BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

MONDAY, FEBRUARY 24, 2003

9:00 A.M.

-Convene
-Pledge of Allegiance
-Consider approval of minutes of November 8, 2002 and February 12, 2003

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders
(b) Consider approval of Resolution approving cereal malt beverage licenses for Clinton Marina and Clinton Store (Patty Jaimes)
(c) Consider approval of revisions to Fairgrounds Reservations Agreement (Bill Bell/Paula Phillips)
(d) Note receipt of report of State Forfeitures per K.S.A. 60-4117(d)(2) (Sheriff Trapp)

REGULAR AGENDA

(2) Planning Items:

(a) CUP-08-09-02: Conditional Use Permit for storage of excavation, trucking, and farm equipment. The property is generally located at 1768 E 1100 Road. Submitted by Paul Werner Architects for North 40 LC, property owners of record (Sandra Day)

(b) CUP-12-17-02: Creekwood Lawn Company Storage Shed: 1753 N 700 Road (Sandra Day)

(3) Consider approval of five (5) Out-District College Tuition Statements in the amount of $12,396 (Debbie Sparkes)

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

(5) Executive session to discuss possible acquisition of real estate

(6) Adjourn

WEDNESDAY, FEBRUARY 26, 2003

-No Commission Meeting

FRIDAY, FEBRUARY 28, 2003

9:00 A.M.

-Canvass city & school primary elections

MONDAY, MARCH 3, 2003

-Annual Appraisal Report (Marion Johnson)
-Discussion of County policy on reimbursement of bus fare (Craig Weinaug)
-Executive Session with County Counselor to discuss litigation
-Executive Session to discuss security issues

WEDNESDAY, MARCH 5, 2003 (Baldwin City High School)

-Joint meeting with Baldwin School Board and City Council

MONDAY, MARCH 10, 2003

-Economic Development Update (Lynn Parman)

WEDNESDAY, MARCH 12, 2003: 9 am (Courthouse)

-Joint meeting with Lawrence City Commission to discuss 31st Street feasibility study, possible projects extending Kasold over the Trafficway and the Wakarusa River, and possible short term improvements to Kasold

MONDAY, MARCH 17, 2003

-No Commission Meeting (Spring Break)

WEDNESDAY, MARCH 19, 2003

-No Commission Meeting (Spring Break)

MONDAY, MARCH 24, 2003

-Proclaim the month of April as Fair Housing Month
-Planning Items

FRIDAY, APRIL 4, 2003

9:00 A.M.
-Canvass city & school general elections

WEDNESDAY, MAY 7, 2003

-No Commission Meeting

NOVEMBER 8, 2002

The Board of County Commissioners of Douglas County met in special session on Friday, November 8, 2002 with all members present. The purpose of the special meeting was to canvass the results of the General Election which was held on Tuesday, November 5, 2002.

There were one thousand seventy-eight (1078) provisional ballots. Patty Jaimes, County Clerk, recommended that six hundred ninety-six (696) of which be counted. These were voters that either moved and failed to re-register or had a name change. Jaimes then recommended that the remaining three hundred eighty-two (382) not be counted due to new registrants, no signatures, or voting after the noon deadline by advanced voters. Jaimes noted her recommendations were based on guidelines issued by the Secretary of State and approved by the County Clerk's Association.

Jones made a motion that Ms. Jaimes recommendations be approved; Johnson seconded and the motion carried unanimously.

It should be noted that after the additional ballots were counted, the election results were not changed and no errors were found.

McElhaney made a motion to adjourn; Johnson seconded and the motion carried.

Jere McElhaney, Chair

Bob Johnson, Member

ATTEST:

Patty Jaimes, County Clerk

Charles Jones, Member

FEBRUARY 12, 2003

Vice Chairman McElhaney called the meeting to order at 6:41P.M. on Wednesday, February 12, 2003, with two members present . Commissioner Johnson was absent. The Pledge of Allegiance was recited.

Jones made a motion to approve the minutes of November 4, November 11, November 20, December 18, 2002, and February 5, 2003. McElhaney seconded and the motion carried unanimously.

CONSENT AGENDA 02-12-03
Jones made a motion to approve the following Consent Agenda:

- Approve Commission Order Nos. 5112 and 5113. Orders are on file in the office of the County Clerk; and
- Authorize notice to Clinton Township for cereal malt beverage license for Clinton Store.

McElhaney seconded and the motion carried.

PLANNING 02-12-03
The Board considered Item No. 11 of the minutes of the Lawrence-Douglas County Metropolitan Planning Commission dated January 22, 2003. This item is CUP-08-09-02, a Conditional Use Permit for storage of excavation, trucking, and farm equipment. The property is generally located at 1768 E 1100 Road. Submitted by Paul Werner Architects for North 40 LC, property owners of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, was present for the discussion. It was the consensus of the Board to table this item until Commissioner Johnson was present.

PLANNING 02-12-03
The Board considered Item No. 12 of the minutes of the Lawrence-Douglas County Metropolitan Planning Commission dated January 22, 2003. This item is CUP-12-17-02, a Conditional Use Permit for a storage shed at Creekwood Lawn Company. The property is generally described as being located at 1753 N 700 Road. Submitted by Shelby Franklin, property owner of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, was present for the discussion. It was the consensus of the Board to table this item until Commissioner Johnson was present.

PLANNING 02-12-03
The Board considered Item No. 13 of the minutes of the Lawrence-Douglas County Metropolitan Planning Commission dated January 22, 2003. This item is CUP-12-18-02, a Conditional Use Permit request for a Christmas Tree Farm. The property is generally described as being located at 794 US Highway 40.

Submitted by Lynn Walther for Ethelyn F Walther, trustee, property owner of record. Sandra Day, staff member of the Lawrence-Douglas County Metropolitan Planning Department, was present for the discussion. This item comes to the Board with a unanimous recommendation for approval based upon the following findings of fact:

Zoning and uses of property nearby. Surrounding zoning includes A (Agricultural) on all sides. Surrounding land uses are primarily agricultural with farm residences.

Character of the area. The subject property is located just west of the current city limits and is developed with multiple accessory buildings associated with the property. This property is characterized as a rural residential area along a major county thoroughfare. The surrounding area includes agricultural and residential uses. The subject property is outside of the city's growth area and is predominantly an agricultural neighborhood including rural residential homes. The subject property is adjacent to county roads on two sides and has direct access to paved roads.

Suitability of subject property for the uses to which it has been restricted. A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural or rural residential use will not be altered. The subject property is not located within an Urban Growth Area. The subject property area is zoned for agricultural uses. The subject site is suitable for the proposed uses of agricultural and other products sales.

Length of time subject property has remained vacant as zoned. The subject property is developed with the Strawberry Hill Christmas Tree Farm business. Agricultural sales operation has existed for over 18 years on the property. The property has been zoned A (Agricultural) District since 1966.

Extent to which removal of restrictions will detrimentally affect nearby property. Approval of a Conditional Use Permit request does not alter the base-zoning district. The current request is for a Conditional Use Permit to allow the continued operation of the retail agricultural sales along with the sale of ancillary products. Traffic and noise impacts associated with the use have existed in the area for over 18 years. Traffic intensity will not be altered with the approval of the Conditional Use Permit.

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. The primary benefit and/or gain to the public health, safety, and welfare of the Conditional Use Permit for the market is that it would provide residents and businesses of Douglas County with farm-grown agricultural and ag-related products. Denial of the request would impose a

hardship on the applicant by requiring them to cease any non-farm product sales.

Conformance with *The Comprehensive Plan.* The Conditional Use Permit for the facility is consistent with the goals and policies in *Horizon 2020.* A Conditional Use Permit can be used to allow limited commercial and industrial expansion or establish new or temporary areas for certain non-residential uses. This tool allows proportional development in harmony with the surrounding area.

AND subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire on February 28, 2013. For continuation of the use covered by this CUP beyond February 28, 2013 the applicant will need rezoning or approval of a new CUP."
2. Provision of a revised site plan to include the following items:
   a. Legal description
   b. North Arrow
   c. Graphic dimensions of the property per Douglas County Zoning Regulations 19-A.4.3
   d. Direction arrows of existing storm runoff per section 19-A.4.5
   e. Site summary of the existing floor area
   f. Show the existing building entrances per section 19-A.4.7
   g. Show location of all existing lighting including mounting height, light sources and light direction per section 19-A.4.12.

Jones made a motioned to approve CUP-12-18-02 subject to the above conditions. Motion was seconded by McElhaney and carried.

McElhaney directed staff to schedule a study session on CUP's.

ACCOUNTS PAYABLE 02-12-03
Jones moved for approval of payroll in the amount of $578,179.81, and electronic funds transfers in the amounts of $42,760.29 for FICA and $34,915.70 for KPERS to be paid 2/7/03. Motion was seconded by McElhaney and carried.

MISCELLANEOUS 02-12-03
Jones noted that the first Dangerous Dog discussion will be held on Friday, February 14, 2003 from 3:00 to 5:00 P.M. He indicated good responses from the District Attorney's office, Sheriff and Chief of Police.

McElhaney moved for adjournment; Jones seconded and the motion carried.

Jere McElhaney, Vice Chair

Charles Jones, Member

ATTEST:

Patty Jaimes, County Clerk

(1)(b)

RESOLUTION _____

WHEREAS, on the 24 th of February , 2003 the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of Clinton Marina Store for a cereal malt beverage license came up for consideration of said Board, and

WHEREAS, the Board does find that the said Clinton Marina Store is in all ways qualified under the law to sell cereal malt beverages in original unopened containers and not for consumption on the premises.

WHEREAS, the Board further finds that due and legal notice has been given the Clinton Township Board and that ten days have expired from the giving of said notice and that no written objection has been filed by the Clinton Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, be granted a license to sell cereal malt beverages in original unopened containers and not for consumption on the premises located at 1329 East 800 Road Clinton State Park, Lawrence Kansas.

BE IT FURTHER RESOLVED, that Patty Jaimes, County Clerk of Douglas County Kansas directed to issue said license.

_____

Chairman

_____

Member

_____

Member

_____

ATTEST:

_____

Patty Jaimes, Douglas County Clerk

RESOLUTION _____

WHEREAS, on the 24 th of February, 2003 the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of Clinton Store for a cereal malt beverage license came up for consideration of said Board, and

WHEREAS, the Board does find that the said Clinton Store is in all ways qualified under the law to sell cereal malt beverages in original unopened containers and not for consumption on the premises.

WHEREAS, the Board further finds that due and legal notice has been given the Clinton Township Board and that ten days have expired from the giving of said notice and that no written objection has been filed by the Clinton Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, be granted a license to sell cereal malt beverages in original unopened containers and not for consumption on the premises located at 598 North 1190 Road, Lawrence Kansas.

BE IT FURTHER RESOLVED, that Patty Jaimes, County Clerk of Douglas County Kansas directed to issue said license.

_____

Chairman

_____

Member

_____

Member

_____

ATTEST:

_____

Patty Jaimes, Douglas County Clerk

AD - Clouse, Julie

From: AD - Weinaug, Craig
Sent: Monday, February 17, 2003 8:19 AM
To: 'Evan Ice'; EM - Phillips, Paula; MT - Bell, Bill
Cc: AD - Clouse, Julie
Subject: RE: Fairgrounds

Bill: If you will make sure that Julie has the current contract, she can make the changes, and put it on a consent agenda. Craig

-----Original Message-----
From: Evan Ice [mailto:Ice@sunflower.com]
Sent: Monday, February 17, 2003 8:31 AM
To: AD - Weinaug, Craig; EM - Phillips, Paula; MT - Bell, Bill
Subject: RE: Fairgrounds

Bill,

I think that the following revisions should resolve the issue. Paula has reviewed these revisions and said that the proposed language addresses her concerns.

1. The first is to a add something to the County's standard Agreement similar to the following:

"We understand that the County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for a staging and mobilization area, and for other emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such an declaration, we agree that the County can terminate our reservation without notice and without liability."

2. The second is to add something to the County's standard reservation confirmation form similar to the following:

"The County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for a staging and mobilization area, and for other emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such an declaration, the County may terminate this reservation without notice and without liability, provided that the County uses the Facility for related emergency preparedness and emergency response purposes."

Can you make these revisions?

Evan

CONFIDENTIALITY STATEMENT:
This message from the law firm of Stevens & Brand, LLP contains information which is privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify us immediately (785/843-0811).

Evan H. Ice
Stevens & Brand, LLP
900 Massachusetts, Suite 500

P.O. Box 189
Lawrence, KS 66044
E-mail: eice@sunflower.com
Phone: 785-843-0811
Fax: 785-843-0341

-----Original Message-----
From: AD - Weinaug, Craig [mailto:cweinaug@douglas-county.com]
Sent: Thursday, February 13, 2003 3:12 PM
To: 'EM - Phillips, Paula'; 'MT - Bell, Bill'
Cc: Evan Ice
Subject: RE: Fairgrounds

Bill:

Have Evan review our standard contract to see if we can cancel contracts in an emergency situation. If we can't under the current contract, get the contract rewritten so we can. Craig

-----Original Message-----
From: EM - Phillips, Paula
Sent: Thursday, February 13, 2003 2:57 PM
To: AD - Weinaug, Craig; MT - Bell, Bill
Subject: Fairgrounds

Craig & Bill, I am working on the smallpox plan with the Health Dept. as a part of our county bio-terrorism plan. For the smallpox plan we have to identify sites from which we can give vaccinations or distribute medications to the general public. The state has specific criteria for these facilities and for the number of facilities we should have based on population. We have identified primary and secondary locations throughout the County - taking into consideration the facility criteria and our population centers.

