BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

MONDAY, JANUARY 13, 2003

9:00 A.M.

-Convene
-Pledge of Allegiance
-Swearing in of Commissioner Jones
-Election of Chair and Vice Chair

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders
(b) Consider approval of Out-District College Tuition Statements in the amount of $24,000 (Debbie Sparkes)
(c) Consider addendum to lease agreement on United Way Center
(d) Consider approval to authorize Director of Public Works to "write-off" uncollectible debt (Keith Browning)

REGULAR AGENDA

(2) Planning Items:

(a) CUP-10-12-02: A Conditional Use Permit Request for Douglas County RWD #4 Pump Station. The property is generally described as being located at the SW Corner of the intersection of N 1400 Road and E 2400 Road. Submitted by Rural Water District Number 4, property owner of record. (Brian Pedrotti)

(b) CUP-10-13-02: A Conditional Use Permit Request for a turf airstrip. The property is generally located at 2215 N 500 Road Submitted by Robert and Angela Murray, property owners of record. (Brian Pedrotti)

(3) Discuss Kasold extension project from 31st Street to Wakarusa River Bridge (Keith Browning)

(4) Other Business
(a) Consider approval of Accounts Payable (if necessary)
(b) Appointments
(c) Miscellaneous
(d) Public Comment

(5) Executive Session

(6) Adjourn

WEDNESDAY, JANUARY 15, 2003

9:00 A.M.

-City/County/School Board Meeting – Douglas County Courthouse

- Report on Chamber of Commerce Survey on Local Legislative Issues (Jean Milstead)
- Receive report from Dave Corliss related to dog issues (City/County)
- Discussion of recently adopted, but not yet published, changes to City/County plat regulations requiring that entire parcels under one ownership be platted at one time (Bob Johnson)
- Discussion of letter from Randy Weseman to Mayor regarding "next steps" in reference to City/School District partnerships, adjoining properties, and shared recreational usage of athletic venues (City/School)
- Follow-up to November LAN study session with the City/School District (Larry Kipp proposals)
- Progress review on revised urban growth area (School District)
- Zoning variances – perception that they are granted too freely (School District)
- Development of "school corridor" exceptions to owner responsibility for sidewalks. A way for selected interventions. Affects the older area of the city and district (School District)

6:35 P.M.

-No Commission Meeting

MONDAY, JANUARY 20, 2003

-Martin Luther King Day – No Commission Meeting

TUESDAY, JANUARY 21, 2003 (9 am)

-2003 budget revision hearings

WEDNESDAY, JANUARY 22, 2003 (9 am)

-2003 budget revision hearings

THURSDAY, JANUARY 23, 2003 (9 am)

-2003 budget revision hearings

MONDAY, JANUARY 27, 2003

-Joint meeting with Board of Zoning Appeals (tentative)
-Discussion of Douglas County Investment Policy
-2003 Budget revision hearings (if necessary)

TUESDAY, JANUARY 28, 2003

-2003 budget revision hearings (if necessary)

WEDNESDAY, FEBRUARY 5, 2003

-Discussion of ECO2 proposals (Jones)

MONDAY, FEBRUARY 10, 2003
-Light Agenda

WEDNESDAY, FEBRUARY 12, 2003
-No Commission Meeting

MONDAY, FEBRUARY 17, 2003
-No Commission Meeting

WEDNESDAY, FEBRUARY 19, 2003
-No Commission Meeting

MONDAY, FEBRUARY 24, 2003

WEDNESDAY, FEBRUARY 26, 2003

FRIDAY, FEBRUARY 28, 2003
9:00 A.M.
-Canvass city & school primary elections

MONDAY, MARCH 3, 2003
-Annual Appraisal Report (Marion Johnson)

WEDNESDAY, MARCH 5, 2003 (Baldwin City High School)
-Joint meeting with Baldwin School Board and City Council

FRIDAY, APRIL 4, 2003
9:00 A.M.
-Canvass city & school general elections

WEDNESDAY, MAY 7, 2003
-No Commission Meeting

(1)(6)

Douglas County, KS

2002 Junior College Out-District Tuition Bills

Tuesday, December 17, 2002

To: County Commission
Craig Weinaug

From: Debbie Sparkes
Budget Specialist

Please review these bills and approve for payment.

Highland Community College	2002 Fall		$5,064.00
Kansas City Kansas Community Colle	2002 Fall		$9,072.00
Washburn University	2002 Fall		$9,864.00
		Total	$24,000.00

(1)(c)

SECOND ADDENDUM TO LEASE AGREEMENT

THIS SECOND ADDENDUM TO LEASE AGREEMENT ("Addendum") is entered into this _____ day of _____, 2002, by and between **THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS** ("County") and the **UNITED WAY OF DOUGLAS COUNTY, INC.** ("United Way") and amends that certain Lease Agreement entered into by and between County and United Way dated September 10, 1996 and amended January 3, 2000, (the "Lease").

RECITALS

WHEREAS, County and United Way entered into the Lease dated September 10, 1996 and amended January 3, 2000, for the property located at 2518 Ridge Court and known as "Valley View;" and

WHEREAS, the Lease is for a term of fifteen (15) years commencing as of the date of the Lease; and

WHEREAS, Paragraph 6 of the Lease provides that County may discretionarily terminate the Lease before expiration of the 15-year term so that County can use Valley View for other public purposes; if such termination occurs, however, County is required to reimburse United Way for United Way's unamortized costs in renovating Valley View; and

WHEREAS, the parties desire to enter into this Addendum to set forth the respective rights and obligations of the parties in the event of a casualty or other damage to Valley View.

