

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, MAY 11, 2016

4:00pm

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider a County Resolution consolidating Fire District No. 3 and Fire District No. 5 and creating the Fire District No. 3 consolidate. (Craig Weinaug);
- (c) Review and Approve the Juvenile Justice Continuation Grant for the first half of SFY 2017 July 1 through December 31st and the Conditions of Grant Agreement between Douglas County Kansas and Kansas Department of Corrections-Juvenile Services. (Pam Weigand);
- (d) Consider a County resolution waiving GAAP procedures for years 2015 and 2016 (Sarah Plinsky);
- (e) Consider approval for Clerk's office to upgrade current electronic poll book system (Jamie Shew); and
- (f) Consider approval of notice township for a cereal malt beverage license for an event for Clinton Marina Parking Lot Special Event on June 18(Clerk's Office)

REGULAR AGENDA

- (2) Consider approval of funding recommendations for the 2016 Natural & Cultural Heritage Grant Program (Jan Shupert-Arick)
- (3) Stony Point: **CUP-16-00035**: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. (Mary Miller is the Planner)
- (4) Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record. (Sandra Day is the Planner)
- (5) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- Board of Construction Codes Appeals (1) position 12/15**
- Heritage Conservation Council (2) positions 05/16**
- Community Corrections Board (2) positions 01/16 and 05/16**
- Planning Commission (2) positions 05/16**
- (c) Public Comment
- (d) Miscellaneous

RECESS

RECONVENE

6:00 p.m..

- (6) King's Recycle Center: **Z-16-00067**: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record. Mary Miller is the Planner.
- (7) King's Recycle Center: **CUP-16-00069**: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record. Mary Miller is the Planner.
- (8) Adjourn

WEDNESDAY, MAY 18, 2016

4:00 p.m.

-Kasold/SLT Intersection Work Session with Commissioners (Time TBA)

-Review the *2015 Annual Report: Economic Development Support & Compliance* and provide input to the Lawrence City Commission. (Britt Crumm-Cano)

-**TA-15-00461**: Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.* Mary Miller is the Planner.

WEDNESDAY, MAY 25, 2016

-Proclamation for May 2016 as Mental Health Month (David Johnson)

WEDNESDAY, JUNE 1, 2016

-Public Open House with KDOT on Kasold/SLT Intersection (Time TBA)

-Proclamation for "Relay for Life" (Amanda Davis)

6:00 p.m.

TA-15-00571: Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15. Deferred by County Commission on 4/6/16.* Sandra Day is the Planner

WEDNESDAY, JUNE 8, 2016 - light

WEDNESDAY, JUNE 15, 2016- light

WEDNESDAY, JUNE 22, 2016

-Consideration an endorsement of a specific option regarding SLT Intersection with E1200 Road (Keith Browning) (Time TBA)

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

RESOLUTION NO. 16 - _____

A RESOLUTION CONSOLIDATING FIRE DISTRICT NO. 3, DOUGLAS COUNTY, KANSAS AND FIRE DISTRICT NO. 5, DOUGLAS COUNTY, KANSAS AND CREATING THE FIRE DISTRICT NO. 3 CONSOLIDATED; PROVIDING FOR DISSOLUTION AND DISORGANIZATION OF THE FIRE DISTRICTS CONSOLIDATED HEREIN; AND FIXING THE AMOUNT OF TAX TO BE LEVIED BY THE GOVERNING BODY OF THE CONSOLIDATED FIRE DISTRICT; AND REPEALING ALL OTHER COUNTY RESOLUTIONS OR PORTIONS OF COUNTY RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION.

WHEREAS, the Board of County Commissioners is committed to providing adequate fire-fighting resources using a fiscally responsible approach that meets the needs of the citizens of the County; and

WHEREAS, Fire District No. 3 and Fire District No. 5 have each requested that the Board of County Commissioners consider the consolidation of these fire districts into one consolidated fire district; and

WHEREAS, K.S.A. 12-3910, *et seq.*, authorizes the consolidation of fire districts and departments.

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

Section 1. The consolidation of Fire District No. 3, County of Douglas, Kansas and Fire District No. 5, County of Douglas, Kansas will benefit each district and the citizens of the areas served by the districts and consolidation will allow for fire services that are as good or better than the existing fire services, while also providing the potential for cost savings through the reduction of duplicated services and administration.

Section 2. Pursuant to the provisions of K.S.A. 12-3910, *et seq.*, Fire District No. 3, County of Douglas, Kansas and Fire District No. 5, County of Douglas, Kansas are hereby consolidated into a consolidated County Fire District which shall be named and designated as "Fire District No. 3 Consolidated".

Section 3. The fire district boundaries of Fire District No. 3, County of Douglas, Kansas and Fire District No. 5, County of Douglas, Kansas shall be merged and consolidated upon the official records of the County, and shall become the fire district boundaries for the Fire District No. 3 Consolidated.

Section 4. It is in the best interests of Douglas County, Kansas to place the supervision of Fire District No. 3 Consolidated under a fire district Board of Trustees. Pursuant to K.S.A. 12-3914, the Board of Trustees shall consist of not less than 3 members and not more than 9 members, composed of persons other than members of the Board of County Commissioners, who shall serve at the pleasure of the Board of County Commissioners. The Board of Trustees shall be vested with all the governing and supervisory powers vested in the governing body pursuant to K.S.A. 12-3910, *et seq.*

Section 5. The mill levy for the Fire District No. 3 Consolidated is hereby authorized in an amount not to exceed the maximum allowed by K.S.A. 12-3913, as amended, such levy shall be determined annually by the Board of County Commissioners.

Section 6. The current Fire District No. 3, County of Douglas, Kansas and Fire District No. 5, County of Douglas, Kansas are hereby dissolved and disorganized effective January 1, 2017.

Section 7. The books, papers, equipment and other real and personal property belonging to the fire departments consolidated shall be transferred to and shall become the property of the new consolidated fire district created by this Resolution, subject to debts, leases or other obligations that encumber such property.

Section 8. All funds in the treasuries of Fire District No. 3, County of Douglas, Kansas and Fire District No. 5, County of Douglas, Kansas on the effective date of consolidation may be applied to the payment of outstanding indebtedness, including bonded indebtedness, of such fire district, and may be transferred to the treasury of the consolidated fire district created hereunder, as determined by the Board of County Commissioners. Any debt service fund of such fire district at the effective date of consolidation may be transferred to the consolidated fire district created hereunder. Any money transferred from the debt service funds of Fire District No. 3, County of Douglas, Kansas or Fire District No. 5, County of Douglas, Kansas shall be credited to the debt service fund of the consolidated fire district created hereunder. The debt service fund of the consolidated fire district shall be kept separate from any other debt service fund.

Section 9. Any and all outstanding indebtedness of Fire District No. 3, County of Douglas, Kansas or Fire District No. 5, County of Douglas, Kansas, at the time of consolidation, shall be paid for by the levying of taxes upon all the property in that district prior to the effective date of consolidation.

Section 10. This Resolution shall be published once a week for two consecutive weeks in the official county newspaper. This Resolution is subject to protest petition and election as provided by K.S.A. 12-3913. The consolidation provided for by this Resolution shall be effective on January 1, 2017.

Section 11. All County Resolutions or portions of County Resolutions in conflict with this Resolution are hereby repealed.

ADOPTED May 11, 2016.

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

Attest:

James E. Flory, Chair

Jameson D. Shew, County Clerk

Mike Gaughan, Member

Nancy Thellman, Member

MEMORANDUM

TO: Board of County Commissioners, Douglas County
Craig Weinaug, County Administrator

FROM: Pam Weigand, Youth Services Director

SUBJECT: Review and Approve 7th Judicial District Kansas Department of Corrections-Juvenile Services Juvenile Justice Comprehensive Plan Grant Application for FY 2016.

DATE: May 5, 2016

As you may be aware Senate Bill 367, was passed by the 2016 Kansas Legislature, the bill was based upon a comprehensive examination of Kansas' juvenile justice system which developed data-driven policies based upon research and built upon consensus among key stakeholders from across Kansas. New research and new approaches have emerged to offer juvenile justice systems a wide range of effective and cost-effective options for protecting public safety, holding juvenile offenders accountable, and improving recidivism and other outcomes for children and families. The bill provides for a phased implementation of these new approaches between the summer of 2016 and July of 2019.

As such, the Kansas Department of Corrections (KDOC) will amend grant processes to help sustain current approaches and to transition to these new approaches. Grant funding for Judicial Districts for the first half of state fiscal year (SFY) 2017, will be a continuation of the districts SFY2016 Graduated Sanctions and Prevention block grant, to be used during the period of July 1, 2016 through December 31, 2016.

The funding allocation is based upon one half of the districts approved FY16 budget, including any budget adjustments submitted to KDOC as of this date.

The 7th Judicial District's Prevention allocation is: \$ 18,599.50

The 7th Judicial District's Graduated Sanctions allocation is: \$ 230,972.11

As this is a continuation grant it does not require the approval of the Juvenile Corrections Advisory Board. The board has been advised of the SFY 2017 funding grant continuation from SFY 2016.

Thank you for your consideration.

Attachment B

AMENDMENT TO AGREEMENT AGREEMENT CONDITIONS OF GRANT **Juvenile Justice Comprehensive Plan State Block Grant**

The above referenced Agreement originally entered on the 1st day of July 2015, by and between the Kansas Department of Corrections, Juvenile Services, hereinafter referred to as “KDOC-JS,” and the **Douglas County Board of County Commissioners**, hereinafter referred to as “GRANTEE” is hereby amended by agreement of the parties.

WHEREAS, the above named parties desire to amend the original Agreement as follows:

Preamble:

A grant is hereby awarded, commencing on the 1st day of July 2015, from the Kansas Department of Corrections, Juvenile Services, hereinafter referred to as “KDOC-JS,” to the Douglas County Board of County Commissioners, hereinafter referred to as “GRANTEE.” This grant and conditions, to which both parties agree and which are enumerated below, remain effective until **December 31, 2016**. Acceptance of block grant funds indicates GRANTEE’S acknowledgement of, and intent to comply with, all the conditions outlined below.

The remaining terms and conditions of the above referenced original Agreement shall remain in force and effect and binding on the parties hereto.

APPROVED BY: Chairperson, Board of County Commissioners

Name: _____
(Please Print First Name, MI, and Last Name)

Signature: _____ Date: _____

APPROVED BY: Kansas Department of Corrections, Juvenile Services

Name: Johnnie Goddard, Interim Secretary

Signature: _____ Date: _____

RESOLUTION NO. 16-____

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

WHEREAS, The Board of County Commissioners, Douglas County, Kansas, has determined that the financial statements and financial reports for the year ended 2015 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of County Commissioners or the members of the general public of Douglas County and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended 2015.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of Douglas County, Kansas, in regular meeting duly assembled this ____ day of _____, 2016 that the Board of County Commissioners waives the requirements of K.S.A. 75-1120a(a) as they apply to Douglas County for the year ended 2015.

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

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

IN WITNESS WHEREOF, the foregoing Resolution was adopted this ____ day of _____, 2016.

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

James E. Flory, Chair

ATTEST:

Mike Gaughan, Commissioner

Jameson D. Shew, County Clerk

Nancy Thellman, Commissioner

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

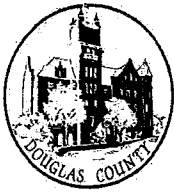
James E. Flory, Chair

ATTEST:

Mike Gaughan, Commissioner

Jameson D. Shew, County Clerk

Nancy Thellman, Commissioner



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

Marni Penrod-Chief Deputy Clerk
Heather Dill-Deputy Clerk Elections

TO: Douglas County Commissioners

FROM: Jamie Shew, Douglas County Clerk 

DATE: May 5, 2016

RE: Upgrading Current Electronic Poll Book System

Since 2010, the Douglas County Clerk's office has successfully utilized electronic poll books for advance voting and in large precincts. These poll books have increased efficiency, provided more tools for election board workers and reduced errors in the polling place. With the potential of record voter turnout in 2016, our office would like to have the most effective voter check-in system in place for advance and election day voting. Our plan for 2016 also includes expanding use of electronic poll books to more precincts in Douglas County.

We have negotiated a renewal of our relationship with our current vendor to include replacement of our current system. Our current electronic pollbook is an outdated net book system with a number of peripheral attachments; these will be replaced by an inclusive tablet system which will decrease complexity for election board workers and voters. The tablet based electronic poll book is currently being used in numerous jurisdictions across the county and in Kansas. Renewing our relationship with the current vendor was based off prior success and their acceptance of our current equipment for a reduction in costs.

The cost of this renewal will be paid from the Election Equipment Reserve Fund which was created for these purposes and avoid entry into costly lease agreements. The total cost for replacement of our current equipment is \$97,625.00. Therefore, I am asking for consent to expend up to this amount of funds for the replacement of our current electronic poll book system in 2016.

Thank you for your support of this project and for the Douglas County Clerk's operations.

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Clinton Marina Parking Lot Special Event** to sell Cereal Malt Beverages at retail for consumption on the premises: **1329 E 800 Road on June 18th, 2016** only.

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **11th day of May, 2016**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.



MEMO

Date: May 4, 2016
TO: Douglas County Commission
FROM: DC Heritage Conservation Council
RE: **Funding Recommendations for the 2016 Natural & Cultural Heritage Grant Program**

The Heritage Conservation Council of Douglas County promotes the conservation of our cultural and natural heritage to honor our past, enrich our present, and inspire our future. The Heritage Conservation Council is recommending that eight heritage conservation projects be funded in the 2016 round of grant awards. Collectively, these eight grants exemplify the mission of the Douglas County Heritage Council to conserve *both* our natural and cultural resources. Combined with the heritage grant projects funded in 2011, 2012, 2013, 2014 and 2015, Douglas County is harnessing a rare opportunity to weave together exceptional experiences that tell the story of our collective past.

The Commission created the Heritage Conservation Council to provide guidance for heritage conservation efforts in Douglas County, including the Natural and Cultural Heritage Grant Program. A report submitted by the Council in January 2014 indicated that local groups who received county support from previous grant cycles raised nearly twice that much again from other funding sources by using the local funds as leverage to secure additional funding. Not only do local groups bring in additional dollars for their projects, the Council continues a partnership with Freedom's Frontier National Heritage Area to pass-through grants for federal matching dollars and federally funded Historic Preservation Fund grants to cover costs of the historic building intensive survey and CLG annual training.

The Council believes that its 2016 recommendations will further the conservation of our heritage in Douglas County.

Grant applications were made available on the Douglas County website beginning the first week in January 2016. Two grant workshops were held at the Watkins Museum of History on January 28th and at Baker University in Baldwin City on February 2, 2016. The grant workshop PowerPoint presentation was also posted on the Douglas County website. Applicants were required to meet with the program coordinator on or before February 29, 2016.

Upon receipt of the completed applications in mid-March, Council members read, reviewed, and systematically evaluated eleven applications. On March 24th and March 31st all applicants made

presentations about their projects in person to the Council. On April 14th and 21st , the Council met to make award recommendations. As directed by the resolution that created the Council, all decisions were made using the consensus decision making model through facilitated discussions. All meetings of the Council were open to the public.

Of the \$245,000 approved for heritage conservation grants in 2016, the Council is recommending that \$243,733 be designated for project grants under the heritage grant program guidelines. Applicants sought \$521,951.25 for 11 projects. For the 2016 grant cycle, the Heritage Conservation Council supports the funding of one major grant application reduced in amount to a target grant level and seven target grant projects.

Appendix A provides a listing of the funding recommended by the Council and includes a listing of all 2016 applicants, project name, amount requested, and recommended award.

2016 Funding Recommendations:

Major Grant Recommended for Funding – No major grant application is being recommended for funding. (Grant application 2016-10, **Turnhalle Phase II**, was submitted as a major but has been moved to the target grant category by the HCC's recommendation.)

Target Grants Recommended for Funding

1. Applicant: **Lecompton Historical Society**
Project Title: *Environmental Condition Improvements to the Territorial Capital Museum to Ensure Artifact Longevity*
Requested amount: \$26,728.00
Recommended Award amount: \$26,728.00, subject to condition that the type of window filters purchased will be ultra violet protector roller shades (not U.V. film on windows).

Project Description Summary from Grant Application:

The Lecompton Historical Society endeavors to improve the environmental conditions of our building by replacing our heating and cooling equipment and also installing energy reducing and ultra-violet filtering window treatments. Our old heating and cooling equipment is outdated, inefficient, and not sufficient to our building size. Purchasing top-of-the-line equipment will last us many years before having to be replaced, while saving on our energy bills and preserving our artifacts, plus keeping our visitors, volunteers and staff comfortable. The new window filter treatments will improve the lighting in the museum, improve energy efficiency, and most importantly, protect artifacts from harmful ultra-violet rays. There is urgency for these corrections to our environmental conditions. Our great task at the Lecompton Historical Society is to preserve the history of Lecompton. We have irreplaceable artifacts that are being damaged by fluctuations in temperature, relative humidity, and light. With the improvements we can gain with a grant from

DCHCC, we will be able to maintain the environment at museum standard levels. This will be Phase I of our project. Phase II, which we will work on next year, will be to improve the lighting sources and storage inside the museum to further protect the artifacts.

2. Applicant: **Douglas County - Sustainability Office**

Project title: *The Delaware Tribe Agricultural Heritage Planning Project*

Requested amount: \$67,775.00

Recommended Award amount: \$67,775.00

Project Description Summary from Grant Application:

Funding from the Douglas County Natural & Cultural Heritage Grant Program will catalyze a unique opportunity to preserve natural resources, celebrate cultural heritage, and build an economic development and agritourism engine for both the Delaware Tribe and citizens of Douglas County. Funding for the Delaware Tribe Agricultural Heritage Planning Project will fund a nine month-long professional planning process that will result in a baseline analysis, master site plan, business plan, and identification of funding for project implementation. This professional process will build upon two years of facilitated conversation between leaders of the Delaware Tribe of Indians and key stakeholders in Douglas County. Throughout this two year process, these leaders have created a strong consensus for a future vision of the property as a cultural and agricultural center at the gateway of Lawrence. Funding for the Planning Project will move this urgent initiative from vision to implementation, ensuring that both the prime farmland soils and the Delaware cultural legacy are preserved for future generations

3. Applicant: **Clinton Lake Historical Society, Inc.**

Project Title: Wakarusa River Valley Heritage Museum – Master Plan & Meeting Hall
Feasibility Study

Requested amount: \$8,000.00

Recommended Award amount: \$4,000.00

The HCC recommends funding \$4,000 for the development of the Master Site Plan only.

Project Description Summary from Grant Application:

Since the 1983 opening of the Wakarusa River Valley Heritage Museum in a 1,000 square foot converted milk barn, the Clinton Lake Historical Society has needed more space. Completion of the 1,300 square foot addition in 2013 alleviated many cramped quarters issues for museum display, workshop, storage, and small meeting space, but did not address the need for a larger meeting space or other long range goals for the property and facilities. This project consists of two parts:

- 1.) Creation of a site Master Plan for the Society's 8.2 acre property, and
- 2.) Information gathering, design, and feasibility evaluation for a new large-group meeting space.

These two parts will be completed simultaneously, each informing the other as they move forward. The final outcome will provide a road-map to help guide future development of the museum and the entire site, so that more of the unique story of the Wakarusa River Valley can be shared through a variety of interpretive methods.

4. Applicant: **Douglas County Historical Society**
Project Title: Civil Rights Interactive Exhibit Kiosk
Amount requested: \$5,000.00
Recommended Award amount: \$5,000.00

Project Description Summary from Grant Application:

This cutting-edge Civil Rights Interactive Exhibit Kiosk will relate stories of the struggles for equal rights in Douglas County from the 1960s-'90s, providing an informative and engaging experience for museum-goers. Through photographs, reproduced documents, video, and oral histories, visitors will delve into events through several levels of detail. Featured movements will include African American civil rights, anti-Vietnam War, the American Indian Movement, and LGBT. This project will make available to the public several large archival collections, including recent donations of videos of 1960s-'70s peace rallies from the KU Ecumenical Campus Ministries, various materials from local LGBT groups, and papers from the Lawrence Coalition for Peace and Justice. This interactive exhibit will bring recent history to life, presenting subjects that many people do not yet recognize as historical. It will cover an era and issues not often addressed by a county history museum, breaking new ground for a museum the size of the Watkins in a community the size of Lawrence. The kiosk will bridge the earlier history of the Bleeding Kansas and Civil War periods featured elsewhere on the second-floor and the interactive exhibit exploring issues of concern today, completing the original vision for the second floor core exhibit.

5. Applicant: **Douglas County Conservation District**
Project Title: Douglas County Water Festival
Amount requested: \$8,000.00
Recommended Award amount: \$8,000.00

Project Description Summary from Grant Application:

A water festival is an educational, interactive, and fun event that will increase awareness, understanding, and appreciation of local water resources and issues. The Douglas County Water Festival "Make Every Drop Count", will consist of structured learning stations and exhibits where students will actively engage in hands-on water-related activities. The delivery mechanism promotes an understanding of water-related topics including: the hydrologic cycle, historic use of water, watersheds, stream formation and flow, and water availability. The Next Generation Science Standards have identified knowledge of the water cycle and water issues as important fifth grade benchmarks, so the Douglas County Water Festival will target fifth grade students throughout

Douglas County. The grant request is for a two-year cycle, with evaluation after the first year and improvements incorporated for the second year.

6. Applicant: **Friends of the Kaw**

Project title: Cleanup, Restore, and Fish the Kaw in Douglas County

Amount requested: \$13,231.25

Recommended Award amount: \$13,230.00

Project Description Summary from Grant Application:

The Kansas River (known locally as the Kaw) is a central piece of Douglas County's history and heritage, supporting communities from pre-colonial times to the present with drinking water, food resources, wildlife habitat, aesthetic beauty, and recreational opportunities. It is no accident that the major population centers in Douglas County – Lecompton, Lawrence, and Eudora – are located along the Kaw. In July of 2012 the Kansas River officially became part of the National Water Trail System.

Despite recent successes in restoring the Kaw, the section between Bowersock Dam is still in need of restoration. The Friends of the Kaw proposes to involve Douglas County residents to restore an environmentally significant area in this section of the river. This will include removing trash and junk from the river below Bowersock and hosting educational float trips to give Douglas County residents a firsthand look at the beauty of the Kaw. These efforts will improve habitat for important wildlife species and will educate the public on the importance of protecting and preserving the natural and cultural heritage of the Kaw.

We will also conduct two Fishing Workshops in cooperation with Kansas Riverking's Museum to give residents the history of the Kaw and fishing, as well as, provide them with a workshop to learn how to fish. We will also discuss the fish consumption advisory for the Kansas River around Lawrence and how that impacts fishing. Another part of the efforts to keep the Kaw clean will include the Adopt-A-Boat Ramp Project at the two Lawrence boat ramps and the Eudora boat ramp. This project will engage local community organizations to become involved and "Adopt-A-Boat" Ramp by taking on the responsibility for quarterly cleanup efforts and communicating needs for the ramp.

7. Applicant: **Eudora Historical Society**

Project title: 720 Main Street Second Story Access Addition

Amount requested: \$89,000.00

Recommended Award amount: \$89,000.00, subject to the condition that the project be put to bid to at least three qualified contractors, with preference given to contractors located in Douglas County.

Project Description Summary from Grant Application:

The Eudora Area Historical Society (EAHS) operates the Eudora Community Museum (ECM) at the recently rehabilitated historic Seybold building at 720 Main Street. The property at 720 Main Street consists of two stories. Currently the first story is home to our main museum exhibition gallery. The

second story after it is fully rehabilitated (by the end of 2016) will be home to much needed additional public exhibition space. Currently, there is no way to access the second story of the property from the first story. The only way to currently access the second story is difficult, unsafe and from the outside. The EAHS seeks to add an addition to the rear of our museum property at 720 Main Street, which will connect the two stories and enable for safe and easy internal passage from the first story to the second story. The proposed rear addition, which has been approved by the Kansas Historic Preservation Office, will consist of an interior stairway and a platform lift. This rear addition will greatly enhance public access at our museum, double our museum's public exhibition space, and it will also help with the preservation of our historic museum property.

8. Applicant: Tony Krsnich-Flint Hills Investment Group, LLC/Tom Larkin
 Project title: Turnhalle Phase 2
 Amount requested: \$121,550.00 (**Major Grant Application**)
 Award amount: \$30,000.00 – *The HCC recommends that the 2016 HCC funding be used to procure architectural and engineering services required to produce design development documents for the occupancies and uses described in the grant application.*

Project Description Summary from Grant Application

Request is for funds for Phase Two of the redevelopment, to specifically shore up the remaining structural issues, repair plaster and masonry and to provide an ADA accessible entrance to the main floor. This will allow the main level to serve as performance, rehearsal, and event space for the Douglas County Community – a home to many non-profits that cannot find or afford space anywhere else in the community. Phase Three will follow immediately with private funds and will include the redevelopment of the remainder of the property to serve as a restaurant on the basement level that will act as a financial anchor for operations going forward. Upon completion, this project will be self-sustaining and open to the public in perpetuity.

Projects not recommended for 2016 funding:

2016-04 University of Kansas Center for Research, Inc.	Development of a Natural & Cultural Resources Plan for Douglas County, Kansas	111,917.00
2016-03 Lawrence Preservation Alliance	Preserving Properties through the Lawrence Register of Historic Places	10,000.00
2016-11 Baker University Museum Complex	Palmyra Post Office Restoration	60,750.00

Grant Applicant	Name of Project	Request	Award Rec.	FFNHA Pass-Through
2016-04 KU Research Center - Biological Survey	& Cultural Resources Plan for Douglas County, Kansas	111,917.00	\$0.00	n/a
2016-10 Tony Krsnich-Flint Hills Investment	Turnhalle Phase 2 (will be considered a target grant)	121,550.00	\$30,000.00	yes
TARGET GRANT APPLICATIONS				
2016-01 Lecompton Historical Society -	Improvement to the Territorial Capital Museum	26,728.00	\$26,728.00	yes
2016-02 Douglas County Sustainability Office	Agricultural Heritage Planning Project	67,775.00	\$67,775.00	yes
2016-03 Lawrence Preservation Alliance	through the Lawrence Register of Historic Places	10,000.00	\$0.00	n/a
2016-05 Clinton Lake Historical Society	Heritage Museum - Master Plan & Meeting Hall	8,000.00	\$4,000.00	yes
2016-06 Douglas County Historical Society	Civil Rights Interactive Exhibit Kiosk	5,000.00	\$5,000.00	yes
2016-07 Douglas County Conservation District	Douglas County Water Festival	8,000.00	\$8,000.00	yes
2016-08 Friends of the Kaw	Cleanup, Restore and Fish the Kaw in Douglas County	13,231.25	\$13,230.00	yes
2016-09 Eudora Historical Society	720 Main Street Second Story Access Addition	89,000.00	\$89,000.00	yes
2016-11 Baker University Museum Complex	Palmyra Post Office Restoration	60,750.00	\$0.00	n/a
Totals		\$521,951.25	\$243,733.00	\$243,733.00

To: Douglas County Commissioners
Re: Amendment to Memo to Commissioners for Funding Recommendations for the 2016 Natural & Cultural Heritage Grant Program
From: Jan Shupert-Arick, HCC Program Coordinator
Date: May 9, 2016

The Heritage Conservation Council requests to add the additional information (highlighted in yellow) to the memo for two grant applications:

1. Applicant: **Lecompton Historical Society**
Project Title: *Environmental Condition Improvements to the Territorial Capital Museum to Ensure Artifact Longevity*
Requested amount: \$26,728.00
Recommended Award amount: \$26,728.00

Recommendation amended to include detail on window treatments: Window treatments need to be Mecho shade (or similar) <http://mechoshade.com/manualshades/>

Project Description Summary from Grant Application:

The Lecompton Historical Society endeavors to improve the environmental conditions of our building by replacing our heating and cooling equipment and also installing energy reducing and ultra-violet filtering window treatments. Our old heating and cooling equipment is outdated, inefficient, and not sufficient to our building size. Purchasing top-of-the-line equipment will last us many years before having to be replaced, while saving on our energy bills and preserving our artifacts, plus keeping our visitors, volunteers and staff comfortable. The new window filter treatments will improve the lighting in the museum, improve energy efficiency, and most importantly, protect artifacts from harmful ultra-violet rays. There is urgency for these corrections to our environmental conditions. Our great task at the Lecompton Historical Society is to preserve the history of Lecompton. We have irreplaceable artifacts that are being damaged by fluctuations in temperature, relative humidity, and light. With the improvements we can gain with a grant from DCHCC, we will be able to maintain the environment at museum standard levels. This will be Phase I of our project. Phase II, which we will work on next year, will be to improve the lighting sources and storage inside the museum to further protect the artifacts.

Original Text for Grant Request from Tony Krsnich-Flint Hills Investment Group, LLC/Tom Larkin

8. Applicant: Tony Krsnich-Flint Hills Investment Group, LLC/Tom Larkin
Project title: Turnhalle Phase 2
Amount requested: \$121,550.00
Award amount: \$30,000.00 – *The HCC recommends that the 2016 HCC funding be used to procure architectural and engineering services required to produce design development documents for the occupancies and uses described in the grant application.*

Project Description Summary from Grant Application

Request is for funds for Phase Two of the redevelopment, to specifically shore up the remaining structural issues, repair plaster and masonry and to provide an ADA accessible entrance to the main floor. This will allow the main level to serve as performance, rehearsal, and event space for the Douglas County Community – a home to many non-profits that cannot find or afford space anywhere else in the community. Phase Three will follow immediately with private funds and will include the redevelopment of the remainder of the property to serve as a restaurant on the basement level that will act as a financial anchor for operations going forward. Upon completion, this project will be self-sustaining and open to the public in perpetuity.

Recommendation amended to include the following:

Grant 2016-10 Turnhalle

The grant shall be used to procure architectural and engineering services required to produce design development level documents for the occupancies and uses described in the grant application.

Documents shall be developed for the whole building and site to include the following:

- Alterations and repairs.
- Egress appropriate for the proposed occupancies and uses.
- ADA access and facilities appropriate for the proposed occupancies and uses.
- Revised masonry and structural masonry evaluation based on review of current condition compared the 2013 Historic Structure Report (HSR) and analysis of the information recorded from crack monitors installed subsequent to the HSR.
- Structural repairs and alterations.

Design development documents shall include sufficient detail to enable preliminary reviews by:

- The Authority Having Jurisdiction (AHJ), i.e. the Lawrence Historic Resources Commission, City Preservation Planner, and Building Inspection Department for the issuance of permits for construction.
- The State Historic Preservation Office (SHPO) for tax credit evaluation (state and federal).

Written documentation from the outcome of such reviews shall be provided as part of the final report. The Architect hired to lead the design shall meet the requirements for Historic Architect Professional Qualification Standards per CFR 36 Part 61.

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
4/25/16

**ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD
(MKM)**

CUP-16-00035: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. *(Joint meeting with Baldwin City Planning Commission)*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for Stony Point Hall, a *Recreation Facility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

1. The Conditional Use shall be administratively reviewed every 5 years.

Reason for Request: *“We wish to renew the C.U.P. for Stony Point Hall. Our business has reliably and responsibly provided a rural space for weddings and special events since 2007 and we desire the opportunity to continue to do so into the future.”*

KEY POINTS

- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006. One of the conditions was that the approval was valid for a ten year period unless the CUP was renewed. This CUP application is a request for a renewal following the expiration of the ten year approval period.
- The Zoning Regulations do not require that time limits be set for Conditional Use Permits but they can be applied in cases where it is expected that the use may not be compatible with the surrounding area as it develops.

ATTACHMENT

- A --CUP Plans
- B –Public communications

ASSOCIATED CASES

- A Conditional Use Permit, CUP-12-09-05, for the Stony Point Reception Hall was approved by the County Commission on March 15, 2006.
- A Site Plan was administratively approved on May 31, 2007 for changes to the structure which included addition of porch areas and a vestibule and enclosing an existing porch and additional parking. This site plan was included as part of the Conditional Use Permit and a new file was not created.
- A Site Plan, SP-16-00101, was administratively approved on March 28, 2016 for the addition of a gazebo in the reception/garden area.

OTHER ACTION REQUIRED

- Approval of the Conditional Use by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office.

PUBLIC COMMENT

- Two letters of support were provided by nearby property owners. These are included as attachments with this staff report.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *Recreation Facility, Residential Detached Dwelling, Agriculture.*

Surrounding Zoning and Land Use: In all directions: A (Agricultural) District; *Agriculture, Woodlands, and Residential Detached Dwellings.*

To the southeast: F-F (Floodway Fringe Overlay) District; wooded stream corridor.



Figure 1a. Zoning of the area: Blue area is A (Agricultural), Pink area is F-F (Floodway Fringe). Subject property is outlined



Figure 1b. Land uses in the area.

Summary of Request

This request is for a renewal of a previously approved Conditional Use Permit which had a ten-year approval (expired March 15, 2016). The property is not within an urban growth area of any city but is within the 3 mile radius of Baldwin City; therefore, a joint meeting with the Lawrence-Douglas County Planning Commission and Baldwin City Planning Commission will be held on the request.

A 3,500 sq ft building was converted for reception and meeting facilities with the original Conditional Use Permit. The area was increased to 5,065 sq ft with the approval of the 2007 site plan. This plan noted that there was a 3,347 sq ft assembly area and a 462 sq ft kitchen area. Maximum occupancy was listed as 226 persons. The building, as approved in 2007, is shown in Figure 2. A site plan was approved in 2016 for the addition of a gazebo in the garden area.

The proposed use is included in the enumerated list of uses that are permitted as Conditional Uses in Section 12-319-4.11 *Recreation Facility*. This use is permitted in the A (Agricultural) Zoning District only when approved as a Conditional Use Permit.

12-319-4.11 Recreation Facility

The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

Nearby properties are zoned A (Agricultural) and the principal land uses are agriculture, rural residences, and woodland. The F-F (Floodway Fringe Overlay) District containing regulatory floodplain is present to the southeast of the subject property.

The reception hall has been in operation since 2007. The Zoning and Codes Office indicated they received a few complaints the first few years of operation, but no complaints have been submitted to the Zoning and Codes Office regarding this use since. Two nearby property owner/residents provided letters of support for the CUP. (Figure 3)

Staff Finding – Surrounding land uses are predominantly agricultural, woodland/open space, and rural residential. The reception hall has been in existence since 2007 and is compatible with the surrounding land uses.

II. CHARACTER OF THE AREA

The area is divided east and west by N 600 Road/County Route 460, a Principal Arterial, and is bounded on the east by E 1700 Road, County Route 1055, also a Principal Arterial. (Figure 4) N 600 Road/County Route 460 connects with E 1700 Road to the east and Hwy 59, another Principal Arterial, to the west. The topography in the area is varied, with steep slopes throughout. The woodlands correspond with the steep terrain. The character of the area is rural with woodlands, agriculture, and rural residences being the predominate uses. The facility has a rustic appearance and is set back from the road (Figure 5). The facility is compatible with, and enhances the rural character of the area.

Staff Finding – The area has access to the major transportation network with the subject property taking access to N 600 Road, an east/west Principal Arterial, which connects with 2 north/south Principal Arterials to the west and east. The area has a varied topography with woodlands corresponding with the steep terrain. Agriculture, woodlands, and rural residences are predominate land uses in the area. The design and location of the facility are compatible with the rural character of the area.



Figure 2. Approved building elevation showing 2007 additions. 2016 approved gazebo location marked with a star.



Figure 3. Subject property outlined. Properties with letters of support are marked with stars



Figure 4a. Area map showing wooded areas and floodplain. Subject property marked with dot.

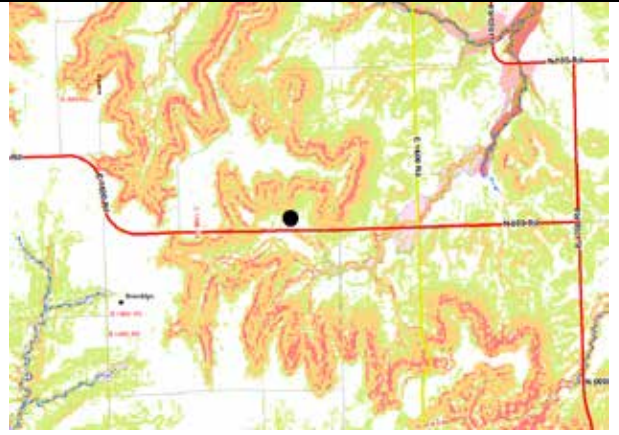


Figure 4b. Topography map. Light green: 3 to 7% slope, Orange: 7 to 15% slope, Red: 15% and above.