Right now, either the Arena or Building 21 at the Fairgrounds is our primary site of choice. That being said, can we, in the event of an emergency declaration (which will be required if we have to give public vaccinations and/or dispense medications) use either or both of the buildings, regardless of any contracts that the County may have with outside groups for the use of the buildings - i.e. can we take over the use of the buildings under a declaration of disaster?

We really need to have this ability and to be able to use these buildings and I just don't know what the contracts with these outside agency users of the buildings state. All of our other sites are specific schools and the University of Kansas. We have already addressed such issues with them and have no problems using their facilities - but we would like the fairgrounds buildings to be the primary site because of location, parking, size of the facilities, accessability, security issues, etc.

Can either/both of you give me feedback on the feasability of being able to use the fairgrounds buildings with probably a three day notice before we would actually use the building (although we would need setup help and time)?

Douglas County, KS

Department of Buildings and Grounds

William S. Bell, Director

Enclosed you will find a reservation and a copy. Review the reservation and if all information is correct,

- ☐ Sign the original and return it in the enclosed envelope.

If you have a question or need to cancel a reservation, please call me at 785-832-5296. Otherwise, you will be expected at your "time-in" as stated on your reservation. If you need to change a time or will be late, you must contact the caretaker. Please observe all requirements that I have checked.

- ☐ To contact Kerry Wheeler (caretaker); page him at 785-832-6476.
- ☐ Rental Fees and Deposit are due not later than two weeks in advance.
- ☐ Rental Fees and Deposit must be paid with two separate checks payable to Douglas County Commission.
- ☐ Mail checks to Fairground Reservations, 111 East Eleventh Street, Lawrence KS 66044.
- ☐ Since you have multiple reservations a list is also enclosed. Please pay or cancel from this list.
- ☐ The fees have been waived but a deposit is required in the amount as stated on your reservation.

Major Events:

- ☐ $500 major event performance deposit must be paid with cash; money order or cashiers check made payable to Douglas County Commission and paid not later than two weeks prior to your event.
- ☐ Rental fees are separate from the deposit and may be paid by check; fees are due two weeks prior to your event.
- ☐ A certificate of insurance is required naming the Douglas County Commission as an additional insured in the amount of not less than $500,000 bodily injury and not less than $100,000 property damage. Proof of insurance must be presented 30 days prior to the event.
- ☐ Mail deposits, fees and insurance to: Fairground Reservations, 111 East Eleventh St, Lawrence, KS 66044

Arena:

- ☐ Contact Doug Miller (arena manager) to establish arena setup requirements for your show. He may be reached at 785-331-6077 or page him at 785-691-3716.
- ☐ Groups who have provided Douglas County with a certificate of insurance of the required liability coverage as stated above, may use their own equipment and operators if other than standard setup is required or if additional dirt work is necessary during the event. Otherwise, each group will need to make arrangements to have a maintenance employee available to operate the county equipment at cost to you of $15 per hour with a minimum of 1 hour.

FYI: Douglas County Code makes it unlawful to offer, display for sale, or sell guns at the Douglas County Fairgrounds without having a federal gun license. Any group, organization or individual reserving the Douglas County Fairgrounds for a gun show or other event at which guns are offered, displayed for sale, or sold (including swap meets, flea markets, garage sales and auctions) is responsible to ensure that all persons offering, displaying for sale, or selling the guns have a federal gun license and must further ensure that the licensees have proof of their license available for inspection upon request. The violation of these requirements will subject the violator to a monetary fine and, in addition, Douglas County may refuse to allow future use by the violator. For further information, refer to Section 8-108 of the Douglas County Code. Also, if you are planning to post signs to advertise you event, please be aware the City of Lawrence has issued a notice that placards, advertisements, pamphlets, posters and other such signs are not legal on trees, street light poles, trash containers, and public right of way. These advertisements will be removed without notice and you may be subject to municipal court fine. For more information, call the Building Inspection Department at 832-3100. The County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for a staging and mobilization area, and for other emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such a declaration, the County may terminate this reservation without notice and without liability, provided that the County uses the Facility for related emergency preparedness and emergency response purposes.

- ☐ Douglas County does not provide cleaning services; for a refund of your deposit, it will be your responsibility to have the buildings cleaned before you leave. A list of requirements is on the back of this letter.

Thank you for scheduling your event at the Douglas County Fairgrounds. *Joyce Meairs*

111 East Eleventh Street / Lawrence, KS 66044-2912 / 785-832-5296

Agreement

We agree to pay for any and all damage done to property, facilities, fixtures or grounds, during the time period of our use and set up but only to the extent resulting from Applicant's negligent or willful act or omission or the negligent or willful act or omission of Applicant's officers, agents, employees, guests, patrons, or invitees. We understand and agree that if such damages occur, the County will send written notification and an itemization of said damages to the address listed in this contract. If I do not pay for the damage done within thirty (30) days from the date of such notification, I understand and agree that the County can and may pursue all available legal remedies available for collection of debt. I understand and agree that if such collection efforts are thus pursued by the County, I will be liable for any and all additional costs and expenses associated with such collection efforts, including but not limited to resulting attorney fees, interest and court costs, but only for claims resulting from Applicant's negligent or willful acts or omissions or the negligent or willful act or omission of Applicant's officers, agents, employees, guests, patrons, or invitees.

We understand that NO alcoholic beverages are to be consumed on the premises and NO smoking allowed anywhere in the facilities. We also understand NO substances are to be put on floors without approval from facility staff (powders, etc. for dances). We understand and agree to clean up the area, including putting away chairs, tables, etc. and to leave the facility as when we arrived. We understand all activities and cleanup must be completed and building vacation by agreed time-out stated on this reservation. We understand time-out must not exceed 12:30 A.M. Additional time **will not** be extended after 12:30 A.M. **Any other overage of time will be billed at one and one/half time for each half hour.**

We understand a fee is required for all use of the 4-H Fairgrounds Facilities except those sponsored by the County, 4-H, County Extension Office and other government agencies. Also, fees may be waived for full charitable events as determined by Douglas County Administrator. We also understand that changes and cancellations must be done **ONE WEEK** prior to reservation date to receive any refund.

We understand that the County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for a staging and mobilization area, and for other emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such a declaration, we agree that the County can terminate our reservation without notice and without liability.

"Release from Liability and Indemnification"
In consideration for and as a condition of the use of the above stated facilities, applicant hereby agrees to indemnify and hold harmless the County, its officers, employees, and agents, against any and all claims, demands, causes of action, damages (including damages to County property), costs and liabilities, directly resulting from or caused by the use and occupation of the facility hereinabove described, whether such use is authorized or not and arising from the negligent or willful act or omission of Applicant or any of its officers, agents, employees, guests, patrons, or invitees, and the Applicant shall at its sole risk and expense, defend any and all indemnified suits, actions or legal proceedings which may be brought against the County, its officers and employees, and Applicant shall pay for any and all damages to the property of County for loss or theft of such property, caused by Applicant, its officers, agents, employees, guests, patrons, and invitees. "I received, read and reviewed the Facility Rules and Regulations," I understand the conditions and regulations and hereby represent that I will be present at the facility during its use and agree to use due care to ensure that said regulations are enforced while the facilities is in use. I further realize the ramifications of failure to abide by the policies and/or permit requirements.

If the Applicant is not an individual, the person signing this Agreement represents and warrants that he or she has all necessary authority to bind the Applicant to the provisions of this Agreement.

_____
Signature of Applicant and User

Date: _____

_____
Approval of Reservation – (MUST be signed by either Douglas County Buildings and Grounds staff person or a member of The Douglas County Commission)

DOUGLAS COUNTY FAIRGROUND RESERVATION

Douglas County 4H — Located on Harper between 19th and 21st Street in Lawrence, KS
Reservation scheduling from 1:00 to 4:00 pm only Monday thru Friday — Phone: (785) 749-1737

Reservation # 145 Terms: Net Your Payment Due Date is: 5/7/2000

Mail payment
Douglas County — FG Reservations — 111 East Eleventh Street — Lawrence, KS 66044-

George A. Abel
420 North Street, Lot 57
Lawrence, KS 66044-

Date/Time Sunday, May 21, 2000 10:00 AM
Date/TimeOu Sunday, May 21, 2000 4:00 PM
Group Name Private Reunion

Home Phone (785) 832-0504 Other Phone (785) 832-0504 Youth/Exempt

Locatio	*Rental Rate (day/block)*	*Qty*	*Unit Price*	*Total*
Building #21-North	Day	1	$60.00	$60.00
Kitchen (Bldg #21)	Day	1	$15.00	$15.00
		Total Rental		$75.00
Payments	$75.00	*Current Amount*		$0.00

Deposit	*Deposit*	*Deposit*	*Check*
1	1 Bldg - Cleaning/Security Deposit Required,	$50.00	740

The Douglas County Code makes it unlawful to offer, display for sale, or sell guns at the Douglas County Fairgrounds without having a federal gun license. Any group, organization or individual reserving the Douglas County Fairgrounds for a gun show or other event at which guns are offered, displayed for sale, or sold (including swap meets, flea markets, garage sales and auctions) is responsible to ensure that all persons offering, displaying for sale, or selling the guns have a federal gun license and must further ensure that the licensees have proof of their license available for inspection upon request. The violation of these requirements will subject the violator to a monetary fine and, in addition, Douglas County may refuse to allow future use by the violator. For further information, refer to Section 8-108 of the Douglas County Code.

The County reserves the right to use all or any portion of the 4-H Fairgrounds Facilities for a staging and mobilization area, and for other emergency response purposes in the event of a declaration of a federal, state, or local emergency or disaster. Therefore, in the event of such a declaration, the County may terminate this reservation without notice and without liability, provided that the County uses the Facility for related emergency preparedness and emergency response purposes.

FOR ALL MAJOR EVENTS, a deposit of $500 is required at least two weeks in advance in the form of cash, money order or a cashiers check made payable to Douglas County Commission. (Personal or Company checks will NOT be accepted for the deposit). Also, a Certificate of Insurance is required, naming the Douglas County Commission as an additional insured in the amount of $500,000 bodily injury and $100,000 property damage. Proof of insurance must be presented to the County Administrator's Office not less than thirty (30) days prior to the event.

Douglas County has a contractural agreement with a vending company and have agreed not to interfere with their right to display and sell their product. Therefore, NO GROUP is allowed to ever place an "out of order" sign, unplug, or cover the cold drink vending machines located inside any building on the Fairgrounds.

NOTE: No person may be directly or indirectly denied admission to any function or event on Douglas County Fairground property to which the general public is invited due to such person's race, religion, color, sex, disability, national origin or ancestry.

Please sign the agreement on the back of this document and return it in the enclosed envelope.

NOTICE OF RULES AND REQUIREMENTS BEFORE CHECKOUT

Douglas County does not provide cleaning services. This notice is included with your reservation. Each group or individual that uses the buildings must complete the following applicable duties before leaving. These cleaning instructions are for Buildings 1, 2, and 21, Judging Arena, Community Building, driveways, parking lots and pole barns.

- ✓ Stack chairs 10 high (do not exceed 10) and return to designated storage area.
- ✓ Stack **like-color tables** on dolly and return to designated storage area.
  - ➢ Building #1 – RED trimmed tables
  - ➢ Building #2 – BLUE trimmed tables
  - ➢ Building S21 – YELLOW trimmed tables
  - ➢ Building N21 – TAN trimmed tables
  - ➢ All extra wooden tables are kept in North 21 closet.
  - ➢ Community Bldg Meeting Room – replace tables on the dolly.
- ✓ Sweep or shake doormats clean.
- ✓ Remove any signs, banners and/or decorations.
- ✓ Deposit all bagged trash in dumpsters outside buildings, replace can liners.
- ✓ Sweep all floors, entryways and arena apron.
- ✓ Clean kitchen counters, stoves, and refrigerators. Remove all food from the refrigerator and freezer.
- ✓ Sweep and wet-mop bathrooms and flush toilets.
- ✓ Wet-mop entry, kitchen, and hall floor when
  a) food and/or drink has been served
  b) mud, dirt or slush tracked in from outside
  c) project supplies i.e., paint, glue, candle wax, etc., has spilled on the floor.
- ✓ If animal show, wet-mop with disinfectant (except community building).

Judging Arena

- ✓ Sweep arena floor, empty trash barrels into dumpsters.
- ✓ Sweep bathroom floors; remove trash.

Parking Lots & Driveways

YOU must remove trash, animal waste and straw from parking lots and driveways around the pole barns and all other buildings. Wheelbarrows and rakes available upon request. All waste material and trash must be placed inside the dumpster.

Pole Barns

Inside the pole barns, you must rake all manure, straw, etc from the edges into the center of the pole barns. The Douglas County ground crew will place it in the dumpster if it is raked to the center.

Failure to clean parking lots, driveways or pole barns could result in a fine of $200 placed against your Major Event deposit.

(1)(d)

OFFICE OF THE

GLENN R. "Rick" TRAPP
SHERIFF

WILLIAM H. SHEPARD
UNDERSHERIFF

111 EAST 11th
LAWRENCE, KANSAS 66044
PHONE: (785) 841-0007 • FAX: (785) 841-5168

MEMORANDUM
February 10, 2003

TO: The Board of County Commissioners

From: Glenn R. "Rick" Trapp, Sheriff

Ref: Reporting of State Forfeitures per K.S.A. 60-4117(d)(2)

This memorandum is to notify the Board of County Commissioners that the Douglas County Drug Enforcement Unit received $649 in state forfeiture proceeds in the year 2002 per K.S.A. 60-4117(d)(2). This was a result of DEU case 99-0096 where $649 was seized. See the attached copy of the Order of Forfeiture that shows how the funds were divided.

attachments:
Order of Forfeiture,
K.S.A. 60-4117, and
2002 Federal Annual
Certification Report

99-0096

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS

STATE OF KANSAS
Lawrence Police Department,
vs.
$649.00 in U.S. Currency.

