2012 for this site and there was no discussion that this site would be more appropriate for commercial development during that process.

In addition, the following shall be considered for any map amendments:

A. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

Applicant's Response: The proposed project and amendment will not have a negative impact on any facilities or services. There are no public facilities around the site that could be impacted by the change from residential to commercial. Menards, Inc. is performing the required due diligence on traffic impacts and will be responsible for maintaining adequate intersection operations. All utilities will be analyzed as part of the civil engineering plans and will be reviewed by the city engineering staff prior to any permits being issued.

Staff's Response: The property is currently served by existing facilities and services. Further review would be completed as part of site planning to address the potential issues but the property is generally able to be served.

B. Will the proposed change result in reasonably compatible land use relationships?

Applicant's Response: Adjacent to the subject property to the west is the largest commercial node in the City of Lawrence. The Menards development project would extend this commercial development along a well traveled arterial road. The same development has taken place along 23rd St. to the north and 6th St. along the north edge of town. The land to the east is undevelopable due to the expansive floodway that runs through it, leaving this property as an island of residential in the city's largest commercial district.

Staff's Response: This development conflicts with the nodal development policy by extending an already existing commercial node and transforming it into strip development along W. 31st St. The proposal does not meet Goal 2 in Chapter 6 which is to ensure a compatible transition between the commercial development and less intensive uses. There is no transition in land use or zoning to the existing low-density, planned medium-density residential to the east or RS7 zoned property to the north.

C. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?

Applicant's Response: Yes, the proposed commercial development will draw more consumers into the city of Lawrence increasing the economic impact on the entire community. The project will create 250 new jobs for the Menards store along and depending on the final uses at least 50-200 jobs when the outlots are developed. The city of Lawrence has on national home improvement retailer within 30 miles, this allows that retailer to sell merchandise at a non-competitive pricing. Competition would allow the consumers that will come from 25+ miles to shop in Lawrence to purchase goods at competitive prices increasing the economic value of each trip, and increasing the likelihood of a return trip.

Staff's Response: The expansion of this commercial node will provide new retail opportunities for the community as a whole, as well as potentially attract visitors to the city, contributing non-local dollars to the local economy which can be considered an advancement of the interests of the citizens of Lawrence and Douglas County if the potential is realized.

PROFESSIONAL STAFF RECOMMENDATION

While staff welcomes the opportunity to accommodate Menards at an appropriate location, the request is not, in staff's opinion, compatible with the existing land use designations of the *Revised Southern Development Plan* and revising the plan is not appropriate for the reasons outlined in this report and when the comprehensive plan policies are reviewed as a whole.

Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the *Revised Southern Development Plan*, to change the designated land use from medium-density residential to commercial for the property located at 1900 W. 31st Street and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

Findings for recommendation of denial:

1. The S. Iowa Street corridor is designated as Regional Commercial Center which limits the amount of retail to 1.5 million square feet. The center currently contains 1,996,450 square feet and this request would add 255,328 retail square feet in an area outside the designated commercial corridor, bringing the total for the corridor to 2,251,778 square feet (2.25 million sf) of retail.
2. The proposal is in conflict with *Horizon 2020* Policy 3.11(K) which states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses.
3. The proposal is in conflict with *Horizon 2020* policy 3.1B which states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern."
4. This development does not comply with the *Revised Southern Development Plan* which is adopted as part of *Horizon 2020*, Chapter 14: Specific Plans and identifies the subject property as medium-density residential. The applicant has not demonstrated a clear change in public policy or change in circumstances to support a change in the plan.
5. The submitted market study does not support increasing the amount of commercial use available at this center when other approved locations are taken into account.

In the event that the Commission desires to accommodate the proposed project, staff has provided draft language in order to make the necessary changes to *Horizon 2020*, including the *Revised Southern Development Plan*.

CHAPTER SIX - COMMERCIAL LAND USE

The Plan's goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

The principal strategies for the development and maintenance of commercial land use areas are:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.
- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads.
- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.
- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.
- Require new Commercial Centers in the unincorporated portion of Douglas County to be located at the intersection of two hard surfaced County Routes or the intersection of a hard surfaced county route and a state or federally designated highway and no closer than four miles to another Commercial Center in the unincorporated portion of Douglas County.

NODAL DEVELOPMENT

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development.

Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection's corner. Termination of commercial development can be accomplished through a number of methods, including: 1) Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area; 2) restricting the extension of new commercial uses past established commercial areas; and 3) defining the boundaries of the development through the use of "reverse frontage" roads to contain the commercial uses.

DESIGN STANDARDS

The city shall strive to improve the design of shopping areas. The objective will be to work with commercial developers to achieve compact, pedestrian-oriented centers versus conventional strip malls. The overall goal of these standards is to improve community aesthetics, encourage more shopping per trip, facilitate neighborhood identification and support, and make shopping an enjoyable event.

New design standards shall be developed and adopted which better integrate the centers into the surrounding neighborhoods and create a focal point for those that live nearby. They should include elements that reflect appropriate and compatible site design patterns and architectural features of neighboring areas. Site design and building features shall be reflective of the quality and character of the overall community and incorporate elements familiar to the local landscape. Using a variety of building incentives to encourage mixed use development will bring consumers closer to the businesses

Design elements of particular interest that will receive close scrutiny include:

1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacing with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).
2. Building design features, such as architectural compatibility, massing, rooflines, detailing, materials, colors, entryways, window and door treatments, backsides of buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

The Comprehensive Plan includes recommendations for the improvement of existing commercial areas and the development of compatible new commercial areas. It establishes a system of commercial and retail development that applies to both existing and new development locations. This system involves the designation of different types of commercial areas to distinguish between the basic role and types of land uses and the scale of development. These include the neighborhood, community and regional commercial classifications. The following descriptions are based upon recognized standards formulated by the Urban Land Institute (ULI) and knowledge gathered by the community through past experiences.

An integral component in the description of each commercial center category is the designation of an amount of commercial gross square footage deemed appropriate for each center classification. However, this plan recognizes that there will be instances in which a rezoning request for a commercial district will not be accompanied by a development plan showing the total amount of gross square footage associated with the rezoning request. In such circumstances, part of the commercial rezoning request shall include a statement regarding the maximum amount of commercial square footage that will be permitted with each particular commercial rezoning request.

■ *Commercial Uses*

For the purposes of this section of the Plan, the term “commercial” means retail businesses as defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:

1. Sector 44-45: Retail Trade;
2. Subsector 722: Food Services and Drinking Places;
3. Subsector 811: Repair and Maintenance; and
4. Subsector 812: Personal and Laundry Services

■ *Downtown Commercial Center*

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the “Comprehensive Downtown Plan”, and are described as: *starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in

design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

■ ***Neighborhood Commercial Centers***

The typical nodal development concept for Neighborhood Commercial Centers includes commercial on only one corner of an arterial/collector street intersection or arterial/arterial street intersection. The remaining corners are appropriate for a variety of other land uses, including office, public facilities and high density residential. Commercial development shall not be the dominant land use at the intersection or extend into the surrounding lower-density residential portions of the neighborhood. The surrounding residential area shall be provided adequate buffering from the commercial uses through transitional zoning or lower-intensity developments. Transitions shall be accomplished by using a number of methods, such as intensive landscaping and berming, grouping of lower-intensity developments, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

Neighborhood Commercial Centers may contain a variety of commercial uses, including a grocery store, convenience store, and other smaller retail shops and services such as a barbershop or beauty salon. To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers shall contain no more than a total of 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers that have a grocery store larger than 60,001 gross square feet may have up to a total of 125,000 gross square feet of commercial space.

To ensure that the commercial area in a new Neighborhood Commercial Center has adequate lot size and depth, any proposal for a commercial development shall have a length-to-depth ratio between 1:1 and 3:2.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete “nodal plans” for each future commercial center in advance of development proposals.

If a nodal plan had not been created by the city, the need to create a nodal plan for a specific intersection shall be “triggered” by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ ***Mixed-Use Redevelopment Center***

The City of Lawrence includes areas where existing structures that have not been utilized for their original purposes for an extended period of time, have experienced a high turnover rate, or have remained vacant for an extended period of time and, therefore, are suitable for redevelopment. Such areas present potential opportunities for redevelopment into mixed-use centers, offering a mix of residential, civic, office, small-scale commercial, and open space uses. This mixed use is encouraged in individual structures as well as throughout the area.

Mixed-use redevelopment centers shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than six acres in size. As such, retail uses within mixed-use redevelopment centers shall not exceed 25% of the net floor area within the subject area, and a single retail shop or tenant shall not occupy more than 16,000 square feet of a ground-floor level, net floor area. Neighborhood integration shall also be accomplished by providing transitions through alleyways and use and landscaping buffers, and by ensuring existing structures are incorporated into the new center where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City’s Historic Resources Administrator shall be contacted if it is likely that historic structures exist within or near the project area.

Centers shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and, if available, transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and gathering places shall be utilized to allow for social activity in public places. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Mixed-Use Districts***

The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district. Such areas present

potential opportunities for development and redevelopment as mixed-use districts, offering a mix of residential and non-residential uses. This mixed use is encouraged in individual structures as well as throughout the area. There are also areas that are currently mixed use in nature that should be preserved.

Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size. Neighborhood integration may also be accomplished by providing transitions through alleyways, variation among development intensity, implementation of landscaping buffers, or by ensuring existing structures are incorporated into the development where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be included in the review process if it is likely that historic structures exist within or near the project area.

Mixed use districts shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and public spaces shall be planned to be utilized to allow for social activity. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ ***Inner-Neighborhood Commercial Centers***

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- Northeast corner of 13th and Haskell

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas

■ ***Community Commercial Center***

A Community Commercial Center provides goods and services to several different neighborhood areas. It requires a site of sufficient size to accommodate buildings, parking, stormwater detention and open space areas. Although it may include a food or drug store, it is likely to provide a broad range of retail uses and services that typically generate more traffic and require

larger lot sizes than found in a Neighborhood Commercial Center. Community Commercial Center uses may include hardware stores, video outlets, clothing stores, furniture stores, grocery store, movie theaters, home improvement stores, auto supply and services, athletic and fitness centers, indoor entertainment centers, etc.

Community Commercial Center (under 200,000 square feet): CC200

The primary purpose of the CC200 category is to provide for the expansion and redevelopment of existing Community Commercial Centers. However, a new CC200 Center can be designated. Expansion of an existing CC200 Center shall not intrude into surrounding residential areas or lower-intensity land uses. Any proposal for commercial expansion or redevelopment occurring in an area designated as a CC200 Center shall include a plan for reducing curb cuts, improving pedestrian connections, providing cross access easements to adjacent properties, and creating and/or maintaining buffering for any adjacent non-commercial uses.

All corners of CC200 Center intersections should not be devoted to commercial uses. CC200 Centers should have a variety of uses such as office, employment-related uses, public and semi-public uses, parks and recreation, multi-family residential, etc.

To insure that there are a variety of commercial uses and that no single store front dominates the CC200 Center, no individual or single store shall occupy more than 100,000 gross square feet. A general merchandise store (including discount and apparel stores) that does not exceed 65,000 gross square feet in size may be located in a CC200 Center. The sum of the gross square footage for all stores that occupy space between 40,000 and 100,000 cannot exceed 50 percent of the gross commercial square footage for the corner of the intersection where it is located. To provide adequate access and adequate circulation, CC200 Centers shall be located at an arterial/collector street intersection or arterial/arterial street intersection.

CC200 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surrounding street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

In the absence of a city created nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

Community Commercial Center (under 400,000 square feet): CC400

The second category of Community Commercial Centers is the CC400 Center. Although these centers usually average 150,000 gross square feet, they may be as large as 400,000 gross square feet of retail commercial space if justified by an independent market study. CC400 Centers shall be located at the intersection of two arterial streets that have at least a four-lane cross-section or the intersection of a four-lane arterial with a state or federally designated highway.

CC400 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surround street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

The nodal development concept for CC400 Centers includes the possibility of commercial development on more than one corner of an intersection. The non-commercial corners of a community commercial node are appropriate for a variety of non-commercial retail uses including office, public or religious facilities, health care, and medium- to high-density residential development. Community Commercial development shall not extend into the surrounding lower-density residential portions of neighborhoods. The adjoining residential area shall be provided adequate buffering from the commercial uses through transitional zoning or development. Transitions may be accomplished by using a number of methods, including extensive landscaping and berming, grouping of lower-intensity uses, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

To insure that a specific intersection complies with the CC400 Center nodal standards, a nodal plan for each new CC400 Center must be created. The nodal plan will define the area of the node and provide details including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

In order to facilitate the orderly development of future commercial nodes; Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection will be “triggered” by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners. To comply with the square footage maximum for a CC400 Center and to ensure that the commercial area has adequate lot size and depth, any commercial development proposal for a single corner shall have a length-to- depth ratio between 1:1 and 3:2 and be a minimum of 20 acres in size. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the proposal do not have to meet the minimum acreage and lot length-to-depth ratio requirements.

No one store in a CC400 Center shall occupy more than 175,000 gross square feet. The sum of the gross square footage for all stores that occupy space between 100,000 gross square feet and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection. If a proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single store building that has at least 40,000 gross square feet of commercial space.

Community Commercial Center (under 600,000 square feet): CC600

The third category of Community Commercial Centers is the CC600 Center. The primary purpose of the CC600 center is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop,

These centers allow a maximum of 600,000 square feet of commercial retail space and shall be located at the intersection of two state or federally designated highways. Other uses of a non-retail nature do not have a space limitation. A maximum of 90 percent of the commercial retail square footage in a CC600 center shall be located on two corners of the intersection. The remaining 10 percent shall be located on one or both of the remaining two corners.

CC600 centers should be developed in a nodal development pattern and be part of a specific land use plan that includes the node. The nodal plan shall also address surrounding land uses and provide for adequate transitioning of uses.

■ ***Regional Commercial Centers***

A Regional Commercial Center may provide the same services as a Community Commercial Center but should provide a greater variety and number of general merchandise, apparel and furniture stores, among other tenants. Because of the overall scale and mix of uses, a regional retail commercial center attracts and serves a population greater than and beyond that of the

community.

The minimum area for a commercial development plan on any corner is 40 acres and the minimum street frontage is 1,400 linear feet. This will ensure a new Regional Commercial Center is capable of development with the critical mass mixture, including sites for multiple big box buildings, required parking, stormwater detention, and open space areas. A Regional Commercial Center node shall not contain more than 1.5 million gross square feet of retail commercial space. The only location for the next Regional Commercial Center is at the intersection of either two state or federal highways, or the intersection of a street identified on the Major Thoroughfares Map as an arterial street and a state or federal highway.

Development of another Regional Commercial Center will have significant impacts on the Lawrence/Douglas County community and its existing retail centers, and will place increased service demands on the community's infrastructure system. Due to these impacts, consideration of a Regional Commercial Center by the Planning and City Commissions shall utilize the best available information in the analysis, public hearing and decision making process. Therefore, when the next Regional Commercial Center is proposed, an independent market analysis shall be required at the review and analysis stage and prior to public hearing. The entity proposing the Regional Commercial Center shall provide the funds necessary for the city to hire an independent consultant, selected by the applicant from a list of approved consultants established by the city, to perform the market analysis study.

The market analysis study shall be required, at a minimum, to analyze the proposed Regional Commercial Center based on the following criteria: 1) the overall viability of the commercial proposal and the impact of the proposal on the economic vitality and health of the community in the form of impacts on existing commercial centers; 2) the appropriate phasing or timing of development of the ultimate center size based on the community's ability to absorb additional commercial square footage over a three year period; 3) a comparison of the private costs versus public infrastructure and services costs to develop the commercial center proposed; and 4) other factors identified as relevant impacts on the market by either the developer or the city. The three year time period is a typical cycle for a commercial development to go from a concept to the opening of a store.