NOW, THEREFORE, it is agreed that the Lease is hereby amended as follows:

1. New Section 22 is hereby added to the Lease as follows:

   22. If the building structure or any portion thereof of Valley View shall be destroyed or damaged by fire or other casualty, County shall promptly and with diligence, at County's own expense, cause such damage to be repaired unless, within sixty (60) days after said occurrence, County gives United Way written notice that it has elected not to repair Valley View, in which event the Lease shall terminate effective as of the date of the casualty. Such termination shall be considered a discretionary termination by County pursuant to Section 6 of the Lease. In the event that only a portion of Valley View is destroyed and rendered untenantable as a result of fire or other casualty, and County determines not to repair the damage, United Way, at its option, may agree to continue the Lease with respect to the portion of Valley View that remains tenantable, in which event the Lease shall be deemed terminated only with respect to the fractional portion of Valley View rendered untenantable and County's reimbursement obligations under Section 6 of the Lease shall apply only to the percentage of Valley View that remains untenantable, determined on the basis of usable square footage after and before the casualty.

2. The remainder of the Lease, as previously amended, is hereby reaffirmed.

IN WITNESS WHEREOF, each party has caused this Addendum to be executed as of the date first set forth above.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

ATTEST:

By: _____
Jere McElhaney, Chairman

_____
Patty Jaimes, County Clerk

UNITED WAY OF DOUGLAS COUNTY, INC.

By: _____
Connie Sollars, President

(1)(d)

MEMORANDUM

To: Douglas County Commission

From: Keith A. Browning, P.E., Director of Public Works KB

Date: January 6, 2003

RE: Uncorrectable Chemical Charge (Ticket No. 376)

On August 2, 2001, a charge ticket was issued to Farmland Industries for noxious weed chemicals in the amount of $138.97.

This department attempted to collect on this billing from August 2001 until May 31, 2002, at which time Farmland Industries filed bankruptcy. We contacted Farmland Industries about their outstanding bill and were told to call the Bankruptcy Management Corporation to file a lien. We filed a lien on July 22, 2002. On September 30, 2002 a check for 10% of total debt, $13.90, was issued to this department. We request that the remainder of this charge ($125.07) be "written off" as an uncollectible debt.

Action required: Consent Agenda approval to authorize the Director of the Douglas County Public Works Department and his staff to "write-off" the above referenced remainder of this charge ticket as an uncollectible debt.

DOUGLAS COUNTY NOXIOUS WEED OFFICE
1242 MASS. ST. LAWRENCE KS 66044 785 331-1331

CHEMICAL SALE FOR THE CONTROL OF NOXIOUS WEEDS

08-02-01

----------OWNER----------
Farmland Industries
P.O. Box 308
Lawrence KS 66044

----------OPERATOR----------
Farmland Industries
P.O. Box 308
Lawrence KS 66044

Trade-Debt.net Invest. LLC
Partial Pmt $13.90 10/28/02
Rec#6419

------APPLICATION SITE(S)-----
Sec 4 Twp 13 Rng 20

WEED => MUSK THISTLE
ACRES => 10
CATEGORY => Private
CROP => NON-AGRIC.

RECOMMENDED TREATMENT---> 2,4D

Balance Due - $125.07

CHEMICAL(S)----> 2,4D
TRADE NAME 2,4D A4
MFG. NAME NUFARM
EPA REG. NO. 71368-1
BATCH/CONTAINER 50328004N
APPLICATION RATE 1/2 gal per acre
AMOUNT 5 GL
UNIT PRICE $8.00
CHEM1 SUB-TOTAL=> $40.00

CONCENTRATION=> %

PO# 4500553739

GALLONS SOLUTION PER ACRE=>

WIND DIRECTION/SPEED=>

Charged

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----------OWNER----------
Farmland Industries
P.O. Box 308
Lawrence KS 66044

----------OPERATOR----------
Farmland Industries
P.O. Box 308
Lawrence KS 66044

------APPLICATION SITE(S)-----
Sec 4 Twp 13 Rng 20

WEED => JOHNSON GRASS
ACRES => 10
CATEGORY => Private
CROP => NON-AGRIC.

RECOMMENDED TREATMENT---> GLYPHOSATE

CHEMICAL(S)----> GLYPHOSATE
TRADE NAME GLY STAR ORIGINAL
MFG. NAME AGRI STAR
EPA REG. NO. 42750-601
BATCH/CONTAINER A505210508
APPLICATION RATE 1/2 gal per acre
AMOUNT 5 GL
UNIT PRICE $18.00
CHEM1 SUB-TOTAL=> $90.00

CONCENTRATION=> %

GALLONS SOLUTION PER ACRE=>

WIND DIRECTION/SPEED=>

>>>>>>>>>>>>>>> Continued on Page 2 <<<<<<<<<<<<<<<

DOUGLAS COUNTY NOXIOUS WEED OFFICE
1242 MASS. ST. LAWRENCE KS 66044 785 331-1331

CHEMICAL SALE FOR THE CONTROL OF NOXIOUS WEEDS

08-02-01 #376

------CERTIFIED APPLICATOR-----

CERT #
CATG.
EXP. DATE

----------EXPENSES----------

EQUIP	$ 0.00
EQUIP	$ 0.00
ADJUV	$ 0.00
ADJUV	$ 0.00
ADJUV	$ 0.00
LABOR	$ 0.00
TOTAL CHEMICAL	$ 130.00
SUB-TOTAL	$ 130.00
SALES TAX	$ 8.97
TOTAL DUE	$ 138.97
TOTAL PAID	$ 0.00
PAID CASH	_____
CHECK	_____

I HEREBY AGREE THAT I WILL NOT PRESENT TO OR SEEK TO MAINTAIN ANY CLAIM AGAINST THE COUNTY OR ANY OF ITS EMPLOYEES FOR ANY DAMAGES RESULTING FROM THEIR ACT IN THE FULFILLMENT OF THIS AGREEMENT. I HAVE BEEN PROVIDED A COPY OF PRODUCT LABELS AND WILL READ THE PRODUCT LABELS INCLUDING ALL USE AND HAZARD STATEMENTS FOR EACH PRODUCT I AM PURCHASING. A COPY OF MSDS SHEETS ARE AVAILABLE UPON REQUEST. THE KANSAS NOXIOUS WEED LAW PROVIDES: THAT ANY COST HEREIN ASSUMED PLUS 10% PENALTY MAY BE ADDED TO MY REAL ESTATE TAXES IF NOT PAID BY DECEMBER 31 OF THE CURRENT YEAR. I HEREBY UNDERSTAND AND AGREE THAT IF THE PROPERTY OR SERVICE PURCHASED IS USED OTHER THAN AS CONSUMED IN PRODUCTION, THEN I BECOME LIABLE FOR THE SALES TAX.