Case No. 02 C 335

ORDER OF FORFEITURE

NOW, on this 11th day of June, 2002, the above captioned matter comes on for a hearing on the Plaintiff's Application for Forfeiture. The Court has reviewed the pleadings and documents and finds the law and evidence in this matter to be in favor of the Plaintiff.

THEREFORE, the Court hereby ADJUDGES, ORDERS AND DECREES that:

1. There is hereby a judgment entered in favor of the Tri-County Drug Enforcement Unit (DEU) and against the following defendant and property:

-$649.00 in U.S. currency as described in the Plaintiff's Application for Order of Forfeiture.

2. The proceeds of such forfeiture shall be divided as follows:

TO	AMOUNT
-Costs	$105.60 ($105.60 to be paid to the Douglas County District Attorney's Office, General Fund # 100, Department # 15000, Account # 61130, Line Item: Investigations and Legal Fees, for cost of publication and certified mailing)
-Plaintiff's Attorney Pay to: Douglas County Special Prosecutors Trust Fund, (Account # 33-2400-004051, Nations Bank, P.O. Box 2951 Wichita, Kansas 67201-2951).	15% of remainder
- Tri-County Drug Enforcement Unit Pay to: Douglas County Treasurer, Special Law Enforcement Trust Fund, 774-13000-61208	85% of remainder

IT IS SO ORDERED.

Robert W. Fairchild

DISTRICT JUDGE

forfeiture or complaint, the court shall cause a finding to be entered that reasonable cause existed, or that any such action was taken under a reasonable good faith belief that it was proper, and the claimant is not entitled to costs or damages, and the person or seizing agency who made the seizure, and the plaintiff's attorney, are not liable to suit or judgment on account of the seizure, suit or prosecution.

(f) The court shall order a claimant who fails to establish that a substantial portion of the claimant's interest is exempt from forfeiture under K.S.A. 60-4105 to pay the reasonable costs and expenses of any claimant who established such claimant's interest is exempt from forfeiture under K.S.A. 60-4105 and to pay the reasonable costs and expenses of the seizing agency for the investigation and litigation of the matter, including reasonable attorney fees, in connection with that claimant.

(g) If more than one law enforcement agency is substantially involved in effecting a forfeiture pursuant to this act, and no interagency agreement exists, the court shall equitably distribute the proceeds among such agencies.

60-4117. **Allocation of forfeited property.** (a) When property is forfeited under this act, the law enforcement agency may:

(1) Retain such property for official use or transfer the custody or ownership to any local, state or federal agency, subject to any lien preserved by the court;

(2) destroy or use for investigative or training purposes, any illegal or controlled substances and equipment or other contraband, provided that materials necessary as evidence shall be preserved;

(3) sell property which is not required by law to be destroyed and which is not harmful to the public.

(A) All property, except real property, designated by the seizing agency to be sold shall be sold at public sale to the highest bidder for cash without appraisal. The seizing agency shall first cause notice of the sale to be made by publication at least once in an official county newspaper as defined by K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place, and conditions of the sale and description of the property to be sold. Nothing in this subsection shall prevent a state agency from using the state surplus property system and such system's procedures shall be sufficient to meet the requirements of this subsection.

(B) Real property may be sold pursuant to subsection (A), or the seizing agency may contract with a real estate company, licensed in this state, to list, advertise and sell such real property in a commercially reasonable manner.

(C) No employee or public official of any agency involved in the investigation, seizure or forfeiture of seized property may purchase or attempt to purchase such property; or

(4) salvage the property, subject to any lien preserved by the court.

(b) When firearms are forfeited under this act, the firearms in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(c) The proceeds of any sale shall be distributed in the following order of priority:

(1) For satisfaction of any court preserved security interest or lien;

(2) thereafter, for payment of all proper expenses of the proceedings for forfeiture and disposition, including expenses of seizure, inventory, appraisal, maintenance of custody, preservation of availability, advertising, service of process, sale and court costs;

(3) reasonable attorney fees:

(A) If the plaintiff's attorney is a county or district attorney, an assistant, or another governmental agency's attorney, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2), in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees shall be deposited in the county or city treasury and credited to the special prosecutor's trust fund. Moneys in such fund shall not be considered a source of revenue to

meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency's attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency's attorney deems appropriate, including educational purposes. All moneys derived from past or pending forfeitures shall be expended pursuant to this act. The board of county commissioners shall provide adequate funding to the county or district attorney's office to enable such office to enforce this act. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney's budget; or

(B) if the plaintiff's attorney is a private attorney, such reasonable fees shall be negotiated by the employing law enforcement agency;

(4) repayment of law enforcement funds expended in purchasing of contraband or controlled substances, subject to any interagency agreement.

Any proceeds remaining shall be credited as follows, subject to any interagency agreement:

(1) If the law enforcement agency is a state agency, the entire amount shall be deposited in the state treasury and credited to such agency's state forfeiture fund. There is hereby established in the state treasury the following state funds: Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund and Kansas department of corrections state forfeiture fund. Expenditures from the Kansas bureau of investigation state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general. Expenditures from the Kansas highway patrol state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or by a person or persons designated by the superintendent. Expenditures from the Kansas department of corrections state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of corrections or by a person or persons designated by the secretary. Each agency shall compile and submit a forfeiture fund report to the legislature on or before February 1 of each year. Such report shall include, but not be limited to: (A) The fund balance on December 1; (B) the deposits and expenditures for the previous 12-month period ending December 1. Upon the effective date of this act, the director of accounts and reports is directed to transfer each agency's balance in the state special asset forfeiture fund to the agency's new, state forfeiture fund. All liabilities of the state special asset forfeiture fund existing prior to such date are hereby imposed on the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund and the Kansas department of corrections state forfeiture fund. The state special asset forfeiture fund is hereby abolished.

If the law enforcement agency is a city or county agency, the entire amount shall be deposited in such city or county treasury and credited to a special law enforcement trust fund. Each agency shall compile and submit annually a special law enforcement trust fund report to the entity which has budgetary authority over such agency and such report shall specify, for such period, (A) the type and approximate value of the forfeited property received, (B) the amount of any forfeiture proceeds received, and (C) how any of those proceeds were expended.

(3) Moneys in the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund and the special law enforcement trust funds shall not be considered a source of revenue to meet normal operating expenses. Such funds shall be expended by the agencies or departments through the normal city, county or state appropriation system and shall be used for such special, additional law enforcement purposes as the law enforcement agency head

deems appropriate. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a law enforcement agency's budget.

Federal Annual Certification Report

This Annual Certification Report must be submitted within 60 days after the close of your fiscal year to both agencies:

U.S. Department of Justice/ACA Program
10th and Constitution Avenue, NW
Criminal Division/AFMLS
Bond Building, Tenth Floor
Washington, DC 20530
Fax: (202) 616-1344

U.S. Department of the Treasury
Executive Office for Asset Forfeiture
740 15th Street, NW, Suite 700
Washington, D.C. 20220
E-mail address: treas.aca@teoaf.treas.gov
Fax: (202) 622-9610

Law Enforcement Agency: Douglas County Sheriff's Office

○ Police Department ☒ Sheriff's Office/Department ○ Task Force (attach list of members) ○ Prosecutor's Office ○ Other

Contact Person: Kerrie L. Urbanek **E-mail Address:** kurbanek@dgso.org

Mailing Address: (Street) 111 East 11th (City) Lawrence (State) Kansas (Zip Code) 66044

Telephone Number: (785) 830-7458 **Fax Number:** (785) 830-7213

Agency Fiscal Year Ends on: (Month/Day/Year) 12/31/2002 **NCIC/ORI/Tracking No.:** KSO230000

Summary of Equitable Sharing Activity
(Fiscal Year Ending 2002)

		Justice Funds	Treasury Funds
1.	Beginning Equitable Sharing Fund Balance	$ 8,255.45	$ -0-
2.	Federal Sharing Funds Received	$ 7,788.04	$ -0-
3.	Transfers From Other Law Enforcement Agencies (attach list)	$ -0-	$ -0-
4.	Other Income	$ -0-	$ -0-
5.	Interest Income Accrued (☐ check if non-interest-bearing account)	$ 204.00	$ -0-
6.	Total Equitable Sharing Funds (total of lines 1 - 5)	$ 16,247.49	$ -0-
7.	Federal Sharing Funds Spent (total of lines a - n)	$ (-0-)	$ (-0-)
8.	Equitable Sharing Fund Balance (subtract line 7 from line 6)	$ 16,247.49	$ -0-
9.	Appraised Value of Other Assets Received	$ -0-	$ -0-

Summary of Shared Monies Spent

a.	Total spent on salaries for new, temporary, not to exceed 1-year employees	$ -0-	$ -0-
b.	Total spent on overtime	$ -0-	$ -0-
c.	Total spent on informant and "buy money"	$ -0-	$ -0-
d.	Total spent on travel and training	$ -0-	$ -0-
e.	Total spent on communications and computers	$ -0-	$ -0-
f.	Total spent on firearms and weapons	$ -0-	$ -0-
g.	Total spent on body armor and protective gear	$ -0-	$ -0-
h.	Total spent on electronic surveillance equipment	$ -0-	$ -0-
i.	Total spent on building and improvements	$ -0-	$ -0-
j.	Total spent on drug education and awareness programs	$ -0-	$ -0-
k.	Total spent on other law enforcement expenses (attach list)	$ -0-	$ -0-
l.	Total transfers to other law enforcement agencies (attach list of recipients)	$ -0-	$ -0-
m.	Total permissible use transfers (up to 15 percent) (attach list of recipients)	$ -0-	
	Amount of line (m) transferred to and used for drug abuse treatment and prevention programs	$ -0-	
n.	Total spent on matching grants (attach list)	$ -0-	$ -0-
o.	Total annual law enforcement budget for your jurisdiction for current fiscal year	$ 6,811,444	(2003)
p.	Total annual budget for non-law enforcement agencies for current fiscal year	$ 37,247,585	(2003)
q.	Total annual law enforcement budget for your jurisdiction for prior fiscal year	$ 6,206,383	(2002)
r.	Total annual budget for non-law enforcement agencies for prior fiscal year	$ 32,725,728	(2002)

Under the penalty of perjury, the undersigned hereby certify that the information in this report is an accurate accounting of funds received and spent by the law enforcement agency under the federal equitable sharing program during this reporting period.

Name (Print or Type) Glenn R. "Rick" Trapp Date 2-5-03
Law Enforcement Agency Head or Authorized Representative

Signature: [signature]

Title: Sheriff

Name (Print or Type) G. Craig Weinaug Date 2-5-03
Governing Body Head or Authorized Representative

Signature: [signature]

Title: County Administrator

This form is subject to the Freedom of Information Act and may be released under 5 U.S.C. § 552. See www.usdoj.gov/criminal/afmls.html for additional forms. Updated 2003

(2)(a)

PUBLIC HEARING ITEM:

ITEM NO. 11: CONDITIONAL USE PERMIT FOR TRUCK STORAGE FACILITY (SLD)

SUMMARY

CUP-08-09-02: Conditional Use Permit for storage of excavation, trucking, and farm equipment. The property is generally located at 1768 E 1100 Road. Submitted by Paul Werner Architects for North 40 LC, property owners of record. *This item was deferred from the November Commission meeting.*

GENERAL INFORMATION

Reason for Request:	Remedy of existing county zoning violation. Use as a storage facility.

The applicant has met with staff and a representative of the Township Board to clarify the application. The proposed use is not for storage of "trucks and equipment" but for the accessory storage of an existing property management business. The designated Storage for this application would include cabinetry, carpeting, and similar items used in the applicant's business of maintaining rental properties. A letter is attached to this report that summarizes the applicant's intent and concessions to address township concerns.

Section 19-4 of the County Zoning Regulations specifically addresses special uses that can be located in various districts upon special approval. "Truck Storage Facility Ancillary Uses" is listed as a conditional use.

The applicant clarified their application indicating that the storage is for supplies related to the applicant's property management business and is an accessory use to that business. Staff met with County Zoning Staff to review recent land use and zoning code interpretations related to "Truck Storage". The storage of materials as proposed for this application is an accessory use to the property management business. It does not qualify as a CUP truck storage facility. A "warehouse" building is permitted in the County Zoning Regulations in the B-2 Zoning district and would be the closest similar use to what the applicant has described.

Consideration of the use as an extension of the Truck Storage Facility is beyond the scope of the Planning Commission's purview and would require a change in the County Zoning Regulations.

The original report recommended denial as the application described a much more intensive use of the property than the applicant intended. Staff has reviewed this application only as a truck storage facility based on the applicant's proposed self-limitations on access to the property. These limitations have mitigated the Township's concern on the road conditions.

Current Zoning and Land Use:	R-1 (Single-Family Residential District); existing building and parking area.

Surrounding Zoning and Land Use:

A (Agricultural District) to the north and west; agricultural property.

R-1 (Single-Family Residential District) to the east and south; agricultural and single-family home uses.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – Subject property is located in an existing residential zoning district (east of E 1100 Road) and borders agricultural uses to the north and west. Several existing homes are located south of the subject property along E. 1100 Road. A residential subdivision [Stonegate] is developing to the far east of the subject property. The Lawrence City Limits are within one mile of the subject property to the south.

II. CHARACTER OF THE AREA

Staff Finding - The immediately surrounding area to the east and west is undeveloped and is used for agricultural purposes. The area to the south and far east are developed with single-family residential homes. A narrow parcel of land approximately 100' wide separates the subject property from the Kansas Turnpike on the north side of the property. The general area is heavily wooded and hilly, it includes meadow/pasture area throughout the area. The current character is rural. This property is within the urban growth area and the future land use will alter this character to a more suburban residential type neighborhood.