As with the Community Commercial Center, in order to insure that a specific intersection complies with the Regional Commercial Center nodal standards, a nodal plan for a new Regional Commercial Center shall be created. The nodal plan shall define the area of the node and provide details, including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be greatly governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners may be considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

If the city has not created a nodal plan, the need to create a nodal plan for a specific

intersection shall be “triggered” by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ ***Existing Strip Commercial Developments***

Existing strip commercial development areas are characterized by developments that do not meet current standards for lot dimensions and area, lot frontage, curb cut location(s), or the presence of internal frontage roads for cross access. These areas developed at a time when development standards permitted smaller lots, shallower lot depth, minimum spacing between curb cuts and multiple access points from a site to an arterial street; traffic studies were also not required prior to development at that time. These strip commercial development areas have become obsolete as a result of their inability to adjust to increased traffic volumes and congestion, current needs for site area and depth for redevelopment, and the changing patterns of shopping of the motoring public. As these strip areas become less desirable locations, the ability to redevelop individual lots becomes a matter of both property owner and community concern. The community concern is primarily with the creation of vacant, undeveloped or underdeveloped commercial areas that have the potential to blight the city’s gateways.

A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. In addition, other tools of a policy nature which would be helpful to redevelopment need to be considered and, where appropriate, adopted by the appropriate governing bodies. These tools may include the ability for establishment of public/private partnerships, special overlay districts, modified development standards for redevelopment based on an adopted redevelopment plan, tools to assist in lot consolidation and purchase, adopted access management plans and access point relocations, special benefit districts for sidewalks and public transportation stops, assistance in acquiring cross access easements, and similar tools providing community benefit.

Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.

■ ***Auto-Related Commercial Centers***

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that

they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.

Because these centers have a limited variety of uses and a relatively small amount of commercial square footage, Auto-Related Commercial Centers do not fit within the definition of a Community or Regional Commercial Center. These types of centers are very intensive and therefore need to be directed to areas that have an ability to handle the intensive nature of an Auto-Related Commercial Center.

Auto-Related Commercial Centers shall be located at the intersection of two state or federally designated highways. To ensure that the Auto-Related Commercial Centers develop in a planned manner that provides a positive benefit to the community, Auto-Related Commercial Centers shall have a lot length-to-depth ratio between 1:1 and 3:2 and must be a minimum of 20 acres in size.

All the potential locations of an Auto-Related Commercial Center are in areas that serve as “gateways” into the city. Since they are in “gateway” areas, any proposal for an Auto-Related Commercial Center shall be closely scrutinized for architectural appearance, landscaping, signage, etc.

■ ***Recreational Uses***

Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.

If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.

The amount of commercial gross square footage occupied by Recreational Uses located in a CC400 or a Regional Commercial Center shall not be counted toward the maximum amount of gross commercial square footage allowed in the respective Commercial Center. The square footage of a Recreational Use is not included in the total commercial square footage because CC400 and Regional Commercial Centers are typically larger-scale commercial developments. This reduces the impact of the Recreational Use on the scale and massing of the CC400 or Regional Center.

The acreage used to accommodate a Recreational Use may be used to meet the minimum acreage requirements for a respective Commercial Center, if the Recreational Use and

additional commercial uses at the corner of the node are integrated together.

Community facility-type recreational facilities can be located in non-commercial areas if given the extra scrutiny that is associated with the issuance of a special permit such as a Special Use Permit.

LAWRENCE - EXISTING COMMERCIAL AREAS

Lawrence currently has a number of commercial and retail development areas:

- Downtown Lawrence
- N. 2nd Street and N. 3rd Street
- Iowa Street (Harvard Street to W. 6th Street)
- S. Iowa Street (23rd Street to the South Lawrence Trafficway)
- W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)
- E. 23rd Street (Learnard Street to Harper Street)
- W. 6th Street (Alabama Street to Iowa Street)
- W. 6th Street (Iowa Street to Kasold Drive)
- W. 6th Street and Monterey Drive
- W. 6th Street and Wakarusa Drive
- Clinton Parkway and Kasold Drive
- Clinton Parkway and Wakarusa Drive
- 19th Street and Massachusetts Street
- 19th Street and Haskell Drive
- 15th Street and Kasold Drive
- 15th Street and Wakarusa Drive
- 9th Street (Kentucky Street to Mississippi Street)

Existing commercial areas in Lawrence will need to be upgraded in the future to remain viable in the marketplace. The Plan calls for the incremental improvement of these existing developments through the addition of landscaping and aesthetic improvements as uses change. Some existing developments may be converted to other uses as needs change within the community. Specific land use recommendations for the existing commercial development areas are provided below.

- ***Downtown Lawrence***

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These

functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive re-evaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

- ***N. 2nd Street and N. 3rd Street***

The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an Existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall

include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

Historically, the North Lawrence area including the N. 2nd and N. 3rd Street corridor has had repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor. The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems, as well as devising a plan for dealing with additional runoff from future development in the area.

- ***N. Iowa Street (Harvard Road to W. 6th Street)***

N. Iowa Street is considered an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center). The N. Iowa Street area includes a variety of independent developments and the Hillcrest Shopping Center. Most parcels within the northern segment are already developed. Future development and redevelopment shall occur within the existing commercially zoned areas and shall emphasize coordinated access control and transition yard improvements with adjoining residential areas.

- ***S. Iowa Street (23rd Street to K-10)***

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely development between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

~~Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.~~

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and

not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

- ***W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)***

The W. 23rd Street corridor is an Existing Strip Commercial area. The commercial development along W. 23rd Street is the prototypical "strip development" that is centered on the automobile. This area was once considered to be one of Lawrence's most desirable locations for a retail business. However, the status of the W. 23rd Street corridor as a highly desirable retail location has been supplanted by retail developments at South Iowa and in the western portion of the city.

The 23rd Street corridor will remain an important commercial location in the city. For the segment of the corridor between S. Iowa Street and Tennessee Street, the Plan emphasizes visual site improvements related to signage, landscaping and development design. A key factor in the long-term stability of this area is the improvement of traffic access and operations as properties along this corridor redevelop. If access and circulation are not simplified and the area made comfortable to the motorist, shoppers may seek other portions of the community in which to do business. In cooperation with property owners, the city should undertake parkway landscaping improvements. This action, coupled with placing utility lines underground (wherever practical), will help to improve the physical image of the area. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

Landscape and screening improvements between commercial and residential areas are particularly important along this segment where development is compact and differing land uses are situated in close proximity.

- ***E. 23rd Street (Learnard Street to Harper Street)***

E. 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street. The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern.

Like the Iowa Street corridor, emphasis is also placed on improved and coordinated signage in scale with development, as well as on minimizing curb cuts on 23rd Street.

- ***W. 6th Street (Alabama Street to Iowa Street)***

This is the oldest section of the W. 6th Street corridor and is an Existing Strip Commercial Development. There are a variety of uses along this corridor, but the primary two are fast food restaurants and medical offices and supplies. This section is typical strip development with small individual lots, each with a curb cut onto W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street (Iowa Street to Kasold Street)***

This portion of the W. 6th Street corridor is an Existing Strip Commercial Development. The development patterns along this section of W. 6th Street are newer than eastern portion of W. 6th Street. However, the commercial area is still a “strip development”, characterized by numerous curb cuts and intensive retail development fronting the majority of W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

- ***W. 6th Street and Monterey Way***

The intersection of W. 6th Street and Monterey Way is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 6th Street and Wakarusa Drive***

The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

- ***Clinton Parkway and Kasold Drive***

The intersection of Clinton Parkway and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***Clinton Parkway and Wakarusa Drive***

The intersection of Clinton Parkway and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***E. 19th Street and Massachusetts Street***

The intersection of 19th Street and Massachusetts Street is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property. New development and redevelopment proposals for this area shall include plans for the consolidation of curb cuts and provision of cross access easements to adjoining properties.

- ***E. 19th Street and Haskell Avenue***

The southeast corner of the intersection of E. 19th Street and Haskell Avenue is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the city park property on the southwest corner of the intersection. The Comprehensive Plan does not recommend expanding the commercial uses beyond the current commercial zoning at the southeast corner. Enhancement of the corner's existing retail space is highly encouraged. Like the Inner-Neighborhood Commercial Centers, this area would benefit from a reduction in development standards that would increase the potential for redevelopment.

- ***W. 15th Street and Wakarusa Drive***

The intersection of W. 15th Street and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The southeast corner is commercially zoned. The current uses at this corner are a bank and small shopping center. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

- ***W. 15th Street and Kasold Drive***

The northeast corner of the intersection of W. 15th Street and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the southwest corner. The Comprehensive Plan does not recommend the expansion of commercial uses beyond the footprint of the existing retail uses on the northeast corner.

- ***W. 9th Street (Kentucky Street to Illinois Street)***

This area is an existing Neighborhood Commercial Center with a strip development pattern that serves as a gateway into Downtown Lawrence. The group of buildings at the northeast corner of W. 9th Street and Indiana Street has a scale and configuration of structures similar to Downtown Lawrence. The majority of the development along this corridor is characterized by stand-alone structures with multiple curb cuts. New development and redevelopment proposals

along this corridor shall include consolidation of curb cuts and cross access easements to adjoining properties. Because the corridor serves as a gateway to Downtown Lawrence, the Downtown Architectural Design Guidelines should be amended to specifically address this area.

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	X		1.3 million					X
N. 2 nd St and N. 3 rd St	X		225,000		X			
Iowa (Harvard Rd to W. 6 th St)		X	190,000			X		
S. Iowa (23 rd St to K-10)	X		1.3 million					X
W. 23 rd St (Iowa St to Louisiana St)	X		660,000		X			
E. 23 rd St (Learnard St. to Harper St.)	X		190,000		X			
6 th St (Alabama to Iowa St)	X		140,000		X			
W. 6 th St (Iowa to Kasold)	X		209,000		X			
W. 6 th St & Monterey Way		X	100,000	X				
W. 6 th St & Wakarusa Dr		X	400,000			X		
Clinton Pkwy & Kasold Dr		X	110,000	X				
Clinton Pkwy & Wakarusa Dr		X	28,000	X				
E. 19 th St & Massachusetts St		X	95,000	X				
E. 19 th St & Haskell Ave		X	27,000	X				
W. 15 th St & Kasold Dr		X	50,000	X				
W. 15 th St & Wakarusa Dr		X	19,000	X				
9 th St (Kentucky St to Illinois St)	X		40,000	X				

* This column includes all approved gross square footage of commercial space.

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-12.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-7.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, however small, new inner-neighborhood centers are possible and/or anticipated as part of an overall new planned neighborhoods.

- ***Inner-Neighborhood Commercial Centers***

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a local, collector or arterial street. It may also take access from an alley. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. Inner-Neighborhood Commercial Centers may also include residential uses.

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

- ***Neighborhood Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

1. Franklin Road extended and E. 28th Street extended
2. E 1500 Rd and N 1100 Rd
3. E 1000 Rd and N 1000 Rd
4. E 1000 Rd and N 1200 Rd
5. Clinton Parkway and K-10
6. W. 15th Street and K-10
7. E 800 Rd and at the potential east/west arterial 1 mile north of US-40
8. E 700 Rd and US-40
9. E 800 Rd and N 1500 Rd
10. E 1000 Rd and N 1750 Rd
11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

- ***Community Commercial Centers (CC200)***

The Comprehensive Plan recommends the following intersection as potential location for a new CC200 Centers.

1. E. 23rd Street and O'Connell Road

- ***Community Commercial Centers (CC400)***

The Comprehensive Plan recommends the following intersections as potential locations for new CC400 Centers.

1. Eastern leg of the SLT and K-10 (southeast of the intersection of E 1750 Rd and K-10)
2. US-59 and N 1000 Rd

The development of these nodes shall carefully follow the commercial goals and policies. Commercial development shall not occur in advance of market conditions that would support such development, nor shall it be permitted to occur in a manner that is contrary to adopted city infrastructure plans.

- ***Community Commercial Centers (CC600)***

The Comprehensive Plan recommends the following intersection as potential location for a new CC600 Center.

1. W. 6th Street and K-10

- ***Auto-Related Commercial Centers***

The Comprehensive Plan recommends the following intersections as potential locations for new Auto-Related Centers.

1. I-70 and K-10
2. US-59/40 and I-70
3. US-59 and K-10

- ***Regional Commercial Centers***

The need for development of a new Regional Commercial Center within the community is not anticipated within the planning period. Consideration of requests to expand existing commercial areas shall include the potential for development of additional Regional Commercial Centers and the impact of such expansion and development on the existing commercial inventory. The need for additional regional commercial development within the community shall be evaluated on a regular basis, based upon updated land use and population data. Before a new Regional Commercial Center is considered, the Comprehensive Plan shall be amended to include the possibility of a new Regional Commercial Center.

UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS

Unincorporated Douglas County currently maintains a variety of commercial areas. Each of these areas provides neighborhood level retail goods and services to both farm and non-farm residents. As the rural areas of Douglas County continue to receive new non-farm residential development, demands will increase for retail goods and services.

It is recommended that these commercial locations be developed as small convenience service nodes, providing products to meet the day-to-day requirements of rural residents. The development of these nodes shall follow the basic principles described for commercial development or redevelopment. It is important that these commercial locations provide for adequate wastewater treatment facilities in the future. Any new or expanded developments shall utilize treatment systems that minimize potential environmental impacts.

The design of these locations should be consistent with the rural character of Douglas County. Therefore, design and development standards should promote larger, more spacious settings and encourage building and site design reflective of the unique characteristics surrounding each location.

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.

Commercial activities related to conference, recreational, or tourism uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Revised Southern Development Plan

April 2013 Draft

Lawrence/Douglas County Planning Commission Approved 11/28/07
Lawrence City Commission Approved 12/18/07
Board of County Commissions Approved 1/7/08

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INTRODUCTION

Background and Purpose

The original Southern Development Plan was adopted March 1, 1994 by the Lawrence City Commission. This plan covered an area roughly bounded on the north by W. 31st Street, to the west by Kasold Drive, to the south by the north bank of the Wakarusa River, and to the east by Louisiana Street. This land was historically used for agricultural purposes and with the growth of the city moving south and west, a guide for development was needed. The study area has not developed to the extent that the Southern Development Plan had anticipated, and the plan needs to be updated.

The purpose of the *Revised Southern Development Plan* is to update the boundaries of the study area and update the plan regarding land use, existing facilities, and transportation to show current information. Also, updated land use policies, and future land use maps are needed to reflect the current conditions and current community visions.