Figure 5a. Reception Hall



Figure 5b. View of facility from road, Google Street View map.

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

Applicant's Response:

"The property has been used for this purpose since 2007. We have made many improvements in that time to make the property more suitable and idyllic for large group gatherings to celebrate and enjoy the natural beauty."

The subject property is zoned A (Agricultural). Section 12-306 of the County Zoning Regulations provides the following information on the A District:

"...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses."

The A District is associated with a majority of the unincorporated portion of Douglas County. Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. Other uses allowed include residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, rural home occupations, and agritourism.

In addition, all uses enumerated in Section 12-319, may be permitted when approved as Conditional Uses. The reception facility was approved with a CUP in 2006 and has been in operation since 2007.

Staff Finding – The property is suitable for agricultural uses which are permitted within the A (Agricultural) District. The property is also well suited for the existing reception hall, a *Recreation Facility* use.

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

Staff Finding – The property is not vacant at this time but is developed with a rural residence, outbuildings, and the reception hall. The reception facility began operation in 2007.

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

Applicant's Response:

"We believe continuing our operations will not be detrimental to nearby property and owners. We strive to be conscientious of the desires, quality of life and property values of our neighbors and the surrounding countryside."

Section 12-319-1.01 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 the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Recreation Facility*.

Impacts from this type of use are usually associated with traffic, crowd noise or activity, and lighting. The use has been in operation since 2007 and the traffic, noise, and lighting associated

with the existing use have not resulted in complaints from nearby property owners and residents. The Zoning and Codes Office indicated they received a few complaints in the early years regarding fireworks, but that they haven't received any since. Continuing the current operation should have no detrimental impacts on nearby properties.

If the use were to be intensified: the building expanded or additional parking spaces added, for instance, a site plan application would need to be submitted to the Planning Office for review. Impacts of the change on nearby properties and the street network would be evaluated through the site plan review.

Staff Finding – The facility has been in operation since 2007 without detrimental impacts to nearby properties. Approval of the CUP will extend the use but will not change the intensity of the use. The approval of the CUP to allow the continuation of the current reception hall should not result in any detrimental impacts.

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

Applicant's Response:

"We provide a popular, safe location for local families to hold special celebrations in a private, rural setting. We host a variety of social events including weddings, graduations, charity fundraisers, wakes, and award banquets."

Approval of this request would allow the continuation of the established reception hall, *Recreation Facility*.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request as no negative impacts are anticipated with the facility.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request. Approval of the request would allow the continued use of the Stony Point Reception Hall which offers many city residents a rural Douglas County experience.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The hall's architecture intentionally mirrors local, rural agriculture buildings so it is not obnoxious or non-conforming to the rural atmosphere of the area. It is somewhat unobtrusive to the area and provides an opportunity to share the history of the farm & area."

Chapter 16 of *Horizon 2020* recommends that the County encourage and develop policies that support agri- and eco-tourism. (Policy 2.7(d), Page 16-15, *Horizon 2020*) The Stony Point Reception Hall meets the definition of an Agritourism use: *"..the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development."* (Section 12-319-7, *Zoning Regulations of the Unincorporated Territory of Douglas County*.)

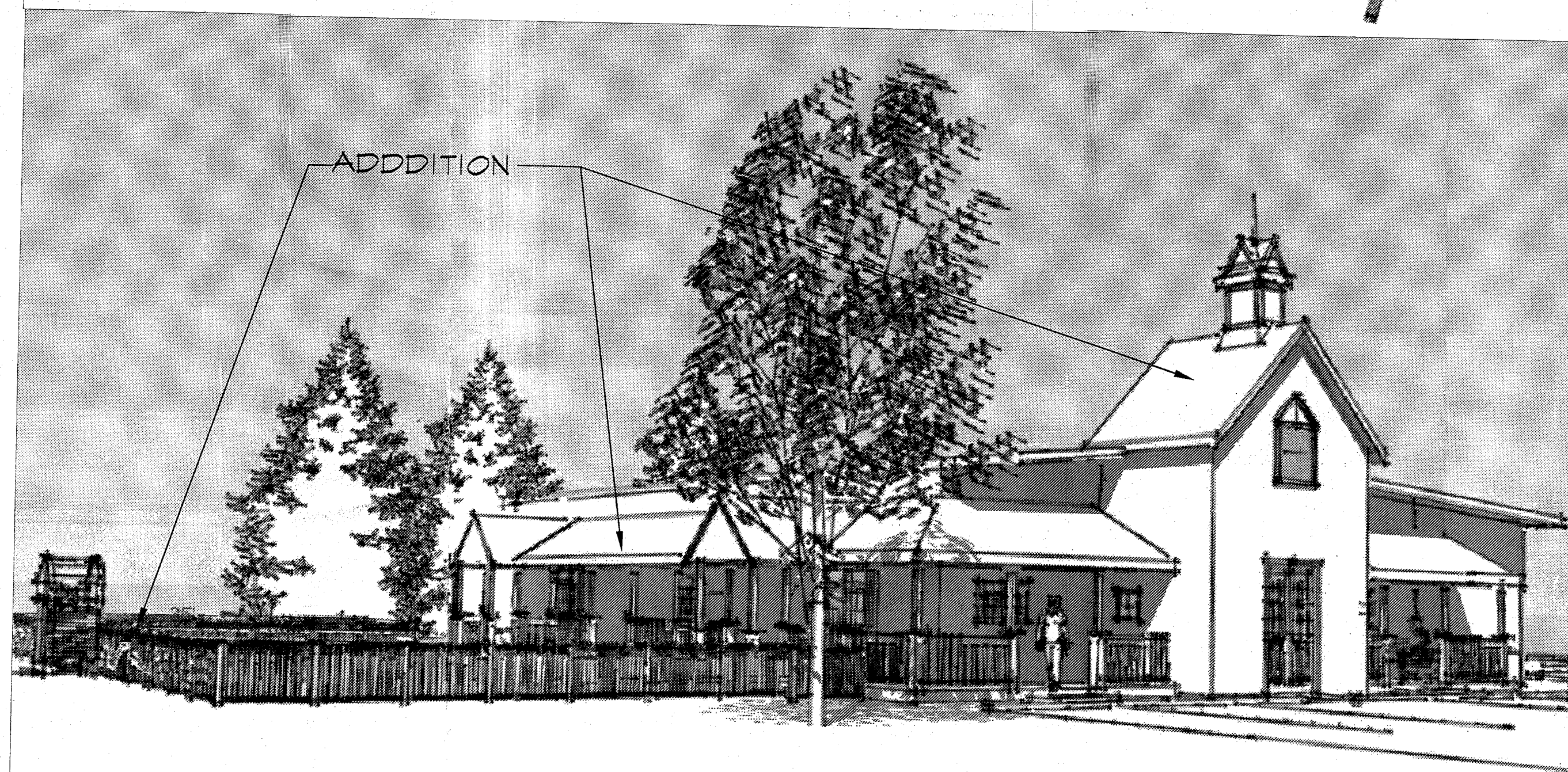
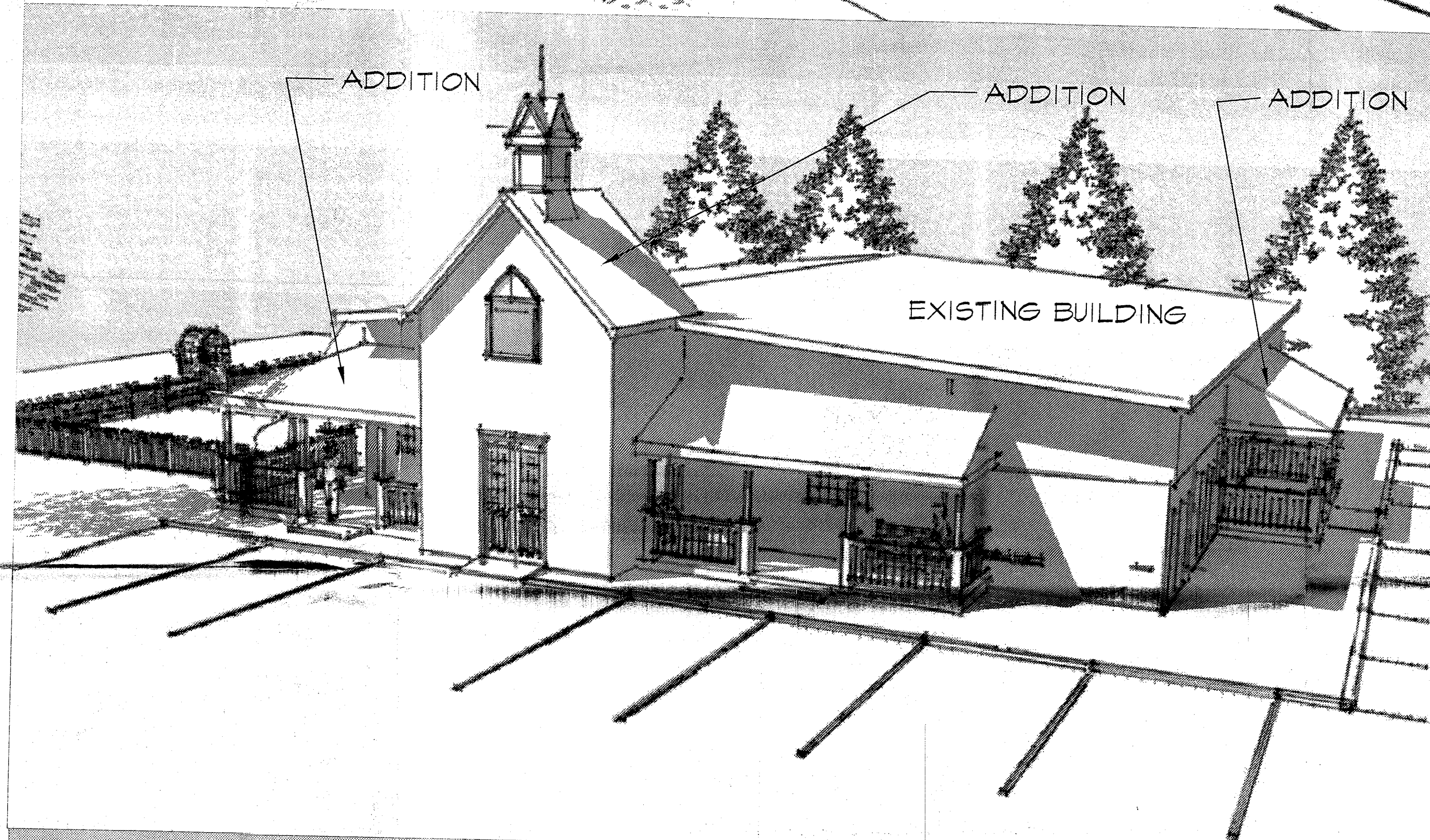
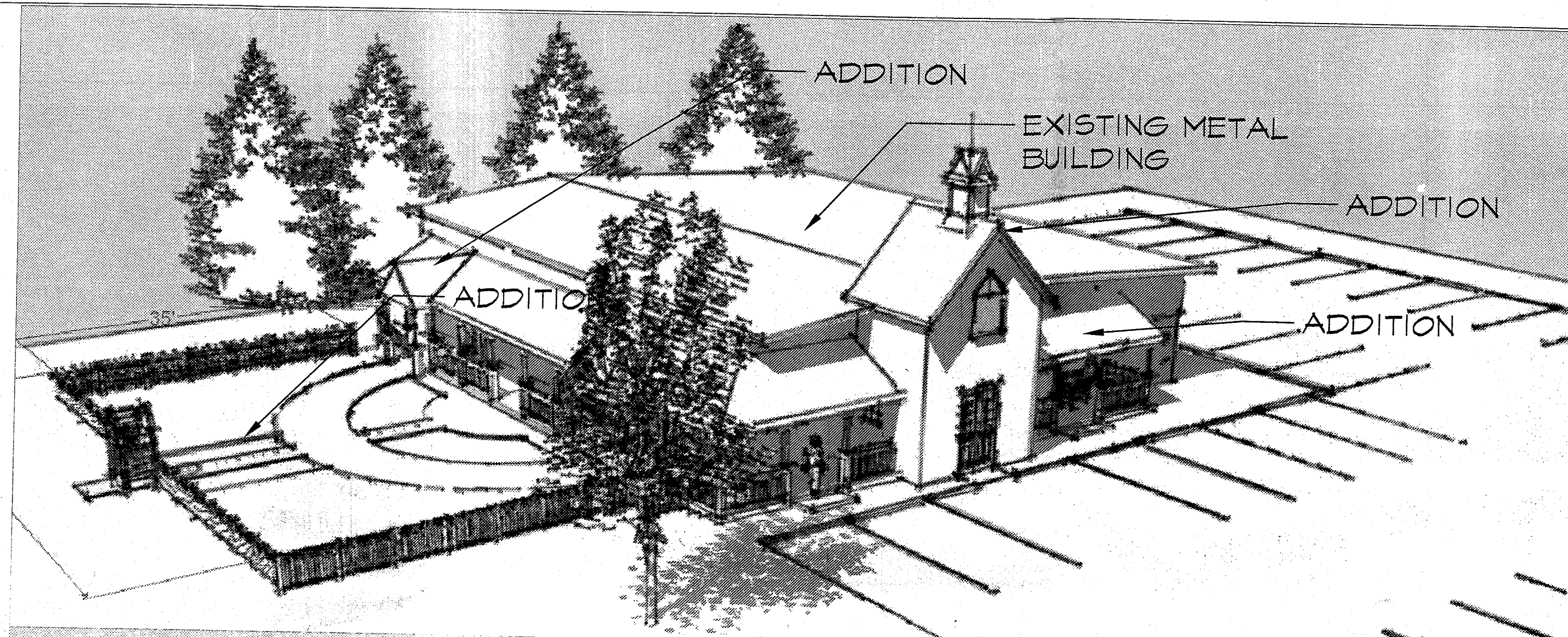
The reception hall could be approved through the Agritourism registration process with the County Commission or as a Conditional Use Permit. In many cases, a Conditional Use Permit is requested rather than registering as an Agritourism use due to the longer approval time frame. Agritourism uses must re-register with the State and the County every 5 years.

Staff Finding – The reception hall is in compliance with Policy 2.7(d) of the Comprehensive plan that recommends the encouragement of agritourism uses.

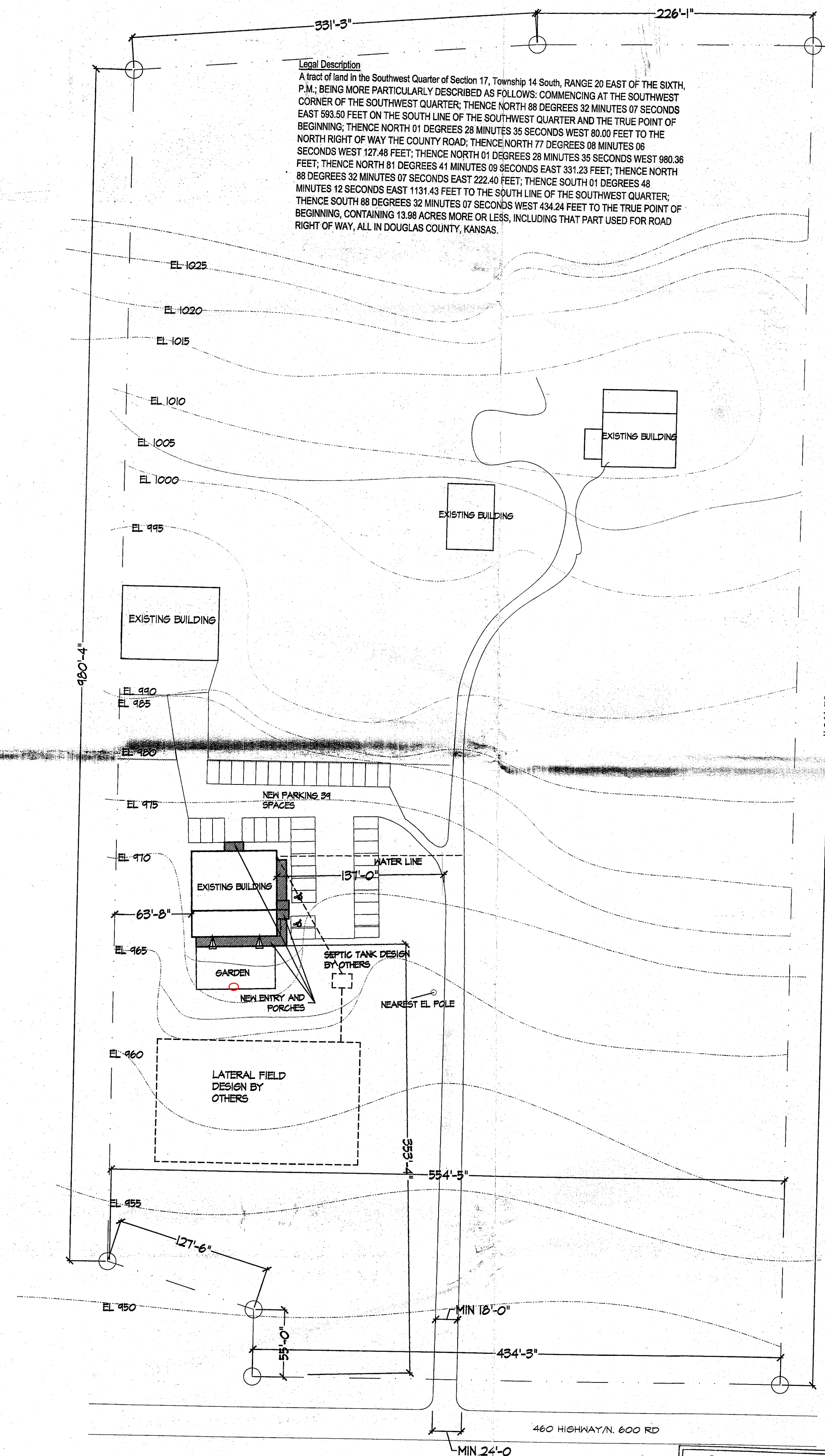
CUP PLAN REVIEW

No physical changes are proposed to the site. This CUP request is solely for the extension of the *Recreation Facility* use. The approved CUP plan is attached with this report for context only.

One change being proposed with this CUP renewal is the removal of the 10 year expiration time frame. An expiration date is a useful tool for managing Conditional Uses in developing areas where it is anticipated that the character of the area may change to the degree that the use is no longer compatible with the nearby land uses. In this case, the reception hall use is compatible with the existing development and should be compatible with the area as it further develops. Any intensification of the use would require site plan approval and impacts on nearby properties and road networks would be evaluated with the review of the site plan. Staff recommends the removal of the 10 year expiration but keeping the 5 year administrative reviews, which provide an opportunity for regular reviews but lessens the impact on the operator to re-apply every 10 years.



PERSPECTIVES-NO SCALE



A2

SHEET NO.:

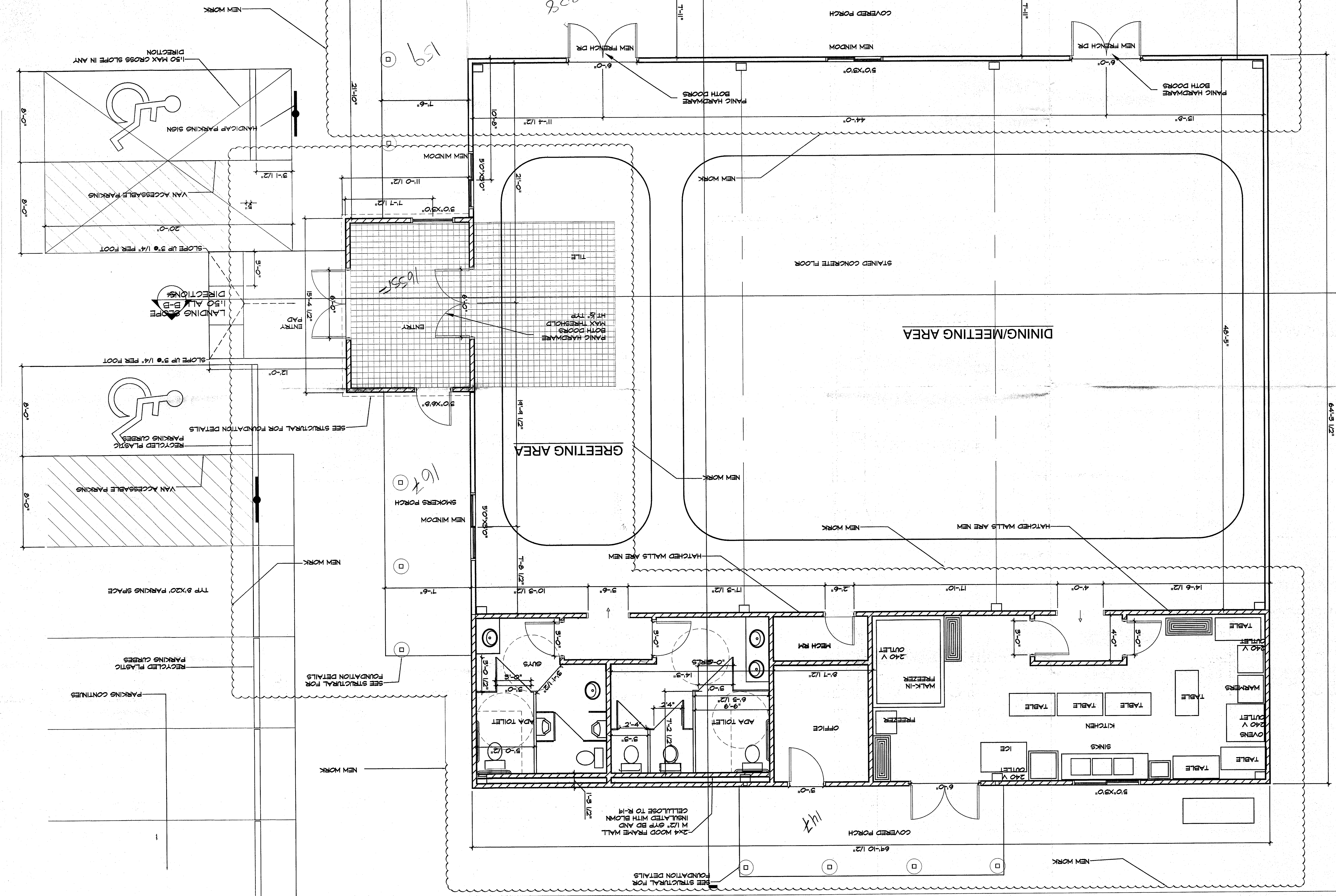
DATE: 3-17-07
DRAWN BY: KVK
REV. 5/1/07

STONY POINT
1514 N 600 RD BALDWIN CITY, KS 66006

global homes
kenton knowles
785 594 4115 fax 785 594 0396
globalhomes@myline.com www.globalhomedesign.com

Approved & Released
Case No. CUP-1245 Date: 5/31/07
Planner Initials: SLO # of Sheets: 3
Director: [Signature]
Reviewed to ensure porch
and addition

FIRST FLOOR PLAN
1/4"=1'-0"



OUTLINE SPECIFICATIONS

GENERAL CONDITIONS

AIA General Conditions. "AIA Document A201, General Conditions of the Contract for Construction," is hereby made a part of and incorporated into the same extent as it is written out in full and below herein, where any Article of the AIA General Conditions is supplemented hereafter, the general provisions of such Article shall remain in effect, and all supplemental provisions of such Article shall remain in effect, and all supplemental provisions shall be considered as added thereto. Where any Article of the AIA General Conditions is amended, modified, voided or superseded hereafter, the provisions of the Article not specifically amended, voided or superseded shall remain in effect and shall be considered as amended to conform with AIA standard conditions referenced herein, the more stringent and/or more expensive shall apply as determined by the architect. Where consulting standards, civil or other provisions herein are in conflict with these specifications, the consultant specifications shall prevail. The contractor shall contact the architect regarding any conflicting or ambiguous information contained herein or in the AIA Standard documents as well as requesting any additional information prior to the execution of the work in question. All of the terms and conditions of the contract documents are individually applicable to contractors and suppliers with contracts, agreements, purchase orders, or other orders for material, equipment, and/or labor for the project specified herein.

SPECIAL CONDITIONS

Contract with the owner shall provide general liability, workers compensation insurance, and other statutorily mandated insurance as required by law. Builders risk insurance shall be provided by the owner. The contractor shall be responsible for performance and aggregate deductibles. Performance and labor and material payment bonds shall be provided in amounts covering 100% of construction value by the responsible contractor. Permit: The cost of building permits from any and all required jurisdictional authorities shall be paid for by the contractor. The shall include applications for all permits fees, plan review fees, inspection fees and charges, top fees, connection fees, and any and all related charges by such authorities.

Conditions of Site: The site is provided as is for construction. It shall be the responsibility of the contractor to determine what special provisions may be required to accomplish the work as specified. The contractor shall be responsible for the safety of the work. The contractor shall furnish sufficient forces and work such as may be required to ensure the protection of the work at the project at the required time. There shall be no prohibition of work by the contractors at any time by the owner.

Confidentiality Notice: No contractor, subcontractor, supplier, nor any other provider of goods and/or services associated in the project shall, without the written consent of the owner, disclose or divulge, in any form, any information, photographs, public, present, advertising, illustration, or in any other way make claim of involvement in the project or with the owner of the project without acknowledging in the same medium with equivalent value, the contribution of the owner, the architect and the contractor who shall be identified as "GLOBAL HOMES DESIGN INC".

The contractor shall furnish, in a timely manner, to the architect for review and approval requirements for all fabricated items (e.g., cabinets, heavy timber framing structural and decorative steel hardware fabricated on or off site prior to fabrication.

DIVISION 1 - GENERAL REQUIREMENTS

CONTRACT FORMS: Owner-Contractor Agreements: AIA Standard Form A201 including General Conditions Form A201.

TESTING: Concrete compressive strength and concrete slump tests shall be provided and paid for by the contractor. Soil composition and bearing capacity tests shall be performed by an independent testing lab as approved by the Architect and paid for by the contractor.

LAYOUT: The General Construction contractor shall provide for the proper layout of the building and building subgrade installation. All design dimensions shall be verified with discrepancies referred to the Architect for adjustments as required.

TEMPORARY FACILITIES - ELECTRICITY/LIGHTING: The General Construction Contractor shall furnish, install, and maintain temporary electrical service and convenience power and lighting for the use of all trades during the construction of the building.

TEMPORARY FACILITIES - HEAT/VENTILATION: General Construction Contractor shall provide as required to maintain conditions for construction operations, to protect existing materials and finishes from damage due to temperature or humidity. Prior to operation of permanent facilities for temporary purposes, verify that installation is correct and per manufacturer's recommendations.

TEMPORARY FACILITIES - TELEPHONE SERVICE: The Contractor shall provide wireless telephone service at the site during working hours and while any work under his contract is underway.

TEMPORARY FACILITIES - WATER: General Construction Contractor shall connect and arrange for a accessible construction water-source as and if required.

TEMPORARY FACILITIES - SANITARY FACILITIES: General Construction Contractor shall arrange or provide for toilet, and pay for proper temporary sanitary facilities and enclosures during the entire project.

TEMPORARY FACILITIES - TRASH AND DEBRIS REMOVAL: General Construction Contractor shall provide, maintain, and pay for required trash and debris containers and removal facilities and enclosures during the entire project. The project shall be left broom clean and free of debris at the end of each work day. Failure to so clean the project may result in backcharges by the owner.

FINAL CLEANING: Execute final cleaning prior to final inspection. Clean interior and exterior glass and surfaces exposed to view; remove temporary labels, stains and foreign substances; polish transparent and glossy surfaces; vacuum carpeted and work surfaces. Clean equipment and fixtures to a sanitary condition. Replace filters of operating equipment. Clean debris from roofs, gutters, downspouts, and drainage systems. Clean site; sweep paved areas; make clean landscaped surfaces. Remove waste and surplus materials, rubbish, and construction facilities from the site.

PROJECT RECORD DOCUMENTS: The contractor shall maintain a complete and concise record of drawing details and dimensions as adjusted through the course of construction. Prior to substantial completion, the contractor shall provide two copies of such records complete with two copies of scaling data, shop drawings, and other submitted data for every product incorporated into the construction along with a complete list of maintenance, operation, parts, and warranty information for the entire life of the work and a complete list of material, equipment, and labor providers for the work including complete contact information for each.

DIVISION 2 - SITEWORK

SCOPE: The work will include, but is not limited to site clearing and grubbing, stripping of topsoil, engineered cut and fill operations, soil compaction, compaction testing, building and pavement subgrade preparation, site pavement, sidewalks, site lighting, final grading, paving distribution, seeding, sodding, landscaping, and other site work as may be required.

EARTHWORKS: Perform site stripping, rough grading, cut and fill operations, excavations and backfill in accordance with the recommendations of a Soil Engineer. If any aspect of the engineer's report is inconclusive, propose procedures to the architect and structural engineer for acceptance before commencing the corresponding work. Earthwork operations shall be performed in compliance with engineering design criteria. Engaging engineering for verification of bearing capacities of both excavated and engineered fill foundation bearing for every representative condition. Protect all adjacent properties from construction operation.

LANDSCAPING: Replace stockpiled/stripped topsoil and add (if required) back topsoil to maintain minimum of 4" final depth with final grades as shown on the plans. Plant all areas disturbed by construction with thick, uniform indigenous grass seed to match existing. Remove all crushed rock and construction debris prior to landscape soil, seed and planting area preparation.

DIVISION 3 - CONCRETE

SCOPE: Concrete work includes building foundations, concrete slabs on grade, slabs on grade, and other miscellaneous concrete whether structural or architectural, shown or required for a complete project including reinforcing steel, mesh, and accessories.

CAST-IN-PLACE CONCRETE: Refer to architectural drawings for foundations, slabs, stairs, and other required concrete to be placed with a maximum 4' slump. Exterior concrete subject to freeze/thaw shall be air-entrained. Concrete shall be designed, mixed, placed, and finished in every regard during construction. The contractor shall correspond AIA standards and recommendations. Carefully protect finished slabs which are to remain exposed in finished construction to avoid any discoloration and interruptions of uniformity in the finished work. Finish concrete to match existing adjacent, contiguous similar existing work, or as directed by Architect.

CONCRETE DESIGN

ASTM C 44-28 Day Compressive Strength shall be Foundations, and Footings, Walls, 4000 psi; Slabs, 5000 psi. Slabs on Grade and Paving Base, 3500 psi. Exterior Concrete and Pads Exposed to Weather, 4000 psi, w/ 6% air.

Minimum reinforcing steel shall be continuous #4, #6/2000 PSI deformed steel at 12" on center each way, each face for thickness over 5".

FINISHING: Grouting is to be accomplished with "monite" or equal no-shrink flowable grout mass and placed in accordance with the manufacturers specifications and recommendations.

DIVISION 4 - MASONRY

SCOPE: Masonry work includes concrete block, brick, and limestone masonry construction for architectural and structural requirements. CONCRETE MASONRY UNITS: Concrete masonry construction is to be of running bond, round loaded joint. All reinforcing, anchors, inserts, and other accessories shall be as shown or required (min. 1/4" x 1/2" galvanized). Control and construction joints are to be provided as required. All construction of concrete masonry shall be in accordance with recommendations of the masonry industry.

STONE MASONRY: Limestone pattern and grout method shall be approved by the owner prior to setting. Provide newly quarried field and cut limestone masonry for foundations and Architect and approved. Provide substrate masonry for foundations and Architect and approved. Provide substrate masonry for foundations and Architect and approved.

SCOPE: Masonry construction is to be of running bond, round loaded joint. All reinforcing, anchors, inserts, and other accessories shall be as shown or required (min. 1/4" x 1/2" galvanized). Control and construction joints are to be provided as required. All construction of concrete masonry shall be in accordance with recommendations of the masonry industry.

STRUCTURAL STEEL: Structural steel shall be in accordance with AISC Standards, Code of Standard Practice for Steel Buildings.

METAL FABRICATIONS: Structural steel, and other miscellaneous parts and assemblies shall be in accordance with drawings and/or corresponding appropriate requirements for all fabricated items (e.g., cabinets, heavy timber framing structural and decorative steel hardware fabricated on or off site prior to fabrication.

DIVISION 5 - WOOD AND PLASTICS

SCOPE: Work in this section includes rough carpentry required for structural and necessary installation of wood stud and framing. Finish carpentry includes door and window casings, millwork, trim, hardware, and accessories.

ROUGH CARPENTRY: All required rough carpentry wood shall be of No. 2 southern yellow pine or Douglas Fir/Larch, 4x12 and/or micro-lam beams shall be rated at 15-2500 psi & E 1,000,000 psi. Installation shall be plumb and true to building lines for exposed finish.

FINISH CARPENTRY: Finish and trim carpentry and plastics work shall be constructed in accordance with or superior to the American Woodworking Institute Standards for "PREMIUM" grade installations.

DIVISION 7 - THERMAL & MOISTURE PROTECTION

SCOPE: Thermal and moisture protection work includes slab vapor barriers, foundation and slab perimeter insulation and water proofing building wall insulation, insulated single ply roof system, gutters, flashings, and down spouts, caulking and sealants, building exterior joint caulking, and other thermal and moisture barriers shown or required for a complete project.

WATER INSULATION: Building envelope insulation. Install minimum R-10 insulation in wall cavities, R-5 in sloping ceiling cavities and R-20 over flat ceiling areas that would provide thermal protection of the building interior. Cover spaces shall have R-10 or interior face of exterior foundation walls from bottom of floor joists to top of gravel.

VAPOR BARRIERS: Provide 6 mil polyethylene vapor barrier under all slabs on grade, installed with continuous sealed lap joints. Crane space shall have 2" clean gravel over vapor retarder with max permeability of 1.0 perm per ASTM E 96.

ROOF SYSTEMS: Provide and install roof decking as shown on the drawings, to provide for weather tight installation.

FLASHING AND SHEET METAL: Provide flashing over all windows, exterior doors, roof eaves and rafters, chimneys, and the like. All flashings and sheet metal work specified or required to complete the work shall be fabricated and installed in accordance with standards of the Association of Architectural Sheet Metal Manufacturers.

WENT SEALANTS: Exterior Wall Joints: Prepare and apply two part polyurethane caulk joints with backer rod for complete water and weatherproof sealers of exterior building skin. Material by Tremco or equal shall be in color selected by owner.

Interior Wall Joints: Prepare and apply paintable silicone caulking at all interior joints.

Concrete Slab Joints: Provide two part flexible joint sealer finish exterior finish.

WATER PROOFING: Formed-in-place foundation walls shall be water proofed with 6 mil polyethylene from grade to the top of the footing. Masonry foundations shall be from finished grade to top of footing. All exterior walls, waterproof concrete masonry units and joints between poured concrete and masonry and joints between new and existing poured concrete with somebore H-2000.

SMOKE ALARMS: Hardwired inter-connected smoke alarms shall be installed in every sleeping room (existing and new) and outside each separate sleeping area in the immediate vicinity of the bedrooms.

DIVISION 8 - DOORS AND WINDOWS

SCOPE: Work under this section includes exterior insulated windows, solid core interior and exterior wood doors, frames, glazing, and hardware, including air caps, thresholds, weatherstripping and hardware.

DOOR DOORS: Interior and/or Exterior grade, doors as selected by Owner, purchased and installed by contractor.

DOOR HARDWARE: Provide and install hardware required to complete the work, generally matching existing hardware. Provide hardware typically specified or required for specific application or as directed by Architect/owner.

Typical Hardware includes, but is not limited to weatherproof thresholds at exterior doors, keyed levers with thumb turn, 1 1/4" pin of hinge pins, door grip cap where applicable, weatherstrip at exterior doors, nail on floor stops as specified.

DIVISION 9 - FINISHES

SCOPE: Work in this section includes dry board framing and finish system for walls, ceilings, soffits, flooring and base per plans, and painting of gypsum walls.

GYPSUM BOARD ASSEMBLIES: Gypsum board framing and finishes shall be in accordance with US Gypsum recommended construction practices and details.

FLOORING: Provide and install materials as selected and described on the Drawings per per owner. Install materials where indicated on plans or as directed by the owner in strict accordance with manufacturers recommendations.

DIVISION 10 - MECHANICAL

SCOPE: Plumbing work includes, but not limited to the redistribution of existing waterlines, drainlines and vent lines. Coordinate work with the electrical and owner requirements. Provide drains, cleanouts, traps, faucets, and all accessories as selected by Owner. All work to done in accordance with adopted codes and/or restrictions.