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

Staff Finding – The subject property is a portion of a larger 32-acre tract under the same ownership. The property has not been platted or subdivided. The structure was built in 1999 per the County Appraiser Office's records and is classified as a commercial building. Traditional commercial uses are not acceptable in this location as the access is limited and requires neighborhood pass-through to reach the property.

The revised application addresses the intensity of use, which would be acceptable within this area. However, the underlying question of warehouse storage facility, which is not a permitted conditional use, versus a truck storage facility must still be resolved. If approved for truck storage, the proposed Conditional Use Permit will not change the underlying base county residential zoning nor will it permit warehousing of apartment furniture and cabinetry for a rental business.

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

Staff Finding – The subject property is part of a larger 32.34-acre tract and has been zoned R-1 since the original adoption of county zoning in 1966. The property was vacant until 1999 when the structure was erected. It is classified as a commercial building according to the County Appraiser's Office though it was built as an agricultural building. Agricultural buildings do not require building permits. This structure was noted by the

County Zoning Office as violating the County zoning and building codes. The applicant is seeking to resolve the noted violations and retain the use of the building for storage purposes.

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

Approval of a Conditional Use Permit request does not alter the base-zoning district. Section 19-01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.*" The proposed use is not expressly included in Section 19-4 Conditional Uses Enumerated, of the County Zoning Regulations. The applicant identified this application as a "*truck storage facility*" use. The County Zoning Regulations describe a truck storage facility as follows:

> *24. Truck storage facility ancillary uses, open or enclosed, provided that wholesale and retail sales not be permitted on the premises. Open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and adjoining properties.*

The existing building will be used for warehouse storage of the applicant's property maintenance business. A truck storage facility would generate little traffic typically access would be limited to the employees that operate equipment and the equipment maintenance and service. Additionally, a designated parking area is required for employees.

The County Zoning Office has notified the property owner of several violations including zoning, building and environmental codes. Environmental violations included dumping in the creek bed [unconfirmed] and improper disposal of construction/demolition waste, which are both state violations. The applicant has resolved many of these violations and has indicated in a letter dated November 22, 2002 that exterior storage and burning are not intended for this site.

Staff Finding – The subject property is located within the Urban Growth Area and is anticipated to develop residentially over time. E 1100 Road is a local road that provides access to the adjacent residential homes in the area and also provides access to the subject property. Approval of the CUP will not alter the base zoning. The applicant has proposed self-limiting conditions that minimize the impact that had originally been a concern for Staff and the Township. This modification in use and access for truck storage would not detrimentally impact adjacent properties.

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

The site is clearly used for storage of both equipment and construction materials. Use of the site included two box trailers at the rear of the property and additional equipment near the building.

Staff concurs that there is a need for storage facilities located within the unincorporated portion of Douglas County. These uses should ideally be located along major county thoroughfares and highways to accommodate the frequent access associated with such uses. The County Zoning Regulations make a distinction between a CUP for truck storage and a warehouse facility that requires B-2 commercial zoning.

The immediately adjacent homes are located on larger parcels and appear to be setback from the right-of-way that provides some buffering.

The proposed facility will accommodate only the applicant's warehouse storage needs and activities but must be limited to storage of equipment such as trucks, machinery and/or lawn maintenance equipment. The proposed use is not associated with an ability to provide services to other similar operations. The applicant has stated that denial of the use would render the structure useless. The limited nature of access and the prohibition of dumping of construction debris should minimize any impact on adjacent properties.

Staff Finding – No significant gain to the public is provided by approval of this use. A marginal hardship to the existing adjacent landowners and township road maintenance is recognized. The area is isolated and is not directly accessible. As the area develops, this use will become obsolete and incompatible.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is located approximately one mile northwest of the City of Lawrence and within the Urban Growth Area shown in Figure 9 of **Horizon 2020**. The Plan does not address Conditional Use Permits as a tool to achieve specific policies. The Plan does encourage the support of local businesses to *"ensure their retention and to facilitate expansion plans for the future."* Industrial uses are directed to urban areas where services such as sewer, water and transportation options are available. The difficult in this application centers on the specific use as an accessory activity for the property management business.

It is anticipated this area will ultimately develop with low and moderate density residential uses; that over time, will make this proposed use inconsistent. The proposed use includes more than truck storage, however the other intended uses are beyond the scope of a Conditional Use Permit to address. The use is accessory to a primary property management business located else ware.

Staff Finding – The Comprehensive Plan supports the retention of industrial uses and limited expansion of existing industrial districts outside of an urban area. A Conditional

Use Permit can be used to allow limited commercial and industrial usage such as truck storage.

STAFF REVIEW

Site Summary:	
Parent Parcel:	32.34 acres [Per County Appraiser's Office records]
Subject Parcel:	6 acres
Existing Building:	5,000 SF
Off Street Parking Required:	1 space per two employees [No employees are located on site]
Off Street Parking Provided:	Not identified on site plan.

** Review Comments from Other Departments/Agencies are provided at the end of this report.*

This application has been submitted in response to a notice of violation issued by the County Zoning Codes Office. The property and surrounding area to the east and south is zoned for residential development. The subject property is comprised of the west 6 acres of a larger 32.34-acre tract. The building was constructed in 1999 without a building permit [as an agricultural building]. The County Appraiser's Office classifies the structure as a commercial building. The proposed CUP is for a *"storage facility"*. There are no employees associated with the storage building therefore no parking is required on site by the Zoning Regulations.

Site Plan Review:

The site plan notes: *"The exterior storage area is primarily for the storage of equipment for the excavation and farming business. Some exterior storage of building materials is allowed. This material shall use less area than the storage of equipment."* This statement is both very general and open-ended. Without clarification, it could be interpreted allow all 6 acres to be used for the storage of equipment and other building materials. The site plan shows a gravel area around the building and a rear "pad site" intended to be used for storage. It is this portion of the application that was clarified by the applicant (Refer to letter dated November 22, 2002). Because of the described reduced intensity of the use of the property, the Township has indicated that they are no longer opposed to the use based on a concern for the road condition and maintenance. Similarly, staff has reconsidered the application and revised the recommendation to recommend approval of the proposed activity. Staff recommends that the site plan be revised to include the limitations on the face of the site plan as suggested by the applicant's representative and to more clearly indicate the use of the building.

A site visit in October noted that there is exterior storage. Only two pieces of equipment were found on site on the date of the site visit, however, several pallets of landscape rock were observed, as well as large semi-trailer box-trailers and a large pile of concrete debris. However, the location and orientation of the site do provide reasonable screening.

Approval of the request would allow an accessory commercial type business on a restricted basis. Immediate residential development is limited by the lack of available water and sewer infrastructure. The property is served with neither electric nor gas services.

Setback Requirements - Building setback requirements for the "R-1" District is as follows: Front Yard -25'; Side Yard- 10'; Rear Yard – 30'. Setback requirements are typically measured from the property lines. The existing structure complies with the minimum setback requirements.

Access to the site - Specific access to the site is provided via a driveway located at the north end of E. 1100 Road (Folks Road extended). It is the only access to the property and is a local township road. The applicant has proposed a self-limiting access program and included a limitation on the types of vehicles used to address Township concerns regarding road maintenance. If approved, these conditions should be stated on the face of the site plan.

Screening - Natural screening is provided on all sides of the activity area. Exterior storage areas are specifically required to be screened with a *"view reducing wall, fence, or landscaping material"* (per Section 19-4). The existing vegetation along the south boundary line of the described CUP provides the required screening. Any removal or loss of trees as a result of disease must be replaced to comply with the screening requirements.

Outdoor Storage and Parking - The site plan only generally indicates areas proposed for outdoor storage. Storage should be limited to only that "equipment" directly associated with the specific business operation. The site plan should also note that dumping of materials is prohibited. While the Zoning Regulations require parking related to on-site employees, as a practical matter some vehicle parking space should be provided. It is conceivable that employees will arrive at the site and leave vehicles at the site while they are loading/unloading materials stored at the site.

CONCLUSION

Although Conditional Use Permits can be customized tailored to address specific issues of a request, such as size, time limitations, restriction on the number of vehicles, and screening requirements, the basic test is if the special use is both desirable and appropriate for a particular location.

As discussed in this report the proposed usage is less intensive than originally described but exceeds the truck storage listed use in Section 19 of the County Zoning Regulations. The action on this application can address only the truck storage portion of the uses requested. Rezoning to a commercial district is needed to permit the warehouse use.

The Township has noted that the road is not structurally appropriate for a high intensive activity. The applicant has been able to provide additional information to indicate that the proposed use is more moderate in nature, which has addressed the outstanding concerns of the Township. It is anticipated that the surrounding area will continue to develop residentially.

PROFESSIONAL STAFF RECOMMENDATION

The staff recommendation is based on a narrow view, that being the truck storage portion of the proposed use. Planning Staff recommends approval of the Conditional Use Permit for a storage facility and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. Approval of the CUP shall be limited to 5 years at such time the applicant must reapply prior to continuation of the use;
2. Provision of a revised site plan to show the following:
    a. Show existing E1100 Rd. right-of-way.
    b. Show front building setback along west property line and side building setback along south property line.
    c. Provide reference for drainage easement including Book & Page number.
    d. Show that portion of the subject property that is located within the special hazard district flood zone including the map and date references from FEMA.
    e. Provision of a revised legal description that cites the full parent parcel that matches the County records and the sub-parcel proposed.
3. Provision of a revised site plan to include the following notes:
    a. "No restroom facilities are provided. If a restroom is provided the structure shall be required to meet ADAAG requirements on the site plan as well as actual building construction."
    b. Provision of a note that clarifies the proposed use of the building as truck storage only.
    c. "All access will be limited to automobiles, pickup trucks or other light-duty trucks not to exceed five-ton load limit, and the Applicant shall, at its sole expense, repair all damage to East 1100 Road caused by the applicant's use of such road."
    d. "No outside storage of equipment."
    e. "No burning."
    f. "No night uses."
    g. "No exterior outside lighting is proposed."
    h. "No excessive noise."
    i. " No construction debris shall be dumped or disposed of on site."

Review Comments from Other Departments/Agencies

County Public Works/Engineering:

1. Show existing E1100 Rd. right-of-way
2. It seems front yard setback should be along road R/W (west side of property).
3. Provide more info on Drainage Easement. If existing, state Book & Page number.

County Zoning & Codes:

1. Prior to the adoption of the Home Occupation Regulations, North Stephens L.C. was one of the several 100 that were in violation of the Douglas County Zoning Regulations. Although it was previously discussed with Mr. Jim Teague of Gene Fritzel Construction Company, only after the issuance of a stop work order, were the applicants willing to follow appropriate steps to resolve the dilemma.
2. The building was constructed without obtaining a building permit, so therefore no permit was ever issued. Much like many that have been constructed as an agriculturally exempt structure. Pursuant to Uniform Building Code Section 3405 states, "No change shall be made in the **character of occupancies or use of any building** that would place the building in a different division of the same group of occupancy or in a different group of occupancies, **unless such building is made to comply with the requirements of the code for such division or group of occupancy."**
3. A portion of the property is in the special hazard district flood zone, which is not shown on the site plan.
4. Under the allowable uses as specified under the General Notes 1.14 on the Site Plan, Excavation, Trucking, and Farm Equipment are listed. During the investigation of the violation of this site, it was noted that trucks, which exceeded the allowable load limit, were being used.
5. The building code will require outside lighting on the building, and therefore its location and means to prevent glare shall also be shown. (Dg. Co. Zoning Reg. 19A-4.12)
6. A note shall appear on the building that specifically states that no restroom facilities are provided. If a restroom is provided the structure shall be required to meet ADAAG requirements on the site plan as well as actual building construction. (Dg. Co. Zoning Reg. 19A-4.14 & Uniform Building Code Section 1105)
7. Applicant has also been cited by the State for the illegal disposal of construction/demolition waste on March 21, 2002.

County Health Department: If any restrooms will be provided, health department must approve sanitary system first.