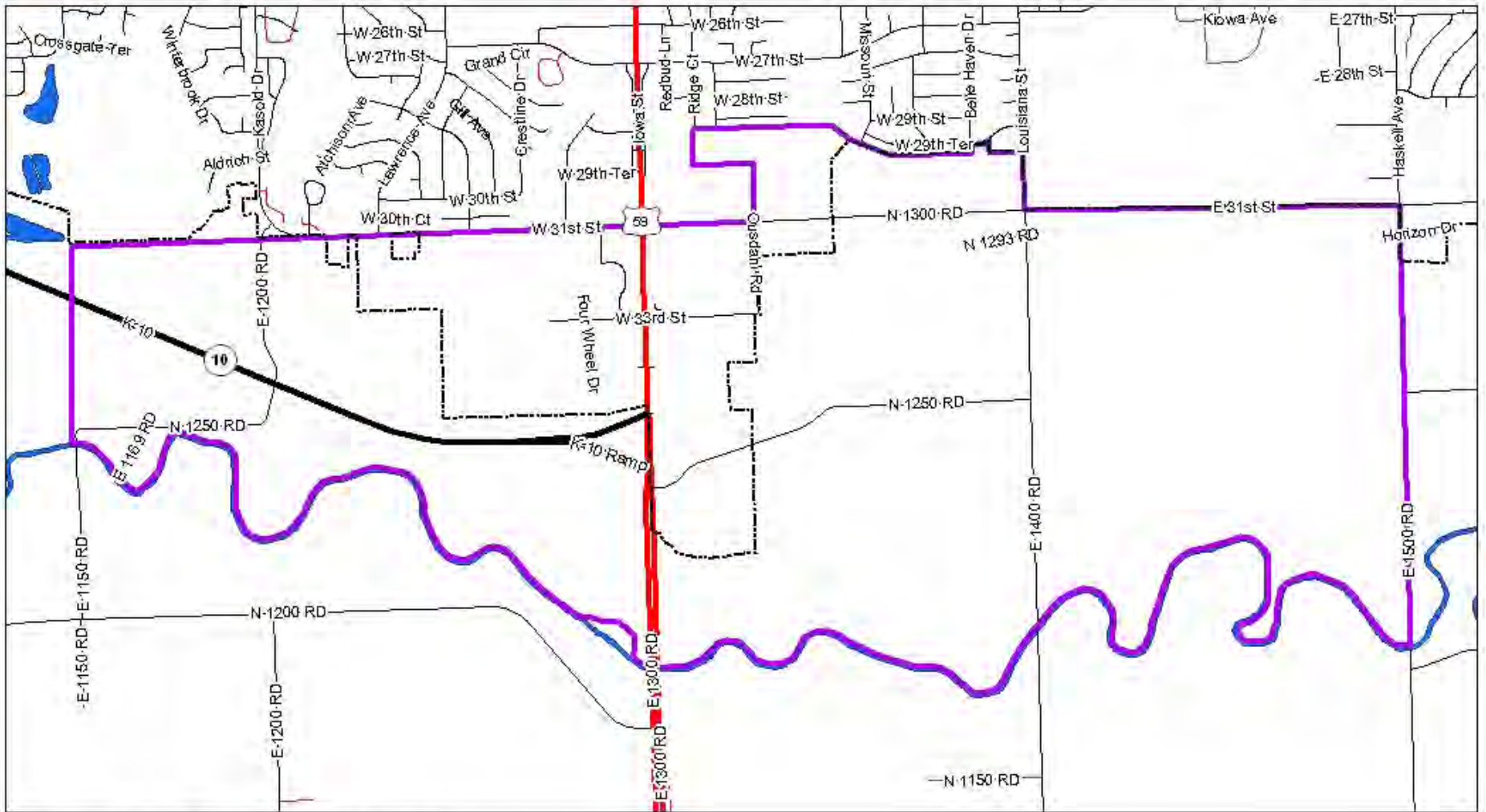
Description of Planning Area

The planning area for the *Revised Southern Development Plan* has been expanded to include property along the W. 31st Street corridor to allow the consideration of future transportation issues. The adjusted planning area for the *Revised Southern Development Plan* contains approximately 2,260 acres, and is shown on Map 1-1. The planning area is contained as follows:

- to the north: W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street;
- to the west: E. 1150 Road extended;
- to the south: the north side of the Wakarusa River;
- to the east: E. 1500 Road (Haskell Avenue).

Legend

-  City Limits
-  Planning area
-  Water Bodies



Map 1-1 Planning Area
Revised Southern Development Plan

Map Date: April 20, 2007

Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans serve as the general “umbrella” policies under which the plan is developed. Listed, these plans are:

- *Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County.* Lawrence-Douglas County Metropolitan Planning Office. 1998.
- *Transportation 2025, Lawrence/Douglas County Long Range Transportation Plan.* Lawrence/ Douglas County Metropolitan Planning Office and LSA Associates. September 2002.
- *Lawrence-Douglas County Bicycle Plan,* Lawrence/ Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan.* Leon Younger & PROS. 2000.
- *31st Street Corridor Study, Iowa Street to County Route 1057.* TransSystems Corporation. January 28, 2003.
- *City of Lawrence, Kansas Water Master Plan.* Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan.* Black & Veatch. December 2003.

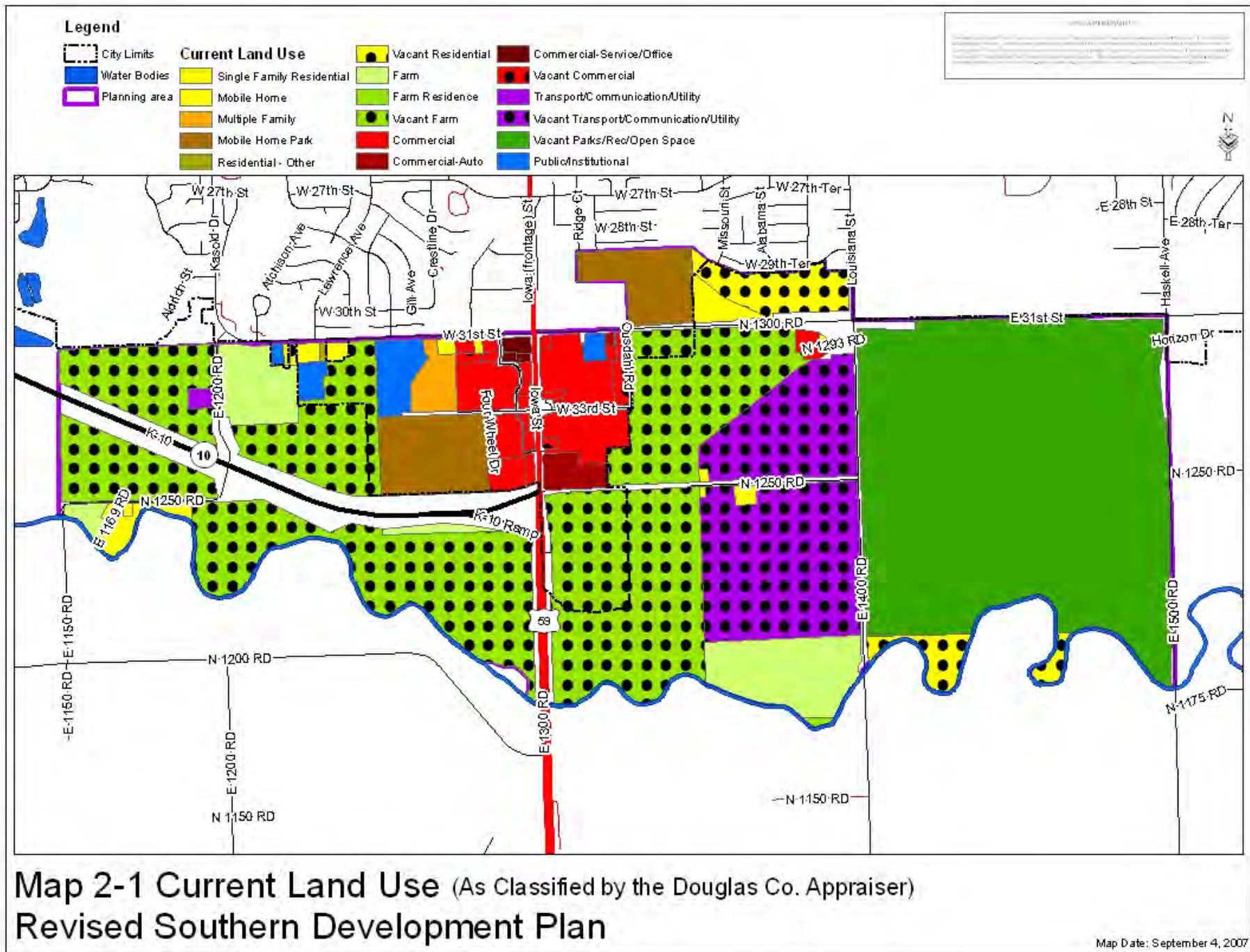
EXISTING CONDITIONS

Current Land Use

The *Revised Southern Development Plan's* current land uses vary from farmland to commercial uses within its approximately 2,260 acres. According to the Douglas County Appraiser's Office, the majority of the acreage is categorized as Parks/Rec/Open Space and Commercial land uses. These two uses comprise of over half of the planning area's acreage. The appraiser's land use acreage totals excludes most road right-of-ways.

Table 2-1

Appraiser's Land Use Classification	Acres
Single Family Residential	37.03
Mobile Home	0.74
Multiple Family	16.48
Mobile Home Park	96.87
Residential - Other	0.87
Vacant Residential	63.44
Farm	111.40
Farm Residence	1.41
Vacant Farm	692.24
Commercial	104.16
Commercial-Auto	13.69
Commercial-Service/Office	4.38
Vacant Commercial	8.10
Transport/Communication/Utility	3.51
Vacant Transport/Communication/Utility	89.08
Vacant Parks/Rec/Open Space	763.22
Public/Institutional	31.52
TOTAL	2,038.13



Current Zoning

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

The *Revised Southern Development Plan* planning area is located partially in the county and partially within the city. Map 2-2 shows the current zoning designations and the tables below describe the map designations.

Table 2-2

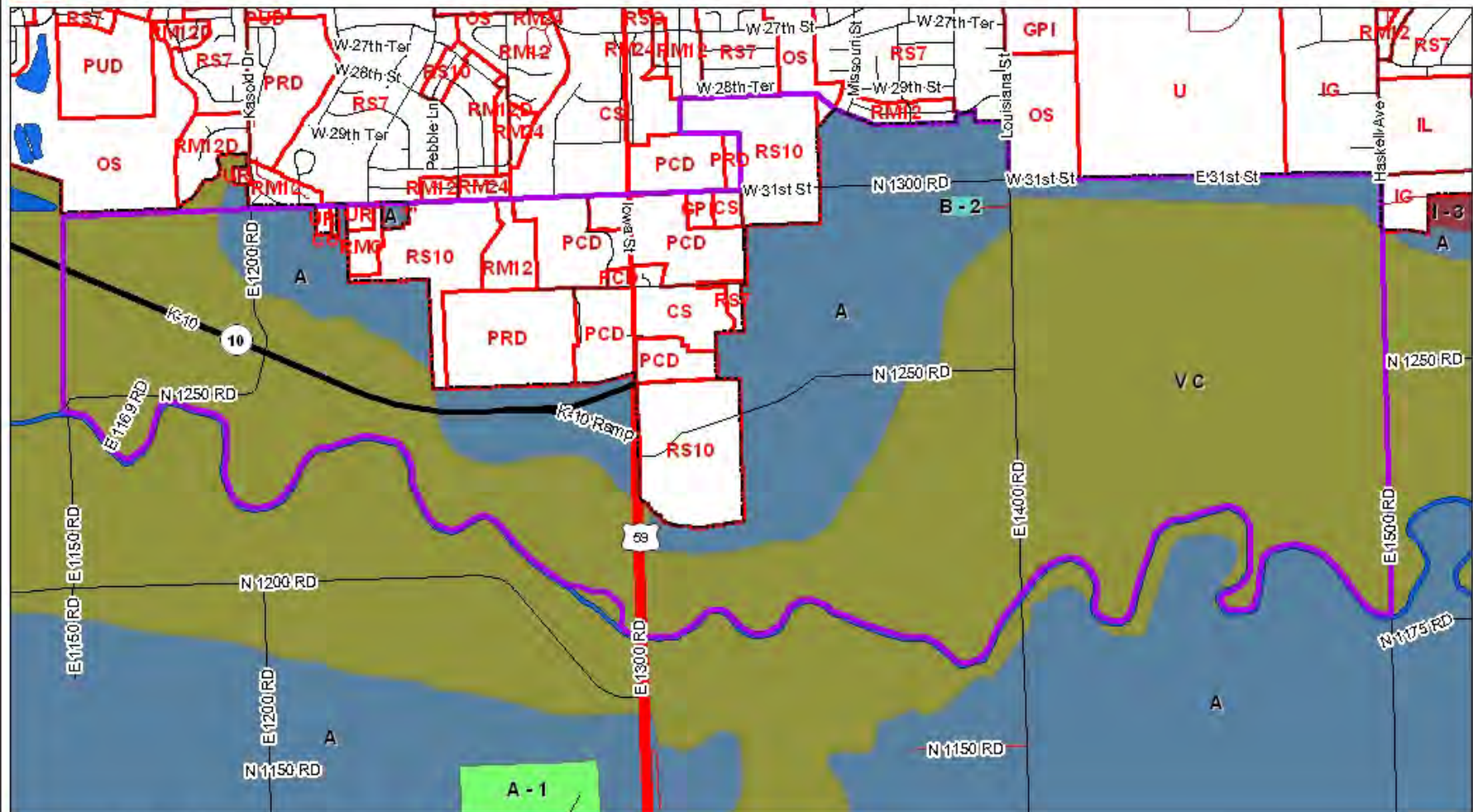
City Zoning	District Name	Comprehensive Plan Designation
RS10	Single-Dwelling Residential (10,000 sq. feet per dwelling unit)	Low-Density Residential
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RM12	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
PRD	Planned Residential Development	N/A
CO	Office Commercial	Office or Office/Research
CS	Strip Commercial	N/A
PCD	Planned Commercial Development	N/A
GPI	General Public and Institutional	N/A
UR	Urban Reserve	N/A

Table 2-3

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural District	Agriculture
B-2	General Business District	N/A
V-C	Valley Channel District	N/A

Legend

	County Zoning	



Map 2-2 Current Zoning
Revised Southern Development Plan

Map Date: September 4, 2007

Current Infrastructure

Water

City water is supplied to most of the planning area that is within the city limits. The portions of the planning area that are located in the county are not located in a rural water district. These properties are obtaining water from wells located on the property. The City water lines are shown on Map 2-3.

Sanitary Sewer

City sanitary sewer is supplied to most of the planning area that is within the city limits and to limited areas in the county. The portions of the planning area located in the county that are not serviced by City sanitary sewer are serviced by private septic systems. The City sanitary sewer lines are shown on Map 2-3.

Storm Sewer

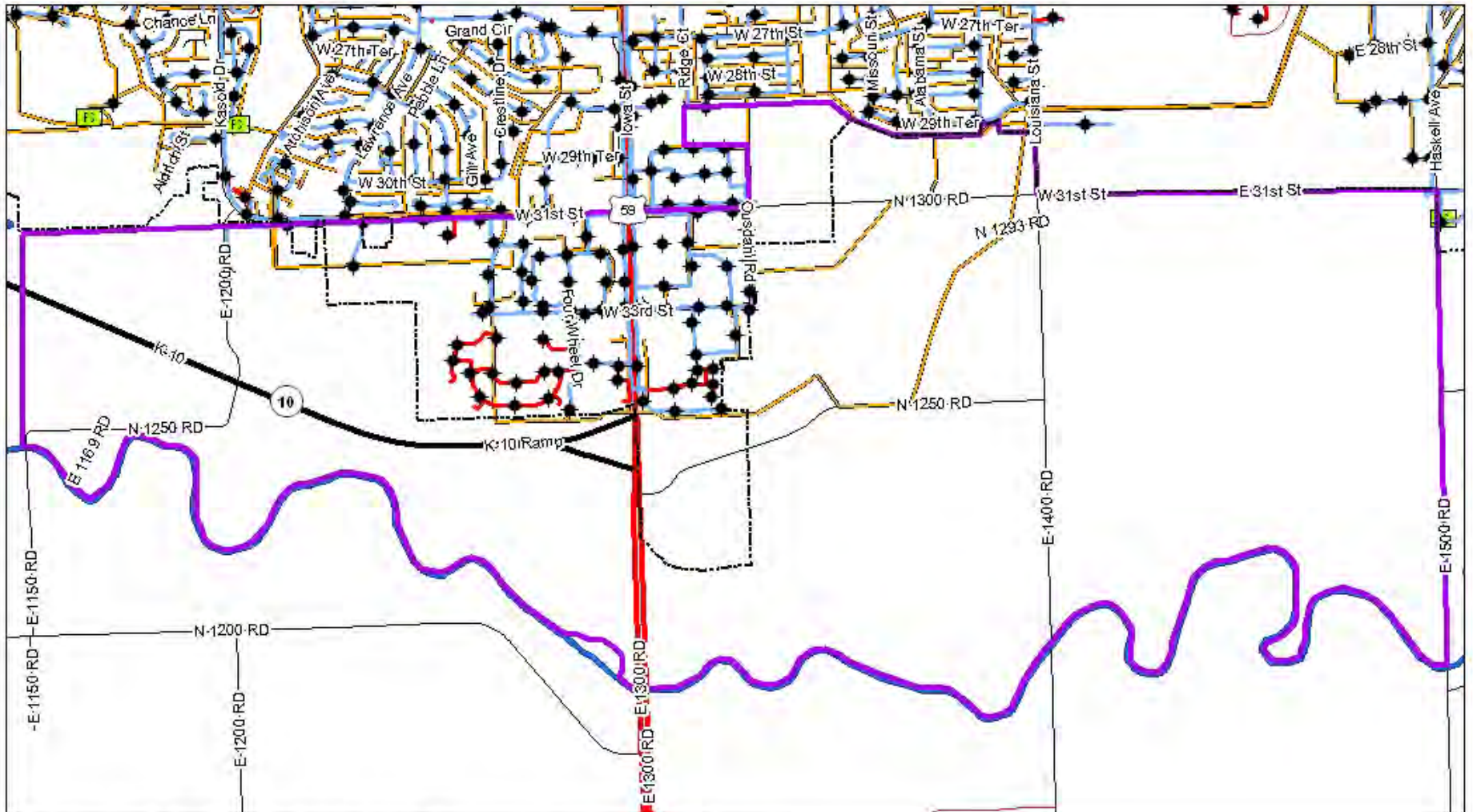
City storm sewer is provided throughout the planning area that is within the city limits by storm pipes, storm channels, or by way of streams. The portion of the planning area that is in the county is partially serviced by way of streams. The City storm sewer and streams are shown on Map 2-4.