OWNER/OPERATOR _____

PERSON RECEIVING CHEMICAL X George L Ross III

COUNTY NOXIOUS WEED DIRECTOR Donna Miller

Charged PO#4500553739

(2)(a)

PUBLIC HEARING ITEM:

ITEM NO. 4: CONDITIONAL USE PERMIT FOR RWD #4 PUMP STATION; 568 N 1800 ROAD (BDP)

SUMMARY

CUP-10-12-02: A Conditional Use Permit Request for Douglas County RWD #4 Pump Station. The property is generally described as being located at the SW Corner of the intersection of N 1400 Road and E 2400 Road. Submitted by Douglas County Rural Water District Number 4, leasee from Michael Ahlen, T-Square L.C., property owner of record.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) District; undeveloped.
Surrounding Zoning and Land Use:	A (Agricultural) District surrounding; undeveloped, agricultural property with scattered residences.
Reason for Request:	Construct a pump station for RWD #4.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding - The subject property is located generally on the south side of N 1400 Road, west of E 2400 Road. The site is agriculturally zoned and undeveloped. Surrounding property is agriculturally zoned and is undeveloped, agricultural property with scattered residences.

II. CHARACTER OF THE AREA

Staff Finding – The site is approximately ¼ acre in size and is located on a portion of a 30-acre tract. The area is largely agricultural and rural/open area in use.

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

The property is agriculturally zoned and undeveloped. Based on the zoning and land uses of adjoining property, the subject property is suited to the uses to which it has been restricted. Conditional Use Permits (CUP's) are designed to allow special and unique land uses to occur. This use is designated as a public utility and therefore requires the approval of a CUP. The use is not allowed by right in any zoning district.

Staff Finding - The subject site is suited for the uses to which it has been restricted.

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

Staff Finding - The subject area has been zoned A (Agricultural) District since the adoption of the zoning regulations in the unincorporated portions of Douglas County in 1966.

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

The development of this use on this site is not anticipated to detrimentally affect nearby property. The proposed structure is to be located approximately 75' south of the centerline of N 1400 Road and is concealed by a sharp downward grade. Property to the east, south and west is part of the overall 30 acres owned by the same property owner.

The pump station is approximately 10-12' tall, and is 13' x 38'. An associated radio antenna tower no more than 35' in height is also proposed to be located on this site for Rural Water District purposes.

The applicant is proposing a gravel driveway to the station from N 1400 Road. No staffed buildings will be on site. The applicant has provided evergreen screening along the west side of the fenced enclosure in order to provide some screening of the site from N 1400 Road where this is not accomplished by the steep grade.

Staff Finding – The restrictions on this site are not being removed. A conditional use is being permitted through this request. The addition of this use to this site is not anticipated to detrimentally affect nearby property.

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

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

Rural Water District #4 is requesting this CUP to provide adequate water service to the district. Water being supplied at adequate levels is very important to the health, safety and welfare of the community.

Denial of the request is not expected to provide any gain to the public health, safety and welfare. Denial would require RWD #4 to look elsewhere for a site in order to provide the necessary service to this region.

Staff Finding - Denial of the request is not anticipated to provide a detriment to the property owner but it would provide a gain to the public health, safety and welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of this request with the County's Comprehensive Plan is based on the goals, policies and recommendations in Horizon 2020.

Chapter 10 - Community Facilities, Goal 2: Criteria for the Location of Community Facilities, Policy 2.4: Utilize Locational Criteria for Utility Structures, paragraph (a) states *Choose*

locations and design sites in a manner which minimizes the impact on adjacent properties. The site chosen for this improvement is located along existing water lines.

Staff Finding - The Conditional Use Permit for the proposed facility is not in conflict with Horizon 2020.

Review and Comments From Other Departments/Agencies:

Zoning & Codes Division: No comments.

Co. Public Works:

1. Applicant should be aware of two issues with Captain Creek bridge immediately west of this location:
   Option 1 -
   a. Bridge may be replaced in near future. New 12" waterline may require relocation if not located sufficiently south of future construction.
   Option 2 -
   b. Bridge may not be replaced. It is possible BOCC may elect to not replace bridge, and simply close road (since 442 parallels K-10 Highway). *(Notified)*

Health Department: No comments.

Westar: No comments.

Greeley Gas: No comments.

Southwestern Bell: No comments.

RWD #4: No comments.

Eudora Township: No comments.

Eudora Township Fire Department: No comments.

Planning Comments:

1. Please provide evergreen trees around the perimeter of the pump station to screen from adjacent property and right-of-way. *(2 trees required as condition of approval)*
2. Remove Note #3. Replace with "Proposed Use – RWD Pump Station" or similar. *(Condition of approval)*

STAFF REVIEW

The request is for Conditional Use Permit approval for the construction of a pump station for Rural Water District #4. The facility is proposed to be located on approximately ¼ acre on the south side of N 1400 Road, west of E 2400 Road. The site is a portion of the overall 30 acres owned by Michael Ahlen, T-Square L.C. The pump station is needed to ensure adequate water supply to customers in that region.

The tallest structure on site is a radio antenna tower of no more than 35' located next to the pump station. The pump station itself is 10-12' tall, 13' wide and 38' long. The applicant proposes to enclose the equipment with a 7'-tall chain link fence, with evergreen landscaping to help screen the site from N 1400 Road.