SCOPE: HVAC work includes, but not limited to the redistribution of existing waterlines, drainlines and vent lines. Coordinate work with the electrical and owner requirements. Provide drains, cleanouts, traps, faucets, and all accessories as selected by Owner. All work to done in accordance with adopted codes and/or restrictions.

Provide all required plumbing work as follows: Water supply system in the house shall be furnished and installed including type 1/2" copper hot and cold water lines to all fixtures with air chambers and cut-off valves at all fixtures. Provide pressure reducing valves as required. Lines adjacent to outside walls shall run on interior side of wall and shall be concealed and wrapped with pipe insulation. Drain, waste and vent system for house shall be furnished and installed complete. Soil lines derive separate floors shall be cast iron. Vents may be of PVC. PVC may be used below grade. Furnish and install cleanouts as required for facilitate cleaning of lines.

Installation of all appliances, equipment and fixtures shall be complete and in strict accordance with codes and ordinances.

Furnish and install air conditioning systems, including all air conditioning equipment shall be sized to maintain interior temperature of 70 degrees F.D.B. at an exterior design temperature of 10 degrees F.D.B. and shall maintain minimum temperature of 75 degrees F.D.B. at an exterior design temperature of 100 degrees F.D.B. with 40% relative humidity. Equipment shall carry Lennox or equal.

Control equipment shall have a combined minimum Seasonal Energy Efficiency Ratio or 13 btu/whatt when rated at standard Department of Energy (DOE) conditions. Condensing units shall be rated in accordance with the latest edition of ARI Standard 310 and shall comply with the latest editions of ANSI/AIR-RE and NEC. Provide start assist for the compressor to protect the compressor from excessive line starting duty to protect the compressor re-start for 5 minutes after shut-down.

Gas burner equipment shall have a minimum Annual Fuel Utilization Efficiency (AFUE) of 80 percent.

Thermostats shall be electronic, programmable, automatic changeover with single-stage heat, single-stage cool for unit up to 5 tons. Provide multi-stage thermostats for units over 5 tons.

Refrigerant piping shall be pre-charged copper tubing in manufacturer's standard rating up to 80 feet in length. Between 80 feet and 175 feet, use type ACR hard copper with wrought-copper-sweat fittings sized to maintain flow rate of 10 ft/min. All the piping shall be in strict accordance with manufacturer's long-line application guidelines. Refrigerant lengths over 175 feet are not permitted. Provide crankcase heaters whenever interconnecting refrigerant piping exceeds 10 feet.

Provide (standard efficiency) 1-inch disposable filter/4-inch pleated media, 42-percent efficiency filter/4-inch pleated media with washable pre-filter. Provide humidifier complete with water and drain lines, bypass disconnector, and room humidistat, sized to maintain a minimum of 35% relative humidity at design conditions.

Sheet metal work shall be for complete supply and return systems including duct work, grills, registers and dampers required for uniform air volume and distribution. System shall be sealed and insulated to one even air flow. All supply ducts in the attic shall be insulated with 1" three lb density duct liner.

Vents shall be code approved and shall be furnished and installed for all exhaust fans, equipment and appliances including oven, cooktop and ovens.

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MINIMUM OF TWO MEANS OF EGRESS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST 50 OCCUPANT LOAD FACTOR 5 (square foot) 15 = 75000

1997 UNIFORM BUILDING CODE, VOLUME I

SECTION 505 - REQUIREMENTS FOR GROUP A OCCUPANCIES

505.1.1 Group A Occupancies defined. Group A Occupancies include the use of a building or structure, on a portion thereof, for the gathering together of 50 or more persons for purposes such as civic, social or religious functions, recreation, education or instruction, food or drink consumption, or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to another occupancy shall be included as a part of that major occupancy. Assembly occupancies shall include the following: Division 5A building or portion of a building having an assembly room with an occupant load of less than 500 without a legitimate stage, including such buildings used for educational purposes and not classified as Group B or E Occupancies

SECTION 1001 - ADMINISTRATIVE

1001.1 Scope. Every building or portion thereof shall be provided with a means of egress as required by this chapter. A means of egress is an exit system that provides a continuous, unobstructed and unimpeded path of exit travel from any occupied point in a building or structure to a public way. Such means of egress system consists of three separate and distinct elements: 1. The exit access, 2. The exit, and 3. The exit discharge.

SECTION 1005 - THE EXIT 1005.1 General.

The exit is that portion of the means of egress system between the exit access and the exit discharge or the public way. Components that may be selectively included in the exit include exterior exit doors, exit enclosures, exit passageways and horizontal exits. In addition to these common means of egress components described in Section 1005.3.

1005.2 Exit Design Requirements.

The exit portion of the means of egress system shall comply with the applicable design requirements of this section. 1005.2.1 Separation of exits. Exits shall be separated in accordance with the requirements of Section 1004.2.4.

1005.2.2 Travel distance.

Travel distance shall not be limited within an exit enclosure or exit passageway which complies with the applicable requirements of Section 1005.3

APPLICABLE CODES

UBC 1997 & FAMILY OF CODES

SCOPE OF WORK

1. ADD PORCHES AND OUTDOOR GARDEN AREA
2. ADD PARKING FOR MIN 34 CARS (INCL 2 HANDICAP)
3. ADD UTILITIES (WATER, ELEC, PLUMBING)
4. ADD WARMING KITCHEN (NO COOKTOP, GRILL, FRYER, OR RANGE)
5. RENOVATE AND INSULATE EXISTING METAL BUILDING TO MIN R-19
6. ADD TO EXISTING SEPTIC SYSTEM
7. ADD HEATING AND COOLING
8. ADD INTERIOR AND EXTERIOR LIGHTING

SECTION 2405 - GENERAL Each building shall be provided with sanitary facilities, including provisions for accessibility in accordance with Chapter 11. Plumbing fixtures shall be provided for the type of building occupancy with the minimum numbers as shown in Table A-24-A. The number of fixtures are the minimum required as shown in Table A-24-A and are assumed to be based on 80 percent male and 50 percent female. The occupant load factors shall be as shown in Table A-24-A. EXCEPTION: Where circumstances dictate that a different ratio is needed, the adjustment shall be approved by the building official. Group A Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies. 5/16-128 MALE 5/16-128 FEMALE

2. Entrances to spaces not required to be accessible as provided for in Section 1008. When a building or facility has entrances that normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one of the entrances serving each such function shall comply with the accessible route provisions of CBO/ANSI A117.1.

The primary entrance to either a Type A or Type B dwelling unit shall be accessible as provided for in Section 1008. When a building or facility has entrances that normally serve accessible parking facilities, transportation facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one of the entrances serving each such function shall comply with the accessible route provisions of CBO/ANSI A117.1.

The following elements and spaces of accessible facilities shall be identified by the International symbol of accessibility: 1. Accessible parking spaces, except where the total parking spaces provided are five or less. 2. Accessible areas of refuge. 3. Accessible passenger loading zones. 4. Accessible toilet and bathing facilities. 1008.2.4.2 Other signs accessible building entrances, accessible public toilets and bathing facilities, and elevators not on an accessible route shall be provided with directional signage indicating the route to the nearest similar accessible element.

In assembly areas, a sign notifying the general public of the availability of accessible facilities shall be provided at ticket offices or similar locations. Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT and shall comply with CBO/ANSI A117.1.

At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress. 1008.2.4.3 Other signs accessible building entrances, accessible public toilets and bathing facilities, and elevators not on an accessible route shall be provided with directional signage indicating the route to the nearest similar accessible element. In assembly areas, a sign notifying the general public of the availability of accessible facilities shall be provided at ticket offices or similar locations. Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT and shall comply with CBO/ANSI A117.1.

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GENERAL CODE NOTES

GENERAL INFO

- o ZONING- AGRICULTURAL (CONDITIONAL USE PERMIT)
 - o SINGLE STORY SLAB ON GRADE METAL FRAME BUILDING
 - o GROSS AREA- 5065 SF
 - o CONST. TYPE- VN
 - o OCCUPANCY GROUP- A-3
- ASSEMBLY AREA 3,347 SF @ 1/5=225
KITCHEN AREA 462 SF @ 1/500=3
TOTAL OCCUPANCY 226
- o HEIGHT- 34 FT
 - o USE- DINING, MEETINGS, RECEPTIONS
 - o PARKING 34 REQ'D 34 PROVIDED

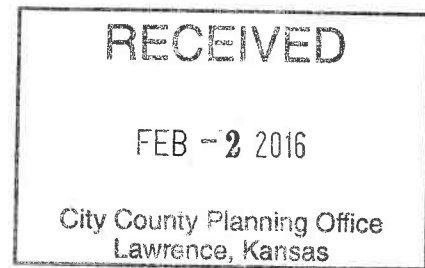
Approved & Released

Case No. CUP-1245 Date: 5/31/07
Planner Initials: SLD # of Sheets 3
Director: [Signature]
Reviewed to release porch and addition

global homes
kenton knowles
785 594 4115 fax 785 594 0396

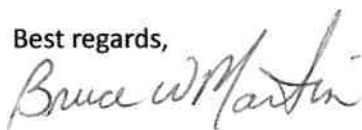
January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day



Dear Ms. Day –

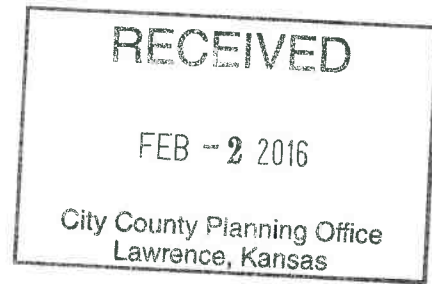
It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,


Bruce & Linda Martin
1538 N600th Road
Baldwin City, Kansas

January 28, 2016

City of Lawrence Planning Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044
Attn: Sandra Day



Dear Ms. Day –

It is our understanding that Stony Point Hall, located 1514 N600th Road, Baldwin City, Kansas, is in the process of renewing their Conditional Use Permit for the business. As neighbors we would like to express our support for their continued operation and renewal of the C.U.P.

Best regards,


Joseph M. Harvey
1521 N600th Road
Baldwin City, Kansas

Memo

To: Mary Miller, City/County Planner
From: Tina Rakes, Code Administrator
CC: Planning Commission File
Date: April 25, 2016
Re: Stony Point Hall CUP

On April 12, 2016 the Baldwin City Planning Commission met and reviewed the CUP application for Stony Point Hall.

By a unanimous vote, the Planning Commission voted in support of the continuation of the CUP, in addition, supports removing the requirement of ten year expiration for review.

The use is granted conditionally which allows for a review or investigation should complaints or noncompliance's become an issue.



CUP-16-00035: Conditional Use Permit for Stony Point Hall, a Reception
and Banquet Hall, Located at 1514 N 600 Road



ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD (MKM)

Stony Point: **CUP-16-00035**: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. (*Joint meeting with Baldwin City Planning Commission*)

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. and Ms. Russell and Lucretia Carlson were present for questioning.

PUBLIC HEARING

Mr. Hank Booth, Baldwin City Chamber of Commerce, supported the Conditional Use Permit.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Butler, to approve the Conditional Use Permit, CUP-16-00035, for Stony Point Hall, a *Recreation Facility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

The Conditional Use shall be administratively reviewed every 5 years

Commissioner Britton inquired about the removal of the 10 year expiration time frame.

Ms. Miller said the time limit was a good tool for a use that may not be compatible with an area or if the use has impacts that need to be tracked. She said the previous Board of County Commissioners used it pretty much on every Conditional Use Permit. She said the current Board of County Commissioners was a little more selective and used it when they felt there may be an issue down the road.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/25/2016

ITEM NO. 4 CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD (SLD)

Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a *Retail Nursery* and forwarding it to the County Commission with a recommendation for approval subject to the following condition(s):

- 1) Provision of a revised site plan to include the following notes:
 - a) "Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County Commission with notice to surrounding property owners."

Reason for Request: *Updated the existing CUP*

A Conditional Use Permit was approved in 2003 to accommodate retail sales associated with an existing commercial agricultural operation. The property included in this request provides an area for display and bulk sales of landscape material. The point of sale occurs on the property located to the west. The Conditional Use Permit allows for a maximum of 3,500 SF of enclosed space for retail sales and unlimited exterior sales. At this time the application does not include any enclosed sales space within the boundary of the Conditional Use Permit.

ATTACHMENTS

1. Area Map
2. Proposed site plan
3. Approved site plan
4. Aerial Map of Development
5. Future Land Use Map, Northeast Sector Plan

KEY POINTS

- Property is part of an existing agricultural/retail operation.
- Request is for renewal of an approved Conditional Use Permit.
- The attached site plan shows the existing improvements and uses of land included in the boundary of the request.
- A Conditional Use Permit, CUP-10-08-03, for the Pine Family Farm landscape nursery and bulk landscape materials sales, *Retail Nursery*, was approved by the County Commission on January 5, 2004. One of the conditions was that; *The Conditional Use Permit will be re-evaluated by the County Commission in December, 2008. The CUP will expire in December, 2013. Continuation of the use beyond November, 2013 will require rezoning or approval of a new CUP.*
- The Zoning Regulations do not require time limits for Conditional Use Permits but they may be applied in cases where it is expected that the use may not be compatible with the surrounding area as it develops.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CUP-10-08-03; original approval
- SP-05-20-09; Revised site plan for CUP-10-08-03 for the addition of display areas along entry drive.
- Board of County Commissioners' approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

PUBLIC COMMENT

- None received

GENERAL INFORMATION	
Current Zoning and Land Use:	A (Agricultural) District and B-2 (General Business) District; landscape materials sales approved with a Conditional Use Permit (CUP-10-08-03).
Surrounding Zoning and Land Use:	A (Agricultural) District to the east, west and south and A (Agricultural) District and B-2 (General Business) District to the north; established farms and rural residences in all directions. To the west, across County Route 9 [E 1500 Road] is the office and scale for this landscape material operation of the Pine Family Farms.



Figure 1: Subject Property - Existing and Surrounding Zoning

I. ZONING AND USES OF PROPERTY NEARBY

The property is located between Interstate 70, to the south and U.S. Highway 24/40 to the north. The Pine Family tree operation includes parcels located on both sides of E 1500 Road. The area is predominantly zoned A (Agricultural) District. The intersection of E 1500 Road and U.S. Highway 24/40 is zoned B-2 (General Business) District on the northwest, southwest, and southeast corners. The northeast corner is zoned B-1 (Neighborhood Businesses) District.

The surrounding land use is predominantly agricultural. Rural residential uses are located in the immediate area along existing County roads and U.S. Highway 24/40. The Airport Motel is located on the southwest corner of E 1500 road and U.S. Highway 24/50.

Staff Finding – The current zoning is A (Agricultural) District and B-2 (General Business) District. Agriculture is the predominant use of the immediate area.

II. CHARACTER OF THE AREA

The subject property is located northeast of the existing Lawrence City limits and south of the Lawrence Municipal Airport. The property is located in a unique area of Douglas County that includes approximately 500 acres of unincorporated land that is bounded by Highways to the north and south. The Lawrence City limit does not currently abut this property.



The property is also located in proximity to the Lawrence Municipal Airport. Portions of the Airport Overlay District extend over the property included in this application.

Features of this area include:

- o E 1500 is an existing Collector Road and a future designated bike route.
- o Property is located within the boundary of the Northeast Sector Plan. Future land use for this area is designated as agricultural in the Sector Plan.
- o The property is located in the Urban Growth Boundary of the City of Lawrence.
- o Municipal water is located along the west side of E 1500 Road but does not serve the property.
- o Property is identified with Class 1 soils.
- o The property is not located within the regulatory floodplain.

Since the original approval in 2003 there has been little change to the surrounding area based on a review of the City's 2003, 2006, 2009, 2012, 2013 and 2014 aerial photography. The character of the area is agricultural with limited commercial uses and activity located along U.S. Highway 24/40 and within the Pine Family Property along E 1500 Road.

Staff Finding – The character of the area is agricultural with only limited commercial activity associated with the nursery operation and uses located along the highway.

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

Applicant's response: *"The purpose of this CUP is to sell nursery items within the tree and sod farm."*

This request does not propose to modify the base zoning. The purpose of the A (Agricultural) District is to "provide a full range of agricultural activities, including agritourism, and the processing of and sale of agricultural products raised on the premises among other purposes listed in section 12-306.1 of the County Zoning Regulations."

Agricultural uses such as farms, truck gardens, orchards or nurseries as well as commercial green houses are among the permitted uses in the A (Agricultural) District. Approval of the Conditional Use Permit allows limited retail sales.

Section 12-319-4.32 Retail Nursery allows for the retail sale of ancillary products that are not produced on the site. This section also limits the amount of enclosed retail space. Green houses and outdoor displays are not included in the maximum cap for allowable net retail space. The property located on the east side of E 1500 Road, included in this request, uses outdoor display areas and open storage bins for containing, organizing and displaying of products. The point of sale occurs in the building located on the Pine Family Farm property on the west side of E 1500 Road, not included in this Conditional Use Permit.

The original approval included a time limit with a five year review. The original approval expired in November 2013. This request is intended to provide a continuation of the operation.

Staff Finding – Approval of this request would not alter the base zoning district. The property will continue to be suitable for agricultural activities and uses. Approval of the request allows for ancillary uses of the property related to the primary agricultural operation.

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

The property is developed with agricultural buildings noted for covered storage. These spaces are not part of the limitation for retail sales so long as they are used for storage. The original agricultural structures were constructed in the 1970's.

Existing Structures





The landscape business was initiated in 2006 and has continued to grow. This application represents an intent to continue the operation.

The property has been zoned A (Agricultural) District since 1966. The majority of the property is used for agricultural fields. The landscape material storage use, Retail Nursery, was approved in 2003. No changes to the base zoning district have been made. The area for the landscape material business has expanded to the north since the approval in 2003 but is still contained within the boundary of the Conditional Use Permit.

Staff Finding – The property is not currently vacant, but includes agricultural buildings that support the use of the property for the related landscape material sales business and landscaping business located to the east.

Applicant's Response: *"This business for their retail customers has been operation since 2003. The CUP was renewed in 2009."*

The proposed request anticipates the continued operation of the retail sales for landscape materials. This is in addition to the existing agricultural business located to the east of the subject property. The original Conditional Use Permit was approved with a limitation on the length of the approval. Little has changed for the surrounding area since the approval in 2003. The request does not include a new enclosed retail building. The operation is anticipated to continue within the existing footprint as shown on the attached site plan.

[illegible]

No detrimental effects are anticipated by the continued operation of this use and the renewal of the Conditional Use Permit.

Staff Finding – The activity area is located in the central portion of the site. Continued agricultural operations surround the property. No detrimental effects are anticipated by the continued operation of this use and the renewal of the Conditional Use Permit.

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

Applicant's Response: *"This business has provided retail nursery/landscape material for the last 12 years and has developed a great customer base. The loss of the business would develop a hardship for the local customer to go out of town or county for their nursery needs."*

This business has operated the landscape material storage area and expanded retail sales area since 2003. There are no known violations or complaints associated with the operation. The current code allows for agricultural uses and buildings on the property. The existing buildings provide covered storage and are not subject to the 3,500 SF limit of retail sales. The applicant could add additional storage buildings and covered storage to the site and not impact the Conditional Use Permit. A site plan would, however, be required to demonstrate that any new structures comply with the building setback requirements of the district.

Approval of the request supports an existing commercial operation in the community. Denial of the request would result in a contraction of the existing business but would not necessarily require the removal of existing improvements. There is no harm to the public health, safety or welfare by the continued operation of the existing business.

Staff Finding – There is no harm to the public health, safety or welfare by the continued operation of the existing business. Approval permits a local business to continue to serve residents and businesses in the community.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This area is generally in agricultural land use with adjacent land use zoned for industrial land use with the Lawrence Municipal Airport. This use is accessory use with the agricultural use of the area."*

Key features of *Horizon 2020* are listed in Chapter 3- General Plan Overview. "The plan encourages the conservation of sensitive natural and environmental features and discourages development where two or more features exist in combination or would result in costly public improvements."

The area included in the boundary of the Conditional Use Permit includes Class 1 soils. The high quality soil and gentle grade make agricultural uses in the area highly desirable. The property is not located in the regulatory floodplain. The proposed use is consistent with the general policy of preserving natural features of the community.

The property is located within the Lawrence Urban Growth area. The area between US Highway 24/40 and Interstate Highway 70 is identified in *Horizon 2020* as Service Area 2. This area is also included in the Northeast Sector Plan. Generally, the plan does not support urban development unless corresponding urban services are available. This application does not represent a request for urban development. Urban services are not necessary for the continued operation of a commercial agricultural operation.

Chapter 6 of *Horizon 2020* addresses commercial development. A commercial node is indicated north of the subject property at the intersection of E 1500 Road and U.S. Highway 24/40. This node corresponds with existing county commercial zoning and uses at that intersection.

Chapter 12 – Economic Development provides policies regarding employment, tax base growth and income growth for the county. A basic policy stated in *Horizon 2020* is captured in Policy 1: Business Retention and Expansion: *Business retention and expansion of existing businesses has become the core foundation of economic development efforts for Douglas County.*

Horizon 2020 recommended that development of land in Service Area 4 (Grant Township) be deferred until the completion of a regional drainage study. This study, known as the Lawrence Drainage Study was completed in 2005 and adopted by the City Commission in January 2006. The Northeast Sector Plan was amended into *Horizon 2020* in September 2012. The subject property is located within the area shown on the Future Land Use Map in the Northeast Sector Plan as suitable for Agricultural uses. The proposed request is consistent with this land use designation.

Staff Finding – The proposed request is consistent with the policies and land use recommendations included in *Horizon 2020* for continued agricultural use.

VIII. PROFESSIONAL STAFF RECOMMENDATION

This use has operated without incident since being approved in early 2004. Approval of the request facilitates the continued operation of the local business. Staff recommends approval of the Conditional Use Permit. Staff does not recommend the addition of a time limit on the Conditional Use Permit.

Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County commission with notice to surrounding property owners. This will accommodate changes in business practices over time with adequate review to assure that minimum building setbacks are met, and to identify any other applicable building codes or zoning codes that may be present at the time.

STAFF REVIEW

This site includes two enclosed storage buildings and multiple covered storage bins. Access to these structures is accommodated via a wide interior access drive that accommodates two way traffic as well as area for loading as needed.

Setback

The site plan shows a building envelope with a 50' front setback, 15' side setbacks and 50' rear building setback. All structures are located well within the building envelope. The two enclosed storage buildings are located approximately 745' from the front setback and 447' from the rear setback. The covered storage area is located 290' from the nearest property line. The proposed site plan demonstrates that structures exceed the minimum setback requirements for the district.

Lighting

This project does not include any exterior lighting. Any lighting added to the site in the future would be subject to review by the County Zoning and Codes office for compliance with the design standards.

Access and Circulation

Access to this site is provided via an entrance to E 1500 Road. No changes to the access are proposed. The site includes wide gravel drives. Lawrence City Fire Prevention reviewed the project and provided general recommendations regarding access aisle width. This site exceeds the minimum recommended design standard of 20'.

Off Street Parking

Off-street parking is provided near the enclosed storage buildings on the south side of the site.

Landscaping/buffering

A majority of the property is used for agricultural purposes. Areas are designated for “varietal agricultural” and for “tree farming”. Farming activities cross property lines as seen in the aerial photograph below.



Surrounding uses to the south and west are used for agricultural crop production. Buffering is unnecessary in this application. Materials are palletized or stored in bins. This provides organization to the site and minimizes unsightliness resulting from blowing debris. A natural tree line exists on the northeast side of the activity area and provides a buffer between the existing residence located along U.S. Highway 24/40 and the subject property.

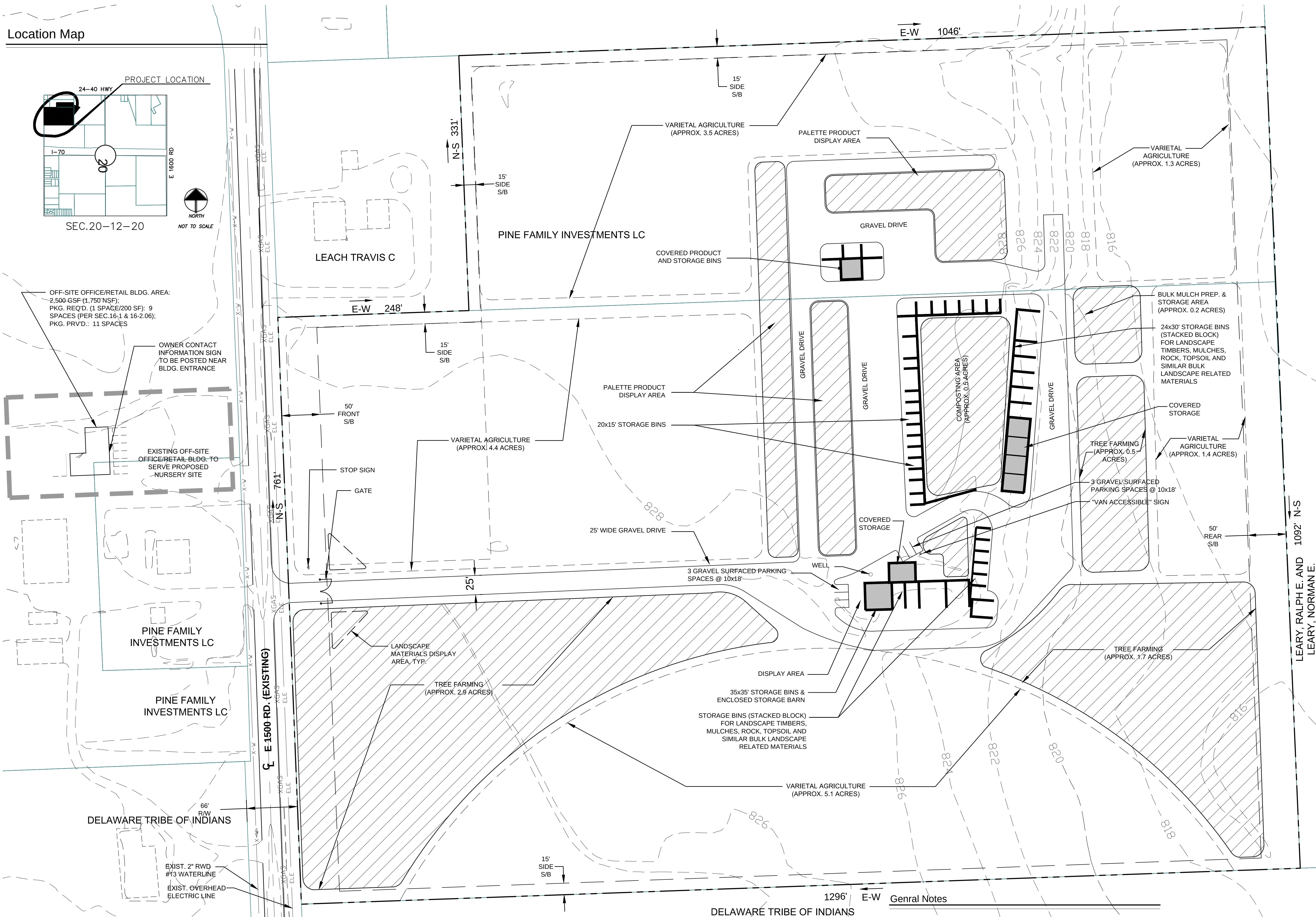
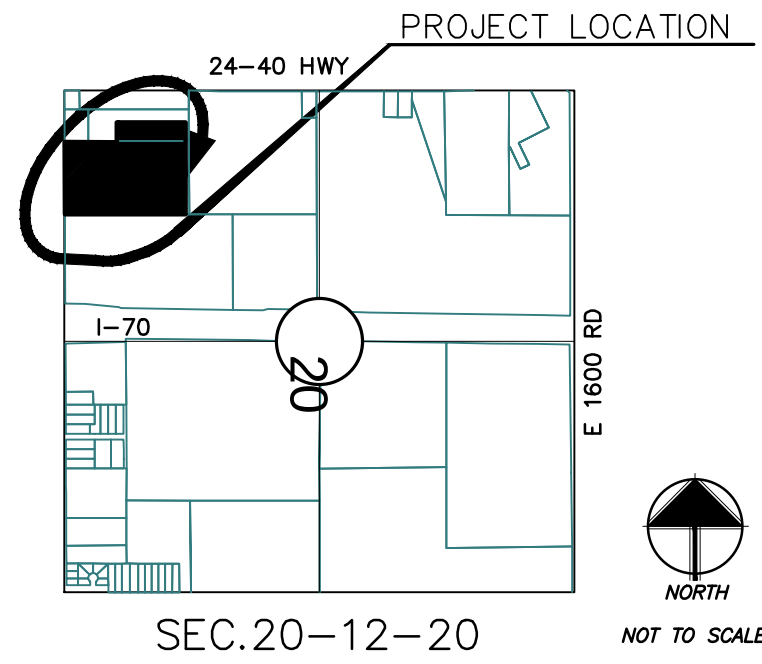


Conclusion

This application updates the site with the current operations and extends the approval of the operation into the future. Improvements to the site are limited allowing for flexibility and use of the property as demands change for various landscape materials.

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Location Map



Legal Description

GENERALLY, THE SOUTH 23 ACRES OF THE NW 1/4 OF THE NW 1/4 OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 20; THENCE NORTH, ALONG THE WEST LINE OF SAID QUARTER SECTION, 761 FEET; THENCE EAST, 248 FEET; THENCE NORTH, 331 FEET; THENCE EAST, 1046 FEET; THENCE SOUTH, 1092 FEET TO THE SOUTH LINE OF THE NW 1/4 OF SAID QUARTER SECTION; THENCE WEST, ALONG SAID SOUTH LINE, 1296' TO THE POINT OF BEGINNING. CONTAINS 30.60 ACRES, MORE OR LESS.

Site Summary

GROSS SITE AREA:	1,332,829 S.F. / 30.60 AC.
EXISTING ENCLOSED BUILDING AREA:	5,556 S.F. / 0.13 AC. (1%)
REMAINING OPEN SPACE AREA:	1,327,273 S.F. / 30.47 AC. (99%)

Parking Requirements

PARKING REQUIRED (1 SP / 2 EMPLOYEES):	1 (PER SEC. 16-1 AND 16-2.06)
PARKING PROVIDED:	6
ACCESSIBLE PARKING REQUIRED:	1
ACCESSIBLE PARKING PROVIDED:	1

Genral Notes

- OWNER: SUE A. PINE, TRUSTEE AND PINE FAMILY INVESTMENT LC 1783 E 1500 RD. LAWRENCE, KS 66044
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DR. LAWRENCE, KS 66049
- TOPOGRAPHY OBTAINED FROM M.J. HARDEN 2003 AERIAL SURVEY
- EXISTING LAND USE: AGRICULTURE
- PROPOSED LAND USE: AGRICULTURE/NURSERY AND ANCILLARY PRODUCT STORAGE, DISPLAY AND LOADING.
- EXISTING ZONING: "A" COUNTY AND B-2
- NO PART OF THIS PROPERTY IS LOCATED IN THE FLOODPLAIN PER FEMA FIRM NO. 20045C0176E, EFFECTIVE DATE SEPTEMBER 2, 2015
- FUTURE BUILDINGS CONSTRUCTED ON SITE ALLOWING PUBLIC ACCESS (IF ANY) SHALL BE CONSTRUCTED PER THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
- PRINTED MATERIAL SHALL BE AVAILABLE AT THE RETAIL SALES OFFICE TO HELP DIRECT CUSTOMERS

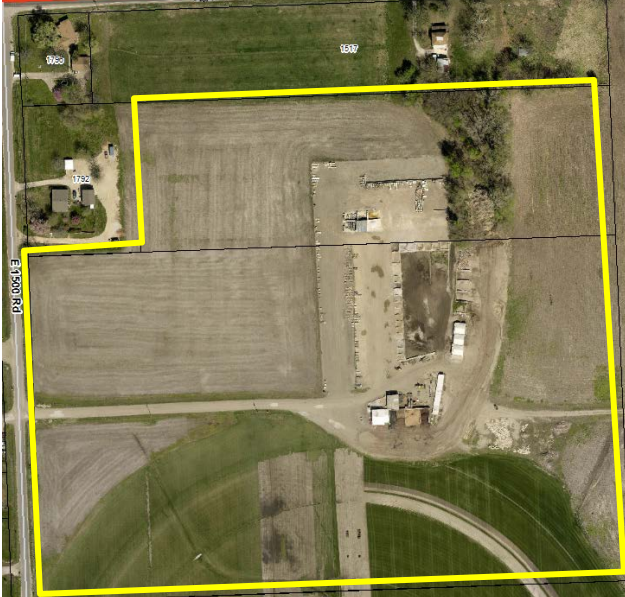
A CUP Plan for
**PINE FAMILY
TREE NURSERY**
Douglas County, Kansas

**PINE FAMILY TREE NURSERY
CONDITION USE PERMIT
1783 E. 1500 RD
LAWRENCE, KANSAS**

REV	DATE	DESCRIPTION
1	03/29/16	CITY COMMENTS
2	04/12/16	CITY COMMENTS

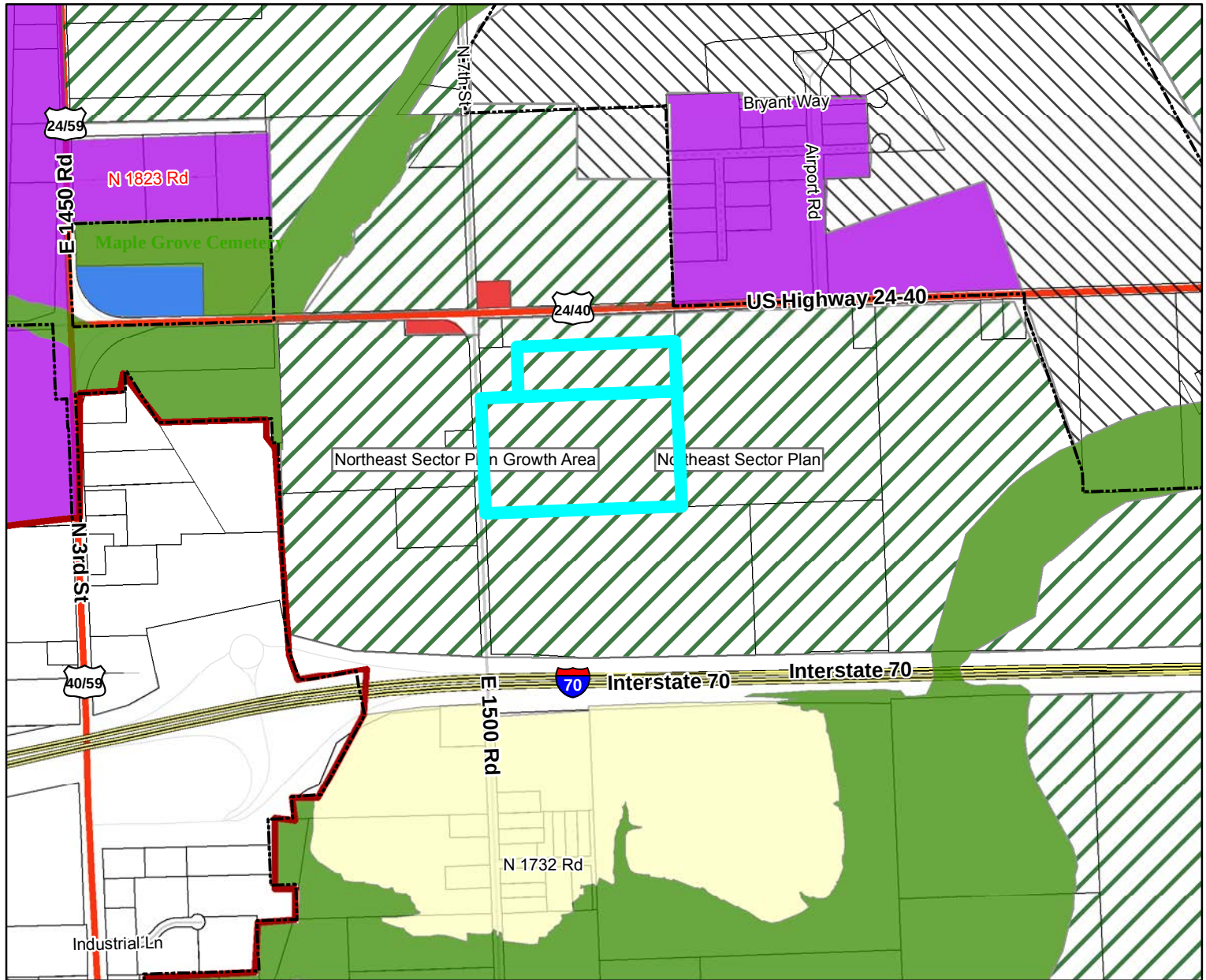
DATE: February 22, 2016
PROJECT NO.: 20163004
DESIGNED BY: CLM
DRAWN BY: MSW
CHECKED BY: BZ

ISSUE	SHEET NO.
A	1
OF 1 SHEETS	

1995 	2003 	2006 
2012 	2014 	Notes: • Subject property highlighted in yellow. • Majority of property used for agricultural purposes.