Gas

Southern Star Gas has pipes that pass through a large portion of the planning area. These pipelines are shown on Map 2-4.

Legend



- City Limits
- Water Hydrant
- Lift Station
- Planning area
- Private Water Main
- Sanitary Sewer Main
- Water Bodies
- Water Main



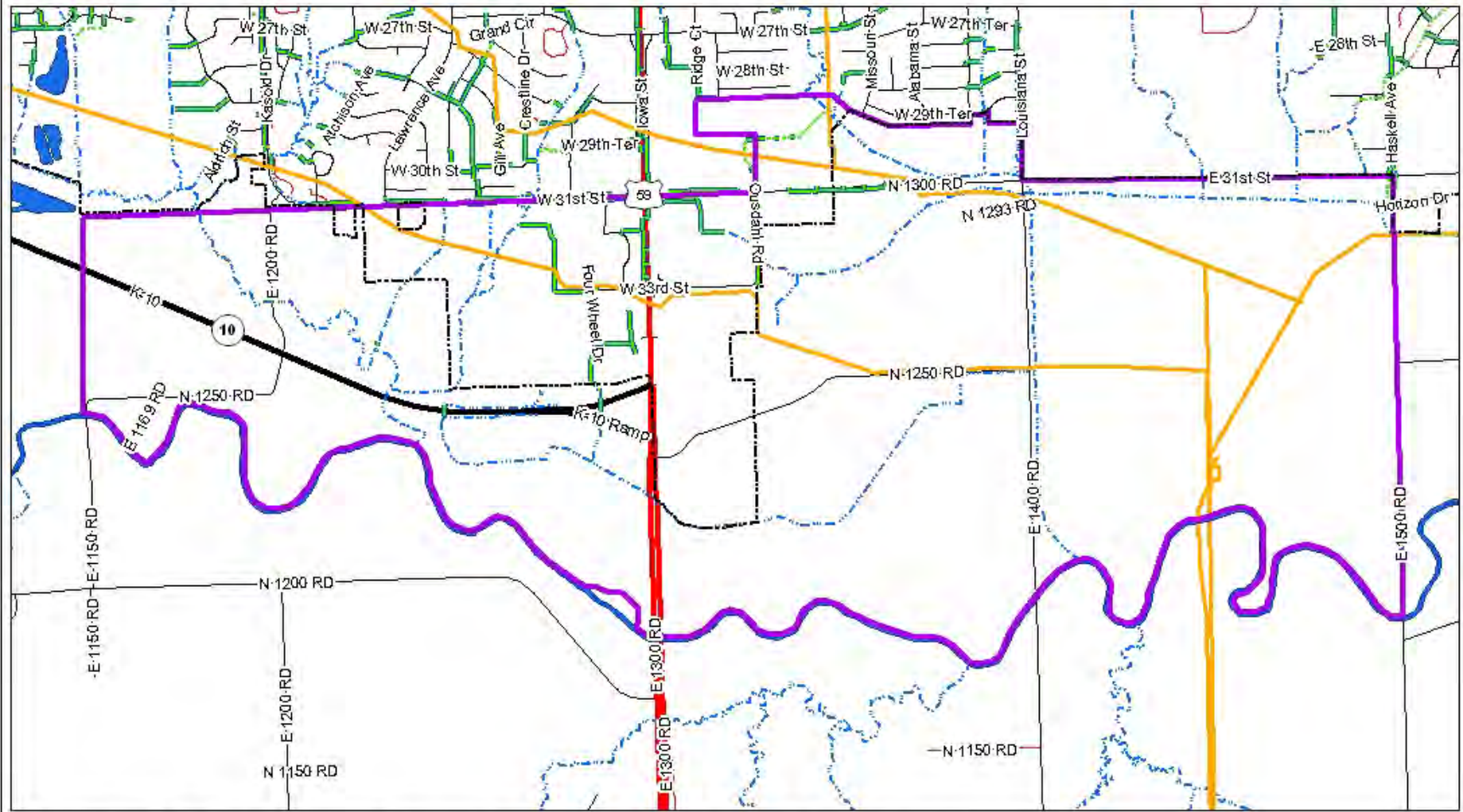
Map 2-3 City Sanitary Sewer and Water Revised Southern Development Plan

Map Date: April 20, 2007

Legend

-  City Limits
-  Planning area
-  Water Bodies
-  Storm Pipe
-  Storm Channel
-  Stream
-  Gas Lines

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Map 2-4 City Storm Water and Southern Star Gas Revised Southern Development Plan

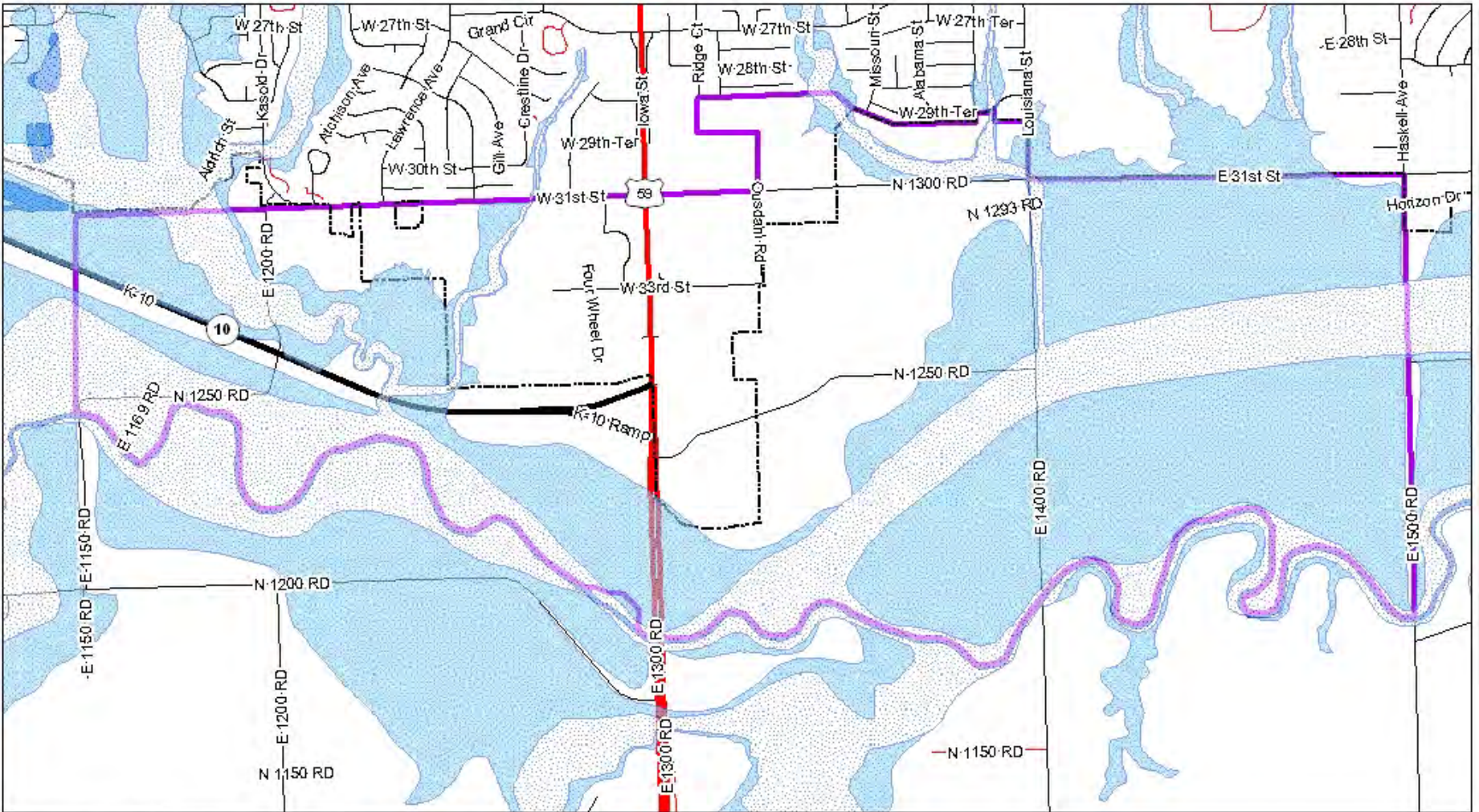
Map Date: April 20, 2007

Floodplain

The FEMA (Federal Emergency Management Agency) designated special flood hazard area makes up a large portion of the *Revised Southern Development Plan* planning area and is shown on Map 2-5. Of the total 2,260 acres within the planning area, 1,464 acres are located within the floodplain and/or the floodway. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the City and in the County based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Legend

- City Limits
- Planning area
- Water Bodies
- Floodway
- Floodplain



**Map 2-5 Floodplain
Revised Southern Development Plan**



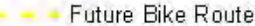

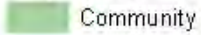
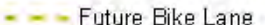
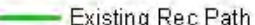


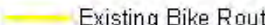
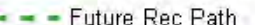

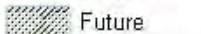
Map Date: April 20, 2007

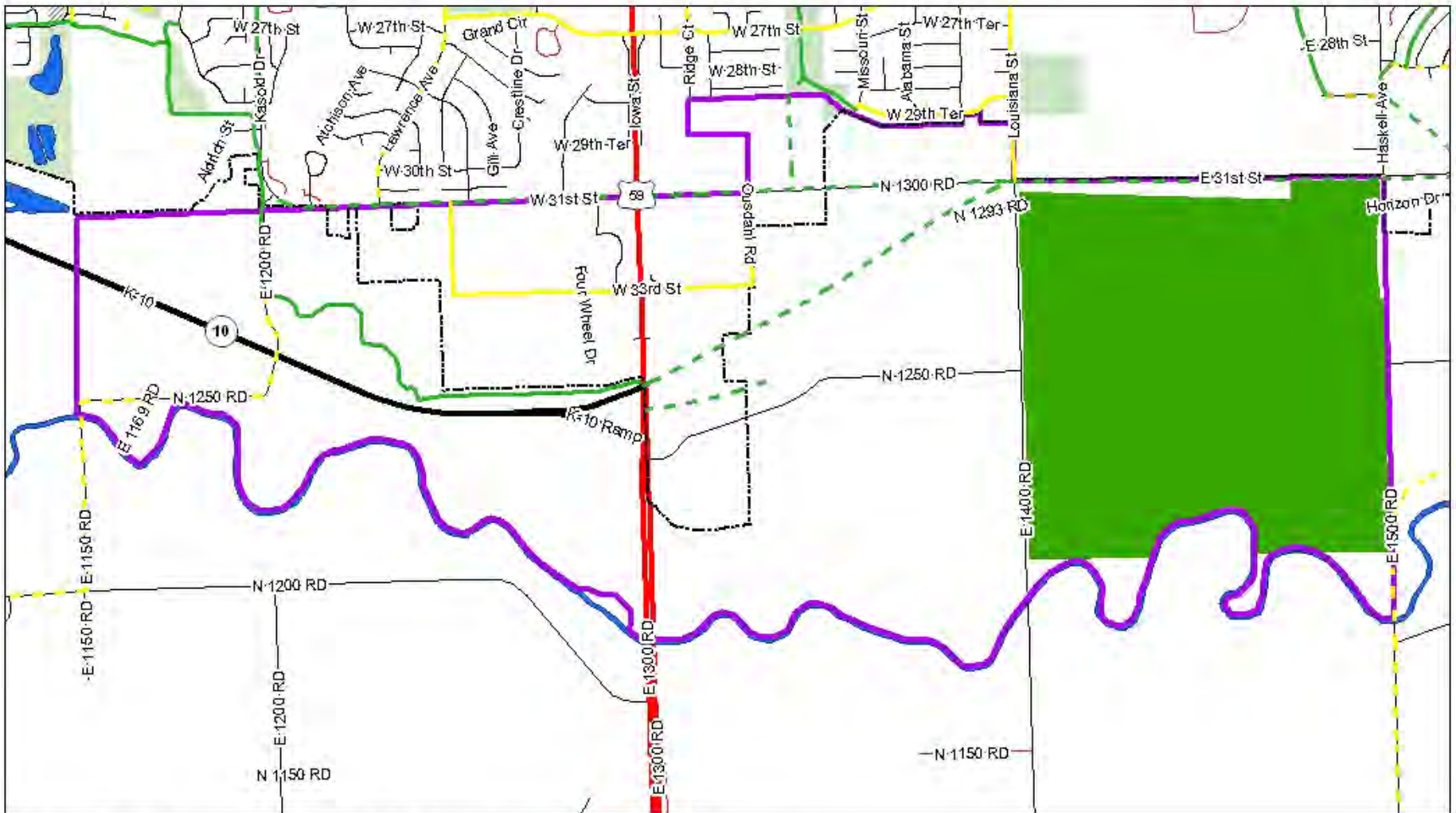
Parks and Recreational Facilities

The planning area of the *Revised Southern Development Plan* includes one park and recreational facility shown on Map 2-6. The planning area includes existing and future bike routes and recreational paths. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A Recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

The Haskell-Baker Wetlands is located on the eastern edge of the planning area and includes approximately 583 acres of wetlands. These wetlands are jointly owned by Baker University, Haskell Indian Nations University, the Kansas Department of Wildlife and Parks, and University of Kansas. The wetlands are a National Natural Landmark and they support 471 documented species of vascular plant, 254 species of bird, and 61 additional vertebrate species. A self guided tour of the wetlands via a boardwalk is provided through the wetlands.

Legend

- | | | | |
|---|--|---|--|
|  City Limits | City Parks |  Existing Bike Lane |  Future Bike Route |
|  Planning area |  Community |  Future Bike Lane |  Existing Rec Path |
|  Water Bodies |  Neighborhood |  Existing Bike Route |  Future Rec Path |
|  BakerWetlands |  Future | | |



Map 2-6 Parks and Recreational Facilities
Revised Southern Development Plan

Map Date: April 20, 2007

Transportation

Streets

Transportation 2025 (T2025) is the comprehensive, long-range transportation plan for the metropolitan area. T2025 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, local streets that serve to provide direct access to adjacent property, to collector streets that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

The planning area for the *Revised Southern Development Plan* includes all the *Transportation 2025* identified gateways into Lawrence from the south. S. Iowa Street/Hwy 59 is identified as a major gateway, and Louisiana Street /E. 1400 Road and Haskell Avenue/E. 1500 Road are identified as minor gateways.