The site will have one access to E 2400 Road and a gravel driveway. There will be no manned buildings on site. One light is being proposed for safety and security.

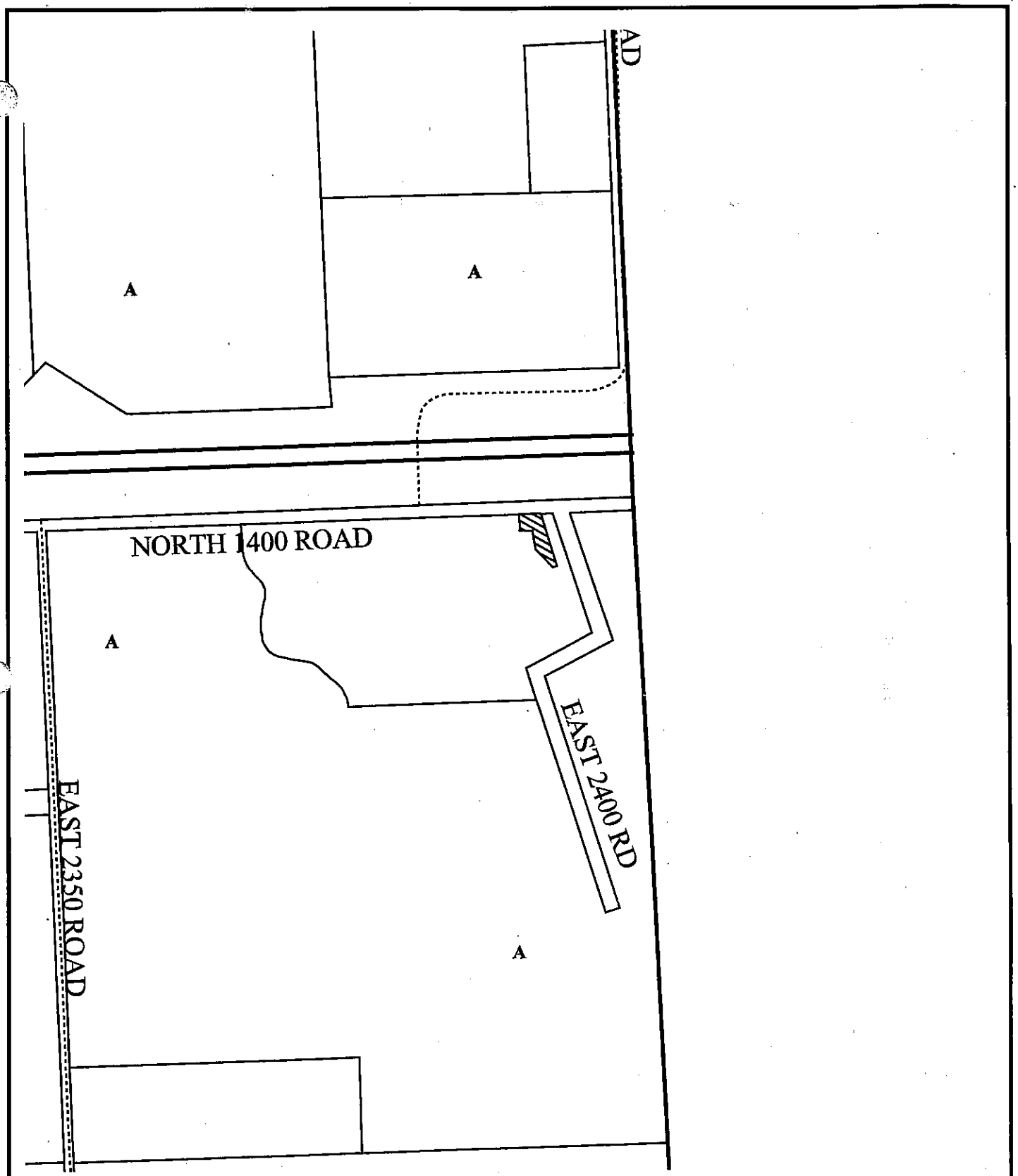
Eudora Planning Commission Review
This request is within 3 miles of the Eudora limits and therefore requires review by the Eudora Planning Commission as well (Resolution No. 80-5). The Eudora Planning Commission will join the Lawrence/Douglas County Planning Commission at their regularly scheduled meeting on December 18, 2002 and will provide an official recommendation.

County Board of Zoning Appeals
The applicant has requested setback variances from the County Board of Zoning Appeals for the street setback from both N 1400 Road and E 2400 Road. These variances will be heard in the afternoon on December 18, 2002, the same day as the Planning Commission. Based on the outcome of the County BZA meeting, staff reserves the right to attach additional conditions to the CUP.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for a pump station, based upon the findings of fact presented in the body of the Staff Report and forwarding of it to the County Commission with a recommendation for approval subject to the following conditions:

1. Review and provision of a recommendation by the Eudora Planning Commission prior to the item going to County Commission.
2. Provision of a note on the face of the plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire in February, 2013. Continuation of the use beyond February 2012 will require rezoning or approval of a new CUP."



CUP-10-11-02: Conditional Use Permit for a Pump Station
at North 1400 Rd & East 2400 Rd

Lawrence-Douglas County Planning Office

Novemeber 13, 2002

Area Requested

Scale: 1 Inch = 600 Feet

ITEM NO. 4: CONDITIONAL USE PERMIT FOR RWD #4 PUMP STATION; N 1400 ROAD AND E 2400 ROAD (BDP)

CUP-10-12-02: A Conditional Use Permit Request for Douglas County RWD #4 Pump Station. The property is generally described as being located at the SW Corner of the intersection of N 1400 Road and E 2400 Road. Submitted by Douglas County Rural Water District Number 4, property owner of record.

Only one member of the Eudora Planning Commission was present, so this Item was considered only by the Lawrence/Douglas County Planning Commission – not in joint session with Eudora.

Comm. Lawson abstained from the Item.