Natural Resources Conservation District: No comments

Wakarusa Township:

~~1. Several times debris must be picked up from public road left by applicant.~~
~~2. Not used for farm equipment, storage of landscape rock, bobcat, trenchers etc [commercial use] box trailers appear to be used for storage.~~
~~3. Several past fires requiring township fire service. Area is densely wooded.~~
~~4. Dust from traffic loading and unloading.~~

5. ~~Wakarusa Township does not approve of this CUP due to increased heavy truck traffic on E-1130 Road, which will destroy the road. This road has a 5 ton weight limit on E-1130 and N-1750 Roads. Also a culvert was installed for this CUP without township approval.~~
6. ~~The property owners have been hauling brush, construction debris, dirt, rock, etc back on this property for some time. This property has almost no farm ground on it, just some hay ground. This property will be used for business purposes not farm purposes as proposed. This CUP should be denied for all adjacent property owners' best interests.~~

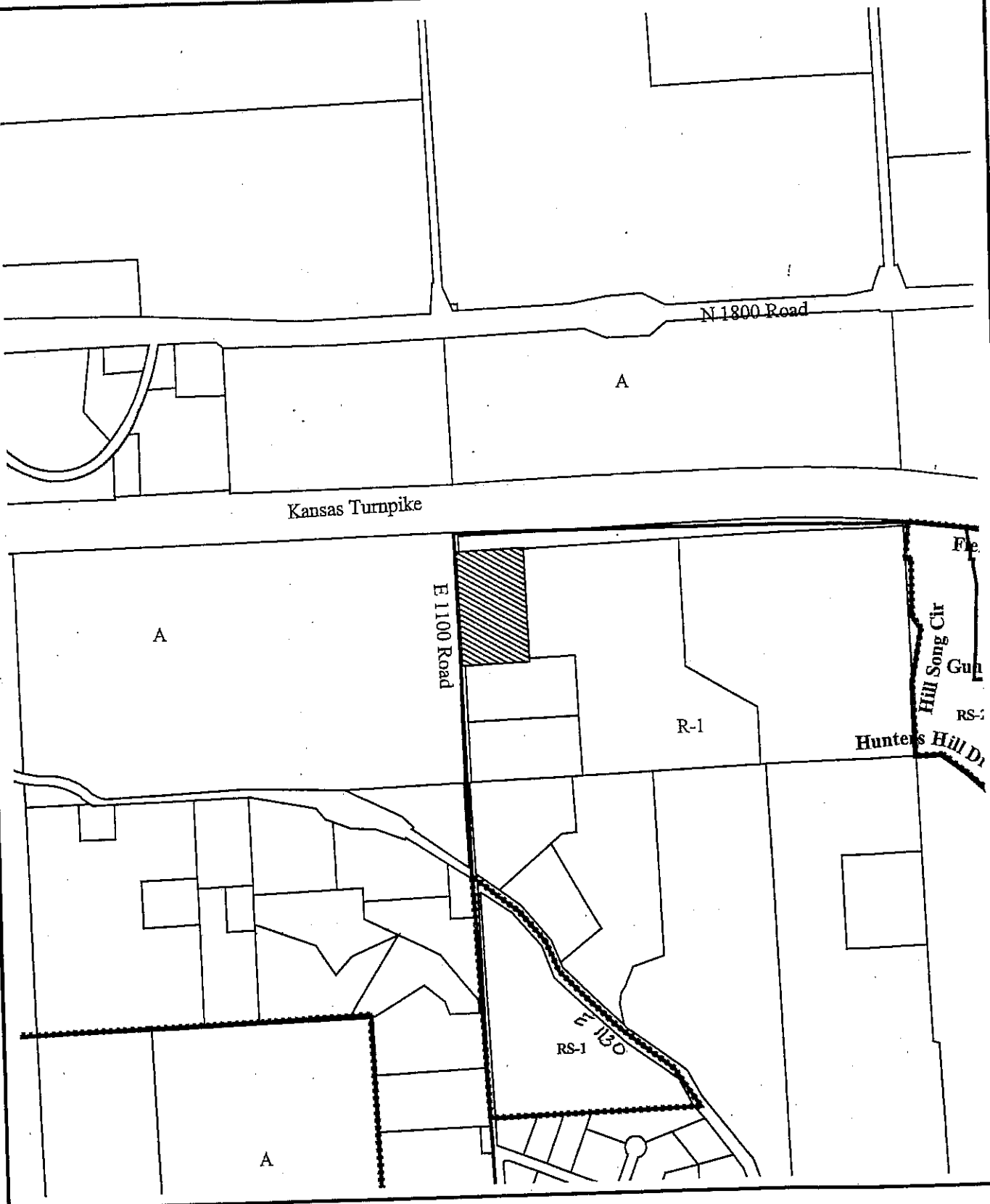
Revised Comments 12/27/02:

1. Refer to Letter from Mark Andersen dated November 22, 2002 for resolution of concerns with applicant's representative.
2. Additional concern is that no modifications to the driveway entrance that include concrete abutments, monuments or improvements shall be made unless otherwise first approved by the Township Board.

Wakarusa Township Fire Dept: Recommend that applicant contact the Township fire department prior to any on-site burning.

Planning Department:

1. Legal description does not match County records that describe 32-acre parcel.
2. Please provide detailed list of uses, staff has received conflicting reports regarding equipment, storage, dumping, etc on the property.
3. Provide estimated time frame for use, area to the south and east is developing with residential uses; subject property is located in urban growth area. Long term planning anticipates further residential development in this area.



CUP-08-09-02: Conditional Use Permit for Storage of Excavation, Trucking & Farm Equipment at 1768 E 1100 Road

Lawrence-Douglas County Planning Office
September 30th, 2002

Area Requested

Scale: 1 Inch = 800 Feet

LAW OFFICES
BARBER, EMERSON, SPRINGER, ZINN & MURRAY, L.C.
1211 MASSACHUSETTS STREET
POST OFFICE BOX 667
LAWRENCE, KANSAS 66044
(785) 843-6600
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JOHN A. EMERSON
BYRON E. SPRINGER
RICHARD L. ZINN
THOMAS V. MURRAY
CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
WILLIAM N. FLEMING*
TERENCE E. LEIBOLD*
TERRENCE J. CAMPBELL*
JULIE A. BORCHARDT
CLAYTON C. SKAGGS

*ADMITTED IN KANSAS AND MISSOURI

RICHARD A. BARBER
(1911-1998)

MARTIN B. DICKINSON, JR.
GLEE S. SMITH, JR.

OF COUNSEL

November 22, 2002

RECEIVED
NOV 25 2002
City County Planning

Via Hand-Delivery

Ms. Sandra L. Day, AICP
City/County Planner
Lawrence/Douglas County Metropolitan
Planning Office
6th and Massachusetts
P.O. Box 708
Lawrence, Kansas 66044-0708

Re: Conditional Use permit for Storage at 1768 E. 1100 Road
*North Forty, L.C. (the "**Applicant**")*

Dear Sandra:

I am writing to follow up our telephone conversation in connection with a request for a conditional use permit for storage at 1768 E. 1100 Road. Your staff report makes reference to the proposed use being "an intensive operation", makes another reference to "the intensity of the intensive traffic in the area resulting from the storage operation", and then again to "the proposed use is an intensive operation". Comments from Wakarusa Township includes a statement to the effect that the Township "does not approve of this CUP due to increased heavy truck traffic on E 1100 Road, which will destroy the road."

I disagree with your description of the proposed use being "intensive" in any way. Furthermore, I disagree with the statement that the proposed use will "destroy the road". The truth is that the Applicant is willing to define and restrict the proposed use in a number of ways that will, in fact, render the Applicant's proposed use <u>less</u> intensive than that of most of the residential uses in the area. In order to accommodate the concerns of the Wakarusa Township and the adjoining residential landowners, the Applicant will agree to limit the proposed use, as follows:

1. Nonmowing season, October 15-April 15, access will be limited to twice per week.

2. Mowing Season, April 15-October 15, access will be limited to two trips per day.

3. Access during July 25-August 10 not to exceed four trips per day, to haul apartment carpet and appliances.

4. All access will be limited to automobiles, pickup trucks or other light-duty trucks not to exceed five-ton load limit, and the Applicant shall, at its sole expense, repair all damage to East 1100 road caused by the Applicant's use of such road.

5. No outside storage of equipment.

6. No burning.

7. No night uses.

8. No outside lighting.

9. No excessive noise.

10. CUP expires in 5 years.

It is my sincere hope that these restrictions will be acceptable to you and to the Wakarusa Township board of trustees. I will look forward to discussing these matters with you. If you have any questions, or if I may be of any further assistance, please call me.

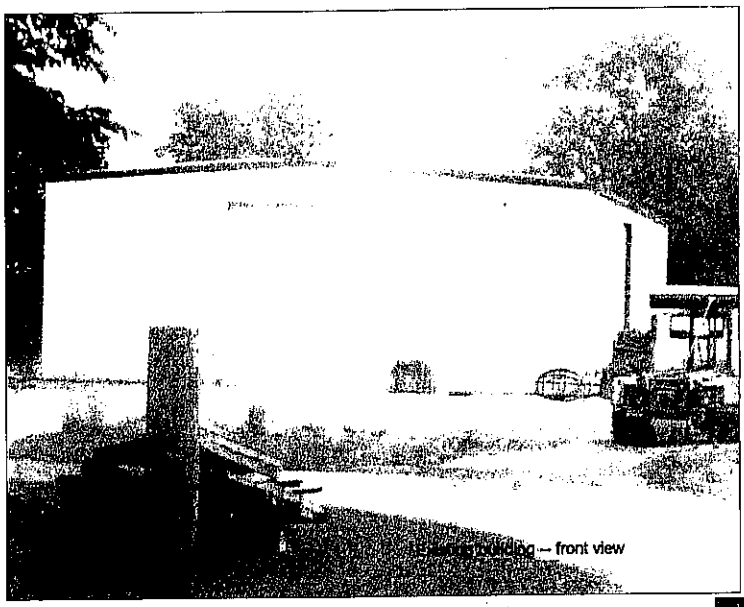
Very truly yours,

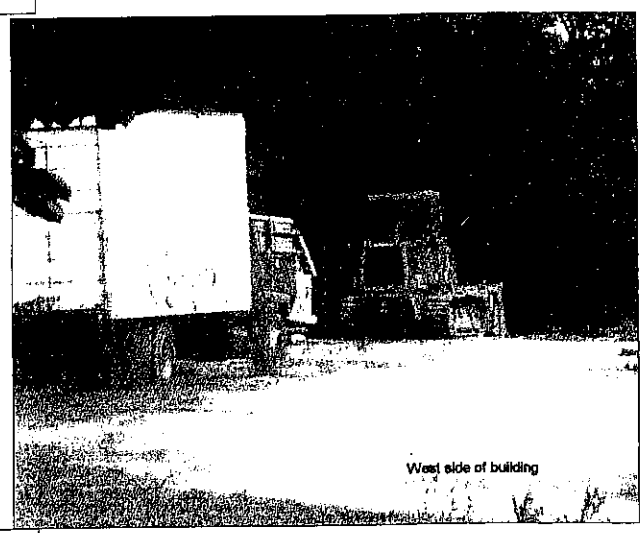
BARBER, EMERSON, SPRINGER,
ZINN & MURRAY, L.C.

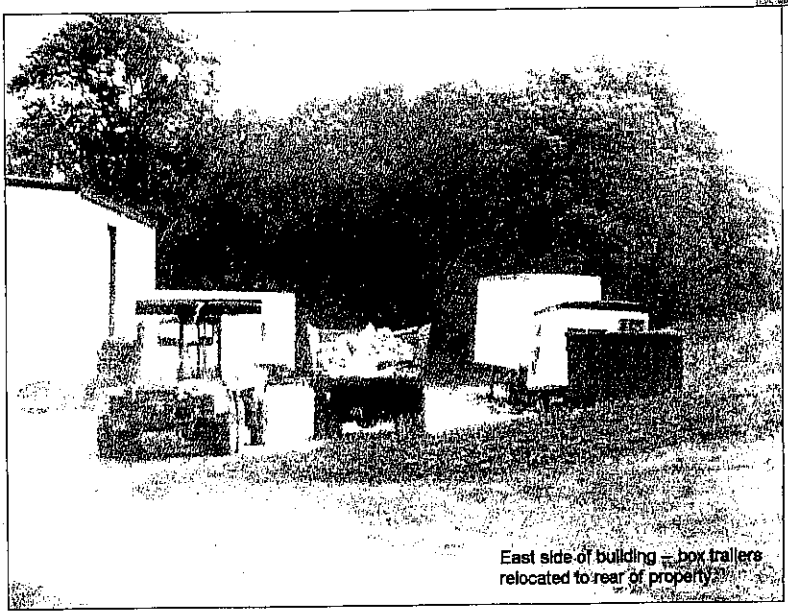
Mark A. Andersen

MAA:smb
cc: Thomas S. Fritzel
Paul Werner
Ernest Butell

Attachments







ITEM NO. 11: CONDITIONAL USE PERMIT FOR TRUCK STORAGE AT 1768 E 1100 ROAD (SLD)

CUP-08-09-02: Conditional Use Permit for storage of excavation, trucking, and farm equipment. The property is generally located at 1768 E 1100 Road. Submitted by Paul Werner Architects for North 40 LC, property owners of record. *This item was deferred from the November Planning Commission meeting.*

Chairman Jennings abstained from the Item and Vice-Chair Pine acted as Chair.

STAFF PRESENTATION

Ms. Day introduced the Item, stating the subject property was zoned R-1, which was a county single-family residential zoning district. There was an existing structure on the property, the primary surrounding use was agricultural, with several rural residential structures along the County roads.

There was some confusion initially over what use the applicant proposed and what affect this use would have on the maintenance of the Township roads. The applicant met with Staff and the Township to clarify his intentions and offered self-imposed conditions to address the concerns of the Township regarding trip generation, outdoor storage and other previous problems.

Ms. Day clarified the intended use had been stated as the storage of trucks and equipment associated with the applicant's property maintenance business.

The County Zoning Code permitted screened outdoor storage, but Staff recommended against this without having further details. An outdoor storage area was shown on the plan to the east of the building property and Staff indicated the property was well-screened by existing vegetation and the topography of the area.

It was noted that the Staff Report included a condition for "no outdoor storage of equipment". Staff explained that this condition was one of several suggested by the applicant in response to Township concerns regarding previous complaints. Other conditions included a load maximum of 5 tons and four round trips per day.

Comm. Schachter suggested the word "proposed" be replaced with "permitted" in the condition regarding exterior lighting.

Staff recommended approval of the Conditional Use Permit for a storage facility, based on a narrow view of the truck storage portion of the proposed use.

APPLICANT PRESENTATION

Mark Andersen spoke on behalf of the applicant, stating the pictures presented in the Staff Report had been taken long ago and represented the kind of problems the applicant attempted to address with the self-imposed conditions.

Mr. Andersen said the intended use was to store hay and to park overnight a single 1-ton truck that would be loaded with mowing equipment. He requested the conditions be modified to allow the equipment to remain on the truck overnight.

Mr. Andersen said the Township had set the 5-ton limit. The applicant did not think the limit needed to be so high.

Regarding the trip generation condition, Mr. Andersen said the applicant believed the following restrictions would be adequate:

- Two trips per week during the non-mowing season, October 15 – April 15
- Two trips per day during the mowing season, April 15 – October 15

The applicant was also requesting permission to use the interior concrete floor between July 25 – August 10 to cut carpet and unpack small appliances. It was established that the carpet and/or appliances would not be stored overnight, but would be cut/unpacked and delivered each day. This would result in a trip generation of approximately 4 trips per day. It was pointed out that this alternate use was not permitted by the County Zoning Code.