Transportation 2025 identifies the South Lawrence Traffic Way (SLT/K-10) and S. Iowa Street/Hwy 59 as truck routes.

Transit

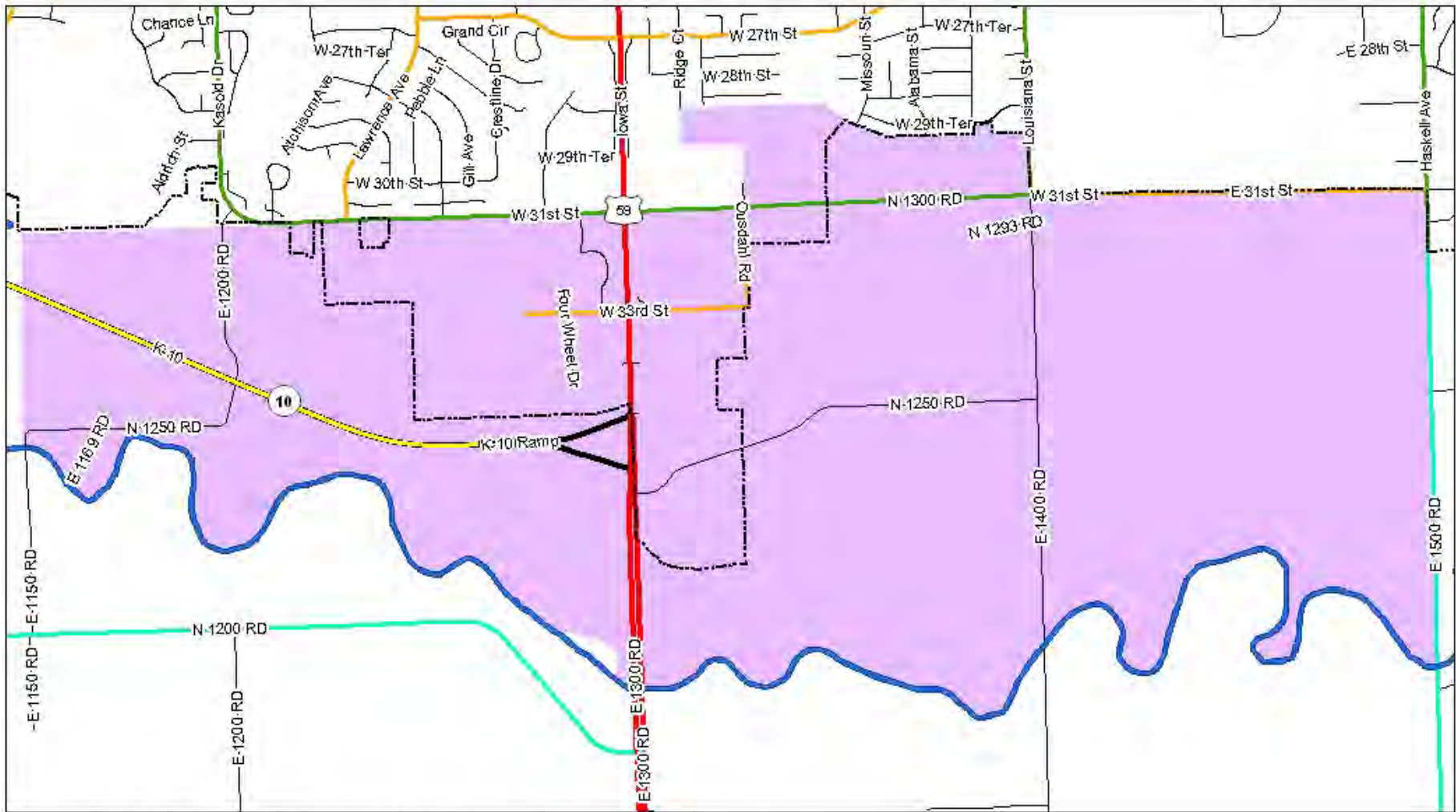
Lawrence has a public transportation system (The "T") which operates throughout the city. This system allows people that do not live within walking distance of a neighborhood to utilize the neighborhood services without relying on an automobile. The city transit system has three routes that travel into the *Revised Southern Development Plan* planning area, which are shown along with shelters and a transfer location, on Map 2-8.

- Route 5, 23rd/Clinton Crosstown - Wakarusa/South Iowa/Industrial Park, travels through the planning area along Kasold Drive, W. 31st Street, Neider Road, Four Wheel Drive, and S. Iowa Street.
- Route 7, South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.
- Route 8, KU/South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.

Legend

- City Limits
- Freeway
- Arterial
- Planning area
- Principal arterial
- Collector
- Water Bodies
- Minor arterial
- Street/Rural Roads

PREPARED BY:
 DATE:
 SCALE:
 PROJECT NO.:

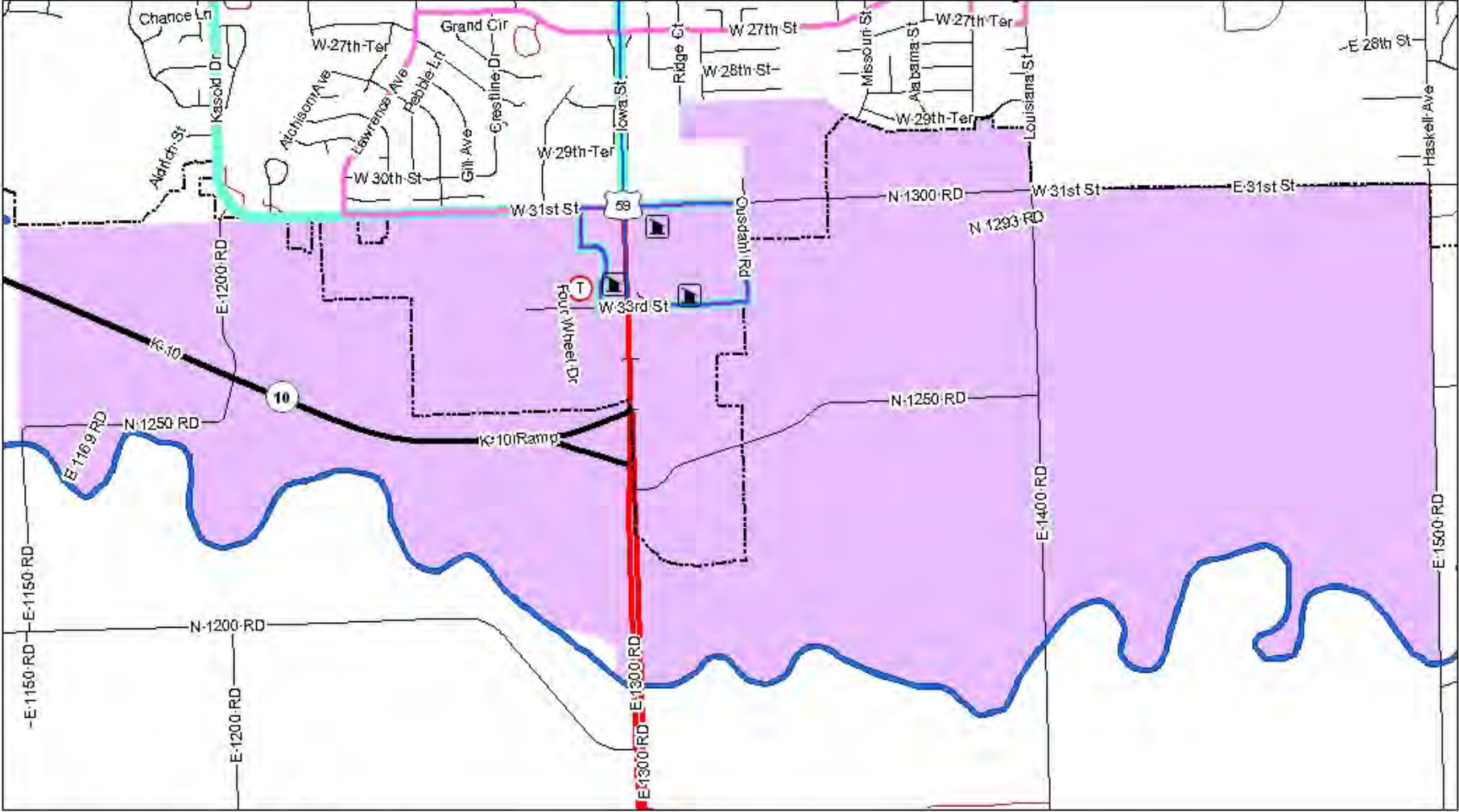


Map 2-7 Road Classification
Revised Southern Development Plan

Map Date: April 20, 2007

Legend

- City Limits
- Bus Shelter
- Transit Routes**
- Planning area
- T Transfer Location
- 5
- 7
- 8



Map 2-8 Transit Routes
Revised Southern Development Plan

Map Date: April 20, 2007

RECOMMENDATIONS

Land Use (See Map 3-1 or Map 3-2)

Low-Density Residential:

The intent of the low-density residential use is to allow for single-dwelling type uses.

Density: 6 or fewer dwelling units per acre

Intensity: Low

Applicable Areas:

- Property southwest of the intersection of Kasold Drive and W. 31st Street, and west and east of E. 1200 Road.
- Property southwest of the intersection of Four Wheel Drive and W. 33rd Street.

Zoning Districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, group home, public and civic uses

Medium-Density Residential:

The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.

Density: 7-15 dwelling units per acre

Intensity: Medium

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Lawrence Avenue.
- Property to the southwest of the intersection of Four Wheel Drive and W. 31st Street.
- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- ~~Property to the northeast of the intersection of W. 31st Street and Ousdahl Road.~~
- Property to the north and west of the intersection of Louisiana Street and W. 31st Street.
- Property to the southwest of N. 1250 Road.

Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multiple-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, multi-dwelling structures, group home, civic and public uses

Residential/Office:

The intent of the residential/office use is to allow a mix of office use with low-density residential uses.

Density: 4-15 dwelling units per acre

Intensity: Low-Medium

Applicable Areas:

- Property along the east side of Ousdahl Road, south of W. 31st Street.

Zoning Districts: RSO (Single-Dwelling Residential-Office), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, group home, civic and public uses, veterinary, offices, personal improvement

Office:

The intent of the office use is to allow for general office uses that would be minimally evasive to nearby residential uses.

Intensity: Medium

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Lawrence Avenue.

Zoning Districts: CO (Commercial Office), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, medical offices, veterinary office and grooming, general office

Traditional Neighborhood Development (TND):

The intent of Traditional Neighborhood Development areas are characterized by mixed land uses, grid like street patterns, pedestrian circulation, intensively-used open spaces, architectural character, and a sense of community.

Density: Variable

Intensity: Variable

Applicable Areas:

- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the southwest of N. 1250 Road

Zoning Districts: T3, T4, T5, T5.5

Primary Uses: Residential, retail, office, civic

Commercial:

The intent of the commercial use is to allow for retail and service type uses geared toward the community as a whole and auto-related uses geared toward traffic from Hwy K-10.

Intensity: Medium to High

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Iowa Street/Hwy 59 including the northeast corner of W. 31st Street and Ousdahl Road. (Regional Commercial Center)
- Property to the southeast and southwest of the intersection of K-10 and Hwy 59. (Auto-Related Commercial Center)

Zoning Districts: CC (Community Commercial Centers District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, animal services, eating and drinking establishments, general office, retail sales and services, vehicle sales and services

Open Space:

The intent of the open space use is to protect the FEMA designated floodplain by allowing very minimal development for the public use.

Intensity: Minimal

Applicable Areas:

- Property to the north of the Wakarusa River.
- Property designated by FEMA to be 100 year floodplain or floodway.

Zoning Districts: OS (Open Space), UR (Urban Reserve)

Primary Uses: Passive recreation, nature preserve, agricultural

Public/ Institutional:

The intent of the public/institutional use is to allow for public and civic uses, recreational facilities, and utility uses.

Intensity: Variable

Applicable Areas:

- Residential care facility south of the intersection of W. 31st Street and Lawrence Avenue.
- Social service facility south of the intersection of W. 31st Street and Harrison Avenue.
- Post office west of Ousdahl Road and south of W. 31st Street.

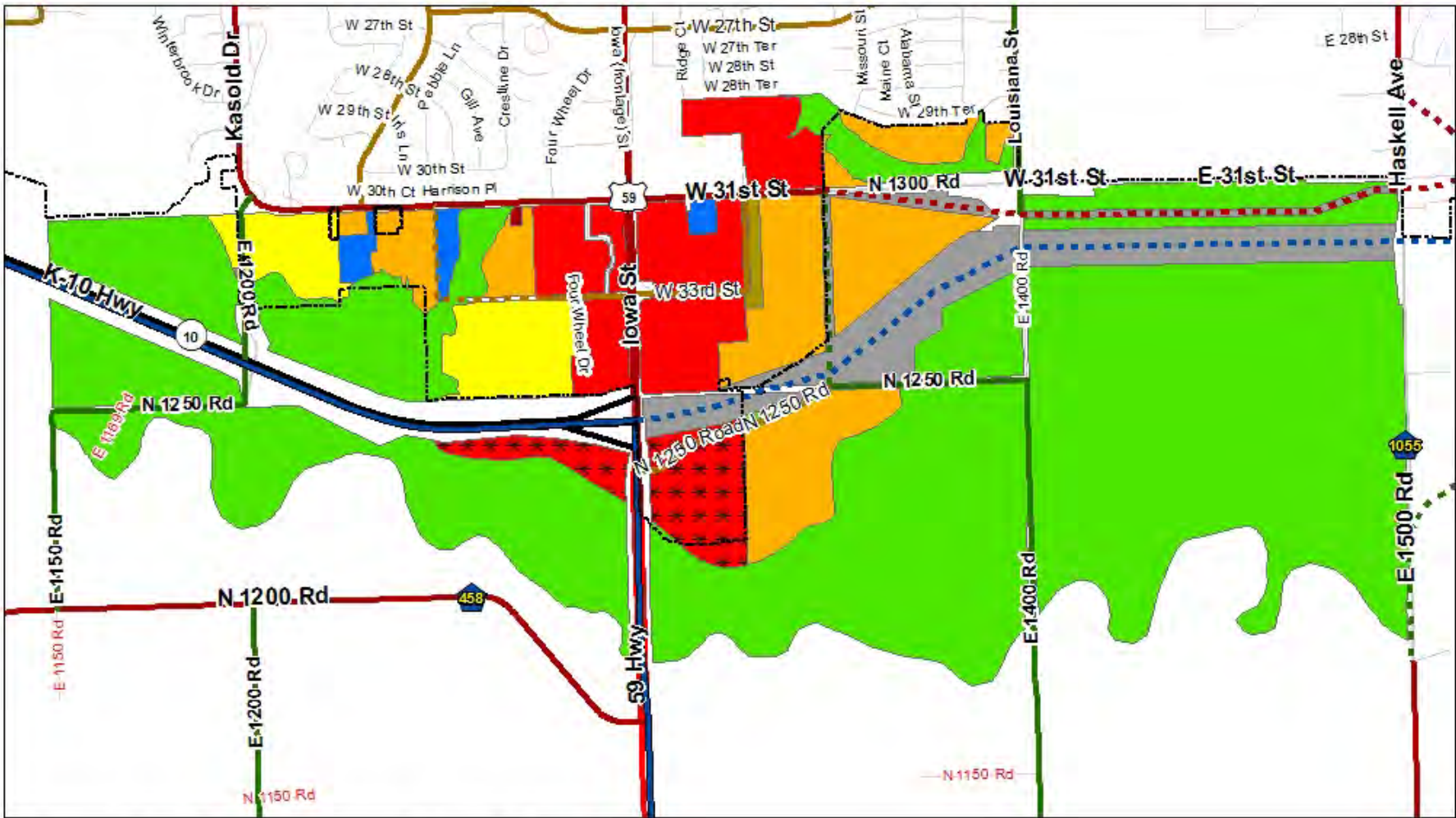
Zoning Districts: GPI (General Public and Institutional)

Primary Uses: Civic and public uses, recreational facilities, utility services

Legend

- | | | | | |
|-----------------------|-----------------------------|----------------------------|------------------------------|---------------------------------|
| City Limits | Future Thoroughfares | free way | Future Land Use draft | Commercial |
| future arterial | collector | Low-Density Residential | Auto-Related Commercial | Open Space |
| future minor arterial | principal arterial | Medium-Density Residential | Public/Institutional | Transport/Communication/Utility |
| future freeway | minor arterial | Residential/ Office | | |
| future collector | | Office | | |

DISCLAIMER NOTICE
 This map is provided as a guide only and does not constitute a representation of any future development. The location of any future development is not guaranteed. The City of Harrison is not responsible for any errors or omissions in this map. There are no legal obligations of any kind created by this map. The map is for informational purposes only and should not be used for any legal or financial purposes.