STAFF PRESENTATION
Staff recommended approval of the Item with conditions as listed in the Staff Report.

APPLICANT PRESENTATION
Jim Challis spoke representing Rural Water District #4, asking the Commission to consider recommending removing or at least extending the review period for this permit. While the normal review time is set at every five years, this was a unique case as the use was a utility. Mr. Challis said it would be expensive and difficult to remove the new infrastructure in the event the CUP was revoked.

Mr. Challis requested the review stipulation be removed, or at least conditioned to be an administrative review, requiring no reapplication.

It was suggested the first review could be set at a lengthened time period of ten (10) years, with the second and third reviews set at five (5) years each.

Mr. Challis responded to questioning that the pump station would generate very little noise.

Draft

PUBLIC HEARING
Kurt vonAchen, chair of the Eudora Planning Commission, said that the Eudora Commission had chosen not to take action in this matter.

COMMISSION DISCUSSION
It was established that the review process would be an in-house matter, with Staff preparing a report for the County Commission's review.

ACTION TAKEN
Motioned by Comm. Bateman and seconded to approve the Conditional Use Permit for a RWD #4 pump station located at the intersection of N. 1400 Road and E. 2400 Road and forward to the County Commission with a recommendation for approval, based on the findings of fact presented in the body of the Staff Report and subject to the following conditions:

1. Provision of a note on the face of the plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission every ten (10) years for maintenance and its conformance with the approved Site Plan."
2. If the approved use is abandoned for a period of 12 months, the CUP will become null and void, the equipment and infrastructure will be removed and the subject property will return to agricultural use.

Motion carried unanimously, 7-0-1, with Comm. Lawson abstaining and Student Comm.'s Morrell and Whelan voting in favor of the motion.

Draft

PW 1058
235434.18
249654.57
8.76 PY ELEVATION USED
6.43 JOHNSON COUNTY ELEVATION)

Northeast One-Quarter of the Northeast One-Quarter of
1 of the Northwest one-Quarter of the Northeast One-Quarter
Captains Creek, in Township 13, Range 21, in Doug-as
thereafter the following described land:

corner of said Section 10; thence South 60 feet; thence West
n Creek; thence in a Northerly direction along said East creek
d Section; thence East along said North line of said Section
ace, Beginning at the Northeast corner of the Northeast One-
he-Quarter of said Section 10; thence South 60 rods; thence
12 rods, 10 feet; thence Northeast to a point 10 rods West of
ast One-Quarter of said Northeast One-Quarter; thence
North line of said Northeast One-Quarter of said Northeast
of the Northeast corner of said Northeast One-Quarter of
the point of beginning.

¼ of Section 10, Township 13 South, Range 21 East
more particularly described as follows:

al corner of said Northeast ¼; thence South
rth line of said Northeast ¼, 412.42 feet; thence
erpendicular to said North line 60.00 feet to a point
g line of N 1400 Road and the Point of Beginning;
38'39" East and perpendicular to said North line,
21'21" East and parallel with said North line, 57.00
East, 84.65 feet; thence South 43°19'14" East,
38'01" East, 17.60 feet to a point on the Westerly
oad; thence North 18°23'59" West, 245.25 feet along
e to a point on the Southerly right-of-way line of N
21'21" West along said Southerly right-of-way line
inning.

t or 0.382 acres more or less.

USE – AGRICULTURE

D – AGRICULTURE

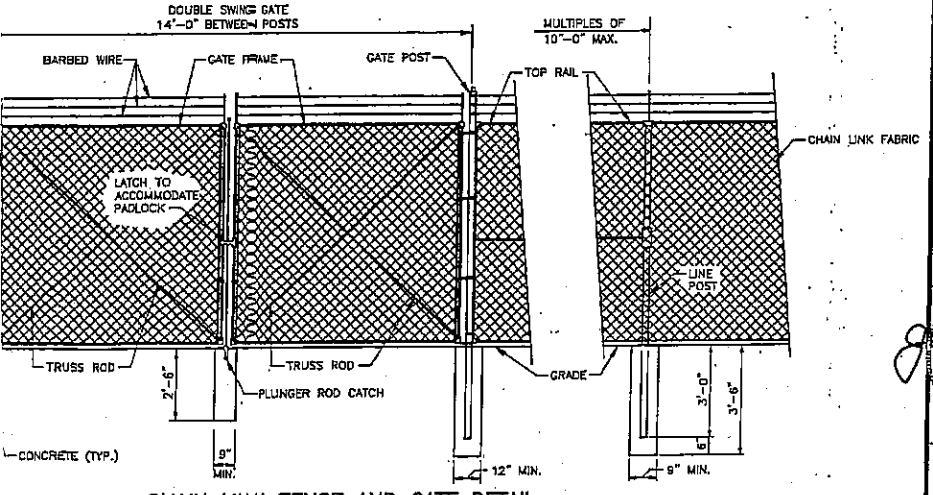
NG – RURAL WATER DISTRICT PUMP STATION

ING SHALL CONSIST OF A SINGLE 100-WATT
SULB MOUNTED ADJACENT TO THE ENTRANCE
TURE SHALL BE VANDAL RESISTANT AND PROJECT
OPENING.

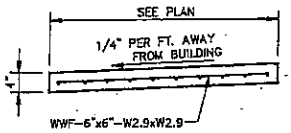
NNED FACILITY. IT WILL GENERALLY BE CHECKED
PERSONNEL.

NNA IS SOLELY FOR THE OPERATION OF THE PUMP

IS SHOWN ARE STATE PLANE COORDINATES AND
ORDINATES UNLESS OTHERWISE NOTED.