PUBLIC HEARING

Rick Whitson, adjacent property owner, said he was relieved to hear the intended use was for mower storage, but the subject property was not adequately screened. The area was highly visible, even in the summer.

Mr. Whitson said he had been concerned with the possibility of large trucks making numerous trips in his semi-residential neighborhood, noting the number of children (including those with special needs) that lived along the narrow road.

Draft

Mr. Whitson said he was comfortable with the proposed mower storage use and the suggested short-term carpet/appliance area, but he was opposed to industrial uses in the area. In response to questioning, he said he was comfortable with the conditions as presented.

CLOSING COMMENTS

There were no closing comments from the applicant or Staff.

COMMISSION DISCUSSION

Comm. Burress asked Staff to comment on the applicant's request to be allowed to use the property for cutting carpet and unpacking appliances. Ms. Day said these uses are outside the clearly stated allowable uses of a CUP. Commercial zoning should be sought to allow for these uses.

ACTION TAKEN

Motioned by Comm. Schachter and seconded to approve the Conditional Use Permit 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 revised conditions:

1. Approval of the CUP shall be limited to 5 years at such time the applicant must reapply prior to continuation of the use;
2. Provision of a revised site plan to show the following:
    a. Show existing E1100 Rd. right-of-way;
    b. Show front building setback along west property line and side building setback along south property line;
    c. Provide reference for drainage easement including Book & Page number;
    d. Show that portion of the subject property that is located within the special hazard district flood zone including the map and date references from FEMA; and

e. Provision of a revised legal description that cites the full parent parcel that matches the County records and the sub-parcel proposed.

3. Provision of a revised site plan to include the following notes:
   a. "No restroom facilities are provided. If a restroom is provided the structure shall be required to meet ADAAG requirements on the site plan as well as actual building construction.
   b. Provision of a note that clarifies the proposed use of the building as truck ***and mower*** storage only."
   c. "All access will be limited to automobiles, pickup trucks or other light-duty trucks not to exceed five-ton load limit, and the Applicant shall, at its sole expense, repair all damage to East 1100 Road caused by the applicant's use of such road."
   d. "No outside storage of equipment ***or materials.***"
   e. "No burning."
   f. "No night uses."
   g. "No exterior lighting is permitted."
   h. "No excessive noise."
   i. " No construction debris shall be dumped or disposed of on site."
4. Revise site plan to remove notes related to exterior storage.

DISCUSSION ON THE MOTION

Comm. Schachter believed the proposed wording negated the need to directly address the alternative use (carpet and appliances) question, making it clear that another Site Plan would be needed to add this use.

Draft

The Commission discussed exterior lighting with Mr. Whitson and gave unanimous consent to revise the condition regarding lighting to permit basic safety lighting within County Regulations.

ACTION TAKEN

Motion on the floor was to approve the Conditional Use Permit for a truck storage facility and forwarding it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. Approval of the CUP shall be limited to 5 years at such time the applicant must reapply prior to continuation of the use;
2. Provision of a revised site plan to show the following:
   a. Show existing E1100 Rd. right-of-way;
   b. Show front building setback along west property line and side building setback along south property line;
   c. Provide reference for drainage easement including Book & Page number;
   d. Show that portion of the subject property that is located within the special hazard district flood zone including the map and date references from FEMA; and
   e. Provision of a revised legal description that cites the full parent parcel that matches the County records and the sub-parcel proposed.
3. Provision of a revised site plan to include the following notes:
   a. "No restroom facilities are provided. If a restroom is provided the structure shall be required to meet ADAAG requirements on the site plan as well as actual building construction.
   b. Provision of a note that clarifies the proposed use of the building as truck and mower storage only."

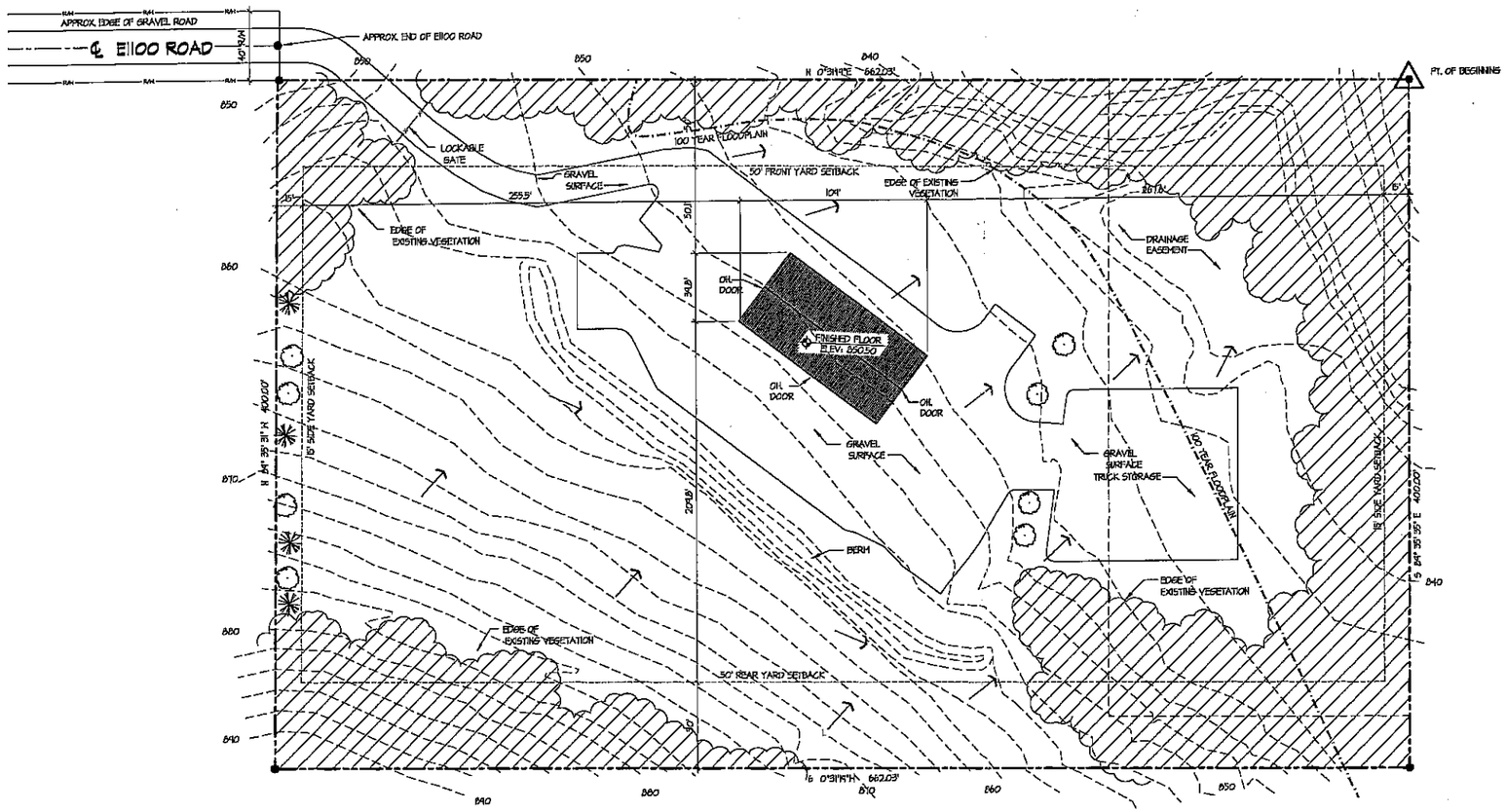
c. "All access will be limited to automobiles, pickup trucks or other light-duty trucks not to exceed five-ton load limit, and the Applicant shall, at its sole expense, repair all damage to East 1100 Road caused by the applicant's use of such road."
d. "No outside storage of equipment or materials."
e. "No burning."
f. "No night uses."
g. "Exterior safety lighting is permitted."
h. "No excessive noise."
i. "No construction debris shall be dumped or disposed of on site."

4. Revise site plan to remove notes related to exterior storage.

Motion carried 8-0-1, with Chairman Jennings abstaining and Student Comm. Morrell voting in favor of the motion.

Chairman Jennings reassumed his position as Chair.

Draft



LEGAL DESCRIPTION: CUP

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 89°35'35" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID QUARTER SECTION, 400.00 FEET; THENCE SOUTH 00°39' 19" WEST, 662.03 FEET; THENCE NORTH 89°35'21" WEST 400.00 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 00°39'19" EAST, ALONG SAID WEST LINE, 662.03 FEET TO THE POINT OF BEGINNING. CONTAINS 6.074 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO RIGHTS-OF-WAY EASEMENTS AND RESTRICTIONS OF RECORD.

LEGAL DESCRIPTION: PARENT PARCEL

B234A 22-12-19 BEG AT NW COR S 1/2 NW 1/4 THEN S 89°35'35" E ALONG N LINE 50 S 1/2 1322.5 FT THEN S 0°14'30" W 740 FT THEN S 37°41'44" E 449.34 FT THEN S 0°14'30" W 825 FT TO S LINE D S 1/2 THEN N 89°35'21" W ALONG S D S LINE 1085.78 FT THEN N 0°21'07" E 662.04 FT THEN N 89°39'51" W 662.8 FT TO N LINE SD S 1/2 THEN N 0°39'19" E ALONG W LINE SD S 1/2 662.03 FT TO PT BEG & (DIV 1999 B00103)

PLANNING CONDITIONS:

1.1 NO RESTROOM FACILITIES ARE PROVIDED. IF A RESTROOM IS PROVIDED THE STRUCTURE SHALL BE REQUIRED TO MEET ADAAG REQUIREMENTS ON THE SITE PLAN AS WELL AS ACTUAL BUILDING CONSTRUCTION.

1.2 PROPOSED USE OF THE BUILDING; TRUCK AND MOWER STORAGE ONLY.

1.3 ALL ACCESS WILL BE LIMITED TO AUTOMOBILES, PICKUP TRUCKS OR OTHER LIGHT-DUTY TRUCKS NOT TO EXCEED FIVE-TON LOAD LIMIT, AND THE APPLICANT SHALL, AT ITS SOLE EXPENSE, REPAIR ALL DAMAGE TO EAST 1100 ROAD CAUSED BY THE APPLICANT'S USE OF SUCH ROAD.

1.4 NO OUTSIDE STORAGE OF EQUIPMENT OR MATERIALS.

1.5 NO BURNING.

1.6 NO NIGHT USES.

1.7 EXTERIOR LIGHTING IS PERMITTED.

1.8 NO EXCESSIVE NOISE.

1.9 NO CONSTRUCTION DEBRIS SHALL BE DUMPED OR DISPOSED OF ON SITE.

SITE PLAN

SCALE: 1" = 40'-0"

0 20 40 80 120

NORTH

CONTOURS ARE TAKEN FROM AERIAL PHOTOS FURNISHED BY THE CITY OF LAWRENCE, KANSAS.

GENERAL NOTES:

1.1 LOCATION: DOUGLAS COUNTY; KANAWAKA TOWNSHIP

1.2 LEGAL DESCRIPTION: SEE SITE PLAN

1.3 CURRENT ZONING: AGRICULTURAL

1.4 LAND AREA: 6.074 ACRES (264,601 SQ FT +/-)

1.5 PARKING SURFACE: GRAVEL

1.6 PARKING REQUIRED: BASED ON ON-SITE EMPLOYEES = 0

1.7 PARKING PROVIDED: NONE

1.8 TRASH SERVICE PROVIDED BY PRIVATE COLLECTOR.

1.9 PLAN FOR COUNTY APPROVAL ONLY! CONSTRUCTION DOCUMENTS FURNISHED AT THE REQUEST OF THE OWNER.

1.10 ACCESSIBLE RAMPS BY A.D.A. STANDARDS.

1.11 WATER: NONE

1.12 SEPTIC FIELD: NONE (NOT REQUIRED FOR BUILDING USE)

1.13 BUILDING SIZE: BUILDING FOOTPRINT- 5,000 SQ. FT.; HT. LIMITED TO 35'-0".

EXISTING LANDSCAPING:

SYM. DESCRIPTION

SHADE TREES

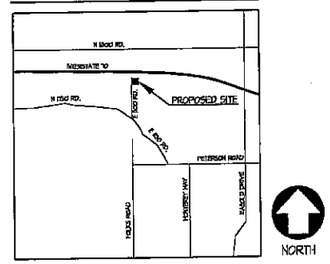
CONIFEROUS TREES

ALL LANDSCAPE IS EXISTING

PROJECT SITE:	6.074 ACRES (264,601 SQ. FT. +)
CONDITIONS:	
TOTAL BUILDINGS	5000 SQ. FT.
TOTAL PAVEMENT	0 SQ. FT.
TOTAL IMPERVIOUS	5000 SQ. FT.
TOTAL PERVIOUS	259,601 SQ. FT.
PROPERTY AREA	264,601 SQ. FT.

NOTE: ALL GRAVEL AREAS ARE CONSIDERED PERVIOUS SURFACES.

LOCATION MAP:



REDUCED PRINT
NOT TO SCALE

REVISIONS:		
1	1/10/03	REVISE PER PLANNING COMMENTS.
2	1/28/03	REVISE PER PLANNING COMMISSION MEETING 1/22/03.