Future Land Use Map

Northeast Sector Plan



Legend

--- City Limits

□ Parcels

Boundaries: Plan Areas

□ Plan Boundary

Plan Name

▬ Northeast Sector Plan Growth Area

▨ Traditional Neighborhood Development Option

Proposed Land Use

Land Use Description

▨ Agriculture

▨ Airport

■ Auto-Related Commercial

■ Commercial

▨ Commercial - Lake Oriented

▨ Commercial - Neighborhood

▨ Commercial Center - CC600

▨ Community Commercial

▨ Green Space Buffer

■ High-Density Residential

■ Industrial

▨ Inner Neighborhood Commercial

■ KU Field Station

■ Low-Density Residential

■ Medium-Density Residential

■ Mixed Use District

■ Neighborhood Commercial

▨ Neighborhood Commercial Center

■ Office

■ Office/Industrial/Warehouse

■ Office/Research

■ Office/Warehouse

■ Open Space

■ Open Space/Floodplain

■ Park/Open Space

■ Public/Institutional

■ Residential/Office

■ Transport/Communication/Utility

■ Very Low-Density Residential

500 250 0 500 1,000 1,500 2,000

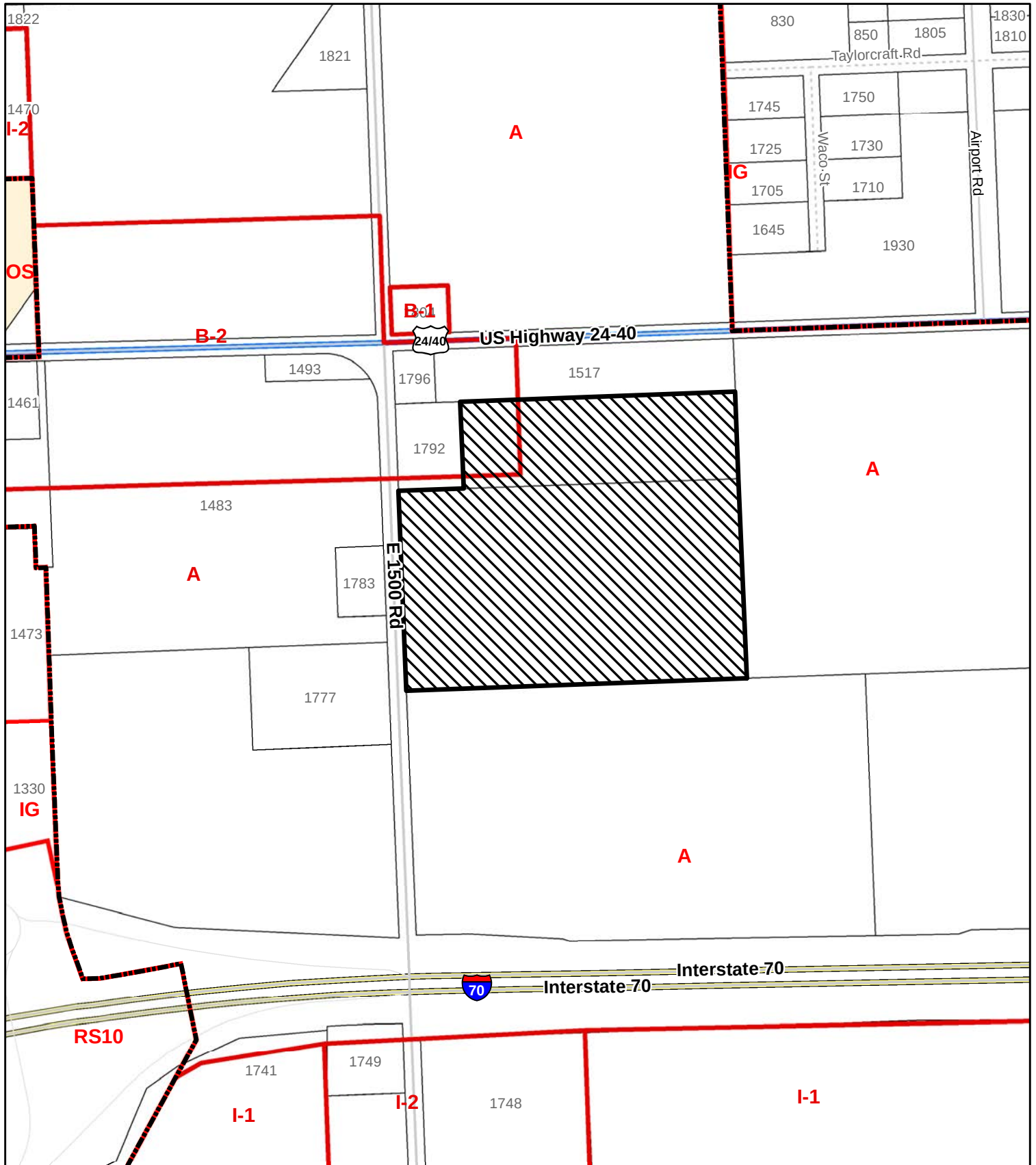
Feet

1 inch = 1,000 feet

DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 4/11/2016



CUP-16-00070: Conditional Use Permit for Renewal of Pine Family Tree Nursery, Landscape Center, Located at 1782 E 1500 Road

**ITEM NO. 4 CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD
(SLD)**

Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. CL Maurer, Landplan Engineering, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the Conditional Use Permit, CUP-16-00070, for a *Retail Nursery* and forwarding it to the County Commission with a recommendation for approval subject to the following condition(s):

- 1) Provision of a revised site plan to include the following notes:
“Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County Commission with notice to surrounding property owners.”

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PLANNING COMMISSION REPORT

Regular Agenda – Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 5A: A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

Z-16-00067: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record

STAFF RECOMMENDATION: Staff recommends denial of the rezoning request for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"The subject property has been a borrow area for the South Lawrence Trafficway. Proposed use to continue the borrow area and recycle construction waste."

KEY POINTS

- The property is located within the planning area of the Southeast Area Plan; however, no future land use recommendations are provided for this property in the plan.
- The area in this rezoning request is part of an approximately 124.8 acre parcel. The southern 47.3 acres of the parcel are not included in this rezoning or development proposal. This remnant acreage will be suitable for Agricultural use, but will need to be subdivided per the provisions in the Subdivision Regulations to be eligible for a Building Permit.
- Per Section 12-319-4 of the *Zoning Regulations for the Unincorporated Territory of Douglas County*, a borrow pit requires approval of a Conditional Use Permit. The borrow pits for the South Lawrence Trafficway were processed as Temporary Business Uses to accommodate the construction schedule of the South Lawrence Trafficway (SLT). Continued use of the borrow pit requires approval of a Conditional Use Permit as a *Mining and Excavation* use. A Conditional Use Permit application and plan have been submitted and will be considered at the April Planning Commission meeting in conjunction with this rezoning request. The CUP plan serves as the overall site plan for the facility.

ASSOCIATED CASES

- PP-16-00068: One-lot plat for property to be included in the recycling facility.
- CUP-16-00069: Conditional Use Permit for the *Mining and Excavation* use, the borrow pits, and for a *Single-Family Dwelling in the Industrial District*. CUP approval of the residence will prevent the existing residence from becoming a nonconforming use if the rezoning request is approved.

These associated cases were submitted as part of this development project and are also being considered at the April, 2016 Planning Commission meeting.

OTHER ACTION REQUIRED

- Board of County Commissioners' approval of rezoning request and adoption/publication of rezoning resolution.
- Board of County Commissioners' approval of the Conditional Use Permit.
- Application for and issuance of permit for the Conditional Use by the Zoning and Codes Office.
- Submittal of Final Plat for administrative review.
- Recording of Final Plat with the Douglas County Register of Deeds, when approved.
- Application for and issuance of building permits by the Zoning and Codes Office prior to development.

ATTACHMENTS

Attachment A: Zoning map

PUBLIC COMMENT

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

Project Summary

The original parcel was a quarter section that was divided with right-of-way for the South Lawrence Trafficway. The subject property is to the south/southeast of the recently constructed trafficway. A construction materials recycling facility is proposed on the northern 77.5 acres of the parcel and the remaining acreage to the south will remain in agricultural production.

The remainder of the parcel to the south has frontage on N 1250 Road and E 1750 Road and can be subdivided in the future. The subdivision required will depend on the future land use proposed: a Certificate of Survey will be necessary to accommodate residential uses and a Plat will accommodate non-residential uses. As the future land use for this portion is not known, it would be premature to subdivide it at this time.

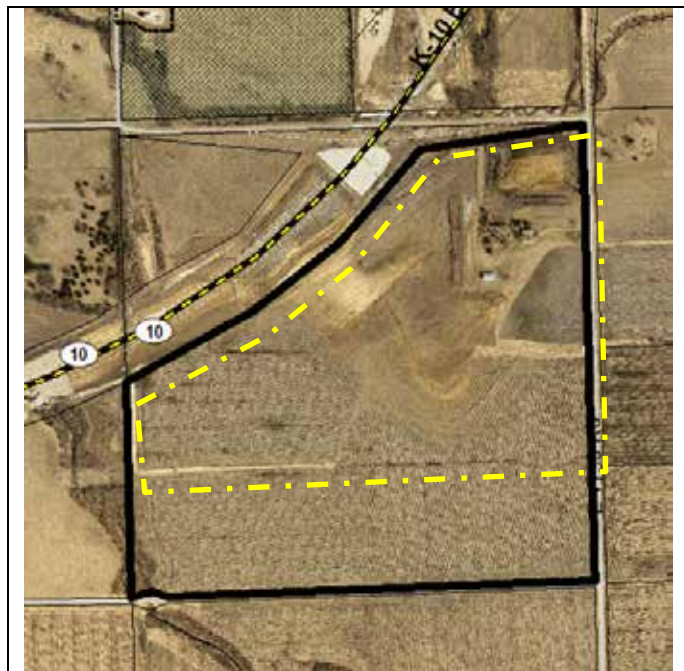


Figure 1. Property within rezoning request. Parent parcel (124.8 acres) is outlined, subject of rezoning request (77.5 acres) is outlined in yellow dashed line.

The property contains a *Single Family Dwelling*, which requires approval of a Conditional Use Permit in the Industrial Zoning Districts. The continued excavation from the borrow pits, which is classified as *Mining and Excavation*, requires a Conditional Use Permit in any zoning district. In addition to these uses, a construction materials recycling facility, contractor

shop/yard and a truck storage area is being proposed. These uses are permitted by right in the I-3 Zoning District with site plan approval. The plans submitted with the Conditional Use Permit application include all the proposed uses.

REVIEW & DECISION-MAKING CRITERIA

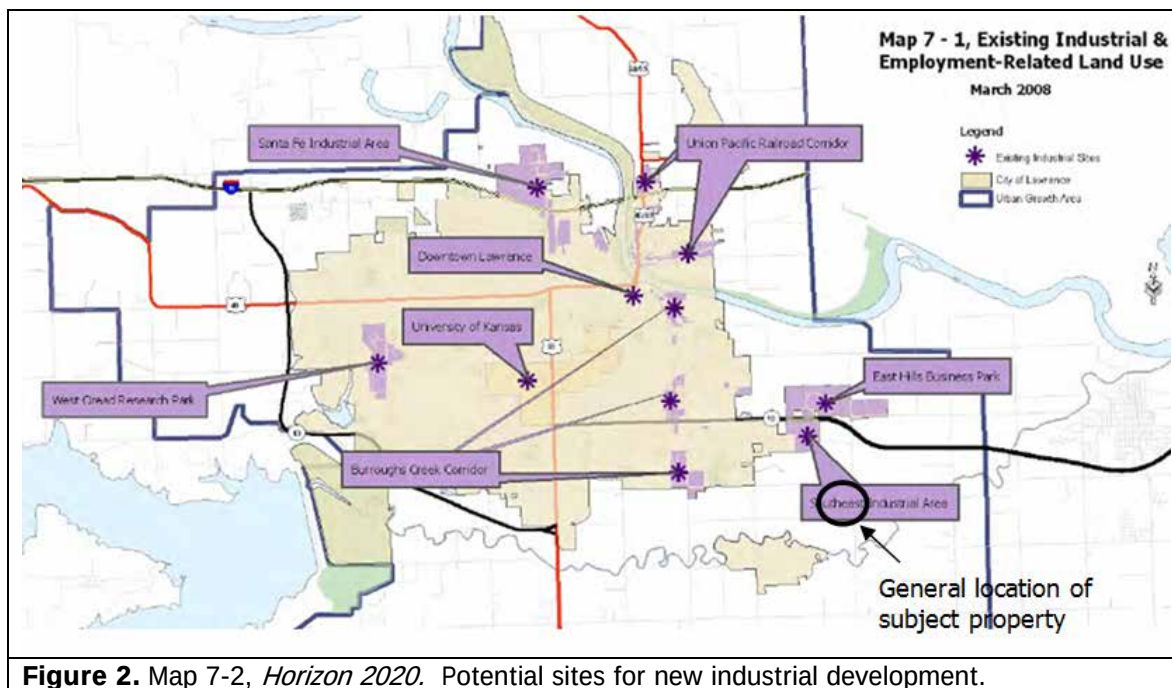
1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown Service Area 4. The surrounding area is shown Industrial to the north GPI & I-2. The area to the south is in the Valley Channel. The area to the east is being developed as a soccer complex and Valley Channel. The area to the west is farm land and South Lawrence Trafficway right of way."

The rezoning will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan. Area plans are incorporated into the Comprehensive Plan but these will be discussed in Section 4 of this report. Policies from the Comprehensive Plan are below, with staff comments in red.

Horizon 2020 includes a list of non-exclusive potential sites for new industrial development in Map 7-2 (Figure 2) and notes locations that are not on the map will be weighted against the general locational criteria. (Page 7-5, *Horizon 2020*).



The proposed site is not shown in the map for potential industrial uses so the request is reviewed with the criteria provided in the plan. The Comprehensive Plan recommends that new industrial development *substantially* meet the following general locational criteria for Industrial Development in Chapter 7 (Policy 2.1(1), Page 7-13, *Horizon 2020*):

- a. Have feasible access to Federal and State transportation networks
While the property is in close proximity to the K10 Bypass, also known as the South Lawrence Trafficway, direct access to the highway is not permitted in

this area. Figure 3 shows the road network in the area. Major Collector roads provide access to the K-10 Highway. The Traffic Study indicated these roads are adequate for the proposed traffic.

- b. Be of adequate parcel size, generally over forty acres;
The property, approximately 77 acres, meets this criterion.
- c. Lie primarily outside of the regulatory floodplain
The subject property is heavily encumbered with the regulatory floodplain (Figure 4).
- d. Have minimal average slopes.
The majority of the property has slopes of less than 3%. This criterion is met.

The property substantially meets the general locational criteria.



Figure 3. Subject property, outlined and marked with a star, has access to the highway system through E 1750 Road (Noria Road) and N 1360 Road (E 25th Street Extended) and E 1650 Road.



Figure 4. Regulatory floodplain on the property shown in pink. Lighter pink to the northeast is Zone A which does not have a Base Flood Elevation established.

Policy 2.1(2) goes on to list the specific criteria that a site proposed for industrial land uses should substantially meet:

- a. *Preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*

The site contains Floodplain as shown in Figure 4. The CUP/Site Plan shows borrow pits in these areas, but no storage of materials. No other environmentally sensitive areas are present.

- b. *Encourage natural stormwater management, including locations that permit direct discharge to the floodplain;*

Natural stormwater management will be utilized

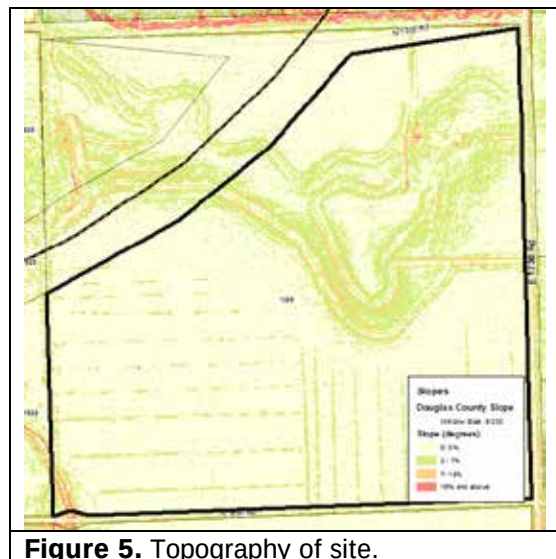


Figure 5. Topography of site.

on this site with the borrow pit serving as detention.

c. Have available and adequate utilities, infrastructure and services for the proposed use.

The property will utilize an on-site sewage management system (septic system) and well water. Property owners in the area raised concerns about the impact the additional water usage of the soccer complex to the east could have on the levels in their wells. As a result, the water usage of the soccer complex was limited until such time as it was served by a Rural Water District. Water usage will also be limited with this project. The proposed facility will have a small number of employees on-site and the limited water usage should be adequate.

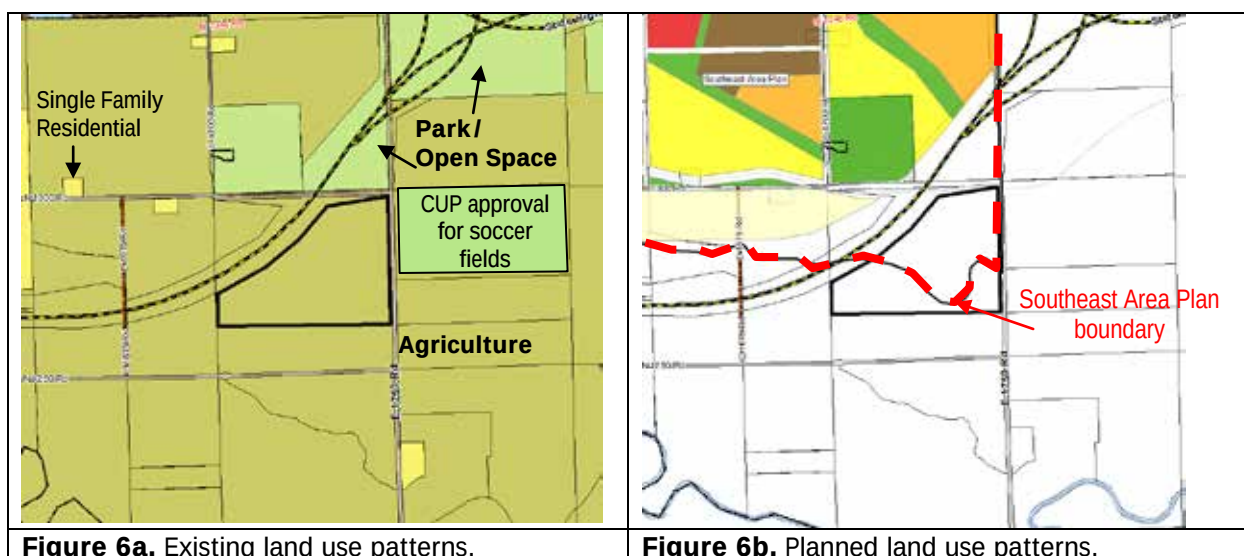
d. Be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;

Figure 6 shows the existing and approved land use patterns in the area and the land use patterns recommended in the *Southeast Area Plan*. In staff's opinion, a heavy industrial use would not be compatible with the existing recreational and wildlife conservation areas to the east and planned recreational uses to the north; nor with the low density uses recommended to the west of the highway with the *Southeast Area Plan*.

The property is adjacent to the K10 Highway/South Lawrence Trafficway and will be visible from the highway. While standards have not been adopted pertaining to the type of development that may occur along the highway, the Planning Commission expressed concern with the 'gateway' treatment along the highway and the aesthetics of proposed uses with other recent applications. In staff's opinion, the proposed construction materials recycling facility would not be an appropriate gateway use along the highway based on Planning Commission's previous discussions.

e. Be annexed before development if adjacent to municipal boundaries.

The site is not adjacent to municipal boundaries but is in the Lawrence Urban Growth Area and is within a sector plan that anticipates urbanization of the area.



Gateway Policies: The comprehensive plan defines a major gateway as an entrance to the city from other transportation facilities that often form a visitor's first impression of the community. (Page 2-18, *Horizon 2020*) The plan notes that East Hills Business Park

serves as the eastern gateway to the community and recommends that the City continue to examine future development plans for this area to ensure they reflect the image and quality the community seeks in gateway development. (Page 7-3 *Horizon 2020*) The plan also notes that the planned Southeast Industrial Area (on the south side of E 23rd Street/K-10 Hwy, south of East Business Park) will also serve as an eastern gateway to the community.

The subject property is located near the connection of the SLT/K10 Trafficway with the K10 Highway. This area would also be considered an eastern gateway to the community.

The plan provides the following recommendations for the airport industrial gateway area:

“As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning and design principles to make this area an attractive one. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.”

And provides the following general gateway recommendation when discussing the use of office research uses as appropriate land uses at gateways:

“Developments occurring at gateways to the community are required to be of high-quality design and visual character utilizing best management practices for site planning and design. Such developments are intended to promote an integrated and contextual design approach that minimizes unnecessary impacts, such as noise, odor, glare, or other similar intrusions to the community and surrounding neighborhoods.” (Page 7-10, *Horizon 2020*)

The intent is for development in a gateway area to be designed and landscaped in such a way as to provide an aesthetically pleasing and inviting appearance.

The plan recommends that developments at gateways into the city be designed not only to minimize negative impacts on neighboring properties but to provide an aesthetically pleasing and inviting appearance. In staff's opinion, the open nature of the proposed construction materials recycling facility could have negative impacts on surrounding properties. The open nature of the use would prevent the use of architectural treatments to improve the aesthetics of the use. In staff's opinion, the proposed construction material recycling facility would not be an appropriate use for this gateway area based on possible negative impacts and the aesthetics of the facility.

Staff Finding – The subject property is not shown on the map of potential locations for future Industrial and Employment Related Land Uses; therefore the location was reviewed with the general and specific criteria included in the Industrial Chapter, Chapter 7, of the Comprehensive Plan. The property is substantially compliant with the general locational criteria in this chapter; however, is not substantially compliant with the specific locational criteria. The property is not compliant with the criteria that the proposed industrial use be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses. The proposed construction material recycling facility would not be an appropriate use for a gateway area based on possible negative impacts to

neighboring properties and the aesthetics of the site. The proposed rezoning is not in conformance with the Comprehensive Plan as it is not substantially compliant with the specific criteria provided in the plan or with the recommendations for gateway development.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural), V-C (County Valley Channel) Districts with F-F (Floodway Fringe) District; Agriculture, and borrow pit that was approved as a Temporary Business use.

Surrounding Zoning and Land Use: To the north:

A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; *Agriculture, Residential Detached Dwelling*, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a *Minor Utility*, in the GPI District.

To the west:

A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, the SLT/K-10 Highway, and *Residential Detached Dwelling*.

To the east:

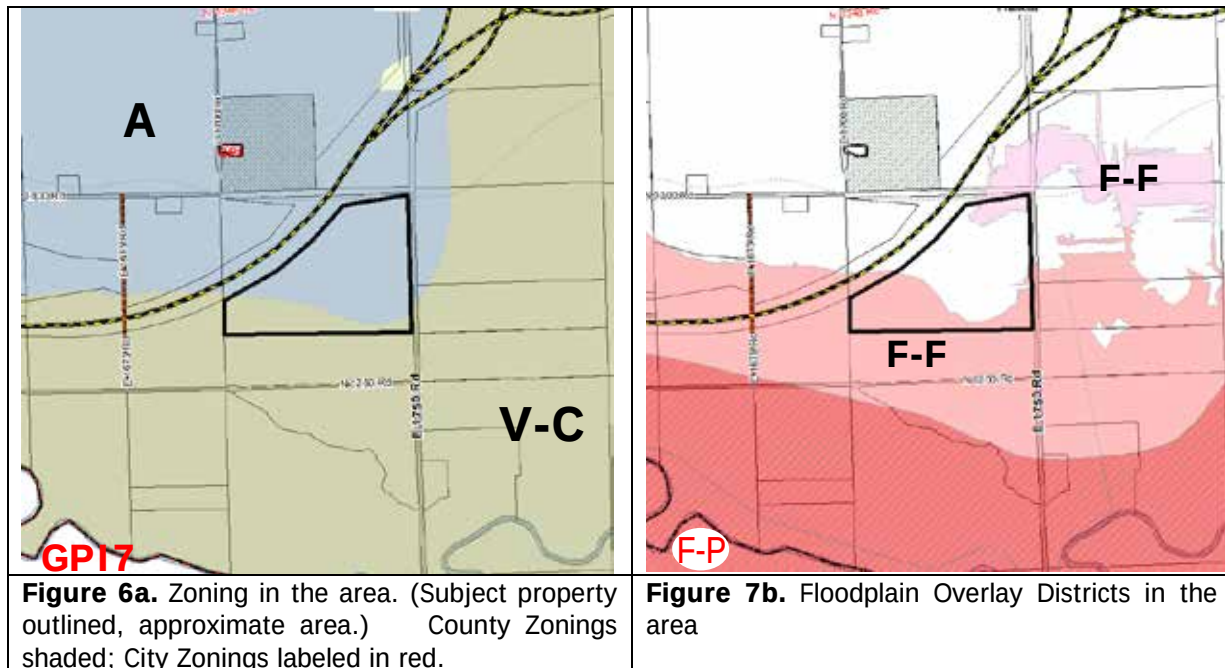
A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, northern parcel has Conditional Use approval for a soccer facility, *Athletic Field*.

To the south:

V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); *Agriculture*, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a *Major Utility*, currently under development in the GPI-FP District.

(Figures 7a and 7b)

Staff Finding –The surrounding properties are zoned A (Agricultural) or V-C (Valley Channel) and F-F (Floodway Fringe Overlay) Districts. Agriculture is the predominate land use with several recreational uses in the planning stages in the area (soccer facility to the east and City park to the north). Scattered residential uses are also located in the area. Heavy industrial uses would be incompatible with the approved recreational uses in the nearby area.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"This area is out in the county and the neighborhood is rural in nature and is farmland surrounding this area. The recycle area will have a small portion of the property to be used as farmland."

The area is located approximately 1 mile east of the eastern Lawrence city limits and is bounded on the south by the Wakarusa River Corridor and its associated floodplain and on the north by the K10 Highway. The recently constructed South Lawrence Trafficway, SLT/K10 Highway passes through the area from the west and connects to K10 Highway to the northeast of the subject property. Roads in the immediate area are 2 lane blacktop roads. Recreational uses are located throughout the area, with a future City park to the north of the subject property, a soccer facility to the east of the property (not yet developed but has development approvals), and a ski lake to the northeast. A private wildlife conservation area is located east of the soccer facility property. Industrial uses have been developed in the north portion of this area adjacent to the existing K10 Highway and E 25th Street.

Current and previous industrial uses in the area are shown in Figure 8. A 3.5 acre parcel north of the Trafficway (Parcel 1 in the figure) was rezoned from A to I-2 in 1999 with zoning application Z-8-27-99 and in 2000, a site plan, SP-07-49-00, was submitted and approved for Pioneer Stone, a decorative stone storage and sales facility. This use was classified as *Building Materials Storage and Sales* and was a permitted use in the I-2 Zoning District with approval of a site plan. Stone was to be stockpiled on the site for sales.

A recycling facility had previously been located on E 1750 Road just north of the current SLT/K10 Highway. (Parcel 2 in the figure) A rezoning to the I-3 District, Z-1-3-98, was requested along with a CUP application, CUP-1-2-98, for the recycling facility. The rezoning request was recommended for denial by staff was withdrawn. The Conditional Use Permit was approved for the recycling facility. The CUP had an expiration date of January 1, 2013 for the recycling facility and December 31, 2015 for the reclamation work. The staff report indicated that the CUP was used as a tool to allow the recycling facility on a temporary basis

without permanently rezoning the property to an industrial district. The staff report noted that the recycling facility was not included in the list of uses permitted with a CUP and noted that if it was proposed as a long term purely industrial use it would require industrial rezoning but if the use were of a temporary or interim nature the CUP would be appropriate. The staff report indicated that the temporary facility would be appropriate given the future gateway nature of the area.

The property identified with a '3' in the figure is a permanent recycling facility in the I-3 Zoning District. A contractor's shop and yard is located to the north, on property zoned I-2. Other industrial uses are to the west, within the City limits of Lawrence, and these include an asphalt/cement plant, the Douglas County Public Works facility and yard, and a KDOT facility for vehicle storage.

Staff Finding –

This rural area is characterized by the SLT/K10 Highway Corridor, open space/recreation uses, agriculture, and rural residences and to a lesser degree the Wakarusa River corridor to the south and industrial uses to the north along the existing K10 Highway and E 25th Street. Industrial uses had been located in the area in the past; however, in staff's opinion, heavy industrial zoning and uses would not be compatible with the character of the area in the location proposed but would be more appropriate located to the north with the existing industrial uses.

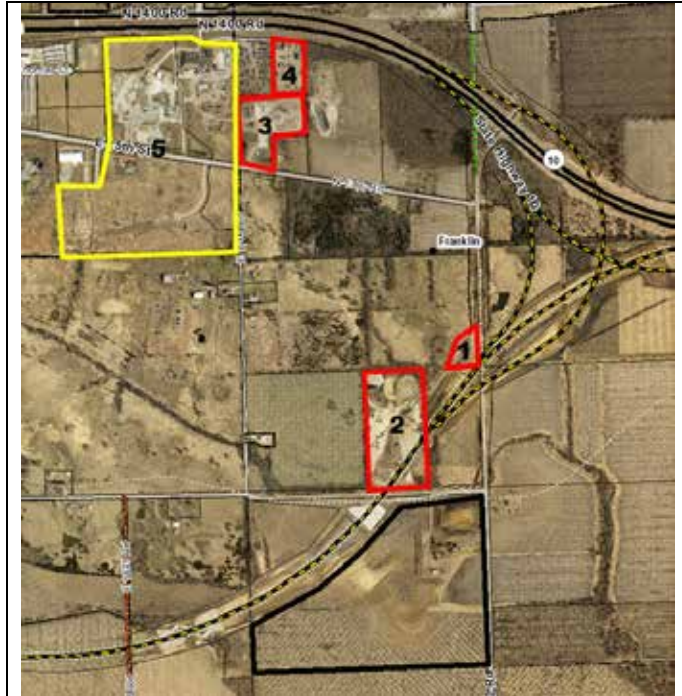


Figure 8. Current and previous industrial uses in the area:

1. Property zoned I-2 for a *Building Materials Storage and Sales* use (property is now almost entirely within the SLT/K10 right-of-way).
2. Construction Materials Recycling Facility, temporary use approved with a CUP. CUP expired in 2013.
3. Property zoned I-3 contains LRM Industries Recycling Facility (site plan approved in 2003).
4. Property zoned I-3 contains an excavating company contractor's office.
5. Property within City limits zoned PID (Planned Industrial Development) and IG (General Industrial) contains asphalt and concrete plant, Douglas County Public Works Facility and yard, and KDOT facility.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The northern portion of the subject property is located within the planning boundary of the *Southeast Area Plan*; however, the plan does not include any recommendations for this property. The plan shows the general location of the trafficway and the subject property was divided from the remainder of the planning area by the trafficway right-of-way. The drafters of the plan may have assumed that this area would be used primarily for right-of-way for the trafficway and therefore omitted recommendations for this parcel.

The *Southeast Area Plan* recommends very low density residential uses west of the subject property, across the SLT/K10 Highway, and recommends open space and low density residential to the north of the subject property, across the SLT/K10 Highway. (Figure 9) The proposed use, a construction materials recycling facility, will be an open use which will utilize a rock crusher and heavy trucks for hauling the construction debris and products throughout the site. In staff's opinion, heavy industrial uses and zoning, particularly an unenclosed use such as proposed, would not be appropriate in close proximity to the low density residential uses and open space uses recommended in the area plan.

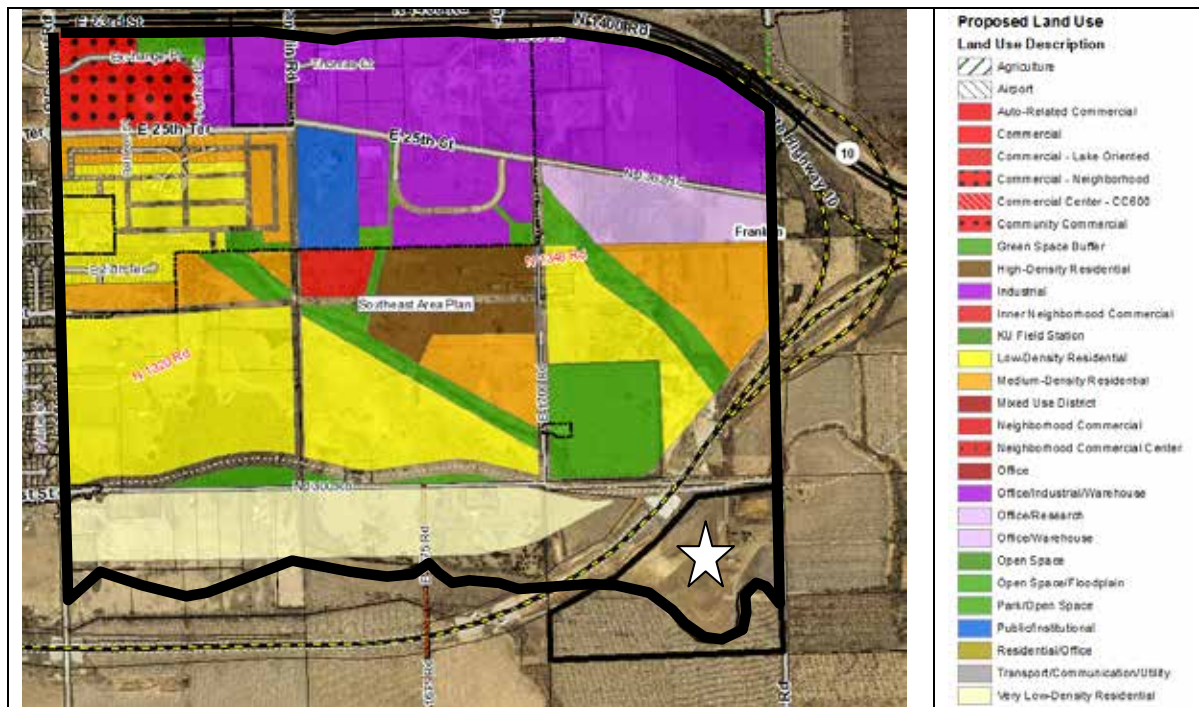


Figure 9. Land use recommendations in *Southeast Area Plan* for area. Planning area boundary outlined and subject property marked with a star.

Staff Finding – A portion of the subject property is located within the limits of the *Southeast Area Plan*; however, no recommendations were provided for the future use of the property. The plan recommends very low density residential uses to the west of the subject property and recommends open space and low density residential to the north; both across the SLT/K10 Highway right-of-way. In staff's opinion, heavy industrial uses and zoning, particularly an unenclosed use such as proposed, would not be appropriate in close proximity to the planned low density residential and open space uses.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"The use of the site for the past two years has been a borrow site for the newly constructed South Lawrence Trafficway. The existing site now has two small pond areas from the borrow site and will continue to have small ponds for the future which will be used for stormwater management. The rest of the area will be used for stockpiling and construction waste and recycle which is a better option than the landfill in the area."

The property is currently zoned A and V-C which permits agricultural uses as well as other low intensity uses in the County. The property is suitable for uses which are permitted within the A and V-C Districts.

The property is relatively level, as shown in Figure 4, and has been in use for a borrow pit, which is classified as *Mining and Excavation* in the Zoning Regulations. This use would require approval of a Conditional Use Permit regardless of the zoning. The residence would require a Conditional Use Permit only if the industrial zoning is approved.