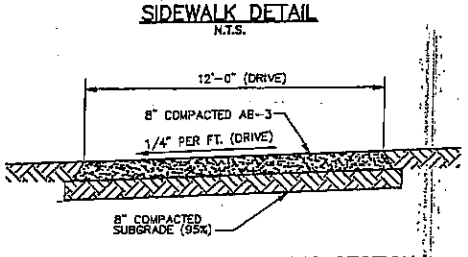


CHAIN LINK FENCE AND GATE DETAIL



NOTES:
1. CONTROL JOINT SPACING SHALL NOT EXCEED SIDEWALK WIDTH.
2. PLACE 1/2" EXPANSION JOINT BETWEEN BUILDING FOUNDATION AND SIDEWALK.
3. SIDEWALK SHALL MATCH THE STATION FINISH FLOOR AT DOORWAYS.

SIDEWALK DETAIL
N.T.S.



TYPICAL DRIVE AND PARKING SECTION
N.T.S.

No.	Date	Revision	By
1	12/02	ADDED EVERGREENS, CHANGED NOTE 3	JWC

RURAL WATER DISTRICT NO. 4
DOUGLAS COUNTY, KANSAS

PUMP STATION AND WATER MAINS

SITE PLAN AND DETAILS

Designed by: JWC
Drawn by: JAH
Checked by: JWB
Date: OCT./2002
Dwg File: PUMPSITE

PONZER-YOUNGQUIST P.A.
Consulting Engineers & Land Surveyors
227 E. Dennis Avenue
Olathe, Kansas 66061
Phone: (913)-782-0541
Fax: (913)-782-0109
Email: py@pyengineers.com

JAMES W. CHALUPA
LICENSED
8312
KANSAS
PROFESSIONAL ENGINEER
10/31/02

PROJECT NUMBER
365 - 202016.2

SHEET NUMBER
1 OF 1

(2)(6)

PUBLIC HEARING ITEM:

ITEM NO. 5: CONDITIONAL USE PERMIT FOR AIRSTRIP; 2215 N 500 ROAD (BDP)

SUMMARY

CUP-10-13-02: A Conditional Use Permit Request for a turf airstrip. The property is generally located at 2215 N 500 Road. Submitted by Robert and Angela Murray, property owners of record.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) District; undeveloped.
Surrounding Zoning and Land Use:	A (Agricultural) District surrounding; undeveloped, agricultural property with scattered residences.
Reason for Request:	Construct a private airstrip.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding - The subject property is located generally on the south side of N 500 Road, east of E 2200 Road. The site is agriculturally zoned and undeveloped. Surrounding property is agriculturally zoned and is undeveloped, agricultural property with scattered residences.

II. CHARACTER OF AREA

The area is largely agricultural in nature with some single-family residences. The site itself is relatively flat. To the east, west, and south is agricultural land. To the north is a single-family residence.

- **Staff Finding:** The character of the area is largely agricultural in nature with some single-family residences.

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

The subject property is zoned A (Agricultural) and is suited to those uses to which it has been restricted. Agricultural zoning allows for residential, agricultural, and other related uses. Additional uses are allowed for under Section 19-4 – "Conditional Uses Enumerated" of the Zoning Regulations. These uses are subject to review by the Planning Commission and approval by the Board of County Commissioners. These uses include "Airports and landing fields".

- **Staff Finding:** The subject property is suited for the Agricultural Zone uses to which it is restricted. A landing field is permitted in this zoning district, provided that the Board of County Commissioners approves the use through a Conditional Use Permit (CUP).

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

- **Staff Finding:** The property has been zoned A (Agricultural) since 1966, when Zoning Regulations were adopted in Douglas County.

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

In Staff's opinion, the 60' x 1,656' runway and proposed storage hanger will not have a detrimental affect on the nearby properties. There is a home across N 500 Rd; however, the residence is 150'-200' away from the end of the airstrip. Additionally, a condition of approval for this CUP is that the airstrip not be used for commercial purposes.

- **Staff Finding:** Approval of the CUP for a private grass runway will not detrimentally affect nearby properties.

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

It is not anticipated that approval of a private runway will adversely affect the public health. The proposed location of the runway is not in the vicinity of transmission towers or any of the approach zones for the Lawrence Municipal Airport.

- **Staff Finding:** Approval of this CUP for a private runway will not adversely affect the public health, safety or welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of a conditional use permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within Horizon 2020. The comprehensive plan does not directly address the issuances of CUP's for private landing strips. However, the "Transportation" chapter in Horizon 2020 does discuss the Lawrence Municipal Airport.

Goal 1; Policy 1.2 (a) - "Continue to develop the Lawrence Municipal Airport for private and commercial aviation and aviation-related business development in accordance with the adopted *Airport Master Plan*. Protect the airport's approaches and air space from encroachment through height and land use restrictions."

- **Staff Finding:** Horizon 2020 does not directly address the issuances of CUPs or private landing strips. The comprehensive plan does discuss Lawrence Municipal Airport and the need to keep its airspace free from encroachment. This private grass airstrip will not encroach on the Municipal Airport's airspace. The proposed location of the airstrip is in conformance with Horizon 2020.

Review and Comments From Other Departments/Agencies:

Zoning & Codes Division: No comments.

Co. Public Works:

1. Show dimension from north end of proposed runway to road right-of-way. Appears to be very close. Are setback requirements applicable? *(Setback from road OK per township. Setback from KCP & L lines subject to their approval)*

NRCS: No comments.

Health Department: No comments.

KCP&L: No comments.

Sprint: No comments.

Palmyra Township: No comments.

Palmyra Township Fire Department: No comments.

FAA: No comments.

Planning Comments:

1. Will the hangar/barn permanently house planes on a regular basis? *(See Staff Review)*
2. Provide a copy of the Notice of Landing Area Proposal from the FAA. *(Condition of approval)*
3. Label the legal description as such. *(Condition of approval)*
4. Please provide a location map showing property in location to surrounding roads. *(Condition of approval)*
5. Will there be any lighting proposed? *(No lighting proposed)*
6. Provide the existing zoning (A, Agriculture) on the face of the plan. *(Condition of approval)*
7. Are any walls or fences proposed? *(None proposed)*

STAFF REVIEW

The request is for a Conditional Use Permit for private grass landing field. The grass landing field is 60' x 1,656' and runs north-south. It is located south of N 500 Road and east of E 2200 Road. The landing strip is for the private use of the property owner whose home will be located to the east of the landing field. Included in this CUP application is a proposed storage hangar that will be located north of the proposed residence and east of the landing field. The applicant has indicated that the plane will be permanently stored in Gardner, Kansas, but that the hangar will serve to store the plane for periods of time during the year.