PAUL WERNER ARCHITECTS, L.L.C.
545 COLUMBIA DRIVE
SUITE 1002
LAWRENCE, KS 66049
OFFICE (785) 832-0804
FAX (785) 832-0810
MAILING:
P.O. BOX 1536
LAWRENCE, KS 66044

OWNER
NORTH FORTY LC.
P.O. BOX 721
LAWRENCE, KANSAS
66044
PHONE (785) 841-6346

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C. U. P.
1768 E. 1100 ROAD
LAWRENCE, KANSAS

RELEASE 2.0
CONDITIONAL USE PERMIT
PROJECT # 22120
JANUARY 28, 2003

SITE-1

J:\Project\22000\22120\Sht_SITE.dwg Wed Jan 29 10:10:04 2003

(2)(b)

PUBLIC HEARING ITEM:

ITEM NO. 12: CONDITIONAL USE PERMIT FOR STORAGE SHED AT CREEKWOOD LAWN COMPANY; 1753 N 700 ROAD (SLD)

SUMMARY

CUP-12-17-02: Conditional Use Permit request for a storage shed at Creekwood Lawn Company. The property is generally described as being located at 1753 N 700 Road. Requested by Shelby Franklin, property owner of record.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural District); existing rural residential parcel includes only barn structure at this time.
Surrounding Zoning and Land Use:	A (Agricultural District) in all directions; rural agricultural and residential uses.
Reason for Request:	Compliance with minimum requirements for storage facility. Intent of applicant is to construct a single family home and base location as home occupation for lawn service business.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding - The subject property and surrounding area is zoned for agricultural uses.

II. CHARACTER OF THE AREA

Staff Finding – The subject property is located two and a half miles north of Baldwin within the Vinland community. This area is characterized as a rural residential area and includes both agricultural and residential uses as well as a small airfield facility. The subject property is outside of any incorporated city's growth area and is predominantly an agricultural neighborhood including rural residential homes. The subject property is adjacent to county roads on two sides and has direct access to a paved county maintained road.

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

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural or rural residential use will not be altered. The subject property is not located within an Urban Growth Area. The subject property area is zoned for agricultural uses. The subject property is a five-acre tract suitable for future rural residential development.

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

Staff Finding – The subject property is developed with an existing storage building for machinery equipment. The structure was constructed as an agricultural building; therefore no building permit was issued. The County Zoning Regulations were adopted in 1966, this property has been zoned "A (Agricultural)" since that time.

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

Approval of a Conditional Use Permit request does not alter the base-zoning district. Section 19-01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.*" The proposed use is included in Section 19-4 Conditional Uses Enumerated, of the County Zoning Regulations listed as a "*truck storage facility*" use. The Regulations describe a truck storage facility as follows:

> *24. Truck storage facility ancillary uses, open or enclosed, provided that wholesale and retail sales not be permitted on the premises. Open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and adjoining properties.*

The existing building will be used for equipment storage of the applicant's lawn service business. No external storage is proposed. Based on this use description, it is recommended that restrictions be placed on this CUP to: limit the area dedicated to the truck storage activity; to require screening to minimize the impacts on adjacent properties; and to provide a note on the plan that this facility is not approved for the purpose of repair or servicing of equipment. It is also recommended that approval of the CUP request be tied to this specific use and to this applicant. This would mean the approval of the CUP is non-transferable and is granted solely for the proposed use and to the specific individual on the application.

The recent approval of similar uses included a limitation on the number of employees to retain the small nature of the business and to limit the transformation of the activity to a more commercial/repair operation. Staff recommends that the number of employees (on site) be limited to address the nature and character of the proposed use. A truck storage facility would not typically require employees other than those who bring equipment to the site and conduct minor maintenance of the equipment. Additionally, a designated parking area is required for employees.

Staff Finding – Approval of the CUP will provide an opportunity for the applicant to be compliant with the minimum zoning regulations and standards until such time as a single-family house is constructed. As a Conditional Use Permit, the issues of screening and buffering to reduce undesirable impacts such as noise and view on residential properties to the west can and should be provided.

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 this criterion weighs the benefits to the community-at-large versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the conditional use request on the public's health, safety and welfare.

Approval of the subject property neither directly benefits the community nor harms the public health, safety and welfare, as the underlying A (Agricultural) zoning district is unchanged. The subject property is adjacent to a paved road along the north side and has direct access to this road. The impact of the use for storage of lawn equipment is relatively low compared to other similar requests for truck storage facilities.

Staff recommends the approval period be for 5 years. CUP's are subject to reconsideration if 20% of the neighbors find the use objectionable or the surrounding neighborhood changes substantially in use. To request review of an existing CUP, a petition can be made to the County Commission for early review and reconsideration of the use and operation.

> **Staff Finding** – There is no identified relative gain or detriment to the public's health, safety and welfare by permitting development of this use as a Conditional Use Permit. The underlying A (Agricultural) zoning remains unchanged.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located immediately adjacent to any city's growth boundary. **Horizon 2020** encourages the support of local businesses to *"ensure their retention and to facilitate expansion plans for the future."* Industrial uses are directed to urban areas where services such as sewer, water and transportation options are available. **Horizon 2020** does not address conditional use permits as a tool to achieve specific policies.

> **Staff Finding** – A Conditional Use Permit can be used to allow limited commercial and industrial expansion or establish new or temporary areas for certain non-residential uses. This tool allows proportional development in harmony with the surrounding area. As recommended by **Horizon 2020,** the proposed request is, in the short term, consistent with the Comprehensive Plan. As a more detailed study of industrial locations is completed for the unincorporated area, the longevity of the appropriateness may be affected.

STAFF REVIEW

Site Summary:

Subject Property: 5.009 acres
Existing Building: 2,400 SF (40'x 60')
Off Street Parking Required: 1 space per two employees—[No on-site employees]

Review Comments from Other Departments/Agencies
County Public Works/Engineering: No comments

County Zoning & Codes:

1. The building was constructed without obtaining a building permit prior to commencing construction; at this point it is unknown whether the structure will meet commercial building code requirements. (Douglas County Zoning Reg's. Section 29-2, 26-1, 26-1.03, and 26-2.)
2. Site Plan doesn't contain a writter legal description. (Dg. Co. Zoning reg's 19A-4.3) *(Plan revised)*
3. Site Plan doesn't show present and proposed topography at 5'-0" intervals. (19A-4.4)
4. The direction, amount of illumination, and information to prevent glare isn't contained on Site Plan. (Dg. Co. Zoning Reg's 19A-4.12) *(Plan revised)*
5. The location and dimensions of existing entrance not shown. (19A4.7) *(Plan revised)*
6. The entrances, gross floor area, and number of stories of the building are not shown as required. (19A4.6) *(Plan revised)*
7. Plan shows outdoor compost pile without any screening. (19A.4.13. & 19A.4.8) *(Plan revised)*
8. No area is designated for off street parking. (19A.4.11.) *(Plan revised)*
9. The applicant also does landscaping which isn't listed or specified on the site plan. Does he only intend to store lawn mowers and equipment and not other nursery material for resale and installation? Section 19A4.24 is the closest seemingly similar use to this application. (Truck Storage Facility) *(Plan revised)*

County Health Department:	None received
Natural Resources Conservation District:	None received
Westar (KPL):	None received
United Cities Gas Co.:	None received
Palmyra Township:	None received
Palmyra Township Fire Dept:	None received
Rural Water District #4:	None received
Southwestern Bell:	None received

Planning:

1. Provide note that there will not be any employees on-site during work hours. *(No employees are proposed)*
2. State on the plan if there are restroom facilities on this property. *(There is no restroom facility)*
3. Show any utilities to this building.
4. Show on-site parking. *(Plan revised)*
5. Show dimension of adjacent roadways.
6. Legal description should be shown on face of site plan. *(Plan revised)*

STAFF REVIEW

The subject property is located in the southeast portion of Douglas County within the Vinland area. This application is the result of a change relating to Home Occupations and that the presence of an accessory building cannot exist unless there is a primary structure. The site plan shows the location of a future single-family residence. Approval of this request would allow a "commercial type business" within an agricultural/residential area. The subject property is not located within any urban growth area. It should be noted that if the applicant resided on this property, this use would qualify as a home occupation and a CUP would not be required.

Setback Requirements - Building setback requirements for the "A" District are as follows:

- Front Yard - 50'
- Side Yard - 15'
- Rear Yard - 50'

Setback requirements are measured from the property lines. The setback requirements for county development are established from a base line that accounts for legal descriptions that often include the public roadway easement. The site plan has been drawn to show both the roadway easement and the minimum building setback requirements. The building is accessed from N. 700 Road. The existing structure complies with the minimum yard requirements. The subject property is described by metes and bounds; it is not a platted property.

Access to the site - Specific access to the site is provided via a driveway from N. 700 Road (County maintained road). There is a letter attached to the application from the County Engineer's Office indicating that the recently constructed entrance is acceptable. The site plan shows that this entrance would also serve the future residence to the east (applicant's intended home site).

Screening and Outdoor Storage- The site plan drawing shows that the area is substantially screened by dense vegetation along the county roadways. There is no "open storage" use proposed as part of this site plan. Any addition of open storage would require a revision to the site plan portion of the Conditional Use Permit and would require additional screening.

Conclusion – A Conditional Use Permit does not allow the range of uses found in commercial or industrial districts. Approval of a CUP can be tailored to address specific issues such as size, time limitations, restriction on the number of vehicles, and screening requirements.

This use could have existed as an extension of a home occupation if the single-family residence were all ready constructed. There is no benefit to denial of the request for the application. This would result in the relocation of the business to another commercially zoned location. The benefit results in the continued operation of a local business that has recently had to "downsize" and has required a new location of equipment storage. The access to the property is immediately adjacent to a paved road and county highway network. The access driveway has recently been constructed and approved by the County Engineer. There is no public harm in approval of the request.

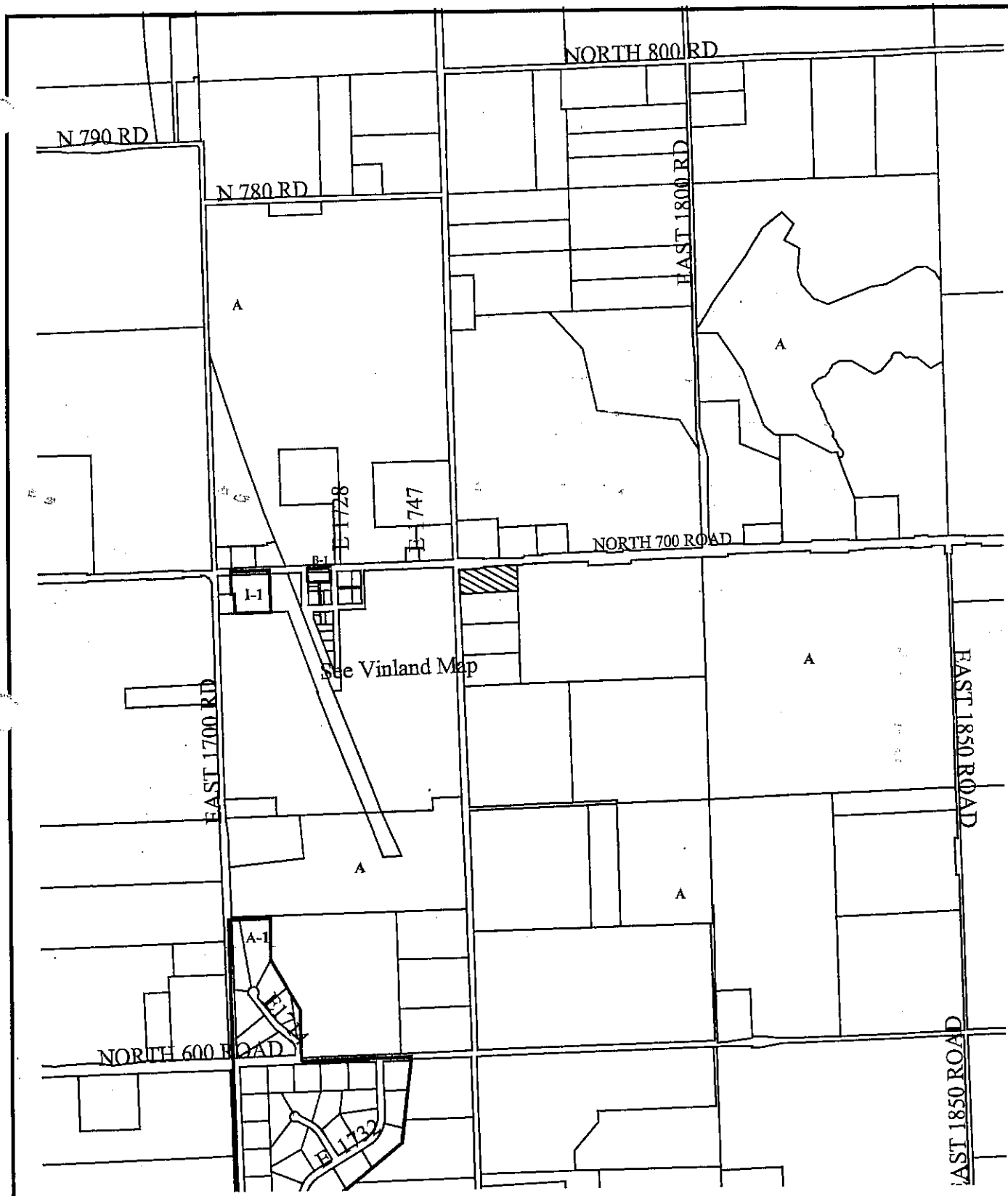
Staff recommends that the site plan be revised to indicate that there will be no on-site employees during the hours of operation and that parking spaces be provided to accommodate access and pick-up of equipment as necessary. As vehicles are intended to be stored within this building it is assumed that only minor maintenance of these vehicles will also be provided within this building.

Staff recommends that the approval of the CUP be limited to not more than five (5) years with the ability to be re-approved for an additional 5 years as discussed above. The property owner would then be required to re-apply. This will allow assessment of the use during that time.