Rezoning to the I-3 Zoning District is being requested for the operation of a construction materials recycling facility. The level topography of the site would be suitable for a recycling use; however, this use may not be compatible with the adjacent SLT/K-10 Highway and open space/ recreational uses.

Staff Finding – The property is well suited for the uses to which it is restricted with the A and V-C Zoning. The topography of the property would be suitable for the recycling use; however, in staff's opinion, the recycling use would not be compatible with the adjacent land uses: SLT/K-10 Highway and open space/ recreational uses.

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

Applicant's Response:

"The property has been used as a farm area prior to the borrow for the South Lawrence Trafficway."

Staff Finding – The property is not vacant. The Douglas County Appraiser's records indicate that the residence on the property was built in 1920. A temporary borrow pit was approved for the site to accommodate the construction of the SLT/K-10 Highway.



Figure 10. Existing residence

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"Approval of this rezoning application will not adversely affect the neighboring properties."

Rezoning to the I-3 District would allow the development of a construction waste recycling facility, or other heavy industrial use. The proposed use is an open use with exterior storage of the waste to be recycled and the resultant product. Heavy equipment will be used to move the material on the property and heavy truck traffic to and from the site is expected. The facility will utilize a rock crusher. The noise and dust created by the heavy equipment, the truck traffic and the rock crusher could detrimentally affect the planned recreational uses to the northwest and east, the approved soccer facility, and the future city park and may have an impact on the private wildlife conservation further to the east.

Ground water level is a principal concern of residents and property owners in the area as Rural Water is not available in this area. The amount of water that would be used with the rock crusher, or other uses on site would need to be limited to insure no detrimental impacts on residences in the area.

This area is considered a 'gateway' into the City of Lawrence. The Planning Commission supported the soccer facility to the east in part because of the aesthetics when seen from the trafficway. The proposed use would be an open industrial use and would not provide the aesthetics required by the Comprehensive Plan or as the Commission indicated they preferred along the trafficway.

Staff Finding – The rezoning to the I-3 District will permit heavy industrial uses on the subject property. This may have detrimental impacts to nearby properties by a reduction in groundwater level, unless water usage is limited; noise impacts to nearby recreational and open space uses, and a negative visual impact along the trafficway.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"Approval of this application will fill a need of the community for a better alternate to filling up the landfill with construction waste. This will provide a use for concrete, brick and stone that has not been able to be used other than filling the landfill."

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

Approval of the rezoning request would allow development of a recycling facility of clean construction rubble. Reusing these materials would benefit the public welfare by reducing the waste in the landfill and thereby extending the lifespan of the landfill. Recycling would also reduce the need for new materials and could help to maintain low costs for public and private construction projects.

Denial of the rezoning request would prevent the establishment of a heavy industrial use on the property, with potential noise and visual impacts, which would benefit the nearby properties. If the rezoning is denied, an alternate use/zoning may be proposed that would visually enhance this gateway area and have less negative impact on nearby properties.

Denial of the rezoning request would present some hardship to the property owners, as it would not be possible to develop the property with the proposed recycling facility. They could, however, continue with the CUP application for the continued use of the borrow pits and the property could also be used for other uses which may be more compatible with the residential and recreational/open space uses in the area.

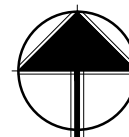
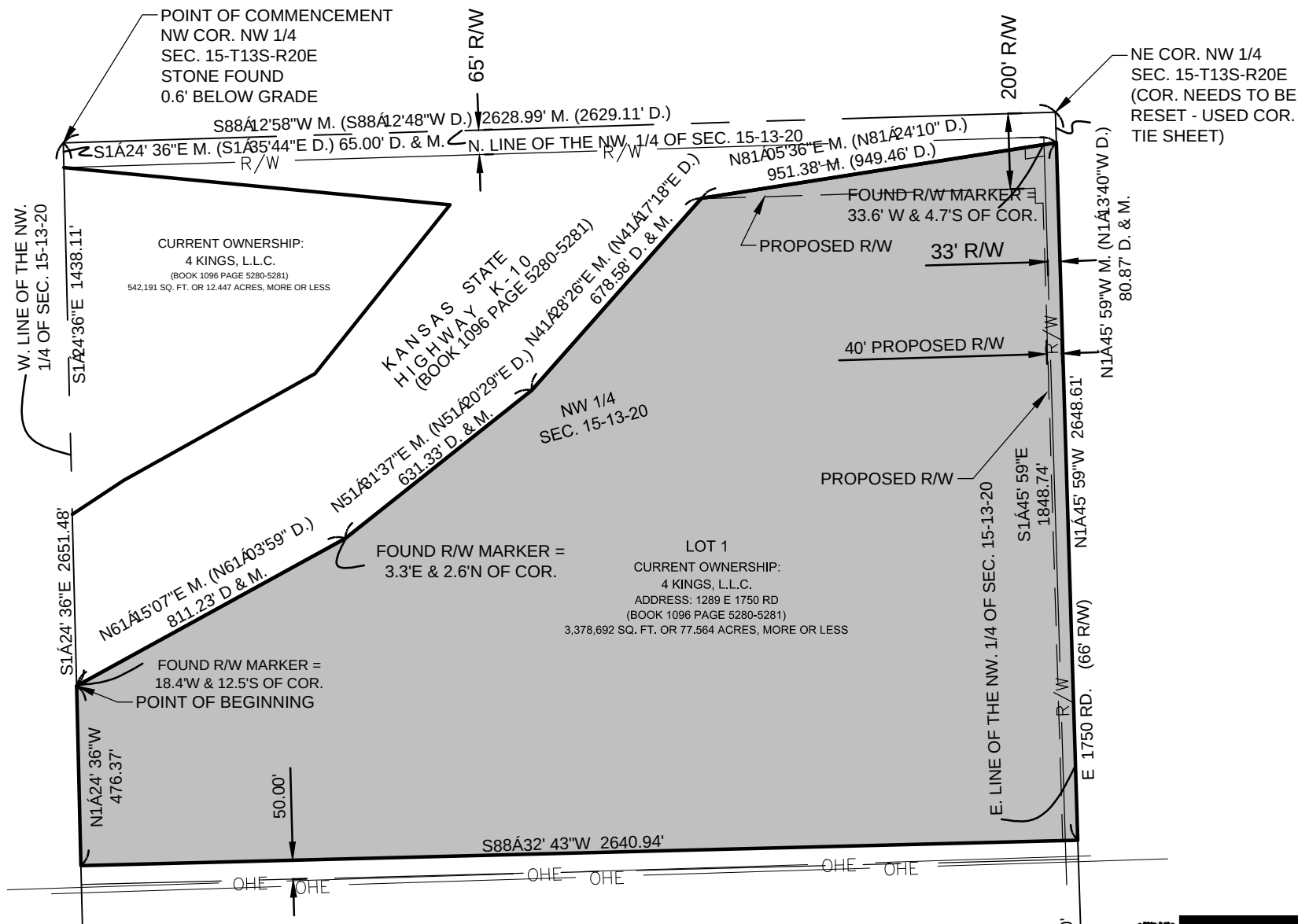
Staff Finding – Approval of the rezoning request would provide a recycling facility for construction clean rubble which would benefit the public welfare by keeping these materials out of the landfill and extending the life of the landfill and reducing the need for new materials. The denial of the rezoning request would benefit the nearby properties by preventing the negative impacts from the noise, truck traffic, and dust associated with the recycling facility and would prevent the negative visual impacts the facility would have on the trafficway area. The denial of the rezoning request would create some hardship for the applicant as they would need a new location for the recycling facility but they could continue with the CUP application for the *Mining and Excavation* to continue the use of the borrow pits

and could develop the property with a use that is more compatible with the existing and approved uses in the area.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. This report finds that the rezoning request is not substantially compliant with criteria for industrial development provide in Chapter 7 of *Horizon 2020*. The request is also not compatible with the character of the area, the land use recommendations in the Southeast Area Plan for nearby properties, or with existing and planned uses in the area. In addition, the rezoning request may have negative impacts on nearby properties. A more appropriate location for the heavy industrial use is located in the north portion of this area, along the existing K10 Highway and E 25th Street. Based on these factors, staff is unable to recommend approval of the rezoning request and recommends that the Planning Commission forward the rezoning request to the Board of County Commissioners with a recommendation for denial.





NORTH
SCALE: 1" = 400'

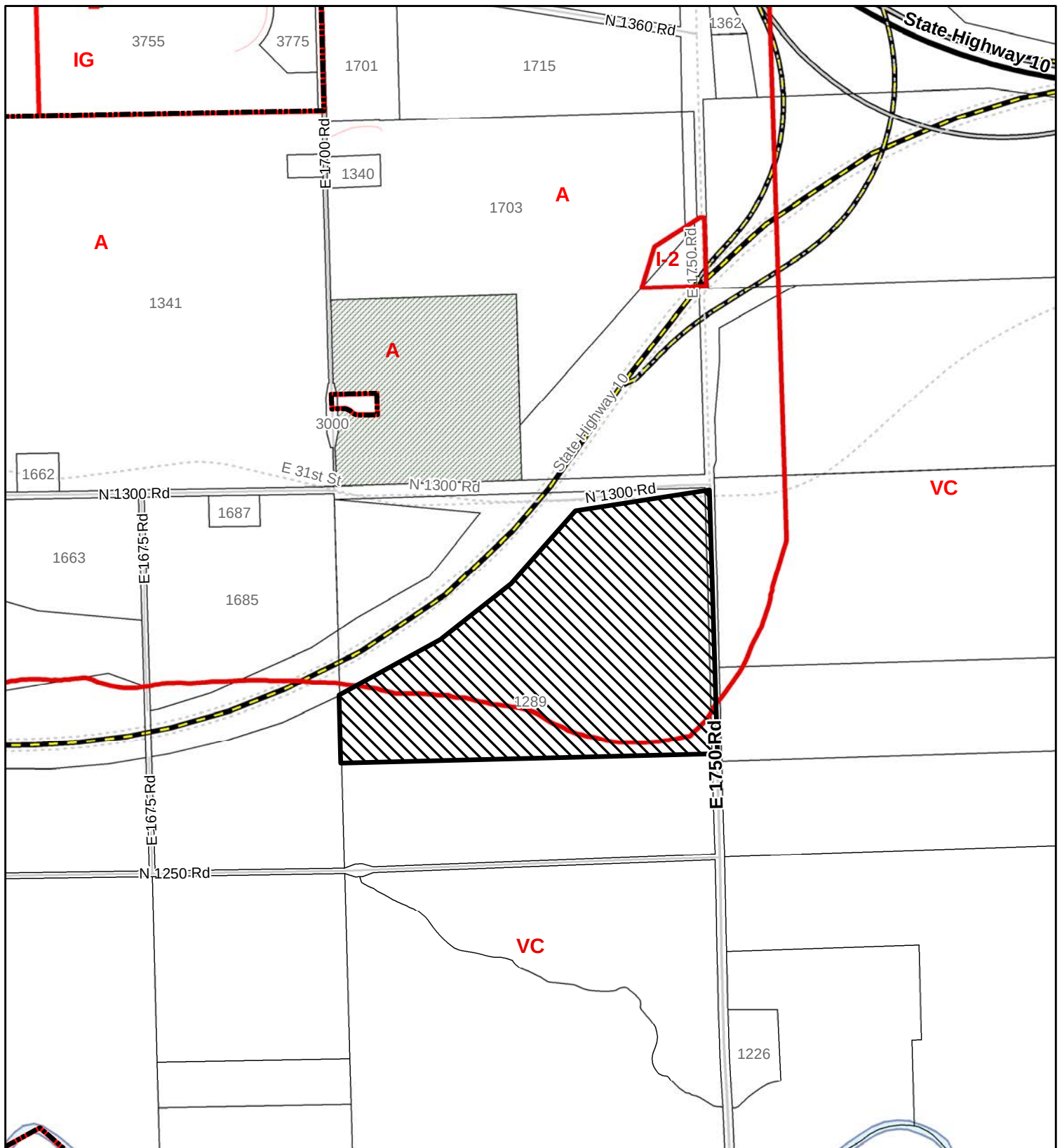
KING'S RECYCLING CENTER
REZONING EXHIBIT A TO I-3

SHEET 2 OF 2



LANDPLAN ENGINEERING

Lawrence, KS • Kansas City, MO • The Woodlands, TX
1310 Wakarusa Drive, Suite 100
Lawrence, Kansas 66049
785.843.7530(p) | 785.843.2410(f)
info@landplan-pa.com | www.landplan-pa.com



Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District

PP-16-00068: Preliminary Plat for Four King's Subdivision

CUP-16-00069: Conditional Use Permit for King's Recycling Center
Located on the Southwest Corner of E 1750 Road and N 1300 Road



ITEM NO. 5A A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **Z-16-00067**: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5B PRELIMINARY PLAT FOR KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **PP-16-00068**: Consider a Preliminary Plat for Four King's Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5C CONDITIONAL USE PERMIT; KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **CUP-16-00069**: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 5A-5C at the same time.

APPLICANT PRESENTATION

Mr. CL Mauer, Landplan Engineering, said the King Family had been in the area for 30 years. He said the area had already been disturbed. He said it contained clay and that there were very few places in Lawrence to get borrow pit material. He said the highway was 30' higher and created a natural berm. He said it created a visual berm for power lines along the South Lawrence Trafficway (SLT). He said ducks were visible on the ponds during the highway construction and not bothered by noise. He talked about the decibel levels on the trafficway and took several readings on his phone while sitting on the SLT near the turnpike entrance. He stated noise would be there whether this project was approved or not. He showed pictures and video on the overhead. The video showed what a driver would visually see driving east and west on the highway.

Mr. Kent King, King Construction, said they wanted to keep the area as rural as possible. He said lean clay was important to the construction trade and that it was a benefit to be able to recycle construction materials. He said it was a resource instead of going to the landfill. He said the crushing machine had a magnet to pull out the steel and would be no louder than the South Lawrence Trafficway (SLT). He said the area had been changed by the SLT. He said Mr. Maurer talked to the neighbors and that they were not against this but did ask for a berm, which would be included.

PUBLIC HEARING

Ms. Karen Heeb, South Siders Neighborhood Association, said she was not against the King family but felt the location for rock crushing recycling was not appropriate. She agreed with the information in the staff report. She did not feel that the use fit the Horizon 2020 plan. She said RD Johnson had a recycling plant less than a mile from this location. She expressed concern about increased traffic and noise.

Mr. Joe Comparato, Jambars Futbol Club, said he had no objections to the business but expressed concern about rezoning to industrial for future uses.

APPLICANT CLOSING COMMENTS

Mr. Maurer said regarding the zoning of the area, everything south was zoned VC (Valley Channel) so no other industrial use could be out there.

Mr. Brian King responded to Ms. Heeb's comment about their recycling center being so close to another one by stating that most towns have recycling centers located near each other. He said Topeka had three recycling centers next to each other.

Ms. Taylor Norris responded to the comments about increased traffic. She said their primary working hours would be 7:00am-4:00pm Monday-Friday so the soccer traffic would not be at the same time.

COMMISSION DISCUSSION

Commissioner Pennie von Achen arrived at the meeting at 7:57pm.

Commissioner Sands asked if the area plan extended into this section and what the recommendation was.

Ms. Miller said the area plan did extend to this area but had no recommendations. She said she assumed that was because the South Lawrence Trafficway was proposed to be there.

Commissioner Kelly said the city had already zoned a large portion of the area north of this property for industrial. He asked the applicant if he was making the most of the property for the borrow pit. He wondered if the applicant had interest in moving to the area zoned along K-10 highway.

Mr. King said no.

Commissioner Britton asked if the recycling use had a time limit.

Ms. Miller said it would be an allowed use.

Commissioner Britton wondered about building in a time frame for review or expiration.

Mr. McCullough said the applicable process would be the site plan process through the County Commission if it is rezoned to industrial. He said any use would have to comply with the zoning district and any improvements would go through the site plan process.

Commissioner Sands asked about plans for sector plans along the South Lawrence Trafficway.

Mr. McCullough said there were plans for most of the South Lawrence Trafficway. He said it was not anticipated for this property to urbanize.

Commissioner Sands inquired about the area north of 1300 Rd that looked to be temporary in nature for the purpose of supporting the construction of the highway extension.

Ms. Miller said it was owned by KDOT. She said that site had a former Conditional Use Permit for a recycling facility.

Commissioner Kelly said he was struggling with the concept of gateway. He stated the Comprehensive Plan did not provide much guidance to determine a gateway. He said the argument was challenging.

Commissioner Britton said the plan just identifies that it is a gateway. He said it was hard to draw the line of where it starts and stops. He said the soccer fields were a bonus to the aesthetics of a gateway. He said Mr. Maurer's video of what people would see from the South Lawrence Trafficway was enlightening.

Commissioner Kelly said part of their job was planning. He said this may not be taking the best use of planning. He said this industrial use may be okay but other uses would be permitted.

Commissioner Carpenter expressed concern about limitations of water. He said potential uses could pollute ground water. He said this area was near floodplain and in an isolated area.

Commissioner Butler asked where the other recycling center near this location was at.

Mr. Maurer pointed on the map displayed on the overhead. He said it was a mile north of the site they were talking about.

Commissioner Butler asked how long the King's had owned the property.

Mr. Maurer said three years.

Commissioner Carpenter said the property was not in the city and did not have stormwater. He said it would be reliant on possible future rural water and septic system. He expressed concern about a septic system with the other potential uses of industrial.

Mr. Maurer said there were detention ponds in the area. He said the Rural Water District had already purchased an easement from the King's at the corner of 31st Street and 1750 Road. He said the King's would have minimal water usage. He said the crusher and water trucks would use pond water. He said he would prefer to only have a Conditional Use Permit but it required rezoning to I-3.

Commissioner Britton asked why the rezoning was necessary versus a Conditional Use Permit.

Ms. Miller said the use was most similar to concrete plants. She said it was not just like quarrying because it was bringing material to the site.

Commissioner Liese reiterated the staff report findings.

ACTION TAKEN on Item 5A

Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to deny the rezoning request, Z-16-00067, for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

Commissioner Britton felt denial was the appropriate call due to potential industrial uses in the future. He said he heard good arguments to have this operation but that it was for County Commission to determine. He said he was inclined to follow the staff recommendation of denial.

Commissioner Culver said it was a unique piece of land and that rezoning it to heavy industrial was concerning for the long term.

Commissioner Sands felt they had a responsibility to consider what this would look in 10 years.

Commissioner Carpenter said he was not opposed to the King business. He wished there was some other way to continue the use without rezoning this location.

Commissioner Struckhoff said he would support the motion for denial mainly due to the non-contiguous I-3 rezoning request and the possibilities that extend there. He appreciated the recycled materials that the King's produced. He wanted to support the business, but not the zoning at this location.

Motion carried 7-1-1, with Commissioner Butler voting against the motion. Commissioner von Achen abstained due to her late arrival at the meeting.

ACTION TAKEN on Item 5B

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to deny the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, based on the findings of fact found in the body of the staff report.

Commissioner Kelly withdrew his motion for denial, seconded by Commissioner Liese to withdraw the motion for denial.

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, until the Board of County Commissioners acts on the rezoning.

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

ACTION TAKEN on Item 5C

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report.

Commissioner Culver asked if condition 3 would still apply to this Conditional Use Permit since it was related to the recycling facility.

Commissioner Kelly amended the motion, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report, except for conditions 3 and 6 which were related to the recycling facility.

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner's approval.
2. Commercial truck traffic to the facility is limited to the following roads:
E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
- ~~3. Only clean construction rubble shall be stockpiled or processed on the site.~~
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
- ~~6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:~~
 - ~~a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.~~
 - ~~b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.~~
 - ~~c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.~~
 - ~~d. List Conditions No. 1-5 on the plan.~~

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

DRAFT

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
4/25/16

ITEM NO. 5C CONDITIONAL USE PERMIT; KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

CUP-16-00069: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF RECOMMENDATION: Staff provides the following recommendations on the items included in the CUP plans:

1. Staff recommends approval of the Conditional Use Permit for the Borrow Pit.
2. Staff recommends approval of the Conditional Use Permit for the residence within an Industrial Zoning District, if the I-3 Zoning request is approved.
3. Staff recommends denial of the site plan for the recycling facility *unless* the I-3 Zoning request is approved. If the I-3 Zoning request is approved, staff would recommend approval of the site plan.

These recommendations are subject to the following conditions:

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner's approval.
2. Commercial truck traffic to the facility is limited to the following roads:
E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
3. Only clean construction rubble shall be stockpiled or processed on the site.
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:
 - a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.
 - b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.
 - c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.
 - d. List Conditions No. 1-5 on the plan.

Reason for Request: *"Develop a Recycle Center for Construction Material."*

KEY POINTS

- The application is for the approval of two Conditional Uses, a borrow pit which is classified as a *Mining and Excavation* use and a residence that, if the property is rezoned to an industrial district, requires approval as a Conditional Use. This report will evaluate these two Conditional Uses for conformance with the Golden Factors. The CUP plans include the construction materials recycling facility, that will be located on the site if the associated rezoning request to the I-3 District is approved. The recycling facility will not be included in the discussion of the Golden Factors in this report, as it was included in the discussion in the I-3 rezoning report, but will be discussed in the Site Plan section at the end of the report.
- A Borrow Pit is classified as a *Mining and Excavation* use and requires approval of a Conditional Use Permit. Borrow pits associated with the K10 Bypass (SLT) were approved through the Temporary Business Permit process. A Temporary Business Permit requires approval of the Board of County Commissioners but does not require a public hearing before the Planning Commission. This process was used for these borrow pits to expedite the reviews in conjunction with KDOT's construction schedule for the bypass. This borrow pit was approved with Temporary Business Use Permit ZTBU-2013-0006 on November 27, 2013. This permit will expire on October 21, 2016. The continued use of the borrow pit beyond that date requires approval of a Conditional Use Permit.
- A caretaker or manager's residence is permitted in the I-3 District; however, a single-family residence that is not accessory to an industrial use requires approval of a Conditional Use Permit. The residence on the site is not planned to serve as a caretaker or manager's residence; therefore, it is included in the Conditional Use Permit application. A Conditional Use Permit is required for the residence only if the I-3 Zoning request is approved.
- The recycling facility will include an office, scale house, rock crusher, and stockpile/sales areas for raw and recycled construction materials. The recycling of construction materials is not specifically defined in the list of permitted uses, but is most similar to the *Concrete Central Mixing And Proportioning Plant* in operational characteristics and impacts. These uses are permitted in the I-3 District with approval of a site plan.

ATTACHMENT

- A --CUP Plans
- B --Traffic Impact Study (TIS)

OTHER ACTION REQUIRED

- Approval of the Conditional Use application and Site Plan by the Board of County Commissioners.
- Applicant shall obtain a permit for the Conditional Use from the Zoning and Codes Office prior to commencing the use.
- Applicant shall obtain building permits from the Zoning and Codes Office prior to construction of structures.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (County-Floodway Fringe Overlay) District;

Residential Detached Dwelling, Mining and Excavation (borrow pit), and *Agriculture*. A rezoning request to the I-3 (Heavy Industrial) District has been submitted and is being considered by the Planning Commission at their April meeting concurrently with this Conditional Use Permit application.

Surrounding Zoning and Land Use:
(Figure 1)

To the north: A (County-Agricultural) District with F-F (Floodway Fringe) Overlay District / and GPI (City-General Public and Institutional Uses) District; *Agriculture, Residential Detached Dwelling*, undeveloped City park, the SLT/K10 Highway, / and a sanitary sewer pump station, a *Minor Utility*, in the GPI District.

To the west: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, the SLT/K-10 Highway, and *Residential Detached Dwelling*.

To the south: V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) and F-W (Floodway) Overlay Districts / and GPI-FP (City-General Public and Institutional Uses with Floodplain Management Regulations Overlay District); *Agriculture*, the Wakarusa River corridor / and a City Wastewater Treatment Facility, a *Major Utility*, currently under development in the GPI-FP District.

To the east: A (County-Agricultural) and V-C (County-Valley Channel) Districts with F-F (Floodway Fringe) Overlay District; *Agriculture*, northern parcel has Conditional Use approval for a soccer facility, *Athletic Field*.

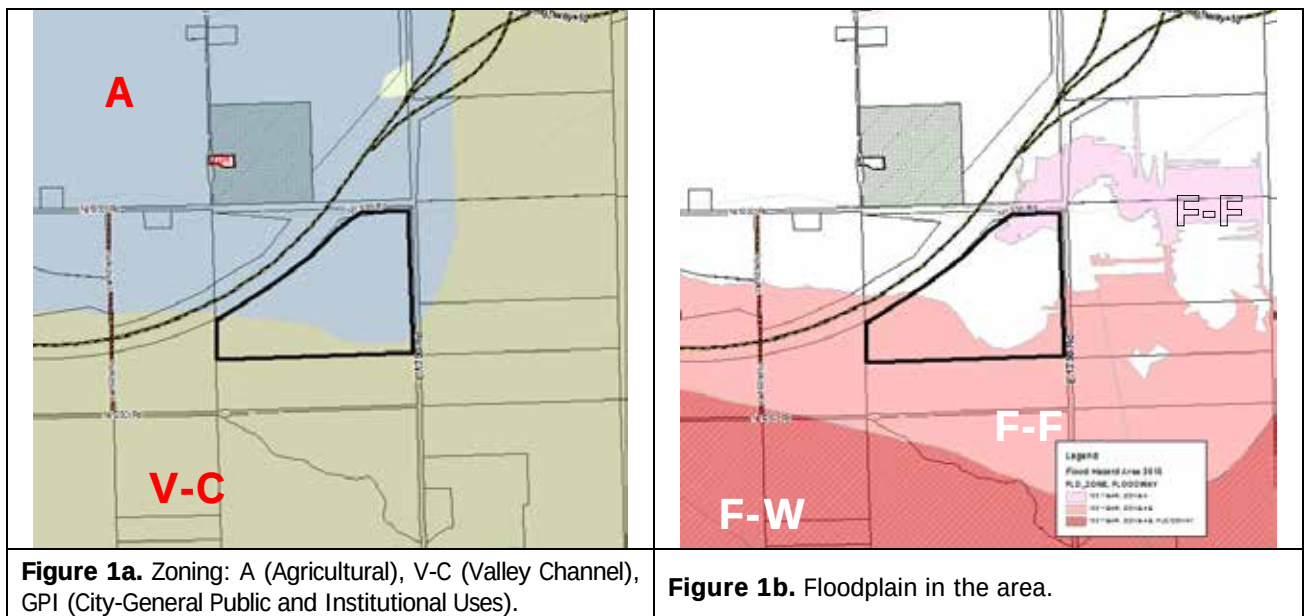




Figure 1c. Land Use in the area.

Summary of Request

The subject property, approximately 76 acres, is intended to be used for the storage of raw and processed construction materials associated with a construction materials recycling facility. A rock crusher will be on site to process the raw construction materials. A shop facility and a truck/equipment storage area will be included with the recycling facility. A borrow pit was approved for the property with the construction of the SLT/K10 Highway with a Temporary Business Permit to accommodate the construction schedule for the SLT/K10 highway. The continued use of the property for a borrow pit would require approval of a Conditional Use Permit (CUP). An existing residence on the site will remain. Some of the proposed uses require a rezoning to the I-3 (Heavy Industrial) District and site plan approval, and some require approval of a Conditional Use Permit. The following table lists the proposed uses and what approvals are required for each:

USE	Current A Zoning	Proposed I-3 Zoning
Residence	Permitted, no Planning Approvals required	CUP
Borrow Pit	CUP	CUP
Recycling Facility	Not allowed	Site Plan

The applicant indicated that the facility would recycle only clean construction rubble, no other materials will be brought to or stored on the site. The Kansas Department of Health and Environment define Clean Rubble as: “... *the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock, and uncontaminated soil as defined in rules and regulations adopted by the secretary.*” Clean Rubble will be brought to the site and a rock crushing plant will reduce the rubble into more usable sizes for resale and reuse. The facility will include stockpile areas for both raw and processed materials. The processed materials will be used for construction projects in the area and will also be available for sale to the public. A truck parking area, scale house and office will be constructed on the access drive to N 1300 Road. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and is expected to be staffed by five employees. The plan shows that portions of the borrow pit will be, or have been, reclaimed for agricultural use and where the borrow pit will be reclaimed as ponds. Information provided with the preliminary plat application noted that the elevation of the water table was approximately 25 ft below grade level on the south side of the property and approximately 50 to 60 ft in the center portion of the property. The City GIS maps show the elevation of the property ranging from 812 at the lowest point to 836 at the highest. The CUP site plan shows the bottom elevation of the ponds as 800, which would be above the water table. The depth of excavation should be limited to 800 to insure the borrow pit does not impact the water table.

CONDITIONAL USES:

The following proposed uses are permitted in the I-3 District when approved with a Conditional Use Permit, as noted below:

12-319-4.04 Single-Family Dwellings in an Industrial District

12-319-4.05 Mining and Excavation

USES PERMITTED WITH SITE PLAN APPROVAL IN THE I-3 DISTRICT

A construction material recycling facility is not listed in the list of uses permitted in the I-3 District; however, the recycling facility has been determined to be similar in characteristics and impacts to a concrete mixing plant which is permitted in the I-3 District.

12-313-2.05 Concrete central mixing and proportioning plant

The proposed conditional uses, borrow pit and residence in an industrial district, have been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations:

I. ZONING AND USES OF PROPERTY NEARBY

Nearby property is zoned A (Agricultural), V-C (Valley Channel), F-F (Floodway Fringe Overlay) and F-W (Floodway Overlay) Districts and is used primarily for *Agriculture*. A Conditional Use Permit application for a soccer complex for the property to the east of the subject property was approved by the Board of County Commissioners in February 2016, but the complex hasn't yet been developed. An approximately 40 acre parcel to the northwest of the subject property is designated as a future City park. Approximately one acre of this park area was annexed into the City of Lawrence through an island annexation, rezoned to GPI (General Public and Institutional Uses) District and developed with a City sanitary sewer pump station. Approximately 77 acres to the north of the subject property is owned by Unified School District No. 497. Plans have not been submitted for this property, but it is possible that it could be developed with a public school. (Figure 2)

Staff Finding –Surrounding land uses are predominantly agricultural in nature. There are proposed recreational uses to the north and east of the subject property (soccer complex and future City parkland) as well as a private wildlife conservation area to the east, beyond the soccer facility. The proposed Conditional Uses should be compatible with the zoning and uses in the area.

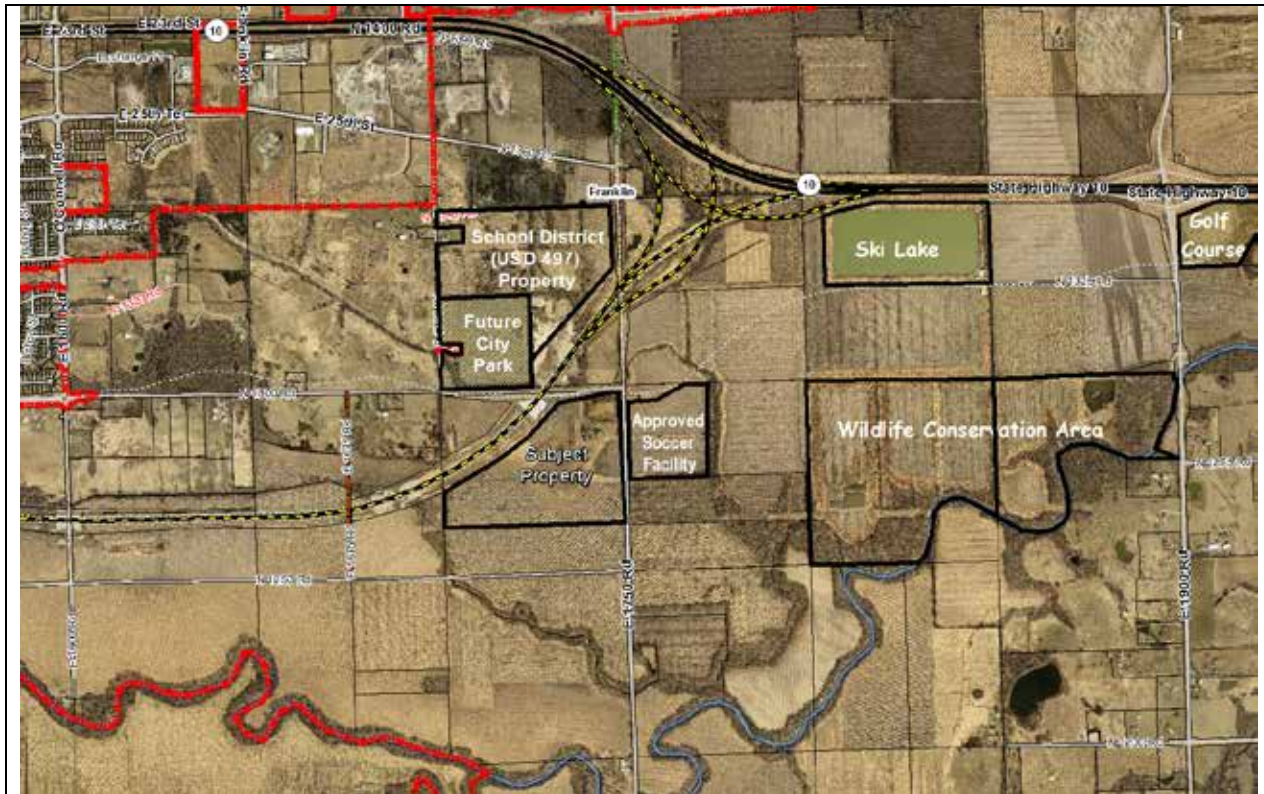


Figure 2. Recreational Uses or Open Space in the area. City limits dashed red lines.

II. CHARACTER OF THE AREA

The property is located within the Urban Growth Area boundaries of the City of Lawrence and is approximately 1 mile east of the city limits. The area is divided from the southwest to the northeast by the SLT/K10 Highway and is bounded on the south by the Wakarusa River Corridor and floodplain. While agriculture is the predominate land use, recreation and open space is also present or planned in the area. A soccer facility to the east of the subject property has development approvals and a wildlife conservation area is located further to the east (Figure 2). A ski lake and a driving range are located in the northeast portion of the area. Future City parkland is north of the subject property and is adjacent to property that is owned by Unified School District #497. The area is also characterized by the Wakarusa River Floodway and Floodplain. Figure 3 shows the future land uses recommended in the adopted Southeast Area Plan. Land to the north and northwest of the subject property is designated in the plan as park/open space (green), and varying densities of residential uses (yellow, tan and brown). Industrial uses and a limited amount of commercial uses are shown to the north, near the main leg of the K10 highway.

Staff Finding – The area is rural in character with agriculture being the predominate land use. The area contains the following open space recreational facilities: ski lake, and a wildlife conservation area. The following future open space recreational facilities are planned in the area:

city park, soccer facility, and areas denoted in the Southeast Area Plan as linear parks. The SLT/K10 bypass was recently constructed through the area to connect with K10 Highway to the north. The uses which require approval as Conditional Uses, the residence in the Industrial District and the borrow pit, should be compatible with the current and future surrounding land uses. The area is currently rural in nature but is expected to urbanize.

Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. A borrow pit is an appropriate temporary use, but should have a limited time frame for operation (ten years) so the compatibility of the use can be re-evaluated with the character of the area at that time.

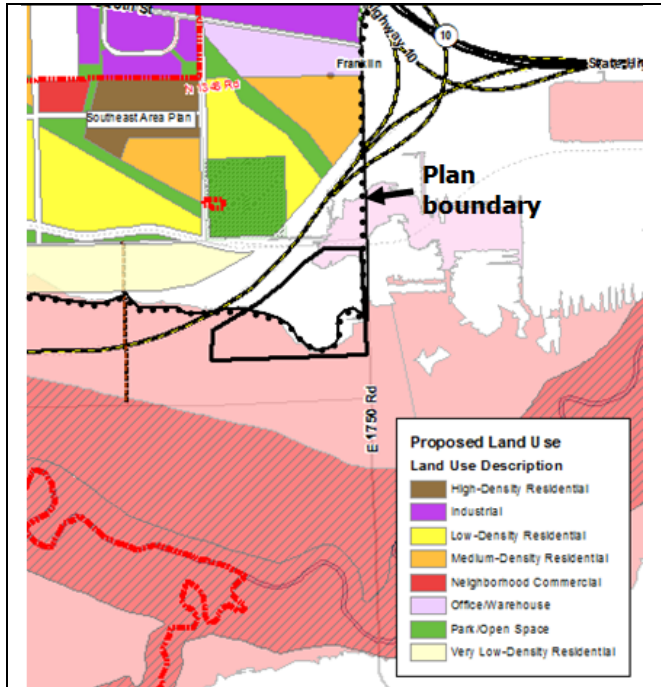


Figure 3. Land uses proposed in the Approved Long Range plan for the area to the north and west.