VIII. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this Conditional Use Permit request and the forwarding of it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact presented in the body of the staff report, subject to the following conditions:

1. Revise the face of the site plan to include the following:
   a. Provision of a note on the plan stating, "The landing field is for the private use of the property owner only and may not be used for commercial purposes."
   b. Provide dimensions of the storage hangar.
   c. Provide a location map on the face of the plan.
   d. Provision of a note on the face of the plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire in February, 2013. Continuation of the use beyond February 2012 will require rezoning or approval of a new CUP."

2. Provision of all necessary certification from the Federal Aviation Authority (FAA).
3. Review and approval of the plan by KCP & L prior to release of the plan to the County Zoning Administrator.
4. Provision of written verification that the airstrip is being used as an airstrip by December 31st of each year.
5. Cessation of use of the landing strip for a contiguous 12-month period shall nullify this CUP and the owner/applicant shall be required to seek approval through a new CUP approval procedure.

ITEM NO. 5: CONDITIONAL USE PERMIT FOR AIRSTRIP; 2215 N 500 ROAD (BDP)

CUP-10-13-02: A Conditional Use Permit Request for a turf airstrip. The property is generally located at 2215 N 500 Road. Submitted by Robert and Angela Murray, property owners of record.

STAFF PRESENATION
Other than stating Staff's recommendation for approval, Mr. Pedrotti had no further presentation.

APPLICANT PRESENTATION
The applicant, Robert Murray, was in attendance to answer questions, but had no additional presentation.

The Commission discussed adequate provisions to ensure the airstrip would be used only by the property owner. Comm. Schachter was particularly concerned because he had seen a similar use/permission abused in the past. The applicant had no opposition to approval conditioned in this manner.

Mr. Murray was also not opposed to the number of trips being reasonably limited and estimated no more than 2 round trips (in and out) made in a single day.

Draft

Comm. Burress asked for details on the location of the nearest residence to the proposed airstrip. Mr. Murray said the closest house was about 300' away from the airstrip and located at the northern end of the runway. That end of the runway veered to the northwest, away from the residence, and the aircraft would not pass over any existing residence on either take-off or landing.

PUBLIC HEARING
Kevin Bowen, nearby resident, said the majority of his questions had been answered, but he was still concerned with how much noise the aircraft would generate. Mr. Murray explained the noise had been compared to that of the 18-wheelers on the nearby highway. He noted that the noise would last for only about a minute on either ascent or decent, and there would be no flights made after dark.

COMMISSION DISCUSSION
It was established that the Commission could condition approval so the CUP could not transfer if the property was sold.

The applicant stated his aircraft was a Cessna 85. The length of the airstrip was about 1600'.

The Commission discussed the trip generation limit – how many trips and over what time period – deciding ultimately on a monthly allowance of 20 round trips.

ACTION TAKEN
Motioned by Comm. Schachter and seconded to approve the Conditional Use Permit for an airstrip at 2215 N. 500 Road and forward it to the County Commission with a recommendation for approval, based on the findings of fact presented in the body of the Staff Report and subject to the following conditions:

1. Revise the face of the site plan to include the following:
   a. Provision of a note on the plan stating, "The landing field is for the private use of the property owner only and restricted to the airplane registered to the applicant and may not be used for commercial purposes." There shall be no more than twenty (20) take-offs and landings per month;
   b. Provide dimensions of the storage hangar;
   c. Provide a location map on the face of the plan; and
   d. Provision of a note on the face of the plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire in February, 2013. Continuation of the use beyond February 2013 will require rezoning or approval of a new CUP;"
2. Provision of all necessary certification from the Federal Aviation Authority (FAA);
3. Review and approval of the plan by KCP & L prior to release of the plan to the County Zoning Administrator;
4. Provision of written verification that the airstrip is being used as an airstrip by December 31st of each year;
5. Cessation of use of the landing strip for a contiguous 12-month period shall nullify this CUP and the owner/applicant shall be required to seek approval through a new CUP approval procedure; and
6. This Conditional Use Permit is restricted to the current owner of the property.

Motion carried unanimously, 8-0, with Student Comm.'s Morrell and Whelan voting in favor of the motion.