PROFESSIONAL STAFF RECOMMENDATION

Planning Staff recommends approval of a Conditional Use Permit for a Truck/Equipment Storage Facility and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report, and subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire on February 28 2013. Continuation of the use ***covered by this CUP*** beyond February 28, 2013 the applicant will need rezoning or approval of a new CUP."
2. Provision of a revised site plan to include the following changes:
    a. Show present and proposed topography at 5'-0" intervals. (19A-4.4)
    b. Provide a note stating there will not be any employees on-site during work hours.
    c. State on the plan if there are restroom facilities on this property.
    d. Show any utilities to this building.
    e. Show dimension of adjacent roadways.
    f. Provision of a note on the face of the site plan that states; "The approved use for this site is an interior equipment storage facility for vehicles and equipment for the applicant. Repair, and/or servicing stored vehicles and equipment, other than those necessary for standard maintenance and upkeep, is expressly prohibited".
    g. Provision of a note on the face of the site plan that states; "Any exterior storage of material shall be located completely screen per Section 19-4(24) of the County Zoning Regulations."
    h. Provision of a note on the face of the site plan that states: "The addition of exterior storage of materials shall first require a revision to the site plan portion of the CUP."
    i. Provision of a note regarding existing landscape per Dg. Co. Zoning Reg. 19A-4.10.



CUP-12-17-02: Conditional Use Permit for Creekwood Lawn Company Storage Shed at 1753 North 700 Rd.

Lawrence-Douglas County Planning Office

December 20, 2002

Area Requested

Scale: 1 Inch = 1500 Feet

Item 12

1764 N. 700 Rd.
Baldwin, KS 66006

RECEIVED
JAN 16 2003
City County Planning Office
Lawrence, Kansas

Sandra L. Day
Lawrence-Douglas County Planning Department
6th & Massachusetts
Lawrence, KS 66044

Dear Ms. Day:

Thank you for notifying me of the pending request for a Conditional Use Permit for proposed activities at 1753 N. 700 Road. I am grateful for the opportunity to make my concerns known to the County.

For the record, I support the granting of this permit, though not without reservations.

Members of the County Commission and Planning Commission may remember my struggle to persuade the County to impose some substantial level of control over the intrusion of industrial types of businesses, including home businesses, in areas of the county zoned Agricultural or Residential. The basis of my concern has been the preservation of land values for small lots in residential use, such as my own, and the mitigation of nuisances affecting quality of life. The response of County staff has been professional and supportive. County officials, however, chose to legalize the many industrial home businesses that had operated in the county for years, and any new ones that might come along. The result is that my rural home, an old farmhouse on 3½ acres just east of Vinland, is now bracketed by new industrial uses – a water-district warehouse and a home-business welding shop.

When I moved in, about ten years ago, these sites were cropland and such industrial uses were illegal. On the strength of the prevailing uses and the protection of the zoning law at the time, I undertook the renovation of this old fixer-upper of a house, in the reasonable expectation that this would remain a desirable area for a residence. You can imagine my disappointment at subsequent events at the County. My investment in renovation here has consequently been drastically cut back, and my wife and I find ourselves living in a divided neighborhood – part cropland, part forklifts and dumpsters and truck traffic and outdoor storage yards that somehow never get screened from view as the law requires. You can picture which component is shrinking and which is spreading.

Now a new proposal arrives for yet another industrial use, a lawn-service operation, to be conducted not as a home business but as an independent business operating outside any kind of business zone.

In view of the history of our corner of Vinland, what kind of response do the Commissioners expect from me? Does this look like an appropriate land use here? Wouldn't such businesses be more suitably placed on the west side of Vinland, near the

airport, the aircraft-components factory, the Vinland Enterprises building and the road-maintenance materials yard, and adjacent to County Route 1055? Is it wise to add more truck movement and noise to the road intersection this corner site shares with Vinland Elementary School? Is this a good place – across from a schoolyard – to stockpile herbicides, pesticides, fertilizer, fuel and other hazardous chemicals that lawn services use?

Now, I have vented my feelings about this proposal as part of a trend affecting the whole Vinland School area. But I figure that battle has been pretty much lost. Given that situation, and as for my feeling about how this proposal affects me personally, let me surprise you.

I am not going to oppose this permit outright. My support, though, will have to be conditional. The commissioners may recognize that my concerns are pretty reasonable.

1. If the proposed storage shed is strictly for dead storage, without daily vehicle traffic or outdoor storage, I have no problem with it. However, if it will be used as a base of operations for the maintenance and movement of equipment, trucks, trailers and machinery on a daily basis, I will expect the Commission to recognize the potentially intrusive nature of this business upon the school and upon residences on small lots nearby, and impose reasonable regulations to minimize nuisances and conflicts, especially noise.

2. Under the current home-business law, this operation would be entirely legal as a home business. Though I find the current home-business law counterproductive and peculiar, it is nevertheless the law. I would not object to this business if the owner pledges in good faith to build his own home on the site within a reasonable time – say, five years. Then he and his family would be present on site to monitor any nuisances his business might generate, and would be a part of the affected community. I would still expect the County to act to minimize hazards and nuisances.

3. If the Conditional Use Permit has a limited term, is reviewed frequently for renewal – say, every year or two at first – and if neighboring landowners have substantial input into that review, I would support approval of the C.U.P., at least for the first term. If this is not how a C.U.P. works, perhaps a Use Permitted Upon Review might be suitable, provided such review occurs periodically. It seems to me that a C.U.P. without a time limit constitutes a de facto spot rezoning.

Therefore, I support approval of the C.U.P. for this business only under one or more of these conditions:

1. The property is to be used only for dead storage, indoors.
2. The County imposes reasonable conditions on any more active use, to protect nearby property from excessive noise, dust, fumes, toxins, traffic, blight, excessive night lighting, and any other nuisance arising from the business.

3. The business owner builds a residence for himself on site within a reasonable time.
4. The C.U.P. contains a time limit and can be reviewed for renewal frequently, and renewal denied if the operation has repeatedly imposed undue nuisances upon nearby property.

Given the precedent this C.U.P. may establish, I urge the County to proceed with reasonable care on requests such as this. At the same time, I believe that the applicant, Mr. Franklin, having already built his building, deserves a chance to prove himself a considerate neighbor. Mr. Franklin, in fact, has been known to my family for years, and we have confidence in his good intentions. Nevertheless, the County has an obligation to assure area residents that this permit, and those that will follow, will be so constructed that those intentions shall be carried out. Therefore, as long as the County, in imposing conditions, can assure that this operation will not be unduly noisy or intrusive or dangerous or destructive of property values, I support the County's granting him his Conditional Use Permit.

Sincerely,

Paul O. Caviness

Paul O. Caviness

ITEM NO. 12: CONDITIONAL USE PERMIT FOR TRUCK STORAGE AT CREEKWOOD LAWN COMPANY; 1753 N 700 ROAD (SLD)

CUP-12-17-02: Conditional Use Permit request for a storage shed at Creekwood Lawn Company. The property is generally described as being located at 1753 N 700 Road. Requested by Shelby Franklin, property owner of record.

Vice-Chair Pine abstained from the Item

STAFF PRESENTATION

Ms. Day introduced the Item, explaining the proposed use would be an allowable Home Occupation if a residential structure were built on the property. The applicant was requesting the CUP until this was financially feasible.

Comm. Schachter suggested specifying the types of equipment permitted in condition 2f.

Staff explained condition 2a was a basic Site Plan requirement intended to avoid unintentional stormwater runoff. The condition was unessential in this case because the structure was already in place.

Comm. Lawson requested clarification on the condition prohibiting employees during work hours. Staff explained this was to avoid on-site workers, which fell under commercial use.

Draft

The exterior storage area was discussed, establishing that the area must be screened and was intended for compost. Appropriate screening materials were suggested as evergreen trees or solid fencing to define the area and reduce visual impact.

Staff said condition 2g provides for future expansion of the project and would affect the Site Plan, not the CUP.

Other conditions such as exterior lighting, trip generation, time limits and review dates were also discussed.

Staff recommended approval of the Conditional Use Permit for a Truck/Equipment Storage Facility, subject to the conditions listed.

APPLICANT PRESENTATION

Shelby Franklin, property owner and applicant, clarified the requested use would require 2 round trips per day, Monday – Saturday. He was the only full-time employee and would have at most a single part-timer. Mulch was not frequently stored on the premises and no inventory was carried. Equipment requested for storage included mowers, tillers, and spreaders.

Mr. Franklin suggested wording to include storage of "vehicles and lawn care machinery." He said 4 trips per day would be ample, but asked if he would be permitted to work on-site to service the machinery.

The applicant intended to build a residence on the subject property before the CUP expired in five years.

PUBLIC COMMENT
No member of the public spoke on this Item

CLOSING COMMENTS
There were no closing comments from the applicant or Staff.

COMMISSION DISCUSSION
Comm. Lawson felt this Item was significantly different from the previous agenda Item (CUP-08-09-02), even though they were ostensibly for the same use. He noted the difference in zoning between the two Items and commented on the Commission's tendency to highly restrict uses in the County. He asked how making it difficult to run an independent business would benefit the community.

Comm. Schachter responded that he thought the conditions proposed were reasonable and in accordance with Code regulations.

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ACTION TAKEN
Motioned by Comm. Schachter and seconded to approve the Conditional Use Permit for a Truck/Equipment Storage Facility and forward it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the Staff Report, and subject to the following revised conditions:

a. The CUP will expire on February 28, 2008. For continuation of the use covered by this CUP beyond February 28, 2008 the applicant will need rezoning or approval of a new CUP.
b. Provision of a revised site plan to include the following changes:
    a. Show present and proposed topography at 5'-0" intervals. (19A-4.4)
    b. Provide a note stating: "Employees shall not work on the premises ***except for the pick up/drop off of equipment and vehicles or servicing of machinery***."
    c. State on the plan if there are restroom facilities on this property.
    d. Show any utilities to this building.
    e. Show dimension of adjacent roadways.
    f. Provision of a note on the face of the site plan that states; "The approved use for this site is an interior equipment storage facility for vehicles, ***mowers and related lawn care machinery*** for the applicant. Repair, and/or servicing stored vehicles and equipment, other than those necessary for standard maintenance and upkeep, is expressly prohibited".
    g. Provision of a note on the face of the site plan that states; "Any exterior storage of material shall be completely screened per Section 19-4(24) of the County Zoning Regulations."
    h. Provision of a note on the face of the site plan that states: "The addition of exterior storage of materials shall first require a revision to the site plan portion of the CUP."
    i. Provision of a note regarding existing landscape per Dg. Co. Zoning Reg. 19A-4.10.

DISCUSSION ON THE MOTION
Comm. Lawson asked why it was important to limit access to the applicant's own property when others were allowed to access their own land at any time. Comm. Schachter indicated this was

intended to preclude the running of a business on the property, which would violate the County Zoning Code.

Comm. Durflinger suggested condition 1 be returned to the wording presented by Staff to allow for the use to continue if the applicant's plans to construct a residence did not come to fruition within five years. The Commission concurred unanimously following discussion.

Comm. Angino stated he did not see the point of "re-writing" conditions and reports that were created by professional Staff. He felt this took up valuable time and unnecessarily prolonged the meetings. Comm. Schachter replied this was his method of working towards a better final end-product, which was the Commission's basic intent.

Comm. Lawson considered requesting an amendment to the motion that would remove some of the restrictions. Some Commissioners felt the conditions, as stated in the motion, provided a broader range for the applicant to work within than that provided by strict application of the Code.

The Commission discussed the issue of rewording and refining conditions. Some felt this typified the micromanagement style of the Commission; while others felt it was the responsibility of this body to consider each case closely. It was noted that Staff was required to consider each case administratively. The Commission could go beyond those limitations to consider public comments and apply what Comm. Burress termed a "political judgment".

Draft

ACTION TAKEN

Motion on the floor, as amended, was to approve the Conditional Use Permit for a Truck/Equipment Storage Facility and forward it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the Staff Report, and subject to the following conditions:

1. Provision of a note on the face of the site plan stating, "The Conditional Use Permit will be re-evaluated by the County Commission in February, 2008. The CUP will expire on February 28, 2013. Continuation of the use covered by this CUP beyond February 28, 2013 the applicant will need rezoning or approval of a new CUP."
2. Provision of a revised site plan to include the following changes:
    a. Show present and proposed topography at 5'-0" intervals. (19A-4.4)
    b. Provide a note stating: "Work activity on the site shall be limited to the servicing of equipment and/or work vehicles and the pick up or delivery of such equipment/vehicles."
    c. State on the plan if there are restroom facilities on this property.
    d. Show any utilities to this building.
    e. Show dimension of adjacent roadways.
    f. Provision of a note on the face of the site plan that states; "The approved use for this site is an interior equipment storage facility for vehicles, mowers and related lawn care machinery for the applicant. Repair, and/or servicing stored vehicles and equipment, other than those necessary for standard maintenance and upkeep, is expressly prohibited".
    g. Provision of a note on the face of the site plan that states; "Any exterior storage of material shall be completely screened per Section 19-4(24) of the County Zoning Regulations."

h. Provision of a note on the face of the site plan that states: "The addition of exterior storage of materials shall first require a revision to the site plan portion of the CUP."
i. Provision of a note regarding existing landscape per Dg. Co. Zoning Reg. 19A-4.10.

Motion carried 8-0-1, with Vice-Chair Pine abstaining and Student Comm. Morrell voting in favor of the motion.

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(3)

Douglas County, KS

2002 Junior College Out-District Tuition Bills

Wednesday, February 12, 2003

To: County Commission
Craig Weinaug

From: Debbie Sparkes
Budget Specialist

Please review these bills and approve for payment.

Cloud County Community College	2002 Fall-Mini		$12.00
Coffeyville Community College	2002 Fall-Mini		$300.00
Dodge City Community College	2002 Fall-Mini		$36.00
Independence Community College	2002 Fall-Mini		$72.00
Johnson County Community College	2002 Fall-Mini		$11,976.00
		Total	$12,396.00