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

Applicant's Response:

"The purpose is to provide a service in the community to recycle construction waste without filling up the existing landfills."

The subject property is zoned A (Agricultural) and V-C (Valley Channel).

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. The V-C District allows a more limited range of uses which include agriculture, recreational, and farm residential. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A or V-C Districts, may be permitted when approved as Conditional Uses.

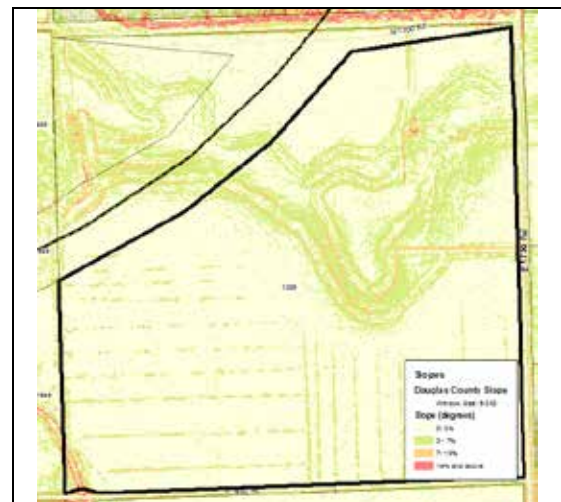


Figure 4. Topography of site.

The property is relatively level, as shown in Figure 4, and contains an active borrow pit and a residence. The property is well suited for these uses.

Staff Finding – The property is well suited for the uses to which it is restricted with the A and V-C Zoning and for the uses which would require Conditional Use Approval: a borrow pit, *Mining and Excavation* and a *Residence in an Industrial Zoning District*.

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

Staff Finding – The property is not vacant. The Douglas County Appraiser's records indicate that the residence on the property was built in 1920. A Temporary Business Permit was administratively approved by the Zoning and Codes Director for a borrow pit on November 27, 2013.

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

Applicant's Response:

"This area has been used as a borrow area for the past two years for the development of the South Lawrence Trafficway."

Section 12-319-1.01 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 residence and borrow pit are included in the Conditional Uses enumerated in Section 12-319-4 of the Zoning Regulations for the Unincorporated Territory of Douglas County as *Single-family Dwellings in an Industrial District*, and *Mining and Excavation*.

No negative impact is expected from the continued use of the residence. The borrow pit has been in operation for approximately two years. Impacts from a borrow pit are usually related to the truck traffic to and from the site. When the borrow pit was used for the construction of the SLT/K10 highway, the truck traffic was kept fairly local. It is expected that additional truck traffic will occur through the area with the operation of the borrow pit for other projects. A Traffic Impact Study provided with the application indicated that the road network was adequate for the proposed uses, including the recycling facility and that no improvements were needed.

The Traffic Study evaluated the impacts of the trips to be generated by this development on the following intersections:

- a. E 1750 Road (Noria Road) and N 1300 Road;
- b. E 1750 Road (Noria road) and N 1360 Road;
- c. E 1750 Road (Noria Road) and County Road 442 (N 1400 Road); and
- d. N 1300 Road and E 1700 Road.

The recommendations for improvement were related to signage and trimming of vegetation. No physical changes were recommended to the intersections.

The study noted that the truck route would be from the entrance off N 1300 Road, then east to E 1750 Road (Noria Road) then north to N 1400 Road (Old Hwy 10), east to E 1900 road, then south to the K-10 Highway. (Figure 5) This truck route should be noted on the plan.

The study concluded that the facility would have no negative impact on the nearby roads but did recommend that the first 100 ft of the driveway be paved to insure gravel is not tracked on to N

1300 Road. The access drive into the site will be concrete for approximately 500 ft. Dedicated turn lanes are not warranted at this time, but the study recommended the need be re-evaluated as the background traffic grows with new developments in the area.

Another potential for negative impacts with this type of use is the glare or light trespass from exterior lighting. The applicant indicated that 40 watt exterior wall mounted lighting is being proposed

and lighting spec sheets have been provided to the Planning Office. The lighting should not result in off-site glare or light trespass. In staff's opinion, the borrow pit and the residence, the Conditional Uses, would have noise levels that are compatible with existing nearby land uses.



Figure 5. Truck Route shown in red.

The Conditional Uses should be administratively reviewed by the Zoning and Codes Office every 5 years to insure compliance with the standards of the Conditional Use Permit. Expiration dates are often applied to Conditional Uses so they may be re-evaluated to determine if they remain compatible with the development in the area. The borrow pit is compatible with the current development, but may become incompatible as the area develops further. A 10-year expiration on the borrow pit use is recommended.

Staff Finding – The County Engineer indicated that the expected traffic for the facility can be accommodated without any road improvements. Due to the agricultural nature of the nearby properties and the fact that the residence has been on the site since the 1920s and the borrow pit has been in operation for two years, the activities related to the borrow pit and residence should have no negative impact on nearby properties. The CUP for the borrow pit should have a ten year expiration date so the compatibility of the use can be re-evaluated with the development of the area at that time.

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

Applicant's Response:

"This business has provided an outlet that has not been available to the construction industry for a long time. This will also slow down the filling of our landfills in the area."

Approval of the request for the Conditional Uses would allow the continued use of the residence following rezoning to the I-3 District and the continued use of the borrow pit. The borrow pit would provide soil for projects throughout the area which would benefit the public welfare.

No benefit would be afforded to the public health, safety, or welfare by the denial of the request for the Conditional Uses (residence and borrow pit) as these are currently in existence and have relatively low impacts on nearby properties.

Staff Finding – In staff's opinion, there would be no gain to the public health, safety, and welfare by the denial of the request for the Conditional Uses: the residence and the borrow pit, as they are both low impact uses. The hardship to the property owner of denial would be that the

residence could not continue to be used--if the zoning to the I-3 District is approved. If the Conditional Use for the borrow pit is denied, the borrow pit use would end with the expiration of the Temporary Business Permit on October 21, 2016.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The area is generally in agricultural land use with adjacent land use zoned for industrial land use with the East Hills Business Park to the north along with other industrial uses in the area."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however it does contain recommendations for properties within the Urban Growth Area in Chapter 4, Growth Management. The plan recommends that the Urban Growth Area not be developed to urban densities until infrastructure is in place and recommends that developing properties be annexed. The CUP proposal will maintain the existing rural residence and agricultural uses and the borrow pit, which would not require the extension of infrastructure. The proposed uses are compliant with the comprehensive plan recommendations for properties within an Urban Growth Area.

Staff Finding –The proposed Conditional Uses are in compliance with recommendations in the Comprehensive plan regarding development within the Urban Growth Area.

CUP/SITE PLAN REVIEW

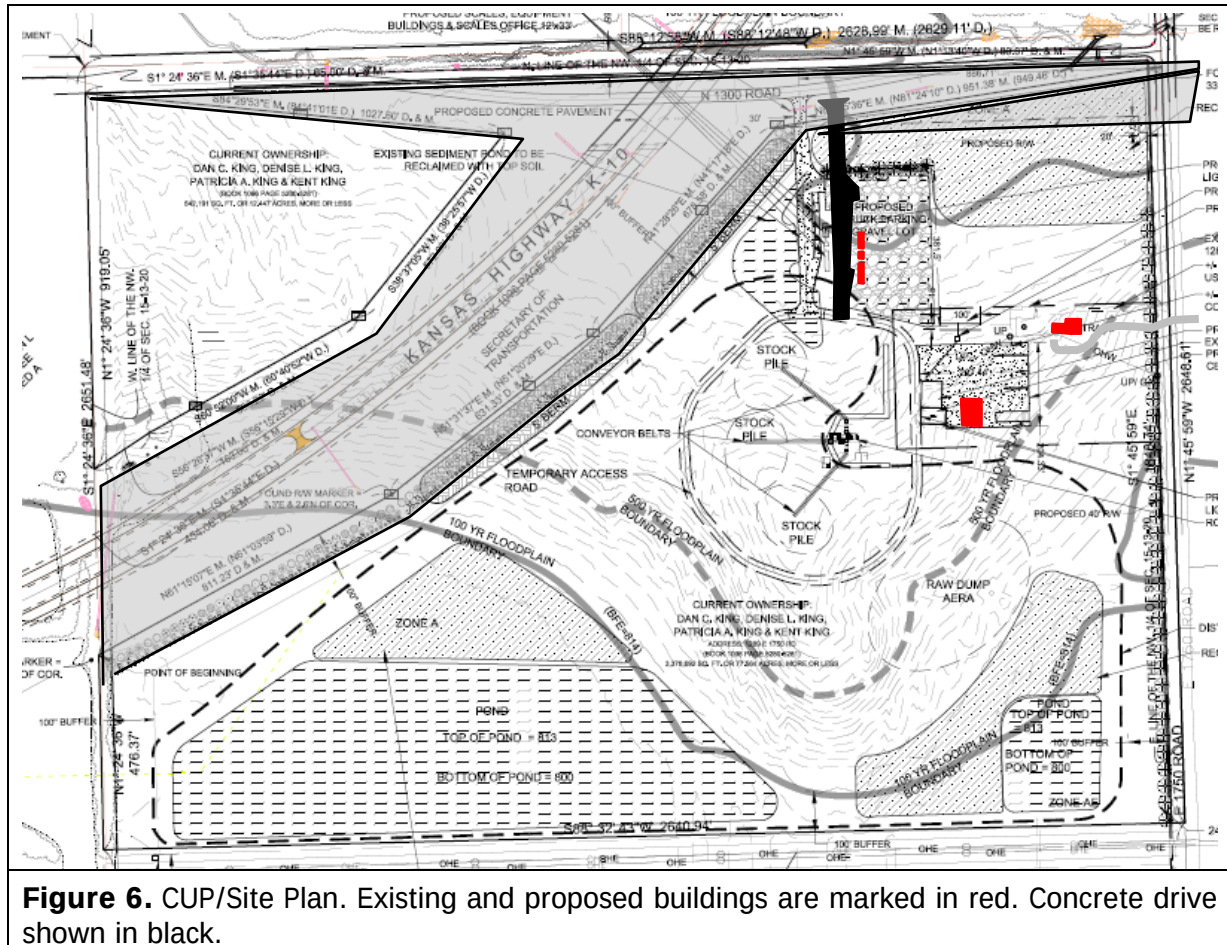
This portion of the report will evaluate the site plan for the residence, borrow pit and the recycling facility. The review will include the conditions listed in Section 12-319A-5 of the Zoning Regulations for site plan approval.

The development area contains approximately 77.5 acres and includes the following new and converted buildings (Figure 6):

1. Scales will be installed and a 12 ft x 33 ft (396 sq ft) equipment building with an office will be constructed to the east side of the access from N 1300 Road.
2. New shop building, 50 ft x 65 ft (3,250 sq ft).
3. Existing 1 story tin outbuilding, 40 ft x 61 ft (2440 sq ft), that will be used for storage. (This change in use and modifications to the building may require a building permit from the Zoning and Codes Office.)
4. Existing residence on east side of property, with access to E 1750 Road.

Other features of the plan include:

5. Gravel parking area for trucks, 381.5 ft x 255. 22 ft (97,366 sq ft).
6. 25 ft wide access drive from N 1300 Road which will be concrete for approximately 500 ft.
7. A temporary access drive will circle the stockpiles and the stockpile pens for loading and customer pick-up.
8. Reclaimed pond areas near the north end of the property. One with reclamation complete and another labeled 'to be reclaimed with topsoil'.
9. Landscaping is provided along the SLT/K10 Highway and E 1750 Road. (Landscaping is discussed in detail later in this report.)



Height, Area, and Density Standards: The I-3 District requires the following minimum setbacks: 25 ft front yard, 10 ft side yard, 20 ft rear yard. The buildings located on the site will observe these setbacks.

Parking and Access: The Zoning Regulations require 1 parking space per residence. The current parking for the residence meets this requirement. The borrow pit and recycling facility would be included in the parking use classification of manufacturing or industrial establishment which requires 1 parking space per 2 employees. The Traffic Impact Study noted that there would be 5 employees; therefore, 3 parking spaces are required. The parking will occur in the truck parking area. Employee parking spaces should be shown on the plan and marked on the site.

Water/Sewage Management: Rural water is not currently available in this area. The applicant intends to use well water for employees and in the office. Water for the rock crusher shall be brought to the site, or water may be used from the on-site ponds. The conditions should note that well water usage is limited to only the employees and office use.

The residence will continue to take access from the existing drive on E 1750 Road. The plan notes that this access is for 'residential use only'. The borrow pit and recycling facility uses will take access from N 1300 Road. The location of the access was approved by the County Engineer as it places the access as far from the N 1300 Road / E 1750 Road intersection as possible.

Screening:

The plan shows landscaping along the SLT/K10 right-of-way and along E 1750 Road. A mix of trees and shrubs are shown along the SLT/K10 right-of-way; however, with the highway being elevated it is unlikely that the shrubs would contribute to the buffering effect. The majority of the trees shown are deciduous. A mix of evergreens and deciduous trees would provide a more effective year-round buffer. This landscaping should be revised to include an even mix of evergreen and deciduous trees. The species for the trees along E 1750 Road are not identified at this time as the species that are approved with the Master Street Tree Plan with the final plat will be used. Evergreen trees in this location will also provide a more effective year round buffer; however, they are not acceptable as street trees. In addition to the trees shown on the plan, additional evergreen trees should be included behind the street trees to provide a buffer from noise and dust.

The plan proposes an area of approximately 2 acres for truck/equipment storage south of N 1300 Road. This area will be visible from N 1300 and E 1750 Roads and should be screened with landscaping. A mix of deciduous and evergreen trees should be provided along N 1300 Road for screening of this equipment area and other activities on the site.

Site Plan Conditions of Approval:

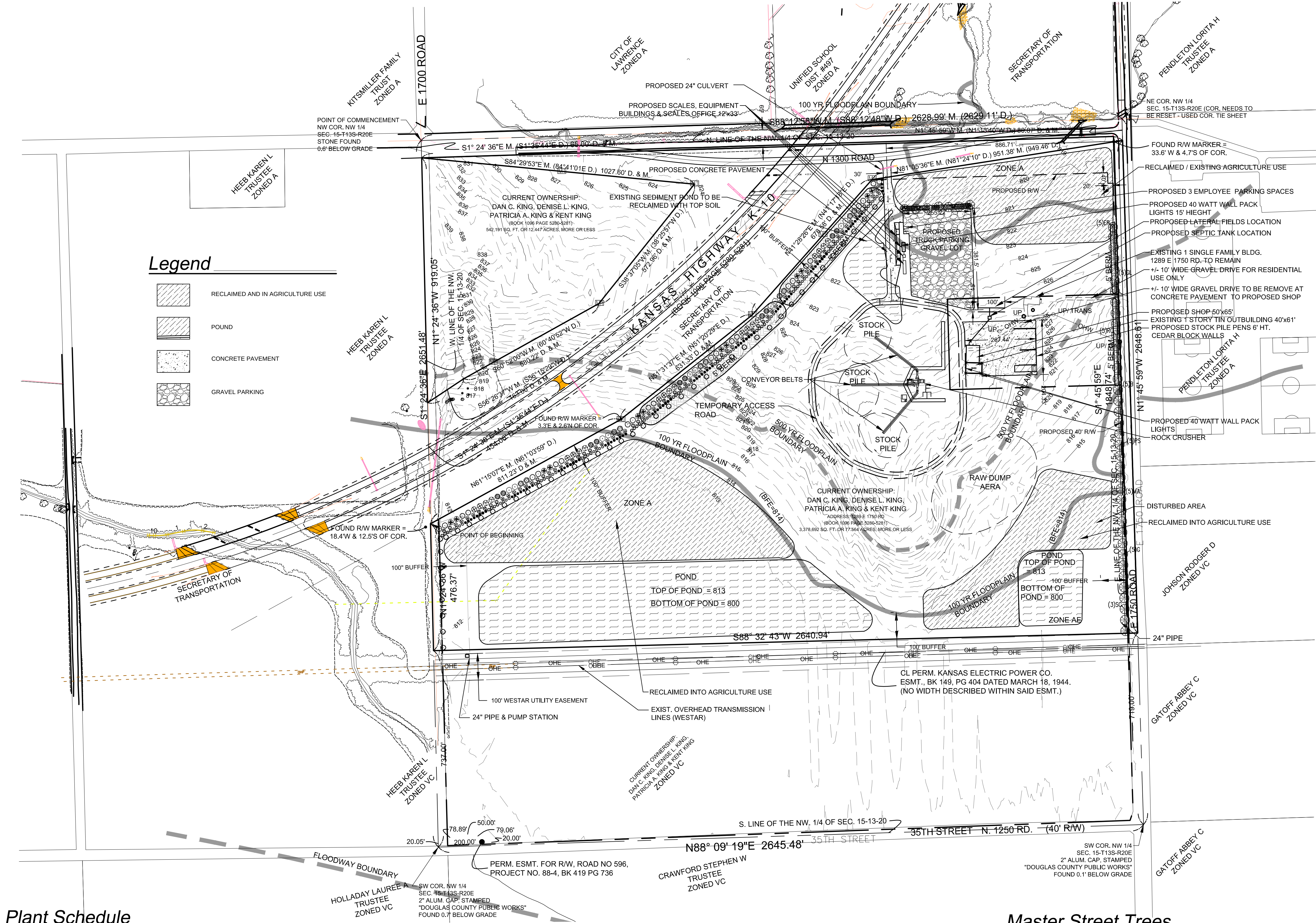
The following is a summary of the site plan review with the conditions of approval listed in Section 12-319A-5 of the Zoning Regulations.

1. The proposed uses are allowed in the zoning district. (The recycling facility requires rezoning to the I-3 District. The borrow pit and the residence are permitted in either the current zoning district or the proposed I-3 District, either by right or with a CUP)
2. The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses. While the noise and activity associated with the proposed recycling facility may not be compatible with adjacent land uses, the proposed layout of the site is compatible.
3. That the vehicular ingress and egress and circulation within the site provides for safe, efficient and convenient movement of traffic not only with the site but on adjacent roadways as well. The industrial and residential uses will utilize separate access points. The access on N 1300 Road was located to provide as much separation from the N 1300/E 1750 intersection as possible. A concrete access drive will provide access to the truck parking and to the temporary access drive to the stockpile areas.
4. That the site plan provides for the safe movement of pedestrians within the site. No pedestrians are anticipated with this use.
5. Sufficient mixture of grass, trees, so the development is in harmony with adjacent land uses and will provide a pleasing appearance to the public. Additional landscaping is recommended in the event the I-3 rezoning request allowing the recycling facility is approved; however, in staff's opinion, landscaping cannot adequately buffer or screen the open air recycling facility. The landscaping is adequate for the borrow pit and residence.

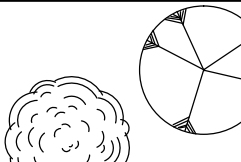
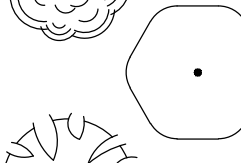
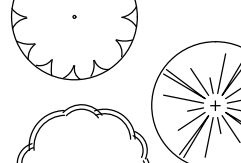
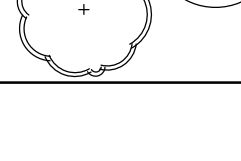
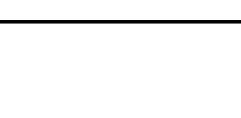
Conclusion

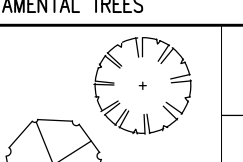
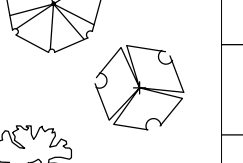
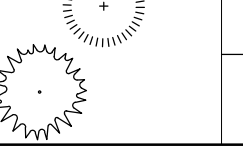
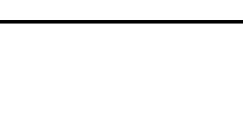
The Conditional Uses proposed comply with the County Zoning Regulations and the land use recommendation of *Horizon 2020*. These uses, as conditioned, should be compatible with the surrounding land uses.

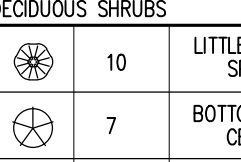
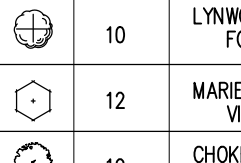
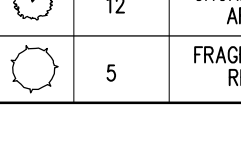
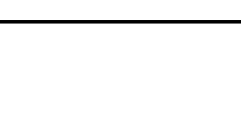
The recycling facility, which requires I-3 zoning, may have impacts on nearby properties. These impacts were discussed in the I-3 rezoning staff report. Staff is recommending denial of the rezoning request, but provided this site plan review in the event the Commission determines the rezoning and use are appropriate.



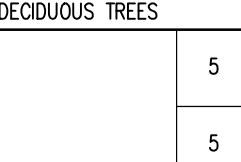
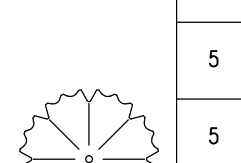
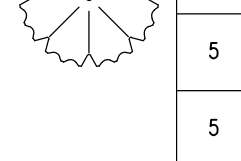
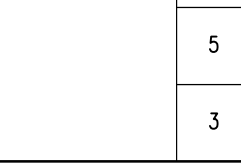
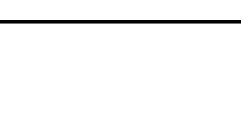
Plant Schedule

SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
DECIDUOUS TREES				
	10	HACKBERRY CELTIS OCCIDENTALIS	MIN. 2.5" CAL.	B&B
	10	SKYLINE HONEY LOCUST GLEDISIA TRIACANTHOS 'SKYLINE'	MIN. 2.5" CAL.	B&B
	10	PIN OAK QUERCUS PALUSTRIS	MIN. 2.5" CAL.	B&B
	10	RED OAK QUERCUS RUBRA	MIN. 2.5" CAL.	B&B
	10	BUR OAK QUERCUS MACROCARPA	MIN. 2.5" CAL.	B&B
	12	HICKORY CARYA	MIN. 2.5" CAL.	B&B
	12	EASTERN COTTONWOOD POPULUS DELTOIDES	MIN. 2.5" CAL.	B&B
	12	LACEBARK ELM ULMUS PARVIFOLIA	MIN. 2.5" CAL.	B&B

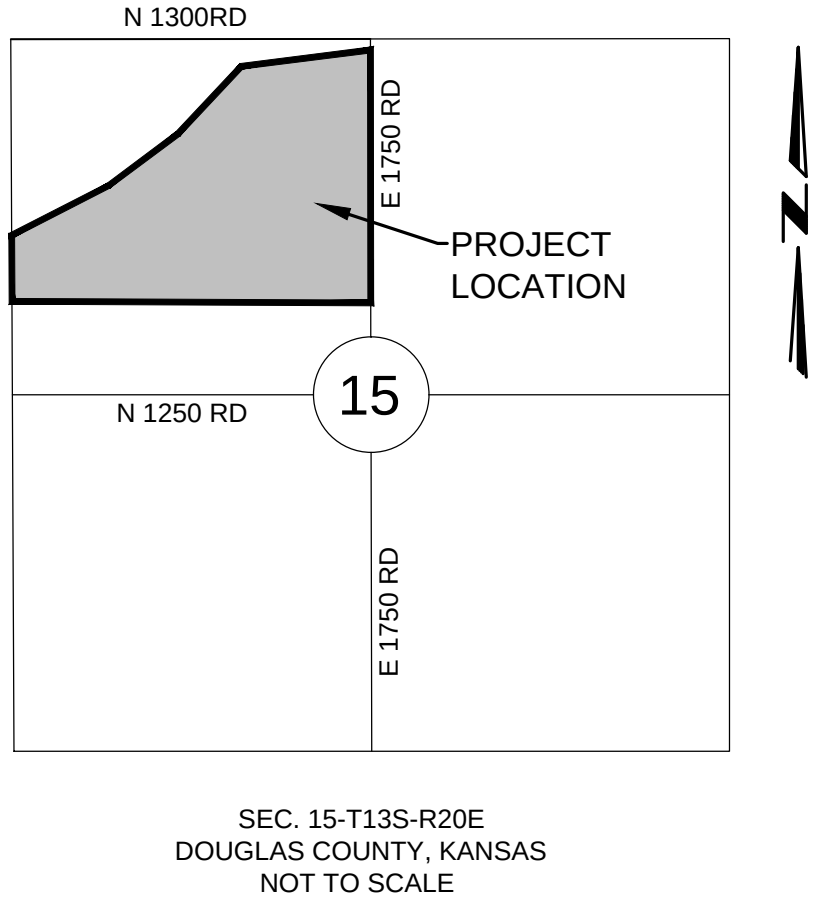
SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
ORNAMENTAL TREES				
	22	AMUR MAPLE (CLUMP) ACER GINNALA	MIN. 2" CAL.	B&B
	32	RED BUD CEBIS CANADENSIS	MIN. 2" CAL.	B&B
	22	CRABAPPLE MALUS SP.	MIN. 2" CAL.	B&B
	10	AMERICAN PLUM PRUNUS AMERICANA	MIN. 2" CAL.	B&B
EVERGREEN TREES				
	20	CANEHART JUNIPER JUNIPERUS VIRGINIANA 'CANEHART'	MIN. 2" CAL.	B&B
	64	KETELEERI CHINESE JUNIPER JUNIPERUS CHINENSIS KETELEERI	MIN. 2" CAL.	B&B
	44	BALD CYPRESS TAXODIUM DISTICHUM	MIN. 2" CAL.	B&B
	97	EASTERN RED CEDAR JUNIPERUS VIRGINIANA	MIN. 2" CAL.	B&B

SYMBOL	PROPOSED QTY.	SPECIES	SIZE	COND.
DECIDUOUS SHRUBS				
	10	LITTLE PRINCESS SPIRAEA SPIRAEA JAPONICA 'LITTLE PRINCESS'	36" MIN.	CONT.
	7	BOTTOMBUSH CEPHALANTHUS OCCIDENTALIS	36" MIN.	CONT.
	10	LYNWOOD GOLD FORSYTHIA FORSYTHIA X INTERMEDIA 'LYNWOOD'	36" MIN.	CONT.
	12	MARIESII VIBURNUM VIBURNUM PLICATUM VAR. TOMENTOSUM 'MARIESII'	36" MIN.	CONT.
	12	CHOKEBERRY ARONIA	36" MIN.	CONT.
	5	FRAGRANT SUMAC RHUS AROMATICA	36" MIN.	CONT.

Master Street Trees

SYMBOL	PROPOSED ID QTY.	SPECIES	SIZE	COND.
DECIDUOUS TREES				
	5	GREENSPIRE LINDEN TILIA CORDATA 'GREENSPIRE'	MIN. 2.5" CAL.	B&B
	5	BALDCYPRESS TAXODIUM DISTICHUM		
	5	NORTHERN RED OAK QUERCUS RUBRA		
	5	PACIFIC SUNSET MAPLE ACER TRUNCATUM X PLATANODES 'WARRENRED'		
	5	AMUR MAPLE ACER GINNALA		
	5	EASTERN REDBUD CEBIS CANADENSIS		
	5	GOLDENRAINTREE KOELREUTERIA PANICULATA		
	3	SNOWDRIFT CRABAPPLE MALUS 'SNOWDRIFT'		

Location Map



General Notes

- OWNER: DAN C. KING, DENISE L. KING, PATRICIA A. KING, KENT KING
2015 WALNUT STREET
OSKALOOSA, KANSAS 66066-4000
- LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KS 66049
 - TOPOGRAPHIC INFORMATION OBTAINED FROM 2012 DOUGLAS COUNTY LIDAR AERIAL DATA.
 - EXISTING LAND USE: BORROW PIT / AGRICULTURAL / SINGLE FAMILY
 - PROPOSED LAND USE: RECYCLE CENTER, AGRICULTURAL, BORROW PIT, SINGLE FAMILY
 - EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL
 - PROPOSES ZONING: I-3
 - PROPOSED OPERATION OF THE BORROW PIT:
REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CONCRETE BLOCKS, STONE).
 - A STORMWATER POLLUTION PREVENTION PLAN (SWP3) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) AND IS ON FILE.
 - A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.
 - HOURS OF OPERATION MON-FRI 7:00AM-4:00PM, OCCASIONALLY SAT 7:00AM-12:00AM

Site Summary

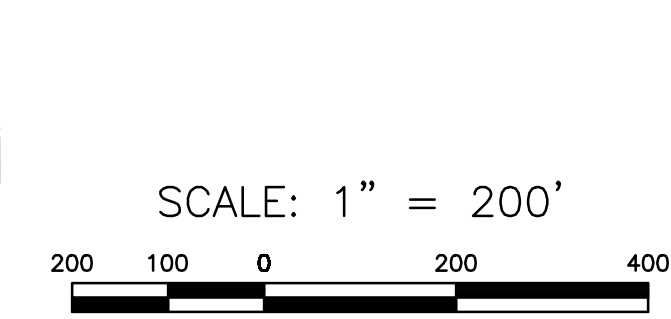
GROSS AREA:	3,378,692 SF / 77.564 AC
RIGHTS-OF-WAY AREA:	50,937 SF / 1.399 AC
NET AREA:	3,317,755 SF / 76.165 AC
AVG. LOT SIZE:	3,317,755 SF / 76.165 AC
TOTAL LOTS:	1

Legal Description

LOT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 24 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 15 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 26 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 678.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 951.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,692 SQUARE FEET OR 77.564 ACRES, MORE OR LESS.



KING'S RECYCLING CENTER

Douglas County, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Manhattan, KS
Blue Springs, MO • The Woodlands, TX

1310 Wakarusa Drive
Lawrence, KS 66049
Tel (785) 846-2410
Fax (785) 846-1930
Web www.landplan-pa.com

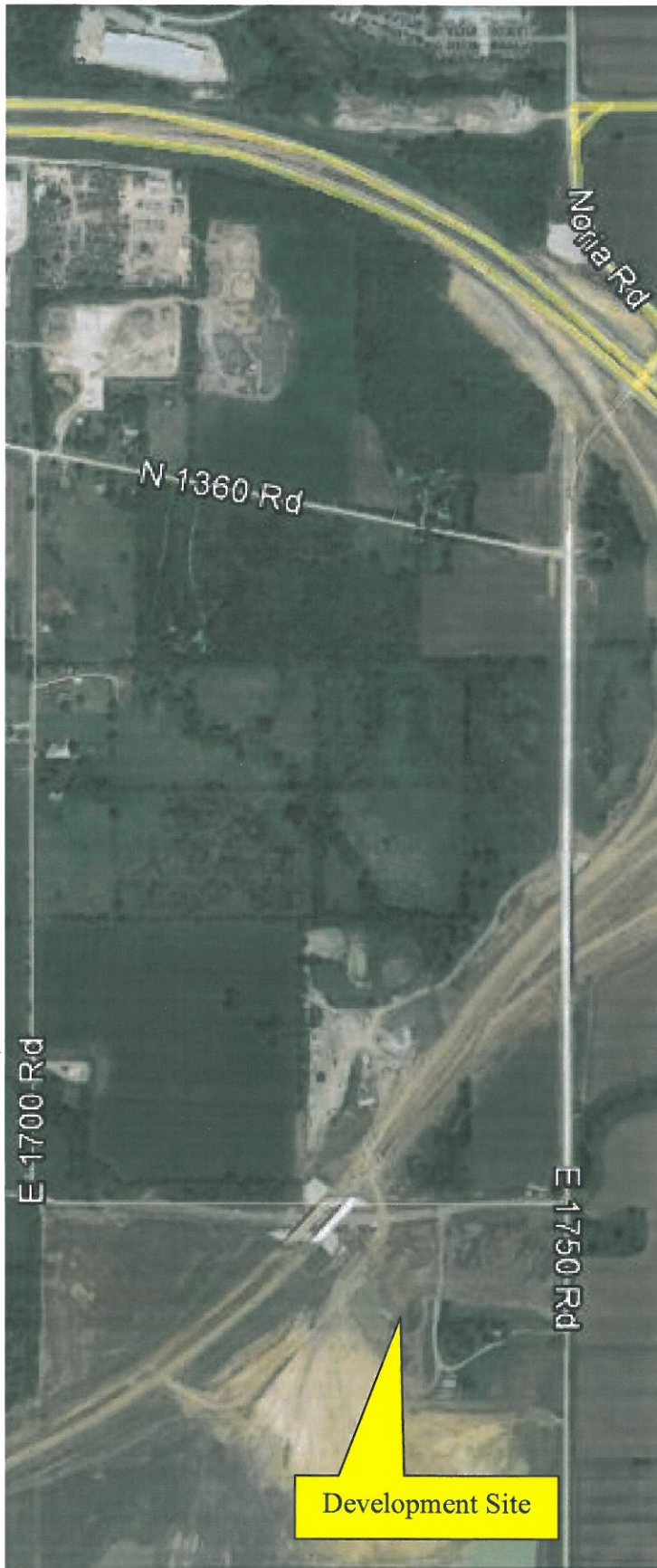
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KING'S RECYCLE CENTER
BORROW AREA, SINGLE FAMILY HOME
DOUGLAS COUNTY, KANSAS
N1250 ROAD AND E 1750 ROAD

REV	DATE	DESCRIPTION
1	2.23.16	ZONING NOTE
2	3.02.16	ACCESS DRIVE
3	3.09.16	OWNERS UPDATE
4	3.31.16	PLANNING COMMENTS
5	4.13.16	PLANNING COMMENTS
6	4.20.16	UPDATE NOTES/TREES

DATE: March 2, 2016
PROJECT NO.: 20133027
DESIGNED BY: LPE
DRAWN BY: CLM
CHECKED BY: CLM

ISSUE: A
SHEET NO.: C-001
OF 1 SHEETS



Traffic Impact Study

for

King's Recycling Center

SWC of E. 1750 Rd. and N. 1300 Rd.

Douglas County, Kansas

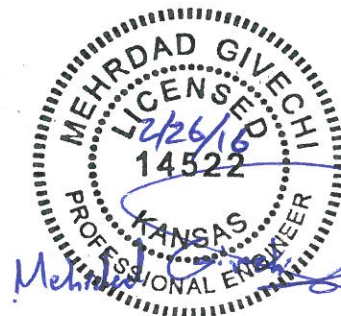
Prepared
for

Landplan Engineering, P.A.

Prepared
By



Serving Communities Through Excellence
Kansas - Missouri - Michigan - California



Mehrdad Givechi, P.E., P.T.O.E.

February 2016

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- Location Map
- Site Plan
- T2040 Major Thoroughfares Map, Douglas County, Kansas
- 2011 Traffic Count and Speed Study Results for N. 1300 Road
(Source: Douglas County)
- 2013 Traffic Count Map for Lawrence (Source: KDOT)
- Excerpts from the Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010
 - Appendix A1- Year 2005 Daily Traffic Volumes
 - Appendix A3 – Year 2030 Daily Traffic Volumes (With SLT)
 - Appendix A5 – Year 2030 AM and PM Peak-Hour Traffic Volumes
[31st Street (Two-Lanes) With SLT]
 - Appendix A6 – Year 2030 AM and PM Peak-Hour Traffic Volumes
[31st Street (Four-Lanes) With SLT]
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31st Street (Two-Lanes) With SLT]
 - Appendix A10 – Year 2030 Intersection Geometry, Traffic Control and LOS
31st Street (Four-Lanes) With SLT]

Introduction

Proposed Development

The proposed “King’s Recycling Center” development comprises approximately 77 acres on the south side of N. 1300 Road (31st Street extension), between E. 1750 Road (Noria Road) and South Lawrence Trafficway (SLT) in Douglas County, Kansas (See Location Map, Figure 1 of Appendix I). The site was a borrow pit for construction of the SLT.

The primary function of this recycling center is to haul construction waste material such as concrete, brick, asphalt, cinder block and stone from demolition job sites, store them on site and recycle them into gravel and other products. The site will also be open to public as well as contractors. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and will be staffed by as many as five (5) employees.