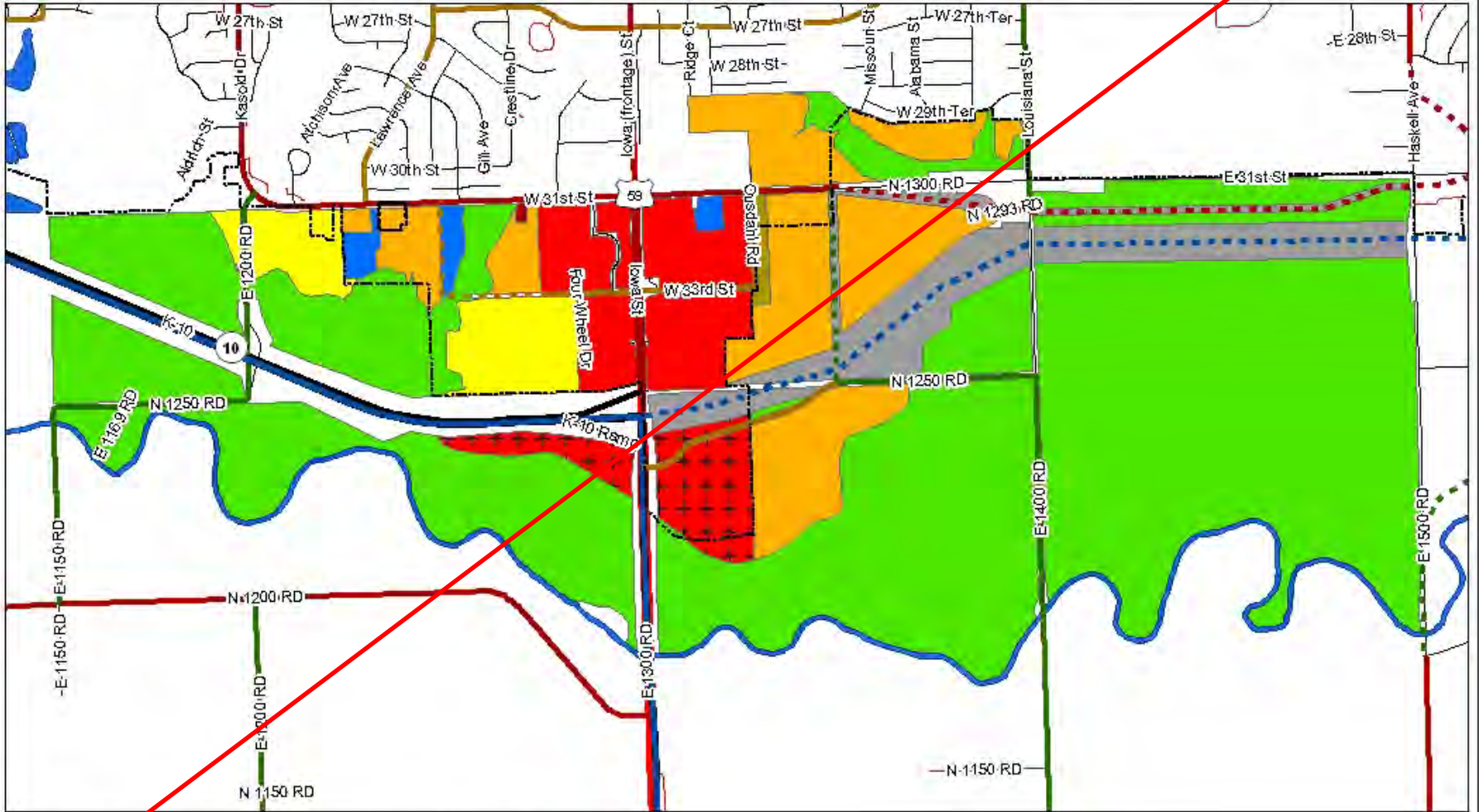


**Map 3-1 Future Land Use Map Draft
 Revised Southern Development Plan**

Map Date: April 10, 2013

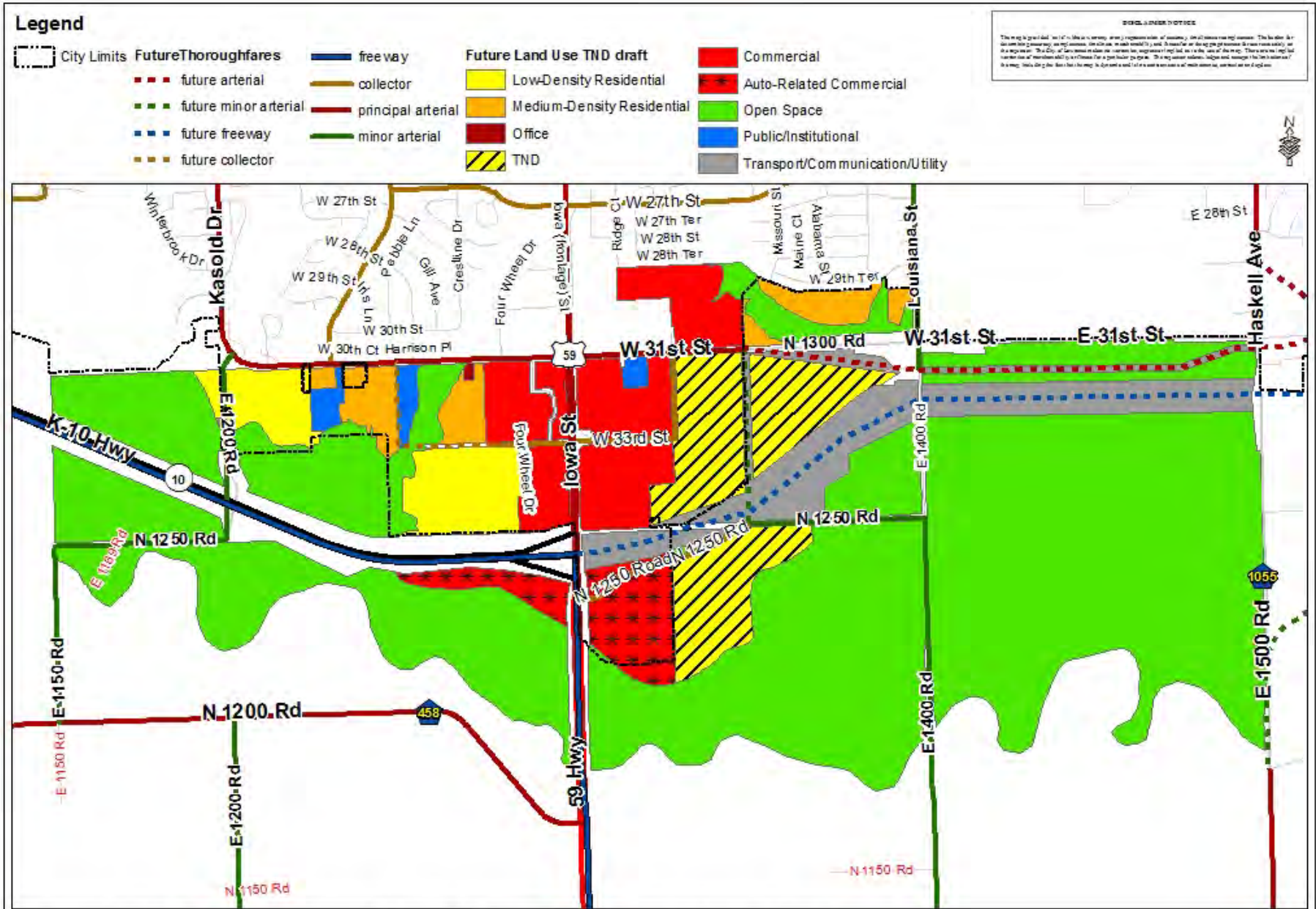
Legend

- | | | | | |
|------------------|-----------------------|----------------|----------------------------|---------------------------------|
| City Limits | future arterial | freeway | Future Land Use | Commercial |
| Water Bodies | future minor arterial | collector | Low-Density Residential | Auto-Related Commercial |
| future freeway | principal arterial | minor arterial | Medium-Density Residential | Open Space |
| future collector | | | Residential/ Office | Public/Institutional |
| | | | Office | Transport/Communication/Utility |



Map 3-1 Future Land Use Map
Revised Southern Development Plan

Map Date: November 28, 2007

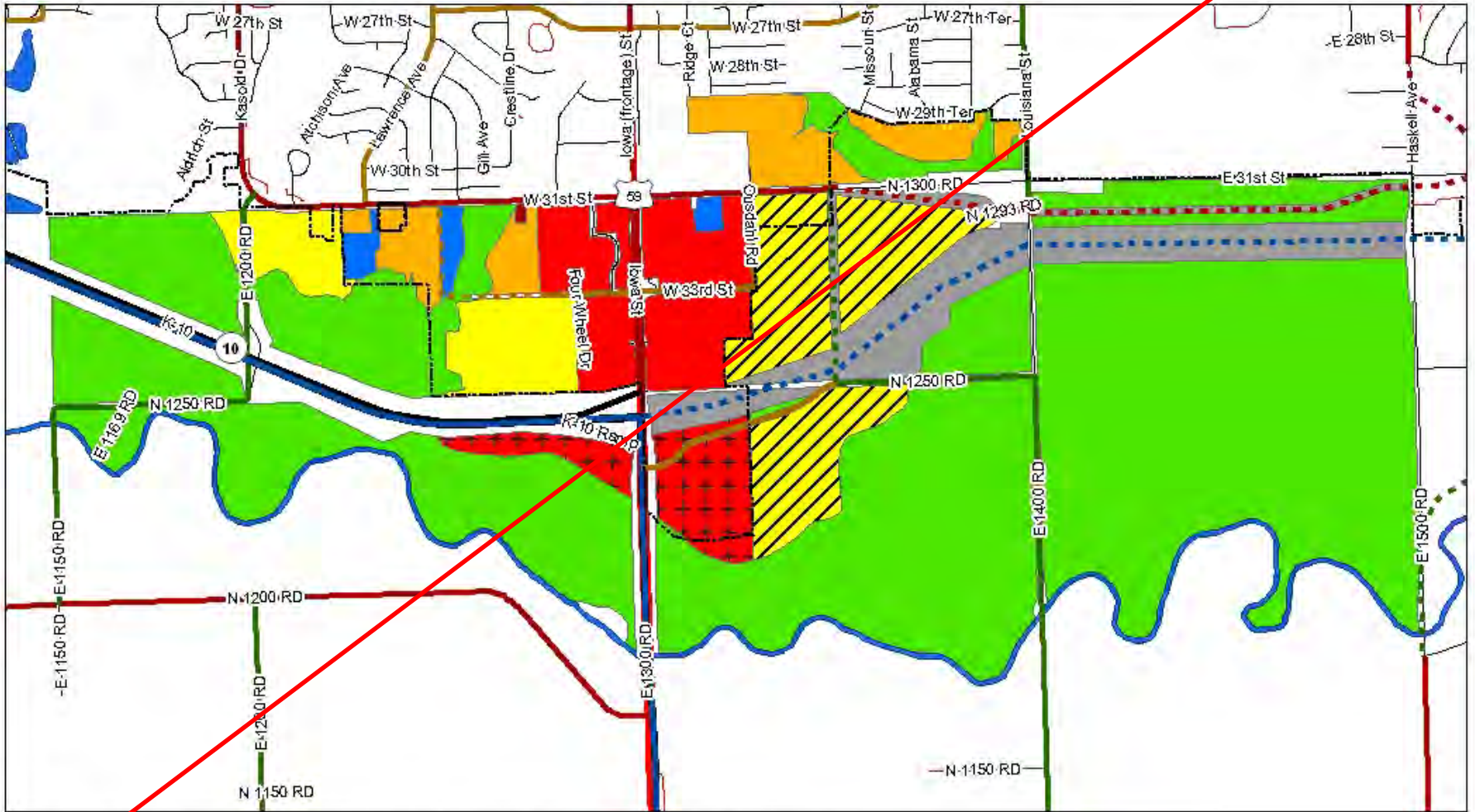


Map 3-2 Future Land Use Map, TND Option Draft
 Revised Southern Development Plan

Map Date: April 10, 2013

Legend

- | | | | | |
|------------------|-----------------------|----------------|----------------------------|---------------------------------|
| City Limits | future arterial | freeway | Future Land Use TND | Commercial |
| Water Bodies | future minor arterial | collector | Low-Density Residential | Auto-Related Commercial |
| future freeway | principal arterial | minor arterial | Medium-Density Residential | Open Space |
| future collector | minor arterial | TND | Office | Public/Institutional |
| | | | | Transport/Communication/Utility |



**Map 3-2 Future Land Use Map, TND Option
Revised Southern Development Plan**

Map Date: November 28, 2007

Policies

General

1. Traditional Neighborhood Design (TND) is encouraged where identified.

Gateways

1. Development shall enhance 'Gateways' by creating an aesthetically pleasing view into the city.
2. Aesthetically pleasing landscaped entry way along Gateways shall be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.
3. Fencing installations shall incorporate continuous landscaping at the base and edges of the fence to integrate the fence with site and landscaping
4. High quality, aesthetically pleasing building materials should be used.
5. Pedestrian friendly connectivity between properties shall be incorporated.

Commercial

1. Encourage diversity and gradation of uses with access restricted to arterial, frontage road, or collector streets. Commercial curb cuts on major arterials shall be discouraged and frontage roads shall be encouraged.
2. Planned Development Overlay zones shall be self-contained with consideration given to: independent traffic networks; land use buffers; and/or a gradation of land uses, as well as, landscaped buffer(s) along the perimeter of the planned commercial development.
3. Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays.

Residential

1. Landscaped or open space buffers shall occur between major arterials and residential developments (exclusive of dedicated right-of-way).
2. The gradation of residential intensities of land uses is encouraged as this area develops or redevelops. Medium intensity areas shall be used as buffers between more intensive developments and low-density residential areas. Low-density residential developments shall be encouraged to develop on the interior of the neighborhoods units.
3. Single-family lots shall be designed to take access only from local streets.
4. Planned Residential Developments are encouraged where creative design solutions are warranted.
5. Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:
 - have a gross density of no more than 8 dwelling units per acre, and
 - develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes, and rowhouses.

Open Space/Floodplain

1. Encourage recreational uses that do not alter the natural character of the area.
2. Encourage preservation of the floodplain or open space through private or public/private partnerships.
3. Areas within the regulatory floodplain shall not be counted as *contributing* more than 50% of the open space *used* in the computation of density for Planned Development Overlays e.g., areas designated as open space/floodplain cannot be used to justify increased residential development densities.
4. Encourage connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT).
5. Encourage acquisition or development of land for neighborhood recreational paths.