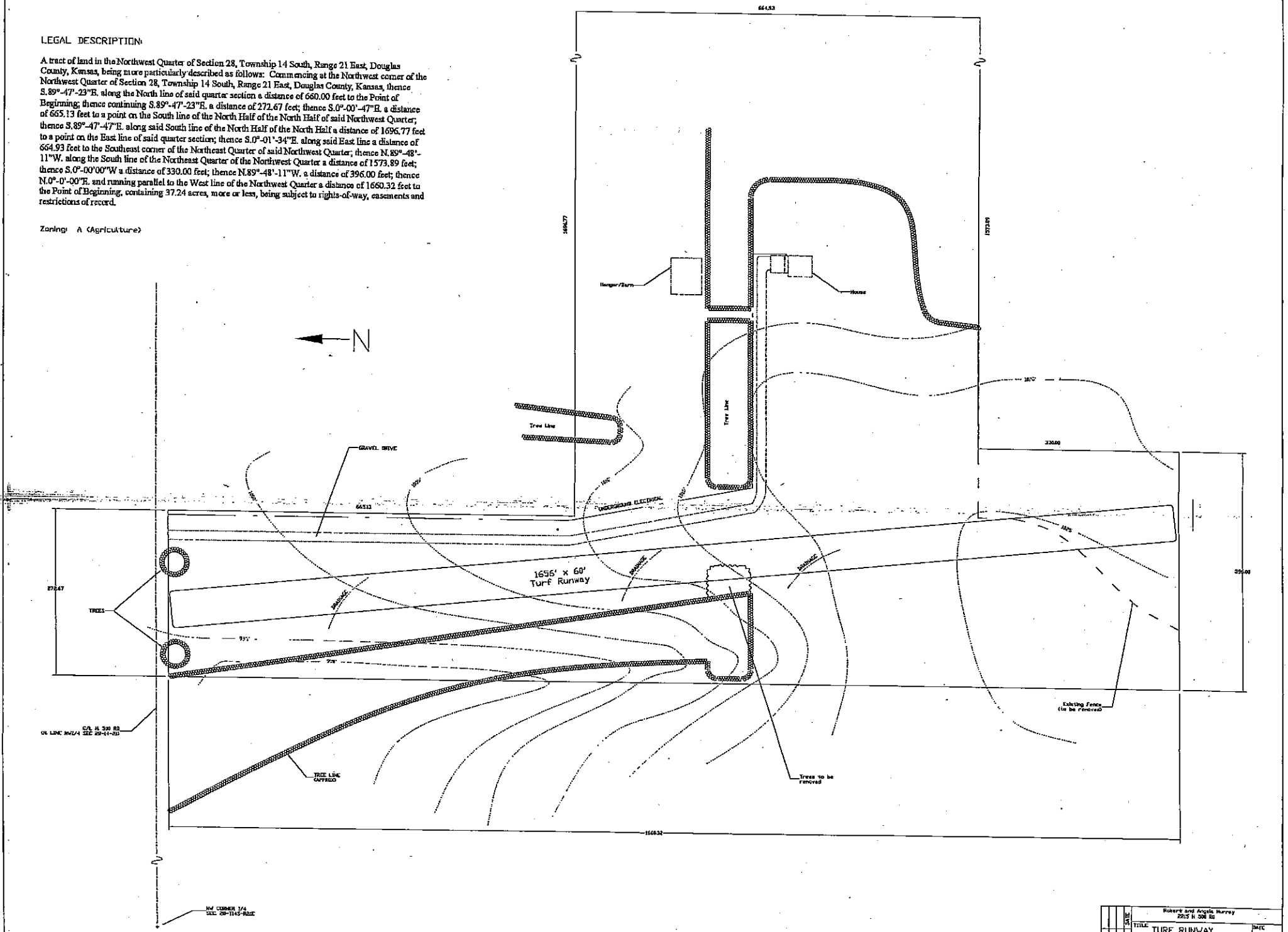
Draft

Student Comm. Whelan left the meeting at 10:10 p.m.

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 28, Township 14 South, Range 21 East, Douglas County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 28, Township 14 South, Range 21 East, Douglas County, Kansas, thence S.89°-47'-23"E. along the North line of said quarter section a distance of 660.00 feet to the Point of Beginning; thence continuing S.89°-47'-23"E. a distance of 272.67 feet; thence S.0°-00'-47"E. a distance of 665.13 feet to a point on the South line of the North Half of the North Half of said Northwest Quarter; thence S.89°-47'-47"E. along said South line of the North Half of the North Half a distance of 1696.77 feet to a point on the East line of said quarter section; thence S.0°-01'-34"E. along said East line a distance of 664.93 feet to the Southeast corner of the Northeast Quarter of said Northwest Quarter; thence N.89°-48'-11"W. along the South line of the Northeast Quarter of the Northwest Quarter a distance of 1573.89 feet; thence S.0°-00'00"W a distance of 330.00 feet; thence N.89°-48'-11"W. a distance of 396.00 feet; thence N.0°-0'-00"E. and running parallel to the West line of the Northwest Quarter a distance of 1660.32 feet to the Point of Beginning, containing 37.24 acres, more or less, being subject to rights-of-way, easements and restrictions of record.

Zoning: A (Agriculture)



REV	DATE	Roberts and Angela Murray 2257 N 300 Rd	
		TITLE: TURF RUNWAY	DATE: 10/29/02
		SCALE: 1" = 50'	DOCUMENT NUMBER: 365-1527
			SHEET: 1/1

(3)

Douglas County

Department of Public Works

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

MEMORANDUM

To: Board of County Commissioners

From: Keith A. Browning, P.E. Director of Public Works/County Engineer KAB GJW
George J. Williams, P.E., Special Projects Engineer

CC: Project File

Date: 01/09/03

Re: Discussion of Kasold Extension

History: We met with the commission about three months ago to discuss the Kasold Extension Project. At that time, the 1988 Larkin report was reviewed and the four alternate alignments were discussed, and current cost estimates were given to the commission on the four alternates. The surface condition and geometrics of the existing roadway and the high cost of any of the four Larkin alternates were discussed. A suggestion was made from the public works staff to renovate the existing road surface and replace the narrow bridge across Yankee Tank Creek with a wider box culvert. Some of the commissioners thought that we should not make the road more appealing to motorists by improving the surface conditions since Kasold intersects K-10 at-grade. The utility of significantly improving Kasold given the City's proposal to extend Wakarusa Drive from K-10 to Route 458 was also discussed.

1242 Massachusetts Street, Lawrence, Kansas 66044-3350 / Fax No. (785) 841-0943
Telephone No. (785) 832-5293 / E-Mail dgcopubw@douglas-county.com

Activities to date:

1. Met with the Transportation Advisory Committee (TAC)

2. Met with KDOT

3. Attended public meetings to discuss Corps parkland master plan. (YSI soccer fields south to CR458)

4. Met with project manager responsible for the park master plan

5. Gathered accident data from County records and KDOT

6. Compiled current traffic counts from County records and KDOT

7. Reviewed Transportation 2025 as it relates to the county road system south of the south city limits line.

Action Requested: Review new information with staff and give direction to staff.