Access

Access to the site will be provided at one location onto N. 1300 Road approximately 850 feet (centerline to centerline) west of N. 1750 Road. No other access points are proposed for the site.

Zoning

The existing zoning for the site is agricultural. The proposed zoning is Industrial (I-3). According to the 2011 Amendment of the Horizon 2020, Map 3-3, the site is located in the Urban Growth Area of Douglas County.

Existing and Other Proposed Developments

Currently, vast majority of the land in proximity of the site is undeveloped agricultural land with exception of a few scattered homes along N. 1300 Road and E. 1700 Road. In the recent months, a youth soccer park, for the southeast corner of the intersection of E. 1750 Road and N. 1300 Road, has been proposed and is in the process of being approved.

Purpose

The purpose of this study is to evaluate:

1. Evaluate the existing operating conditions of traffic at the intersections of
 - a. E. 1750 Road (Noria Road) and N. 1300 Road;
 - b. E. 1750 Road (Noria Road) and N. 1360 Road;
 - c. E. 1750 Road (Noria Road) and County Road 442; and
 - d. N. 1300 Road and E. 1700 Road.
2. Assess impact of the trips generated by this development on the above mentioned intersections and roadway network; and
3. Recommend off-site improvements needed (if any) as the result of this development.

Data Collection and Summary

In order to assess traffic impacts of this development on the intersections under study, in addition to pertinent information obtained from local agencies, field observations and measurements were also conducted. The following paragraphs summarize the results of data collection tasks for this project.

Roadway Network Geometric & Operating Characteristics

In the vicinity of the development site, the street network consists of:

- SLT, running northeast/southwest above the grade on the west side of the site, designated as “Freeway” on County’s T2040 Thoroughfare Map, as “Other Freeways/ Expressways” on the KDOT’s Functional Classification Map, as “Route C” on the KDOT’s Route Classification System Map, and as “C – Statewide Arterial System; integrated with A and B” on the KDOT’s Access Management Plan Map.
- N. 1300 Road (31st Street extension), running east/west along the north side of the site, designated as “Principal Arterial” on the County’s T2040 Thoroughfare Map. It is a two-way blacktop roadway with open drainage ditch on both sides

and posted speed limit of 35 mph. From O'Connell Road to a short distance east of E. 1700 Road, its cross-section consists of a 22-foot pavement with no shoulders. The remaining section of the roadway thence east to E. 1750 Road has recently been improved to have a 28-foot asphalt pavement and 6-foot gravel shoulders on both sides as part of the SLT overpass construction.

- E. 1750 Road (Noria Road), running north/south along the east side of the site, designated as "Minor Arterial" on the County's T2040 Thoroughfare Map. North of N. 1300 Road, the road is currently under construction as part of the SLT project and has a 24-foot concrete pavement with 8-foot concrete shoulder on both sides. The posted speed limit along this section of E. 1750 Road is 45 mph. South of N. 1300 Road, the road is 22 feet wide (mostly gravel) with no shoulders and no posted speed limits.
- E. 1700 Road, running north/south approximately ½ mile west of the site, designated as "Collector" on the County's T2040 Thoroughfare Map. This is two-way blacktop road with 20-foot pavement, no shoulders and no posted speed limit.
- N. 1360 Road, running east/west approximately ½ mile north of the site, designated as "Collector" on the County's T2040 Thoroughfare Map. This is a two-way blacktop road with 22-foot pavement, no shoulders and no posted speed limit. West of E. 1700 Road, the road is within the city limits of Lawrence and has a posted speed limit of 30 mph.
- Douglas County 442, running east/west approximately one mile north of the site, designated as "Minor Arterial" on the County's T2040 Thoroughfare Map. It is a two-way blacktop road with 22-foot pavement and unpaved 4'-6' shoulders. The posted speed limit on this facility changes from 45 mph within the city limits of Lawrence (near Noria Road) to 55 mph in the county (west of Eudora).
- Currently, the intersection of E. 1750 Road (Noria Road) and N. 1300 Road is a "T" intersection controlled by stop sign on N. 1300 Road. Based on the information provided by the County Public Works Department (Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010), the future plan for this intersection calls for a single lane roundabout.

- The intersection of N. 1300 Road and E. 1700 Road is also a “T” intersection controlled by stop sign on E. 1700 Road.
- The intersection of N. 1360 Road and E. 1750 Road is also a “T” intersection controlled by stop sign on E. 1360 Road.
- The intersection of E. 1750 Road and County Road 442 is also a “T” intersection controlled by stop sign on Route 442.

Traffic Counts

At the time this study was conducted, SLT was under construction and E. 1750 Road (Noria Road), north of N. 1300 Road, was closed to traffic. It was, therefore, not practical to conduct traffic volume counts in the area as the results would not be representative of the actual conditions. For the purpose of this analysis, however, traffic volume data from available sources (i.e. County and KDOT records as well as the Preliminary Alignment Study for 31st Street/N. 1300 Road, dated August 31, 2010) were utilized. In summary (see Appendix for details):

- County records (2011 data) show that N. 1300 Road carries daily traffic volumes of approximately 30 vpd.
- KDOT’s 2013 Traffic Count Map shows daily traffic volumes of approximately 85 vpd for N. 1300 Road, 30 vpd for E. 1700 Road and 195 vpd for E. 1750 Road (north of E. 1300 Road), all considered to be very low volume roads.
- The result of a speed study conducted by the county in 2011 indicates that 85th percentile speed (operating speed) along N. 1300 Road just west of E. 1700 Road is 44 mph.
- According to the 31st Street Preliminary Alignment Study, with completion of SLT, the projected future volumes (target year 2030) on the street network surrounding the development site are estimated as follows:
 - o N. 1300 Road will carry approximately 6,500 – 8,000 vpd west of E. 1750 Road and 3,200 – 3,900 vpd thence east.
 - o E. 1750 Road (Noria Road) will carry approximately 6,100 – 6,500 vpd north of N. 1300 Road and 2,900 – 3,000 vpd thence south.

Sight Distance

Field observations of the study area indicate that the only location that sight distance may be of concern is the departure triangle on the northeast corner of the intersection of E. 1700 Road and N. 1300 Road, where the tree lines obstruct the sight line.

Reasoning:

Operating speed (85th percentile) = 44 mph

Required intersection sight distance (for right turn) = 420 ft.

Measured intersection sight distance (for right turn) = 350 ft. < 420 ft. (inadequate)

Required intersection sight distance (for left-turn) = 485 ft.

Measured intersection sight distance (for left-turn) = 620 ft. > 485 ft. (adequate)

Volume/Capacity Analysis

A volume/capacity analysis (using methodologies outlined in the 2000 Highway Capacity Manual (HCM) published by the Transportation Research Board) was conducted to determine the level-of-service (LOS) for all movements at the intersections under study during the afternoon peak-hour of a typical weekday.

Level-of-service, as defined in the HCM, describes the quality of traffic operating condition and ranges from “A” to “F”, with LOS “A” representing the best (most desirable with minimum delay) conditions and LOS “F” the worst (severely congested with excessive delays). The following chart outlines the level-of-service criteria for unsignalized and signalized intersections.

Level-Of-Service	Control Delay for Unsignalized Intersections (seconds/vehicle)	Control Delay for Signalized Intersections (seconds/vehicle)	Volume/Capacity Ratio for Roundabouts (aaSIDRA Criteria)
A	0 – 10	0 – 10	< 0.6
B	> 10 – 15	> 10 – 20	0.6 – 0.7
C	> 15 – 25	> 20 – 35	0.7 – 0.8
D	> 25 – 35	> 35 – 55	0.8 – 0.9
E	> 35 – 50	> 55 – 80	0.9 – 1.0
F	> 50	> 80	> 1.0

Under the existing conditions, all roadways in the vicinity of the site are very low volume roads with high LOS for all approaches. The results of analysis for target year 2030, as shown in the 31st Street Preliminary Alignment Study and included in the Appendix, indicate that, the intersection of E. 1750 Road and N. 1300 Road will likely operate at LOS “D” under stop-controlled condition; and at LOS “A” with a single lane roundabout.

Trip Generation Analysis

Typically, trips generated by a proposed development are estimated using trip generation rates suggested by the latest edition of the Institute of Transportation Engineers, Trip Generation Manual (currently 9th Edition). Since the Manual does not have information for land use type “Recycling”, the following procedure was used for analysis:

- For the recycling component of this development, number of trucks generated by this site will be difficult to estimate. The facility will be open for operation on weekdays and some Saturdays as necessary for projects and will be staffed by as many as five (5) employees. The operation will not be every day but per the demolition job, frequency and size of which are difficult to anticipate. For

instance, demolition of a small commercial building (4,000 sq. ft.) would require less than 10 truck load of material over a day or two. A job like the KU residence hall (still on-going) would be several months of a 10 to 15 trucks daily.

- For the “Office” component of this development with 5 employees, ITE Land Use Codes 710 (General Office Building) and 715 (Single Tenant Office) are selected as the most relevant land use types with “Number of Employees” as the independent variable. The results indicate that this component of the development will likely generate:
 - o On average, 3 trip-ends (2 inbound and 1 outbound) during the morning peak-hour of a typical weekday;
 - o On average, 3 trip-ends (1 inbound and 2 outbound) during the afternoon peak-hour of a typical weekday; and
 - o On average, 18 trip-ends during 24-hour period of a typical weekday.

Trip Distribution and Assignment Analysis

Based on the information provided by the applicant, the truck route will be from the entrance off N. 1300 Road (31st Street) east to E. 1750 Road (Noria Road) then north to County Road 442 (Old Hwy 10) and east to E. 1900 Road, then south to K-10 Highway. From there the trucks can go west to Lawrence or east to Kansas City area. The plan is not to use 31st Street west of the site, or go south to 35th Street, or use E. 1700 Road and/or N. 1360 Road to go to Lawrence because these roads are not suitable for truck traffic.

Recommendations

Existing Conditions

- 1- Currently, there are no indications of any operational deficiencies in the study area. Movements at all intersections under study operate at high LOS with ample reserve capacity.
- 2- Field observations indicate that the study area is on a relatively flat terrain with no restriction on sight distance at any intersection, except for the northeast corner of the intersection of N. 1300 Road and E. 1700 Road where the departure sight triangle is partially obstructed by a tree line.

Mitigation Measure: Remove/trim some of the trees and shrubs along the north of N. 1300 Road, east of E. 1700 Road.

- 3- Field observations indicate that some of the signs in the study area appear to be low in height and may not be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).

Mitigation Measure: Consider inspecting the signage in the study area for proper height installation.

- 4- Field observations indicate that the culvert headwalls located on N. 1360 Road just west of E. 1700 Road (inside the City limits) is not properly delineated.

Mitigation Measure: Install Object Markers (OM3) on the headwalls for both directions.

Existing + Proposed King's Recycling Center

- 5- The proposed "King's Recycling Center" will have a no impact on the capacity of the roadway network because the roads in the study area are, currently, very low volume roads (< 400 vpd) with ample reserve capacity.

6- Field observations indicate that in the vicinity of the development site, the following roadway segments are **not** suitable to handle truck traffic with heavy payload.

- E. 1750 Road (Noria Road) south of N. 1300 Road (31st Street);
- N. 1300 Road (31st Street) west of E. 1700 Road;
- E. 1700 Road between N. 1300 Road (31st Street) and N. 1360 Road; and
- N. 1360 Road west of E. 1750 Road (Noria Road)

Mitigation Measure: It is recommended that site generated truck traffic **not** to use any road segments mentioned above. Their designated route, as mentioned earlier, should follow:

- N. 1300 Road (31st Street) east of the site access drive;
- E. 1750 Road (Noria Road) north of N. 1300 Road (31st Street);
- County Road 442 (Old K-10) east of E. 1750 Road (Noria Road);
- E. 1900 Road south of Route 442; and
- K-10 Highway east to Kansas City metro area or west to Lawrence.

7- The proposed driveway to the site is located approximately 850 feet (centerline to centerline) west of E. 1750 Road with no sight distance restrictions. If this is a gravel driveway, the following mitigation measure is recommended.

Mitigation Measure: For safety reasons, the first 100 feet of this driveway (where it intersects N. 1300 Road) should be paved in order to keep the gravel from being tracked onto N. 1300 Road.

8- Under the existing conditions and for a foreseeable future, no dedicated turn lanes are warranted at any intersection in the study area including the proposed driveway location to the site. The need for dedicated turn lanes in future (e.g. for target year 2030) should be evaluated as the background traffic grows with new developments in the area.

9- For design purposes, the swept path of the site's largest truck should be considered when:

- Establishing turning radii at the driveway location to the site;
- Evaluating turning radii at the northwest corner of the intersection of N. 1300 Road (31st Street) and E. 1750 Road (Noria Road). This is because there is a large box culvert that runs under the north leg of this intersection very close to the intersection. This culvert has a very narrow gravel shoulder followed by a steep (non-traversable) side slope with no headwalls, which may potentially create an unsafe condition for off-tracking trucks negotiating southbound to westbound maneuver; and
- Designing the future single-lane roundabout at the intersection of N. 1300 Road (31st Street) and E. 1750 Road (Noria Road).

APPENDIX

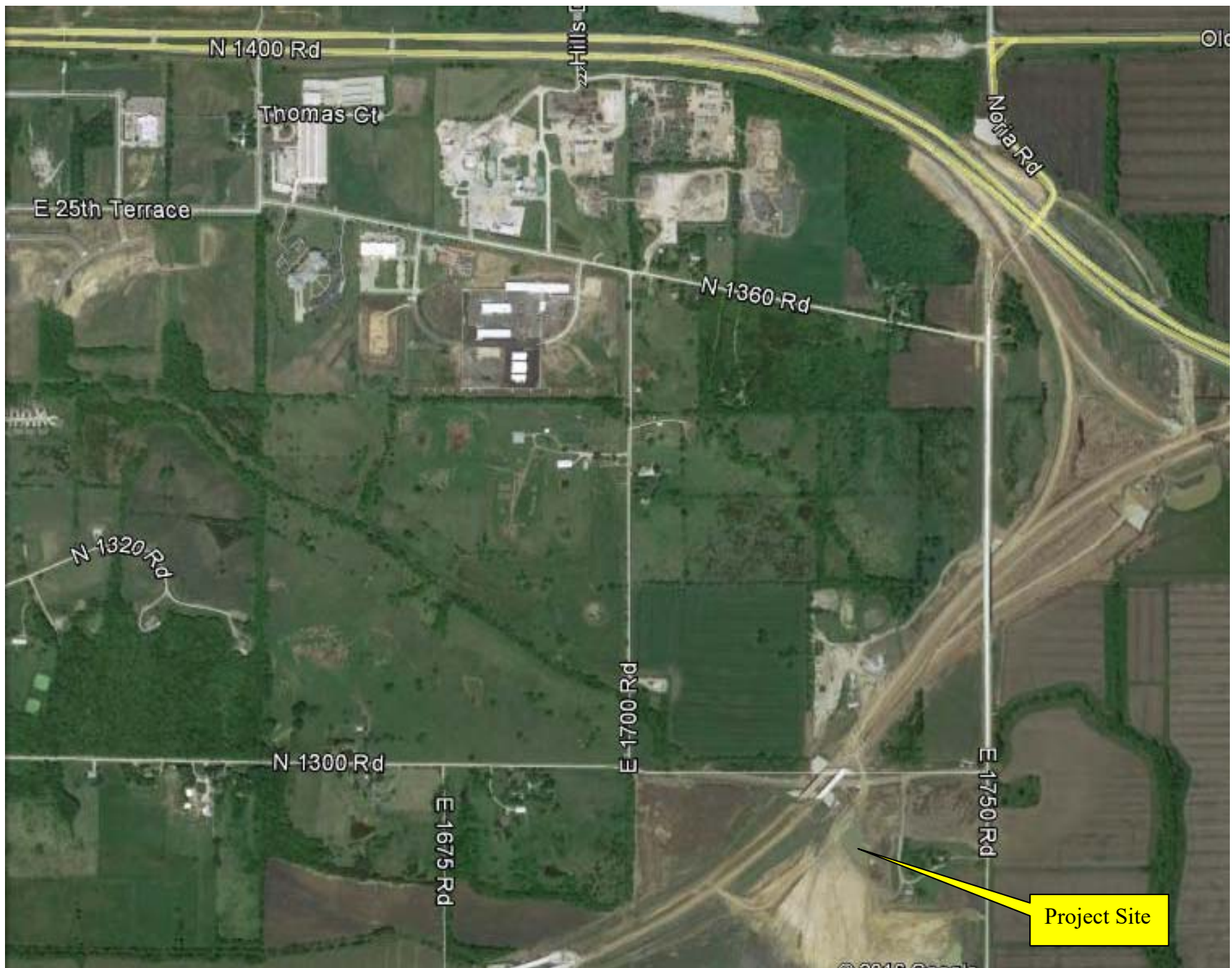
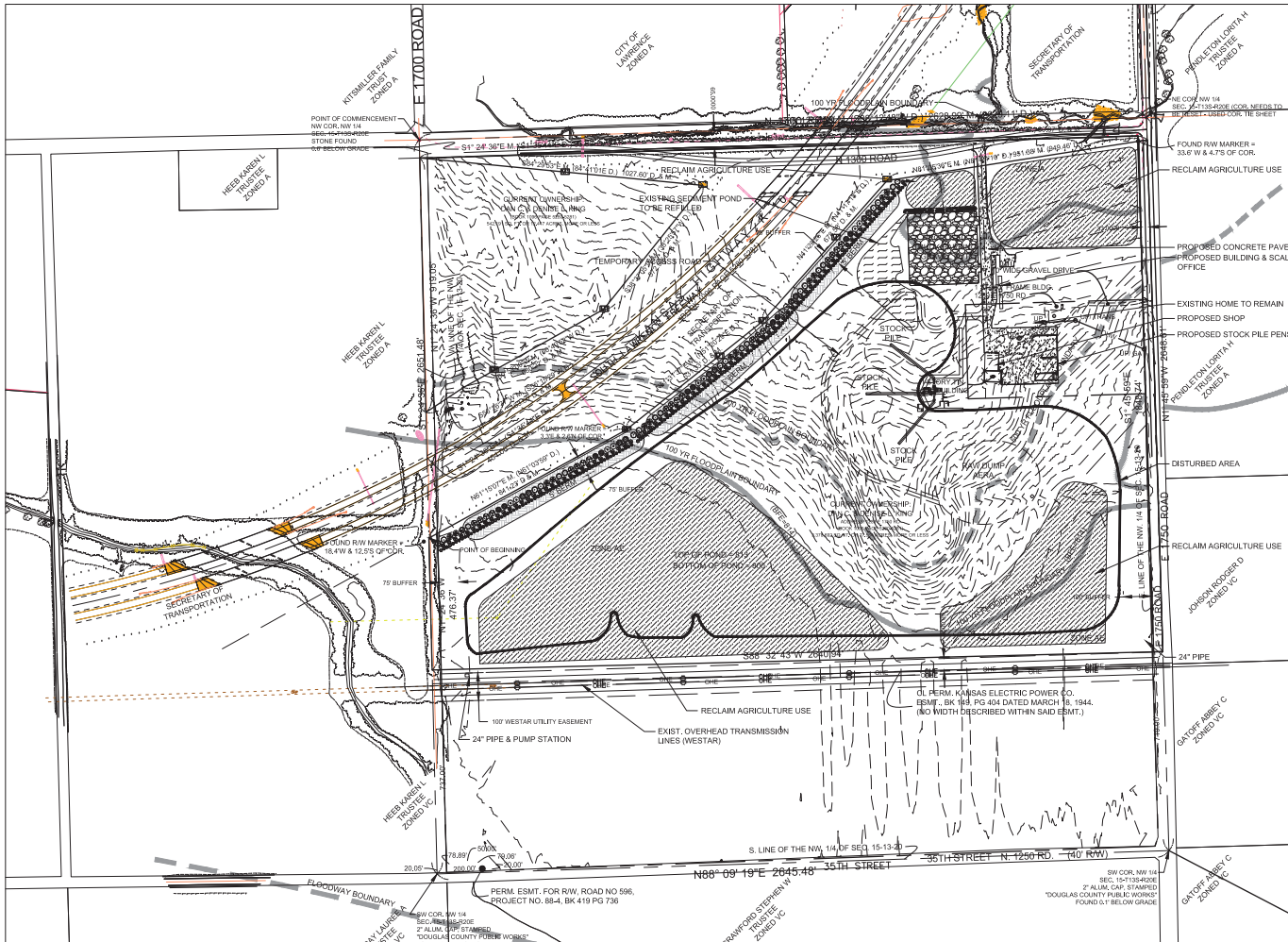
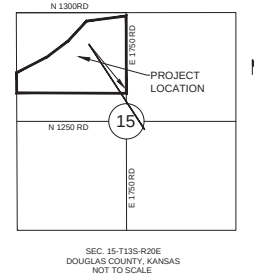


Figure 1: Location Map



Location Map



General Notes

- OWNER: FOUR KING'S LLC
2015 WALNUT STREET
DOUGLAS, KANSAS 66066-4000
1. LAND PLANNER/ LANDPLAN ENGINEERING, P.A.
1310 MARQUISA DRIVE
LAWRENCE, KS 66049
 2. TOPOGRAPHIC INFORMATION OBTAINED FROM 2013 DOUGLAS COUNTY LIDAR AERIAL DATA.
 3. EXISTING LAND USE: BORROW PIT / AGRICULTURAL.
 4. PROPOSED LAND USE: RECREATIONAL CENTER, AGRICULTURAL.
 5. EXISTING ZONING: AGRICULTURAL / VALLEY CHANNEL.
 6. PROPOSED ZONING: AGRICULTURAL / VALLEY CHANNEL.
 7. PROPOSED OPERATION OF THE BORROW PIT: REMOVE MATERIAL FROM BORROW PIT, DELIVER TO CONSTRUCTION SITE, DEVELOP POND, STABILIZE ALL DISTURBED AREAS, RECYCLE CONSTRUCTION MATERIAL (CONCRETE, BRICK, ASPHALT, CEMENT, STONE).
 8. A STORMWATER POLLUTION PREVENTION PLAN (SWPP) HAS BEEN SUBMITTED TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDEH) AND IS ON FILE.
 9. A KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES PERMIT IS NOT REQUIRED AS ONLY BORROW, NO FILL, WILL OCCUR AT THE SITE.

Site Summary

GROSS AREA:	3,378,692 SF / 77,564 AC
RIGHTS-OF-WAY AREA:	60,937 SF / 1,399 AC
NET AREA:	3,317,755 SF / 76,165 AC
AC. LOT SIZE:	3,317,755 SF / 76,165 AC
TOTAL LOTS:	1

Legal Description

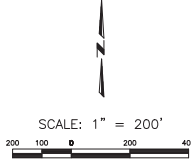
LOT 1

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 13 SOUTH, RANGE 20 EAST IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 01 DEGREE 24 MINUTES 36 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1438.11 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY K-10 AS DESCRIBED IN GENERAL WARRANTY DEED, BOOK 1096 AT PAGE 5280-5281, DATED JANUARY 8TH, 2013 RECORDED IN SAID COUNTY AND STATE AND THE POINT OF BEGINNING; THENCE NORTH 61 DEGREES 19 MINUTES 07 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 811.23 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 37 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 631.33 FEET; THENCE NORTH 41 DEGREES 28 MINUTES 28 SECONDS EAST CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 678.58 FEET; THENCE NORTH 81 DEGREES 05 MINUTES 36 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID K-10, A DISTANCE OF 801.38 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, ALSO BEING 80.87 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01 DEGREE 45 MINUTES 59 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1848.74 FEET TO A POINT 50 FEET NORTHERLY OF THE CENTERLINE OF A KANSAS ELECTRIC POWER COMPANY EASEMENT, AS DESCRIBED IN BOOK 149 AT PAGE 404, DATED MARCH 18, 1944 AND RECORDED IN SAID COUNTY AND STATE (NO WIDTH DESCRIBED IN SAID EASEMENT); THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST, BEING 50 FEET NORTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID ELECTRIC EASEMENT, A DISTANCE OF 2640.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 01 DEGREE 24 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 476.37 FEET TO THE POINT OF BEGINNING, CONTAINING 3,378,692 SQUARE FEET OR 77,564 ACRES, MORE OR LESS.

Plant Schedule

SYMBOL	PROPOSED DATE	SPECIES	SIZE	COND.	SYMBOL	PROPOSED DATE	SPECIES	SIZE	COND.	SYMBOL	PROPOSED DATE	SPECIES	SIZE	COND.
	10	HACKBERRY CELTIS OCCIDENTALIS	MIN. 2.5" CAL.	BAB		22	AMUR MAPLE (CLUMP) AZER GRABALA	MIN. 2" CAL.	BAB		10	LITTLE PRINCESS SPIREA SPARGAN APINICA LITTLE PRINCESS	30" MIN.	CONT.
	10	'SKUNK HONEY LOCUST' XEROTIA THACANTOS 'SKUNK'	MIN. 2.5" CAL.	BAB		22	RED BUD CELOS CHANDLERIS	MIN. 2" CAL.	BAB		7	BUTTERNUT OPTALAMNUS OCCIDENTALIS	30" MIN.	CONT.
	10	PINK OAK QUERCUS PAULSTRI	MIN. 2.5" CAL.	BAB		22	CHERRYBAY MALUS SP.	MIN. 2" CAL.	BAB		10	LINWOOD GOLD FORTYTHA FORTYTHA X INTERMEDIA LINWOOD	30" MIN.	CONT.
	10	RED OAK QUERCUS RUBRA	MIN. 2.5" CAL.	BAB		10	AMERICAN PLUM PRUNUS AMERICANA	MIN. 2" CAL.	BAB		12	WINTER WINDSOR VIBURNUM PLICATUM VAR. TONCOTISUM WINTER	30" MIN.	CONT.
	10	BUR OAK QUERCUS MACROCARPA	MIN. 2.5" CAL.	BAB		10	CHERRYBAY MALUS SP.	MIN. 2" CAL.	BAB		12	CHERRYBAY MALUS SP.	30" MIN.	CONT.
	12	HICKORY CORYLIA	MIN. 2.5" CAL.	BAB		10	AMERICAN PLUM PRUNUS AMERICANA	MIN. 2" CAL.	BAB		5	FRAGRANT SPINAC RIBES AROMATICA	30" MIN.	CONT.
	12	EASTERN COTTONWOOD POPULUS DELTOIDES	MIN. 2.5" CAL.	BAB		20	CHERRYBAY MALUS SP.	MIN. 2" CAL.	BAB					
	12	LACINIAE CLM LUNUS PARVIFOLIA	MIN. 2.5" CAL.	BAB		44	KETLEER CHERRY JUNIPERO CHINENSIS KETLEER	MIN. 2" CAL.	BAB					
						44	BALD CYPRESS TAXODIUM DISTICHUM	MIN. 2" CAL.	BAB					
						44	EASTERN RED CEDAR JUNIPERO VIRGINIANA	MIN. 2" CAL.	BAB					



KING'S RECYCLING CENTER
Douglas County, Kansas

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1000 Westwood Drive
Lawrence, KS 66044
Phone: 781-220-2200
Fax: 781-220-2201
Email: info@landplaneng.com
Website: www.landplaneng.com

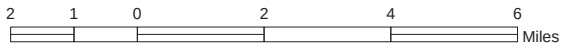
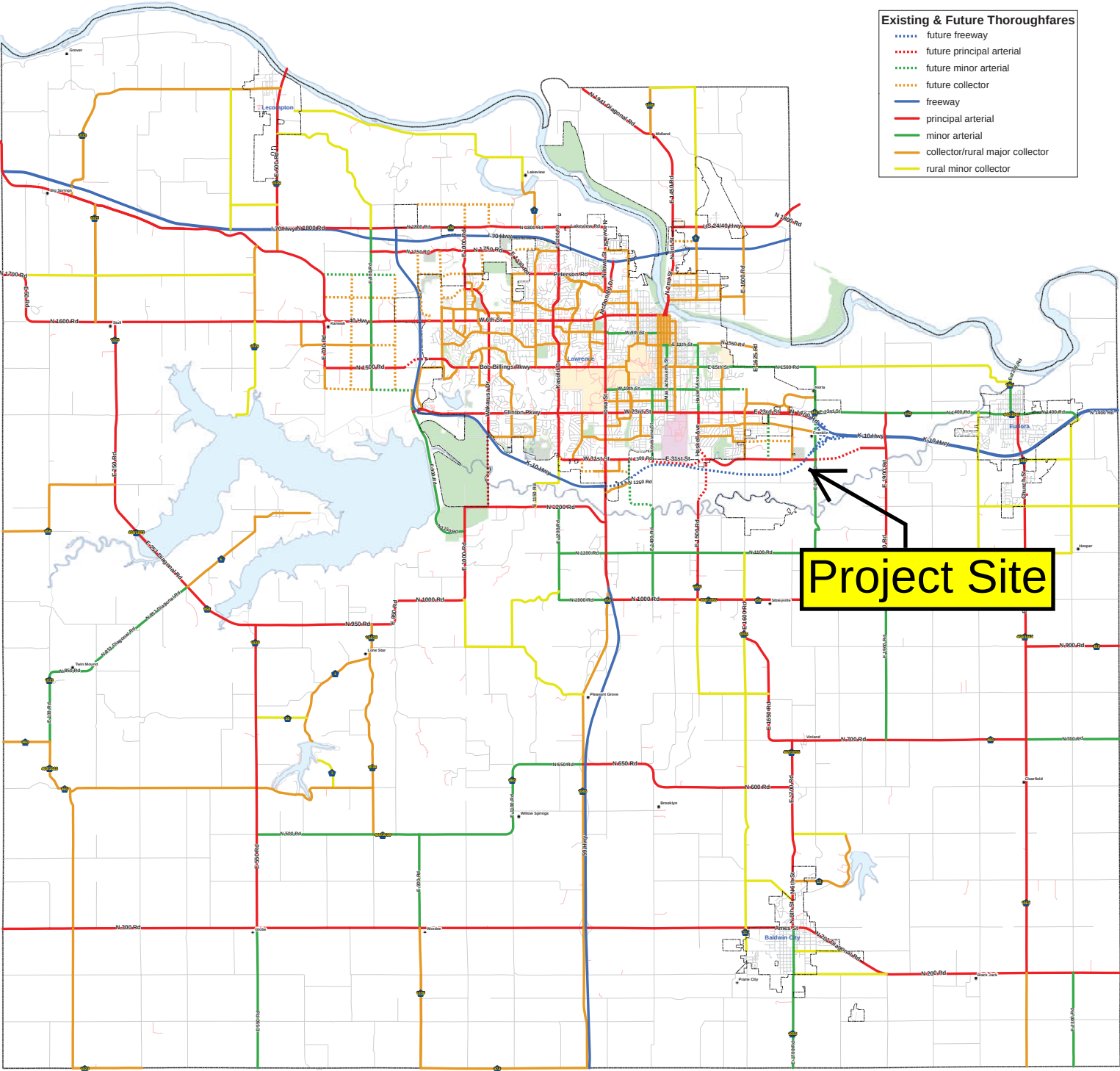
Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Manhattan, KS
Blue Springs, MO • The Woodlands, TX

County Road EJ750 - BORROW PIT
DOUGLAS COUNTY, KANSAS
N1250 ROAD AND E 1750 ROAD

DATE: February 22, 2016
PROJECT NO.: 2013027
DESIGNED BY: LPM
DRAWN BY: CLM
CHECKED BY: CLM

ISSUE: A
SHEET NO.: C-001
OF 1 SHEETS

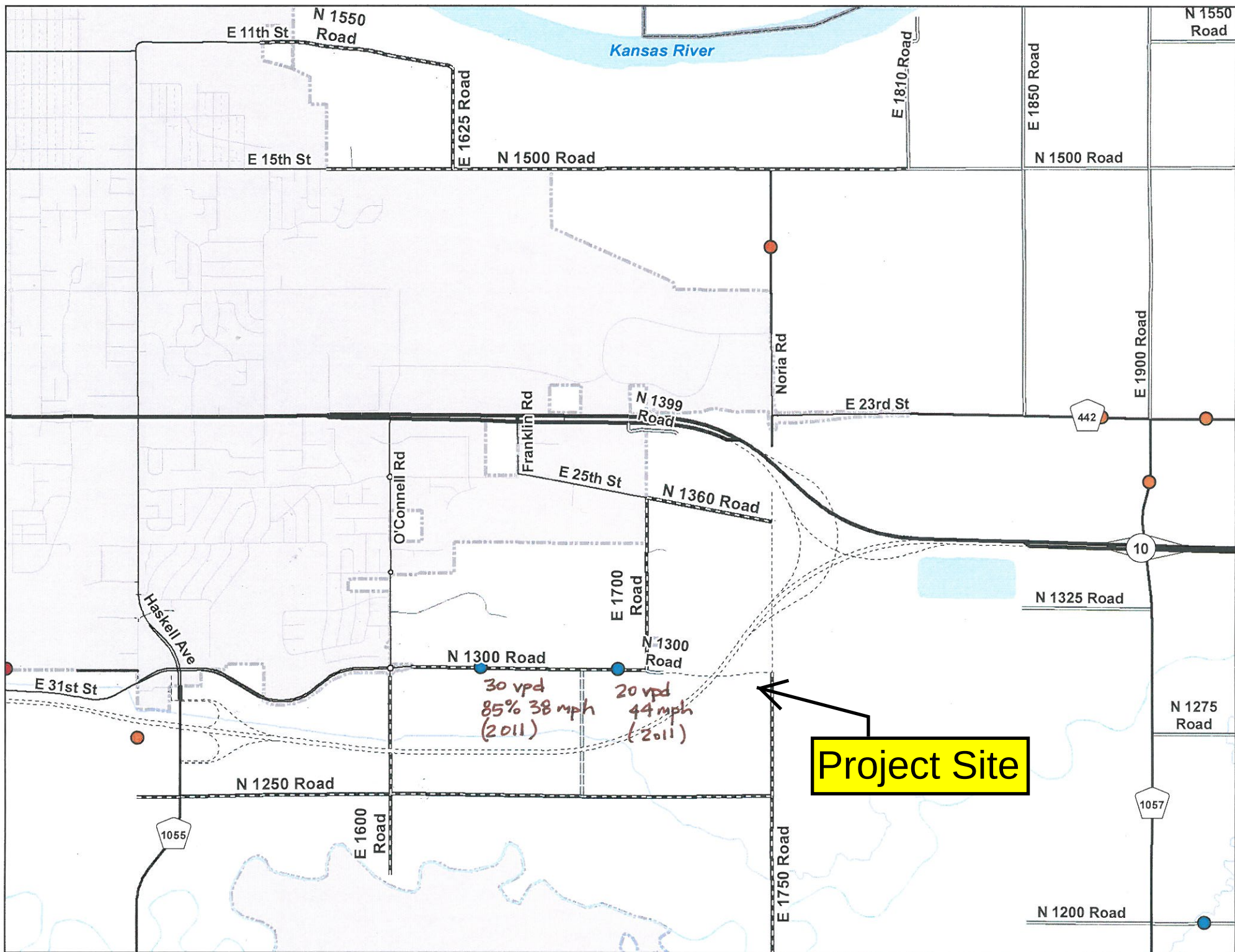
T2040 Major Thoroughfares Map, Douglas County, Kansas



Map Prepared by Lawrence-Douglas County Planning and Development
Services Department for the Lawrence-Douglas County MPO
March 21, 2013