Landscaping

1. Encourage extensive open space and/or berming between different land use categories (e.g., commercial and residential) to provide noise and visual buffers.
2. Encourage native/low-maintenance landscape materials on public lands.

Transportation Network and Corridors

1. Proposed development along W. 31st Street east of S. Iowa Street should assist in the cost of the interim W. 31st Street and Louisiana Street intersection improvements.
2. Commercial vehicular circulation patterns shall be primarily self-contained within the commercially zoned and developed area.
3. Limit access points onto arterial streets through the use of frontage roads and encourage reverse frontage road(s) access to be located at mid-points of blocks.
4. Sufficient area, outside of the required street rights-of-way, shall be required to provide screening along major transportation corridors. This area shall be restricted in use to providing for: utility needs, berming, and landscaping needs.
5. Churches and other community facilities shall be located where access is available from collector or arterial streets.
6. *Transportation 2030* or subsequent long-range transportation plans, once adopted, shall supersede any recommendations, actions, or policies referenced in *Transportation 2025*.

Signage

1. Signs shall be restricted to one building face (side).
2. Signage on the site (in addition to the building face sign) shall be restricted to monument type signs.
3. Allow only interior illuminated (or comparable) signs.

Utilities

1. Future utility transmission lines and existing overhead lines shall be placed underground when installed or replaced.
2. Easements for utility lines shall not coincide with easements dedicated for another specific purpose e.g., greenspace, drainage, or to protect environmental or natural characteristics such as wetlands areas.
3. All utilities should be provided, whether public or private, before development is allowed to proceed.

Exterior Lighting

1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site.

Kirk McClure, Ph.D.
707 Tennessee Street
Lawrence, KS 66044
mcclurefamily@sbcglobal.net

April 18, 2013

Amalia Graham
amalia.graham@gmail.com

Richard Hird
rhird@pihhlawyers.com

Charles Blaser
cblaser@sunflower.com

Pennie von Achen
squampva@aol.com

Jon Josserand
jonjosserand@gmail.com

Clay Britton
clay.britton@yahoo.com

Lara Adams Burger
laraplancomm@sunflower.com

Chad Lamer
chadlamer@gmail.com

Bryan Culver (Vice-Chair)
bculver@bankingunusual.com

Bruce Liese (Chair)
bruce@kansascitysailing.com

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting APRIL 22, 2013
ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL)
CPA-13-00067: Consider Comprehensive Plan Amendment to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street.
ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)
Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W 31st Street.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The proposal to expand the S. Iowa Street commercial corridor east along W. 31st Street is an example of predatory development which is not beneficial to our community.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually rather small in terms of the number of homeowners normally needed to support a home improvement center. If a second store is added, there will be too few people, and especially too few homeowners, to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million, to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

Ratio of Home Improvement Stores to Population and Homeowner Households Kansas City and Lawrence

	<i>Kansas City Metropolitan Area</i>	<i>Lawrence Douglas County</i>	<i>Lawrence with Added Center</i>
Total Centers	19	1	2
Population	1,980,619	113,569	
Owner households	538,827	24,800	
Population:center ratio	104,243	113,569	56,785
Owners:center ratio	28,359	24,800	12,400

Market Analysis

The market analysis submitted in support of these proposals is flawed in many ways.

Rate of Absorption

The retail study begins with the assertion that Lawrence can absorb 129,000 to 236,000 square feet per year by the year 2020. This assertion would assume that Lawrence has a balanced market now. Even the retail market study submitted admits that the stock of retail space has grown by 72 percent since

2000 while retail sales have risen by only 37 percent. Clearly, the City has permitted developers to build space at a pace much faster than the spending can support. The result is an over-built condition leading to underutilization of space and a lack of interest in the maintenance of properties.

Pull Factor

The retail study goes on to assert that the City's retail pull factor is low. The pull factor measures the amount of spending per capita in the retail market compared to a statewide average. If the pull factor is above 1.0, it indicates that the market pulls in more spending than is available from the local population. Lawrence's pull factor has been above 1.0 for 10 of the last 12 years. It has been rising for the last three years. This is an admirable record for a small city located between two larger cities.

The study suggests that a Mendards will improve the pull factor. It is not credible that the consumers will drive to Lawrence to shop at our home improvement center any more than they do now. The consumers in the Topeka and the Kansas City metropolitan areas have several home improvement centers in close proximity to them. They will not drive Lawrence for this purpose.

Population and Income Growth

The retail study does on to suggest that the future growth of Lawrence's population and income will support expansion of the stock of retail space. The ultimate limit on the amount of space that the city can absorb is the spending in the retail market. Income growth in Lawrence continues to lag behind the Kansas City metropolitan area, holding back the growth in the retail spending. It is unwise to let the retail market grow faster than the growth in retail spending.

Recommendation

To avoid predatory development that will waste the taxpayers' investment, I recommend against the proposed plan amendment and rezoning at 1900 West 31st Street.

To regain strength in the retail market of Lawrence, the Planning Commission needs to exercise extreme caution with any expansion of the stock of retail space until the retail spending levels grow sufficiently to return to the balance found in the past.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", written over a horizontal line.

Kirk McClure



April 19, 2013

Kirk McClure
707 Tennessee St
Lawrence, KS 66044

Dear Mr. McClure,

Your letter regarding the proposed Menards project was forwarded to me by city staff. I have taken the time to respond to every resident that submits comments to the Planning Commission, city staff, or myself regarding this development. Responses to your concerns are below.

The term "predatory development" implies that Menards is in some way taking advantage of and individual or group of people with no regard for their wellbeing. That is certainly not the case with our Lawrence project. Menards has taken great steps to ensure that not only will our project not harm the city but improve the city as a whole. On April 8th I met with homeowners surrounding the project site and the response to our plans was very positive. We have included the residents in the planning process from the very beginning and plan to continue that practice.

I understand your main point to be the competition between Menards and Home Depot and their viability in the future. Your concerns are shared among several residents of Lawrence and often in other communities which we are new to. However no one understands the viability of a business better than the business itself. Menards is in no way trying to put Home Depot out of business here or in any other location. Competition is healthy and what makes the American economy strong. If Menards felt there was a chance their either Menards or Home Depot could not support a store we would not have a desire to build in the first place. For your information I have attached a list of a few of our western Menards stores in communities of similar size with either a Home Depot or Lowes located nearby.

I do not know the history of the taxpayer money that was used in the Home Depot project. However I can say that Menards is asking for nothing from the city of Lawrence financially. All Menards is asking for is the ability to compete on a fair playing field with every other business. Menards has performed studies regarding traffic, flooding, and utilities to ensure that our project will not harm any other property in the process.

Menards has a pull factor that is not ordinarily anticipated by a market study such as this. This is very evident by the number of Lawrence residents that travel to our Topeka store to shop in large numbers. Not only is that Menards store drawing consumers from outside of the Topeka region where there are other home improvement stores nearby. It is taking them from the City of Lawrence and it has a home improvement store. It is a reasonable



assumption that consumers will drive from all across Douglas County to shop at the Menards store just like they do in Shawnee County to the west.

Retail studies are only one element in the review of impacts a retailer would have on a community and they often fail to consider items that make retailers unique. Many communities have done away with these studies and relied more on experience and review of each project individually. Again there will be no investment by the residents of Lawrence to build the store. It is also unlikely that Menards or Home Depot would be put out of business by this project. Menards would be a great fit within the community and draw more consumers into the city that would otherwise be driving elsewhere to shop. If you have more questions please do not hesitate to contact me.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over the typed name.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com

	Menards	Next Door	1/2 Mile	1 Mile	Under 3 Miles
1	Topeka	Lowes		Home Depot	
2	Manhattan				Home Depot
3	Salina			Lowes	
4	Wichita West			Lowes	
5	Wichita East				Home Depot
6	Garden City	Home Depot			
7	Sedalia		Lowes		
8	Lake Ozark				Lowes Home Depot
9	Jeff City				Lowes
10	Colombia		Home Depot		Lowes
11	St Peters				Home Depot
12	Manchester		Home Depot		Lowes
13	O'Fallon				Home Depot Lowes
14	Lincoln South				Home Depot Lowes
15	Lincoln North	Home Depot			
16	Grand Island			Home Depot	
17	Council Bluffs	Home Depot			
18	Sioux City				Lowes
19	Sioux Falls West	Home Depot	Lowes		
20	Clive			Lowes	
21	Altoona	Lowes			
22	De Moines		Home Depot		
23	Ankeny	Home Depot			
24	Waterloo	Home Depot	Lowes		
25	Marion			Home Depot	
26	Davenport				Lowes
27	West Burlington			Lowes	
28	Rochester			Home Depot	
29	Rochester South				Lowes
30	Mankato	Home Depot			Lowes
31	Coon Rapids	Lowes			
32	Blaine				Lowes
33	West St Paul		Lowes		
34	Stillwater		Lowes		
35	Maple Grove		Home Depot		
36	Brooklyn Park				Home Depot
37	Fridley				Home Depot
38	Richfield		Home Depot		
39	Eden Prairie	Home Depot			
40	Hudson	Home Depot			
41	Rapid City				Lowes
42	Fargo	Lowes			
43	Hermantown				Home Depot

44	Cape G		Lowes		
45	Marion IL				Home Depot
46	Evansville				Lowes
47	Bloomington			Lowes	
48	Champaign	Lowes		Home Depot	
49	Danville			Lowes	
50	Normal	Home Depot			
51	Springfield South		Lowes		
52	Springfield North	Lowes			
53	Forsyth		Lowes		
54	Peoria				Home Depot
55	Galesburg			Lowes	
56	Peru	Home Depot			
57	Dubuque			Lowes	
58	Janesville			Home Depot	
59	Racine			Home Depot	
60	Fox lake	Home Depot			
61	Gurnee	Home Depot			Lowes
62	Kenosha		Lowes		
63	Cherry Valley				Lowes
64	Machesney Park	Home Depot		Lowes	
65	Wausau	Home Depot			
66	Plover				Lowes
67	Oshkosh	Lowes			
68	Appleton East		Lowes		
69	Manitowoc		Lowes		
70	Appleton West			Home Depot	
71	West Bend	Home Depot			

From: Burress, David A. [mailto:d-burress@ku.edu]

Sent: Tuesday, April 16, 2013 10:37 AM

To: Denny Ewert

Subject: RE: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER and ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST

April 16, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Dear chairman Liese and Planning Commissioners:

Re: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL)
ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

The League asks that you not change the Southern Development Plan to expand the existing designated area for a Regional Commercial Center and that you deny the request for a 41.5 acre tract to permit the development of a Menards store. We ask this for the following reasons:

We question whether the current 23rd and South Iowa designated Regional Commercial area has the capacity for any additional commercial zoning beyond that already designated and zoned for commercial use. The amount of commercial zoning existing now in this Horizon 2020 designated CR has been listed as 1.3 million square feet and the date on this is April, 2012.

The Revised Southern Development Plan does not recommend that this area be expanded for commercial use and designates it for medium residential use. The commercial zoning to the west of this was intentionally given a buffer of residential zoning so that the commercial area would not expand to the east to create a continuous commercial strip to Louisiana.

If this 41-acre parcel, or even a portion of it is rezoned CR, it will be the only so-zoned property in Lawrence. The CR District is a conventional district and strictly speaking was not intended to be conditioned to limit the uses. The fact that only a portion of the property has been configured to include the Menards store (and parking) creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists and because it is surrounded by residential uses on three sides makes the potential negative impact even more serious.

For these and many other reasons, we urge that the Planning Commission not change the Southern Development Plan to accommodate the CR District and not grant the current **Z-13-00071** request for CR Zoning.

Thank you for considering our letter.

Sincerely,

David Burress

/s/

President-Elect

League of Women Voters of Lawrence/Douglas County

Cille King

/s/

Land Use Committee

ITEM NO. 4 HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

CPA-13-00067: Consider Comprehensive Plan Amendment, CPA-13-00067, to Horizon 2020 Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, Revised Southern Development Plan, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menard, Inc. *Deferred by Planning Commission on 4/22/13.*

Authorize the chair of the Planning Commission to sign PCR-13-00192 regarding CPA-13-00067, if appropriate.

ITEM NO. 5 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W 31st Street. Submitted by Menard, Inc., for Mid-American Manufactured Housing, Inc., property owner of record. *Deferred by Planning Commission on 4/22/13.*

STAFF PRESENTATION

Ms. Amy Miller provided an update on the retail market study section of the Comprehensive Plan report.

Ms. Michelle Leininger presented item 4.

Ms. Sandra Day presented item 5.

Mr. Dave Cronin, City Engineer, displayed SLT improvements on the overhead.

APPLICANT PRESENTATION

Mr. Tyler Edwards, Real Estate Representative for Menard Inc., said they were willing to take the suggested staff recommendation of conditional zoning. He displayed the concept plan on the overhead. He did not feel the buffer needed to be 200' and would prefer to see a 100-200' buffer instead. He said Menards would accommodate the new trail, all the new stormwater, and relocate the sewer pipe. He said Menards still needed the ability to have some sort of out lots on the property. He said they were negotiating with the adjacent Snodgrass property, which would allow for second point to the retail development. He said Menards does not do land leases for out lots so it would provide security of a tenant.

PUBLIC HEARING

Mr. Zak Bolick expressed continued support for the Comprehensive Plan Amendment and rezoning. He stated he had reviewed the Keller and Associate studies regarding multi-family uses. He stated that the multi-dwelling use was declining and had high vacancy. He estimated a 7 year inventory of multi-dwelling uses and stated that commercial development was in demand.

Mr. Tim Bateman was in favor of the rezoning for Menards to increase the tax base. He did not believe the retail market was over built. He stated multi-family was overbuilt. Development could not creep east because of the floodplain and that the use posed less risk of noise because it would follow business hours.

Ms. Cille King, League of Women Voters, asked for denial. She said the rezoning would be contrary to the Comprehensive Plan and have detrimental impacts to the north and east. She said the CR district was too inclusive and inappropriate for this location. She said only a portion would be used for Menards and the remainder would be speculative development. She felt it would be better to limit the area to only the amount needed for Menards which would allow for more buffering. She stated that other locations were available. She said if the project moved forward the area should be reduced to only accommodate Menards, a natural buffer should be created to the north and east, create a Planned Development overlay with conditional zoning, and encourage the applicant to seek another less inclusive site. Ms. King read into the record the letter provided in the packet from the League of Women Voters.

Mr. Bruce Livingston felt the tax base should be expanded. He stated the proposed property already had infrastructure in place.

Mr. Kirk McClure, Old West Lawrence Neighborhood Association, expressed opposition to the CPA and rezoning. He discussed market analysis, the mythical benefits alleged, and the integrity of planning. He felt retail was overbuilt and that supply had been growing more than demand. He said there would be no jobs, sales tax, and property taxes from this project. He said all those figures were a function of the amount of population in the community and that adding more stores would not create more people to purchase. He said retail jobs would continue on a slow downward path and that adding big box stores would accelerate that pace of decline. He said property taxes would only have a momentary bump and that adding more buildings would not add more value, it just reduces the value by square foot. He expressed concern about the integrity of the planning process. He felt the benefits should be so great to make exceptions. He said this was predatory competition and it was not wanted.

Mr. Ted Boyle, North Lawrence Improvement Association, urged Planning Commission to approve the rezoning. He said the Topeka Menards received customer pull from other counties.

Mr. Gary Rexroad supported the request from Menards. He said the SLT plans would divert traffic away and that development to the east down 31st Street had natural limitations. He felt the material changes should allow a revision to the Comprehensive Plan to support the request. He believed a Menards in town would bring outside dollars. He said the neighbors were not concerned about the project. He felt Planning Commission should consider this opportunity for Menards.

Mr. Mark Stinger, representative for The Connection apartment complex, supported the project.

COMMISSION DISCUSSION

Commissioner Josserand said he would like more information regarding transportation issues. He asked staff to briefly describe the term 'level of service' within transportation studies.

Mr. Cronin said the level of service was used to rate certain intersections, on a scale from A to F. He said traditionally it was based on delay and that longer than 80 seconds for the average vehicle to travel the intersection was an F.

Commissioner Josserand inquired about the level of service for the intersection of 31st and Iowa.

Mr. Cronin said the existing condition at 31st and Iowa was a D level of service. He said the level of service represented the peak hour. He said the existing condition with the proposed development was an E level of service. He stated the future 2030 level of service was an F. He said many intersections in Lawrence operate with an F during the peak hour. He said 31st and Iowa had been improved and could handle the additional traffic brought on by the development.

Commissioner Josserand said Mr. McClure referred to public investments associated with the rezoning of the Home Depot area.

Mr. Cronin said when development like that occurs there are improvements made to the public transportation network. He said the impact of the SLT traffic was unknown.

Commissioner Josserand said 31st Street would go all the way to O'Connell and was a direct attachment to a commercial area from a fairly significant residential base.

Mr. Cronin said as growth continued it would generate more trips.

Commissioner Josserand said the transportation study recommended a number of acceleration/deceleration lanes for the Menards proposal.

Mr. Cronin said the initial traffic impact study showed an access point where the existing entrance was for the former trailer park area. He said turning lanes were recommended in lieu of a signal. He said the revised plan showed an access point east of that and would most likely be a signalized intersection which would include turn lanes. He said some things would have to be determined in the future.

Commissioner Josserand asked if the City or the applicant would pay for those investments.

Ms. Day said those would be evaluated as part of the subdivision plat process and site planning. She said many times there were conditions on subdivisions that have an agreement not to protest the formation of a benefit district. She stated that would give the City the opportunity that when various warrants were met for the need of a signal the property owner could participate in that improvement. She said it was something that was still being evaluated as more details about the specific development became known.

Commissioner Josserand asked if those types of agreements would occur subsequent to Planning Commission approval.

Ms. Day said yes.

Mr. McCullough said that was correct. He said if the demand was created by that particular user and the warrant was triggered there were policies that require the developer to pay for those improvements.

Commissioner von Achen asked Mr. McClure about his earlier statement that there would be no new jobs created.

Mr. McClure said the number of retail jobs in any market was a function of the amount of spending, not the number of stores or the square footage of stores. He said the total number of retail numbers would remain the same because it was a function of spending, not the number of stores. He said in all likelihood jobs would be taken away from other vendors.

Commissioner Burger asked Mr. McClure if the numbers of demand versus supply included the nearly one million square footage of improved but not developed retail developments, such as Mercato and Fairfield Farms.

Mr. McClure said no they do not, only inventory of space built taken from the tax assessors numbers, which was only bricks and mortar in the ground. He said the planning process was out of control in Lawrence.

Commissioner Britton said assuming it was true Douglas County dollars were going to Topeka and Olathe, he wondered if it was just as likely jobs would be taken away from Topeka and Olathe, which would add jobs and sales tax revenue to Lawrence.

Mr. McClure said home improvement was not a draw from other communities.

Commissioner Britton said there was discussion about Lawrence residents driving to other communities and he wondered if a store in Lawrence would keep them from driving to other stores.

Mr. McClure said Lawrence could really only support one home improvement center.

Commissioner von Achen asked staff about the numbers in the retail market study and how reliable they were as a predictor of vacancy.

Mr. McCullough said the retail market study was not trying to predict vacancy, it was just saying it was the assumption all the properties were constructed and vacant. He stated that would be the vacancy if all of that was built and vacant. He said that basis for looking at it that way came at a time in the economy when a lot of spec commercial building was being constructed and since the recession there has been little to no spec building of commercial property.

Commissioner von Achen asked why vacancy was assumed when a building opened.

Mr. McCullough said there was the concept of predatory building to take away from other like retail.

Commissioner von Achen asked it was the Planning Commission's responsibility to look at the market studies or just the land use.

Mr. McCullough said they were looking at both for their review.

Commissioner Hird asked if the concept of predatory retail was experienced in Topeka with three home improvement stores in close proximity.

Mr. McCullough said he did not have data to speak to that.

Mr. Edwards said the Menards in Topeka was doing great and that Home Depot and Lowe's were also doing fine.

Commissioner Britton asked Mr. Edwards about a list he provided about cities that had another home improvement store within a close proximity. He asked if there had been enough time to know if they could coexist.

Mr. Edwards said in the last five years Menards had opened 30-40 new stores and made it through the economic hard times.

Commissioner Lamer asked if Menards strategy was to try and collocate next to other home improvement stores.

Mr. Edwards said it wasn't necessarily a strategy but that it happens often because larger commercial areas have more tracts by it. He said Menards does not have a problem with it because it brings more of a synergy of home improvement users. He said it was similar to car dealerships locating in the same area.

Commissioner Lamer asked if that decision was what drove the site selection process for this location.

Mr. Edwards said no. He said the decision to locate at this site was the overall South Iowa retail market.

Commissioner Lamer said what they had heard was that there was a huge pull factor for Menards and citizens who leave Lawrence to go to Topeka and Kansas City to shop. He stated the applicant said this was the only site that worked but yet people are driving 20-30 minutes to go shop at a Menards. He said it didn't seem to fit in his mind that people were not willing to drive across town to places that were already appropriately zoned. He said he had a problem with why the Comprehensive Plan should be changed.

Commissioner Liese said he had not heard any business owners comment about the Menards location. He said as a business owner himself he really relies on stores like Menards and frequently has to shop outside of Lawrence to find what he needs. He said he felt bullied by Menards that they won't locate anywhere else. He said he would like to see Menards moved to a place that was zoned for it and in the Comprehensive Plan.

Commissioner Burger said there were certain things about the application that were exciting and creative. She said her hesitancy increased as testimony was shared. She wondered if the Douglas county tags that are seen

in the Topeka Menards parking lot are perhaps people who work there too and are already there. She said Menards had a significant pull factor with a loyal commerce base. She said she was sympathetic to Menards and its supporters. She said regarding the predatory nature, in the past few years Planning Commission approved infill in the parking lot at Walmart on Iowa. She said it did not create a new business, it just relocated a business from 23rd Street to Iowa, leaving an opening on 23rd Street. She did not think Menards was out to do anything other than operate a good business and create a loyal customer base but that predatory argument had additional validity because Menards said it was not financially viable for them to occupy this site without having the opportunity to sell parcels to other commercial investments. She did not want to see open spots on 23rd Street. She said she had many hesitations and was concerned that Menards was not able to do the project without selling out lots.

Commissioner Blaser said auto dealers locate in the same area because it attracts people who want to shop for cars. He thought that healthy competition was the real reason Menards wanted to locate there.

Commissioner Lamer said competition was great but Home Depot was not allowed to build a full service store when it was developed and Menards would be able to build a full service store if approved.

Commissioner Hird said the difference was that Home Depot was subsidized. He said an important factor was that neither Lowe's or Menards wanted to go out to 6th & K-10. He said public testimony had demonstrated that the request was generally viewed as acceptable if certain conditions were placed on the request. He said the comments had been overwhelmingly in support of the project. He said in past years infill development had been preferred over urban sprawl and this was an example of a blighted property that could be turned into something better than more apartments. He thought it was very important to consider the neighbors support of this. He said Planning Commission has been ultra sensitive to people who are opposed to projects so perhaps the same sensitivity should be given to people in support of it. He thought it was a unique piece of property with the floodplain as a natural barrier and changes in the road configuration with the construction of the SLT. He felt any of those reasons could justify approving this. He said he visited a Menards for the first time recently and found it to be different than Home Depot. He said it would compete with home improvement stores but that there were some differences in the stores. He said the property was currently zoned for apartments and that nobody had come up with a better idea. He thought Menards looked like a reasonable alternative and he hoped the concerns about predatory retail do not come true. He said Menards had been known for its adamantly conservative politics but that he was not considering that as a factor. He thought he could support the project because of the support from the residents in the area and also that it seemed to be the best alternative. He said it would be convenient for Menards to locate to 6th & K-10 but that they need to be realistic.

Commissioner Jossierand said he was pleased to hear comments from other Commissioners about too many multi-family structures. He said he was struggling with this project. He said he did not care who the ultimate tenant was but he was trying to figure out how much commercial zoning was needed and how to plan for it. He felt they needed to be aware of what those decisions do to community. He said he did not know what the appropriate amount of vacancy was. He said he liked what the applicant had done and he did not care if it was Menards or Walt Disney World. He said he had heard the neighborhood was enthusiastic about the project but he was not sure that was true. He said his conversations with members of the neighborhood included discussions of angst about Louisiana Street and the nature of more retail development in the area. He expressed concern about transportation and the construction of too many home improvement stores.

Commissioner Culver thanked staff for taking the time to look at suggestions from last month and providing opportunities to see if it could be a good fit. He thanked the applicant as well. He felt guiding policies were in place for a good reason to help planning for the future but that it was a balance between current opportunities for the community and long range planning. He felt this was a unique opportunity as a community to have an area that could be developed in a way that had been adapted to mitigate some of the concerns originally proposed. He said builders and contractors travel outside of the community for construction materials which means those dollars are leaving the community. He agreed with Commissioner Jossierand that there was not overwhelming support from the neighborhood but that they saw this as an opportunity to get what could fit

for the area in a good way. He said there was predictability in the project with hours of operation and a natural transition from commercial to residential that would prevent future strip development heading east. He said it was not known how the SLT would impact traffic. He said Menards knows their business and customers very well and they cannot force an applicant to locate somewhere they do not want to locate because they may miss out on opportunities. He said he would support the revision to the Southern Development Plan and would be disappointed if they could not accommodate a situation in which a new partnership could be created with the business community.

Commissioner von Achen asked staff about the out lots and if Planning Commission would have any discretionary power over when the out lots would be sold.

Mr. McCullough said it would be up to the applicant. He said the lots would be sold and site planned administratively and that there would likely be private covenants.

Commissioner Blaser said since the Comprehensive Plan was created the economy had changed. He felt the Comprehensive Plan needed to be looked at and changed. He said the neighborhood would benefit from improvements to flooding issues and something other than apartments. He said he did not like the term strip out. He said the Walmart on 6th Street had out lots that were approved but not built yet. He believed if they turned down this project it would send the message Lawrence does not want new business.

Commissioner Britton said staff did a good job with the staff report and he appreciated being given some compromised options. He said he was not sure how he would vote. He said it was hard to pinpoint one single change in circumstance that would justify a change in the Comprehensive Plan. He said if they were drafting that portion of the Comprehensive Plan now they probably would put commercial at that location. He said there was also concern in the community about there being too many apartments. He said Mercato was not quite ready to support big boxes in general. He felt this was a good example of infill development. He did not feel this was entirely inconsistent with the node at 31st and Iowa. He said he was not really concerned about the impact on vacancy rates with Menards. He felt they would probably retain more money in town with a Menards and pull other dollars in from outside of Lawrence. He said a lot of the concerns should be discussed at the City Commission level. He said he was leaning toward supporting the proposal presented by staff.

Commissioner von Achen said this was a difficult decision for her because she could see both sides. She said as a consumer she might want Menard's but as a Planning Commission she had to consider other things. She said the retail report concerned her. She shared the same concerns of big box stores that Commissioner Josseland expressed. She said it seemed like every time a project comes forward that's counter to Horizon 2020 it was always marketed as unique and they have to make an exception. She said the alternative was more apartments and she felt Lawrence already had too many. She said there seemed to be a lot of community support which was hard to ignore. She was concerned about stripping out 31st Street but that the floodplain would prevent that. She liked the fact that this project was infill. She said she would reluctantly support the change. She said in terms of the out lots she favored reducing sprawl but that there was already a lot of retail development in the community.

Commissioner Liese thanked staff for their work. He said the public had done a great job of expressing their opinion. He said Menards had put a lot of time and resources into preparing this proposal. He expressed concern about the notion that Lawrence was difficult to develop and he did not like that perception. He felt Menards would provide inventory and options Lawrence wouldn't otherwise have. He clarified his earlier comment and said he did not think Menards was a bully but that he felt bullied because he did not like ultimatums. He said this felt like good planning but he was not yet convinced the jobs and money would not be here. He stated competition was good for business. He said he would vote in favor of the Comprehensive Plan Amendment and rezoning.

Commissioner Blaser inquired about conditional zoning.

Mr. McCullough said the use restriction would come with the zoning. He stated Option 3c included the land use map that would show a 200' buffer in the plan itself. He said staff would take the Planning Commission direction on the 200' buffer to also add as a zoning condition as well. He said it would be implemented through the planning document and conditioned upon zoning.

ACTION TAKEN on Item 4

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve Comprehensive Plan Amendment, CPA-13-00067, to expand the South Iowa Street commercial corridor east along W. 31st Street, to include 1900 W. 31st Street and the southwest corner of the property to the east (Snodgrass property) up to but not including the floodplain and floodway (Future Land Use Map Option 1).

Commissioner Hird said regarding public support, this project may not rise to the level of flag waving but it was refreshing to see neighbors not vocally opposed.

Motion carried 6-3-1, with Commissioners Burger, Josserand, and Lamer voting in opposition.
Commissioner Graham abstained.

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to authorize the Planning Commission Chair to sign Planning Commission Resolution, PCR-13-00192

Motion carried 9-0-1, with Commissioner Graham abstaining.

ACTION TAKEN on Item 5

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve rezoning, Z-13-00071, approximately 32.75 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W. 31st Street, with Option 3c conditions:

1. Condition CR to include 200' buffer along north property line, permitting a reduction in the size of out lots on the Menards site, and designate the adjacent property to the east for future commercial development in the Revised Southern Development Plan.
2. Restrict uses to ensure compatibility. Per attachments:
 - a. Animal Services; Livestock Sales.
 - b. Eating and Drinking Establishments; Bar or Lounge.
 - c. Vehicle Sales and Service; Truck Stop, Heavy Equipment Repair, Inoperable Vehicles Storage;
 - d. Industrial Facilities, Laundry Service.

Commissioner Burger asked how many acres were allowed for out lots.

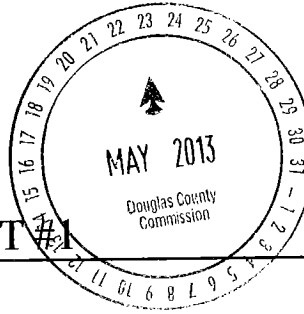
Mr. McCullough said generally speaking, five to six acres.

Ms. Day said that was a basic estimate.

Commissioner Burger asked what defined how many acres the applicant could sell.

Mr. McCullough said it was a product of platting and what on site circulation would be needed, what stormwater improvements would be needed, and how much parking would be needed. He said Planning Commission would see the Preliminary Plat which would show details such as how many lots and the location.

Motion carried 6-3-1, with Commissioners Burger, Josserand, and Lamer voting on opposition.
Commissioner Graham abstained.



DOUGLAS COUNTY FIRE DISTRICT #1

P. O. Box 154
Lecompton, Kansas 66050-0154
Phone: (785) 887-6221
Fax: (785) 887-6888
Email: lecomptonfire_1@juno.com

May 15, 2013

Craig Weinaug
1100 Massachusetts Street
2nd Level
Lawrence, Kansas 66044

Mr. Weinaug,

The governing board for Douglas County Fire District #1 would like to recommend to the Douglas County Commission the following changes:

Ms. Lisa Hughes to replace Ms. Wood as Douglas County Fire District #1 Board President.
Ms. Lori Wilkins to complete the term of Ms. Wood set to expire in 2014.

Sincerely,

Will Shockley
Fire Chief
Lecompton Fire / EMS District #1