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

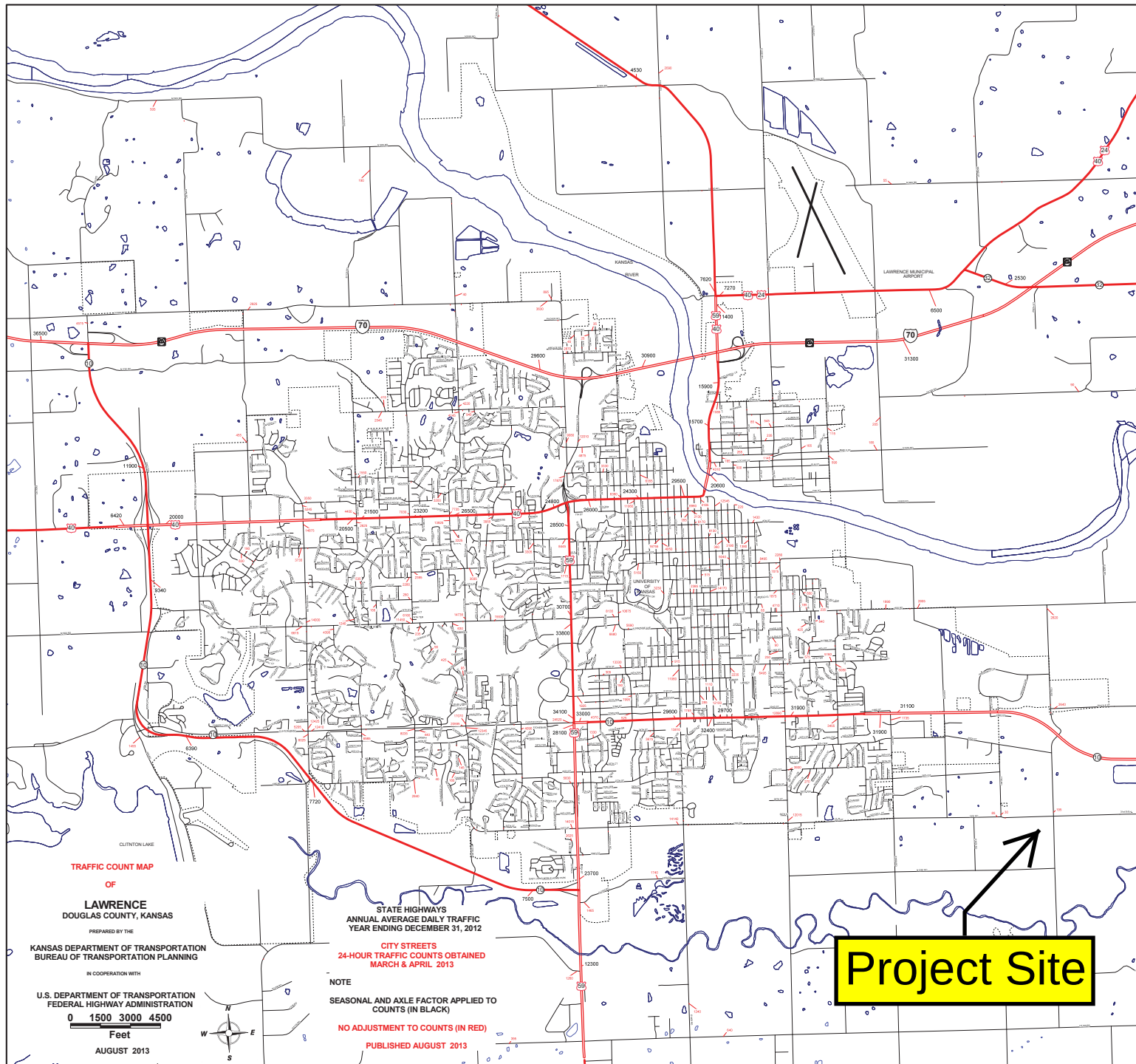


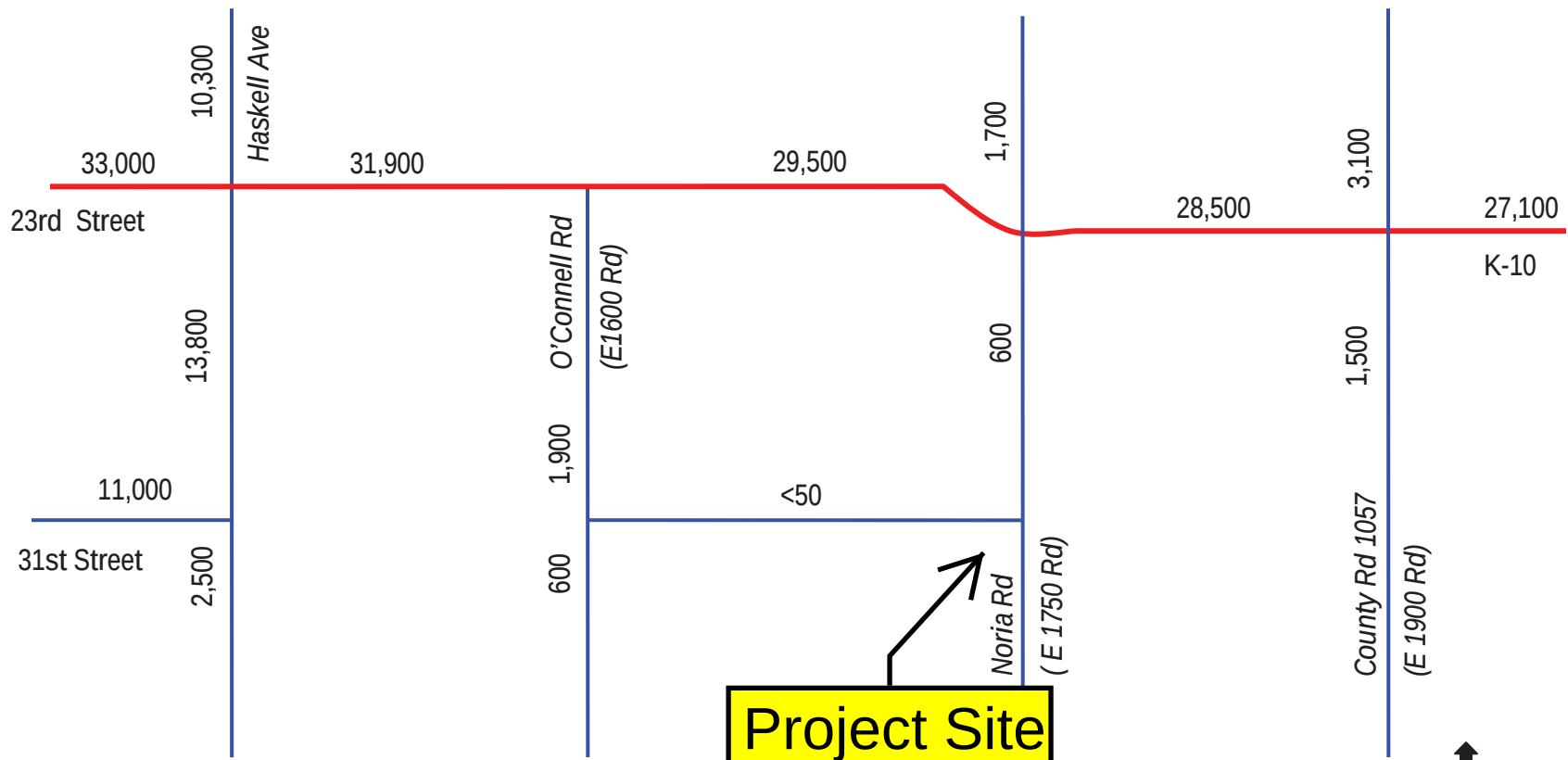


Project Site

30 vpd
85% 38 mph
(2011)

20 vpd
44 mph
(2011)





LEGEND

X,XXX DAILY TRAFFIC VOLUMES

— TWO LANE ROAD

— FOUR LANE ROAD

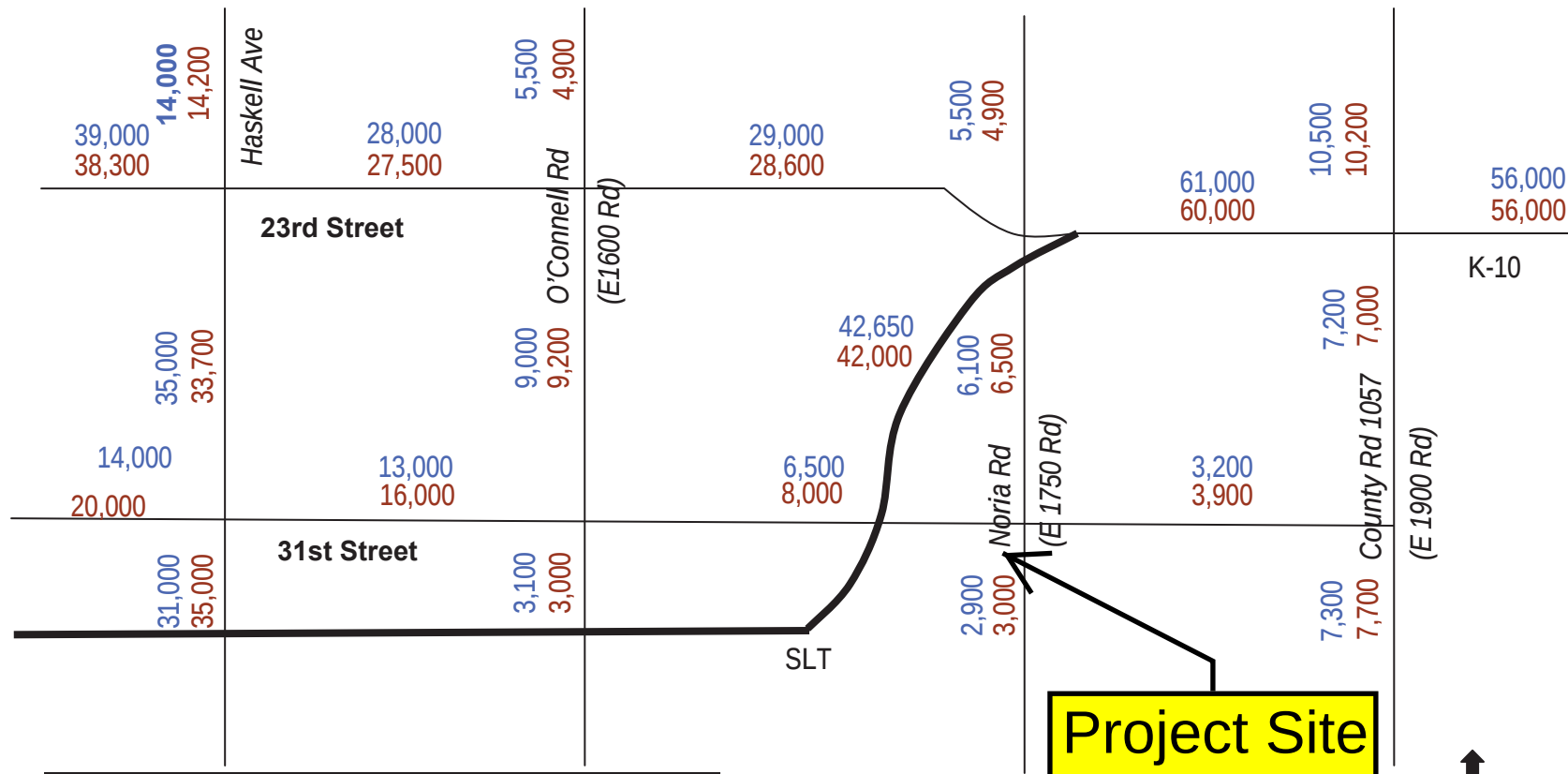
Project Site



NOT TO SCALE

APPENDIX A1

Year 2005 Daily Traffic Volumes



LEGEND

X,XXX DAILY TRAFFIC VOLUMES
31st STREET TWO LANES WITH SLT

X,XXX DAILY TRAFFIC VOLUMES
31st STREET FOUR LANES WITH SLT

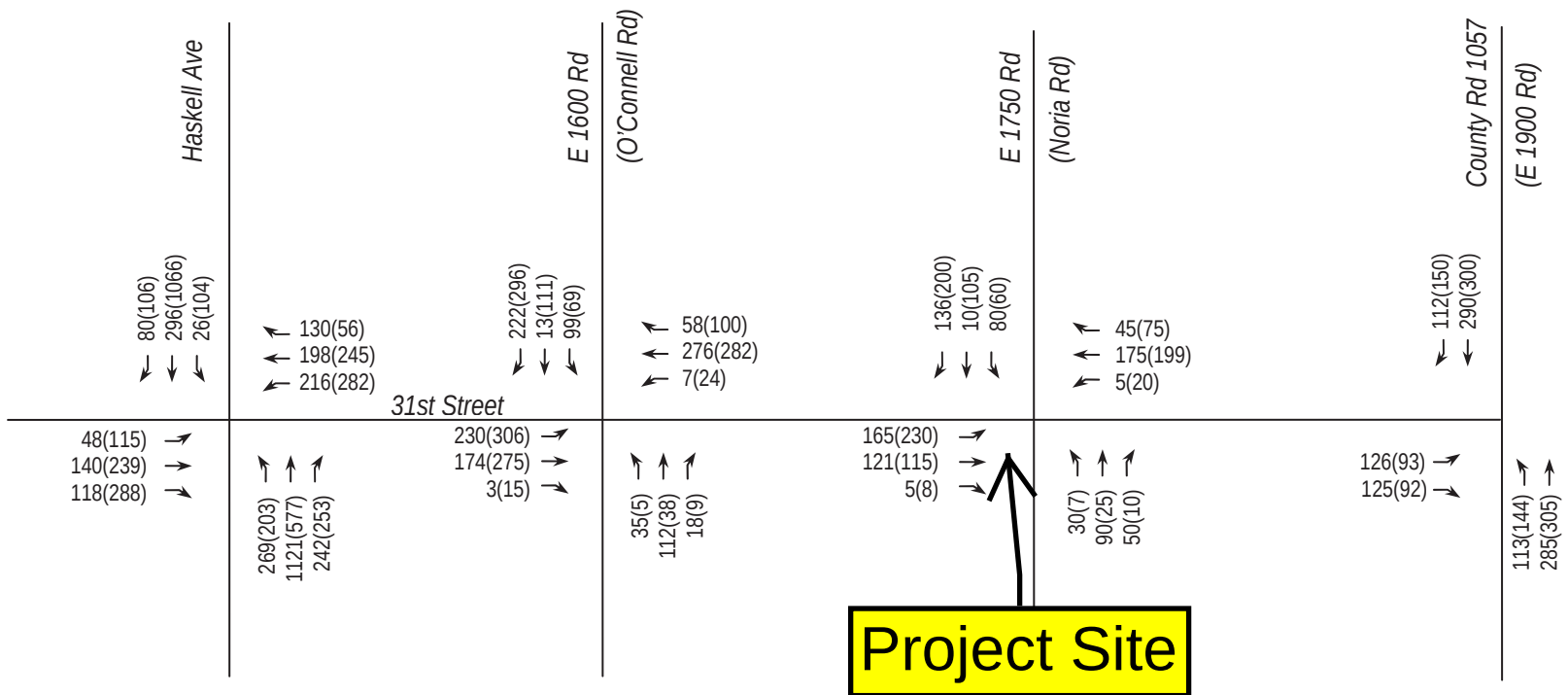
Project Site



NOT TO SCALE

APPENDIX A3

Year 2030 Daily Traffic Volumes
With South Lawrence Trafficway



LEGEND:

x(x) AM(PM) PEAK HOUR TRAFFIC VOLUMES

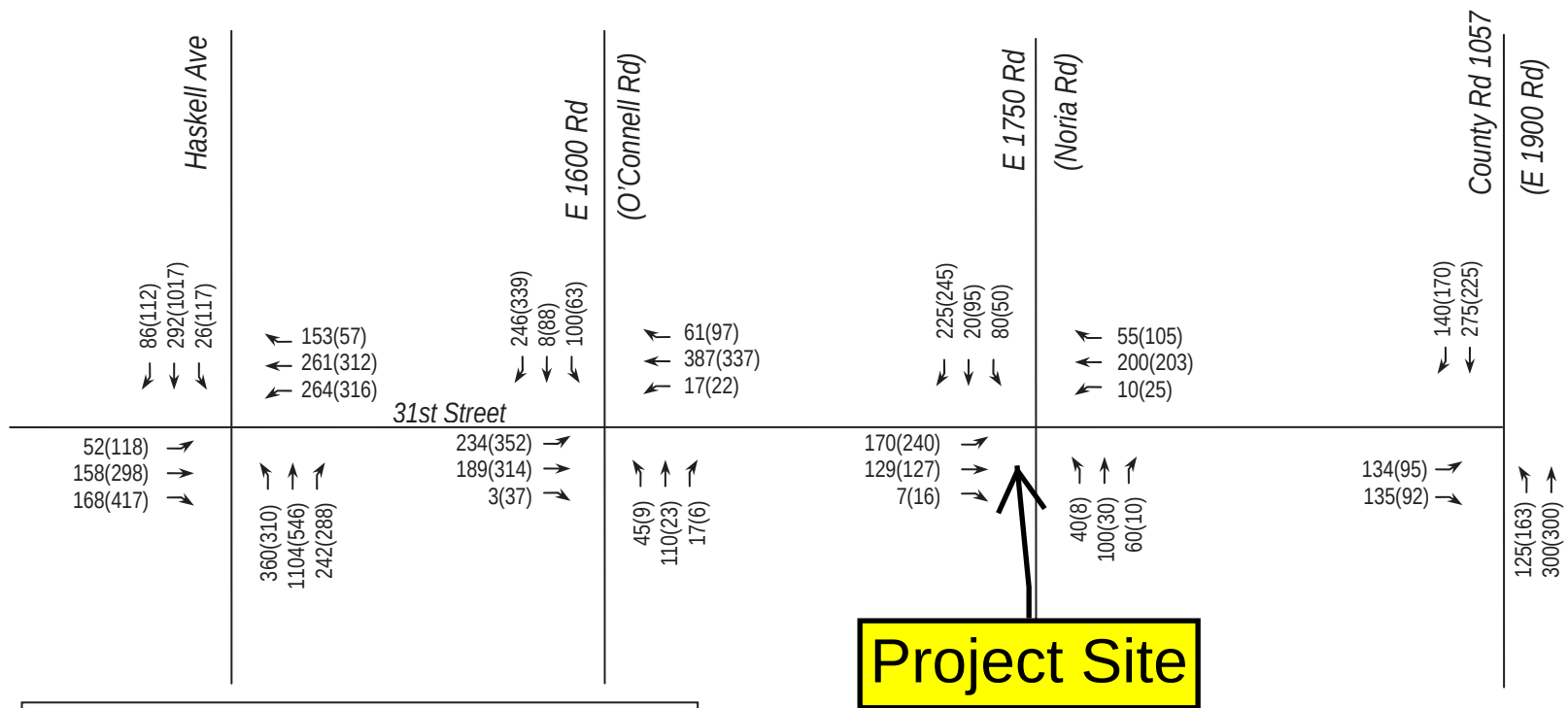
APPENDIX A5

**Year 2030 AM and PM Peak Hour Traffic Volumes
31st Street (Two Lanes) With South Lawrence Trafficway**



N

NOT TO SCALE

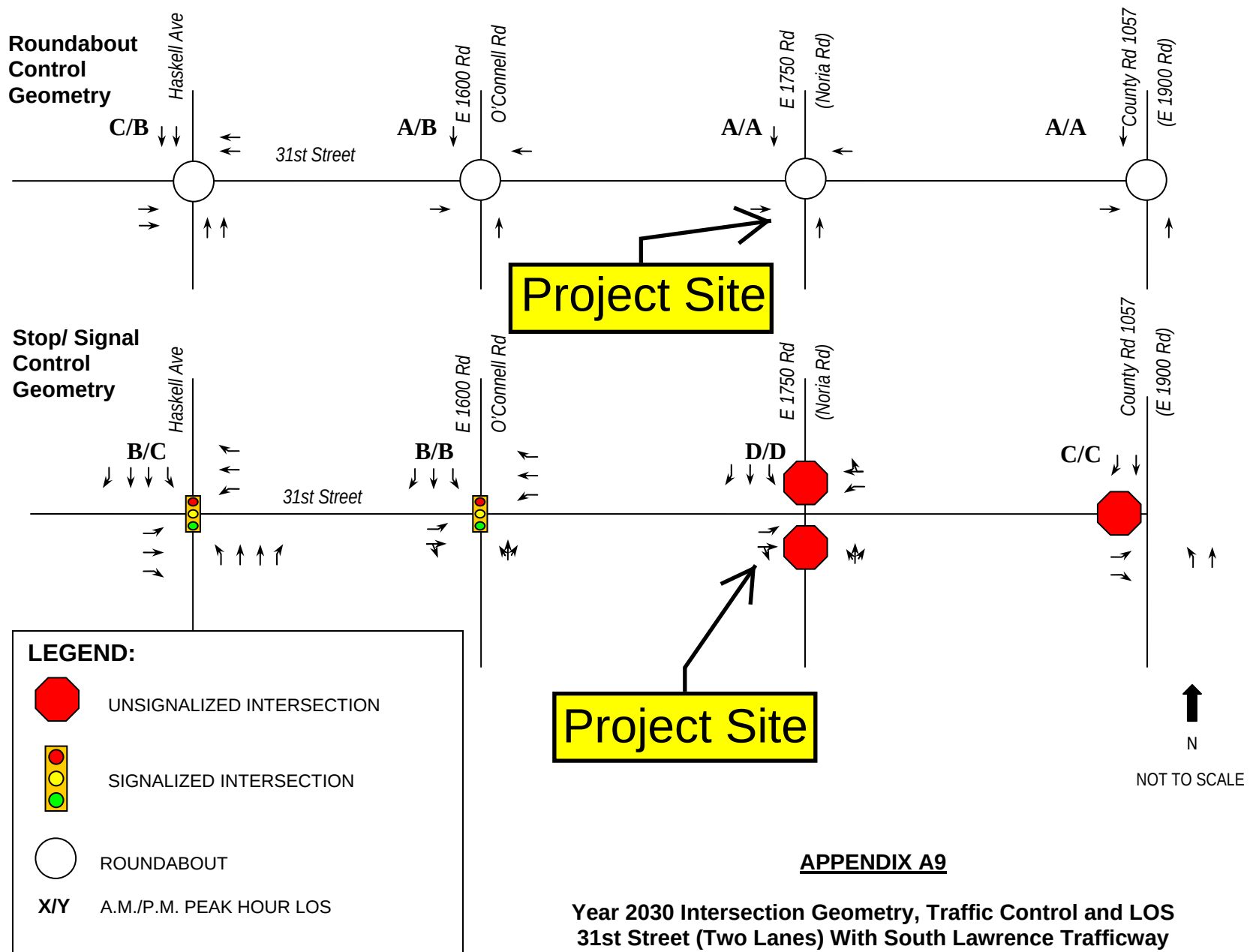


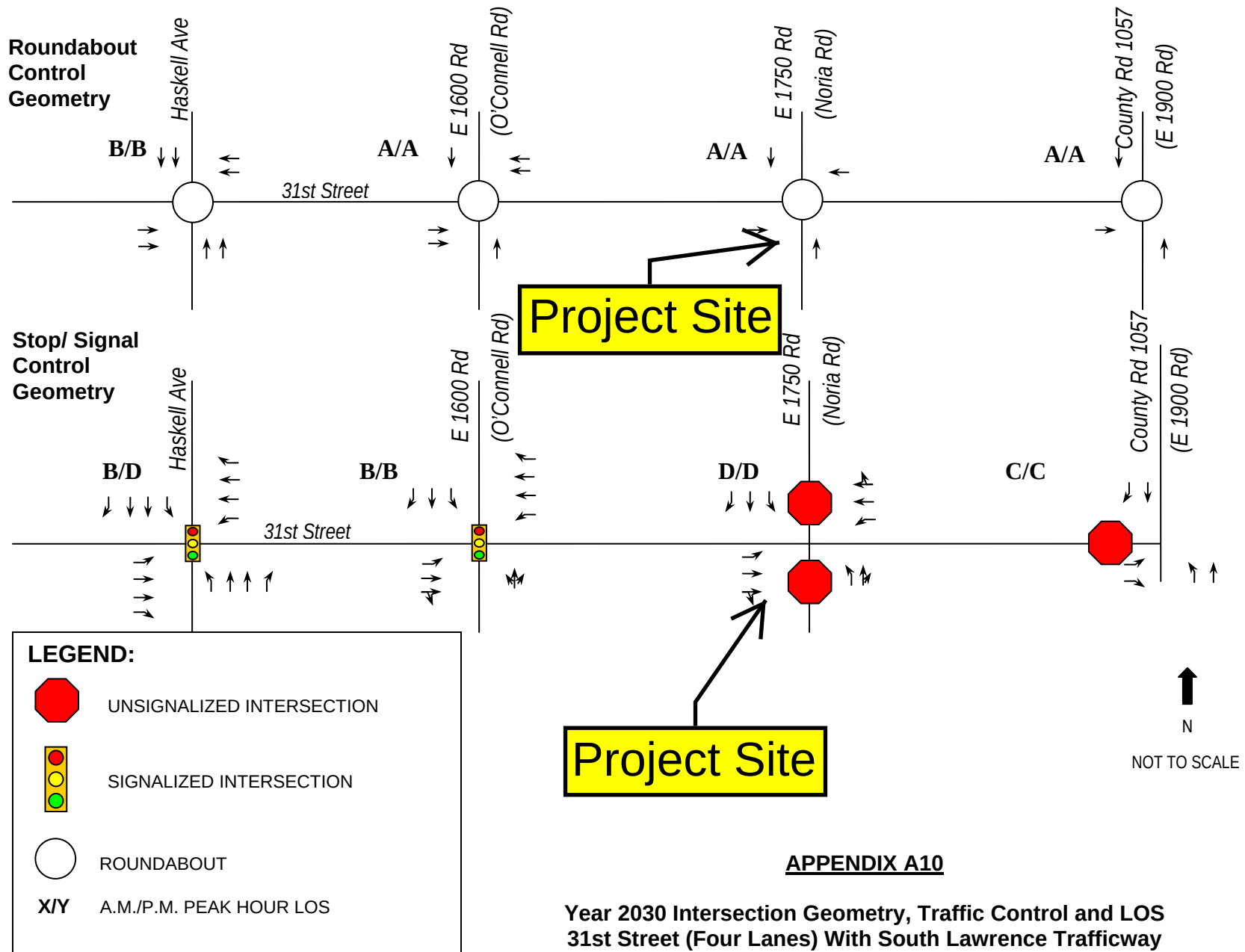
LEGEND:
 x(x) AM(PM) PEAK HOUR TRAFFIC VOLUMES

APPENDIX A6

**Year 2030 AM and PM Peak Hour Traffic Volumes
 31st Street (Four Lanes) With South Lawrence Trafficway**

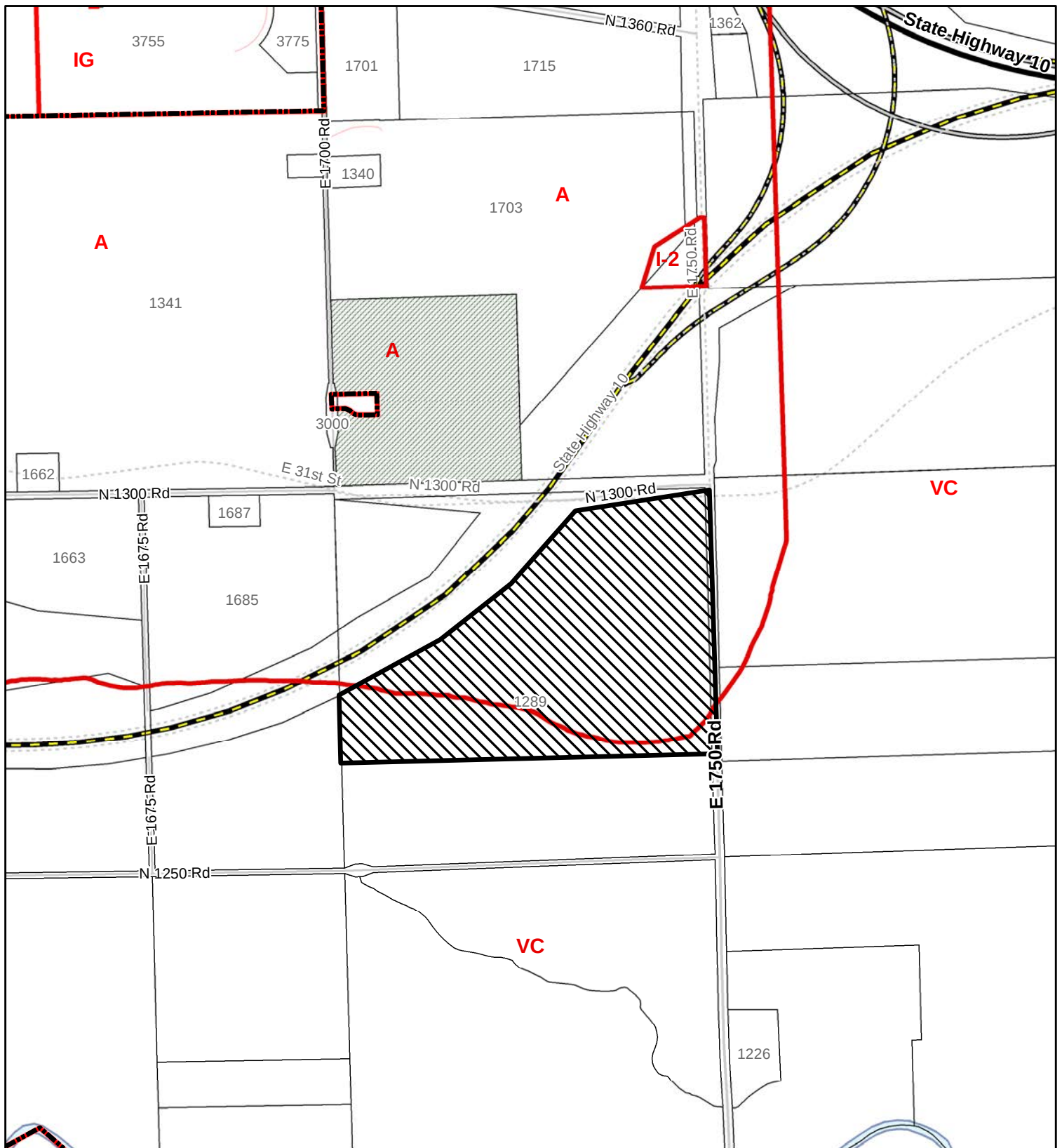
N
 NOT TO SCALE





APPENDIX A10

**Year 2030 Intersection Geometry, Traffic Control and LOS
31st Street (Four Lanes) With South Lawrence Trafficway**



Z-16-00067: Rezone Approximately 77.5 acres from County A District and County VC District to County I-3 District

PP-16-00068: Preliminary Plat for Four King's Subdivision

CUP-16-00069: Conditional Use Permit for King's Recycling Center
Located on the Southwest Corner of E 1750 Road and N 1300 Road



ITEM NO. 5A A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **Z-16-00067**: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5B PRELIMINARY PLAT FOR KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **PP-16-00068**: Consider a Preliminary Plat for Four King's Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5C CONDITIONAL USE PERMIT; KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **CUP-16-00069**: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 5A-5C at the same time.

APPLICANT PRESENTATION

Mr. CL Mauer, Landplan Engineering, said the King Family had been in the area for 30 years. He said the area had already been disturbed. He said it contained clay and that there were very few places in Lawrence to get borrow pit material. He said the highway was 30' higher and created a natural berm. He said it created a visual berm for power lines along the South Lawrence Trafficway (SLT). He said ducks were visible on the ponds during the highway construction and not bothered by noise. He talked about the decibel levels on the trafficway and took several readings on his phone while sitting on the SLT near the turnpike entrance. He stated noise would be there whether this project was approved or not. He showed pictures and video on the overhead. The video showed what a driver would visually see driving east and west on the highway.

Mr. Kent King, King Construction, said they wanted to keep the area as rural as possible. He said lean clay was important to the construction trade and that it was a benefit to be able to recycle construction materials. He said it was a resource instead of going to the landfill. He said the crushing machine had a magnet to pull out the steel and would be no louder than the South Lawrence Trafficway (SLT). He said the area had been changed by the SLT. He said Mr. Maurer talked to the neighbors and that they were not against this but did ask for a berm, which would be included.

PUBLIC HEARING

Ms. Karen Heeb, South Siders Neighborhood Association, said she was not against the King family but felt the location for rock crushing recycling was not appropriate. She agreed with the information in the staff report. She did not feel that the use fit the Horizon 2020 plan. She said RD Johnson had a recycling plant less than a mile from this location. She expressed concern about increased traffic and noise.

Mr. Joe Comparato, Jambars Futbol Club, said he had no objections to the business but expressed concern about rezoning to industrial for future uses.

APPLICANT CLOSING COMMENTS

Mr. Maurer said regarding the zoning of the area, everything south was zoned VC (Valley Channel) so no other industrial use could be out there.

Mr. Brian King responded to Ms. Heeb's comment about their recycling center being so close to another one by stating that most towns have recycling centers located near each other. He said Topeka had three recycling centers next to each other.

Ms. Taylor Norris responded to the comments about increased traffic. She said their primary working hours would be 7:00am-4:00pm Monday-Friday so the soccer traffic would not be at the same time.

COMMISSION DISCUSSION

Commissioner Pennie von Achen arrived at the meeting at 7:57pm.

Commissioner Sands asked if the area plan extended into this section and what the recommendation was.

Ms. Miller said the area plan did extend to this area but had no recommendations. She said she assumed that was because the South Lawrence Trafficway was proposed to be there.

Commissioner Kelly said the city had already zoned a large portion of the area north of this property for industrial. He asked the applicant if he was making the most of the property for the borrow pit. He wondered if the applicant had interest in moving to the area zoned along K-10 highway.

Mr. King said no.

Commissioner Britton asked if the recycling use had a time limit.

Ms. Miller said it would be an allowed use.

Commissioner Britton wondered about building in a time frame for review or expiration.

Mr. McCullough said the applicable process would be the site plan process through the County Commission if it is rezoned to industrial. He said any use would have to comply with the zoning district and any improvements would go through the site plan process.

Commissioner Sands asked about plans for sector plans along the South Lawrence Trafficway.

Mr. McCullough said there were plans for most of the South Lawrence Trafficway. He said it was not anticipated for this property to urbanize.

Commissioner Sands inquired about the area north of 1300 Rd that looked to be temporary in nature for the purpose of supporting the construction of the highway extension.

Ms. Miller said it was owned by KDOT. She said that site had a former Conditional Use Permit for a recycling facility.

Commissioner Kelly said he was struggling with the concept of gateway. He stated the Comprehensive Plan did not provide much guidance to determine a gateway. He said the argument was challenging.

Commissioner Britton said the plan just identifies that it is a gateway. He said it was hard to draw the line of where it starts and stops. He said the soccer fields were a bonus to the aesthetics of a gateway. He said Mr. Maurer's video of what people would see from the South Lawrence Trafficway was enlightening.

Commissioner Kelly said part of their job was planning. He said this may not be taking the best use of planning. He said this industrial use may be okay but other uses would be permitted.

Commissioner Carpenter expressed concern about limitations of water. He said potential uses could pollute ground water. He said this area was near floodplain and in an isolated area.

Commissioner Butler asked where the other recycling center near this location was at.

Mr. Maurer pointed on the map displayed on the overhead. He said it was a mile north of the site they were talking about.

Commissioner Butler asked how long the King's had owned the property.

Mr. Maurer said three years.

Commissioner Carpenter said the property was not in the city and did not have stormwater. He said it would be reliant on possible future rural water and septic system. He expressed concern about a septic system with the other potential uses of industrial.

Mr. Maurer said there were detention ponds in the area. He said the Rural Water District had already purchased an easement from the King's at the corner of 31st Street and 1750 Road. He said the King's would have minimal water usage. He said the crusher and water trucks would use pond water. He said he would prefer to only have a Conditional Use Permit but it required rezoning to I-3.

Commissioner Britton asked why the rezoning was necessary versus a Conditional Use Permit.

Ms. Miller said the use was most similar to concrete plants. She said it was not just like quarrying because it was bringing material to the site.

Commissioner Liese reiterated the staff report findings.

ACTION TAKEN on Item 5A

Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to deny the rezoning request, Z-16-00067, for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

Commissioner Britton felt denial was the appropriate call due to potential industrial uses in the future. He said he heard good arguments to have this operation but that it was for County Commission to determine. He said he was inclined to follow the staff recommendation of denial.

Commissioner Culver said it was a unique piece of land and that rezoning it to heavy industrial was concerning for the long term.

Commissioner Sands felt they had a responsibility to consider what this would look in 10 years.

Commissioner Carpenter said he was not opposed to the King business. He wished there was some other way to continue the use without rezoning this location.

Commissioner Struckhoff said he would support the motion for denial mainly due to the non-contiguous I-3 rezoning request and the possibilities that extend there. He appreciated the recycled materials that the King's produced. He wanted to support the business, but not the zoning at this location.

Motion carried 7-1-1, with Commissioner Butler voting against the motion. Commissioner von Achen abstained due to her late arrival at the meeting.

ACTION TAKEN on Item 5B

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to deny the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, based on the findings of fact found in the body of the staff report.

Commissioner Kelly withdrew his motion for denial, seconded by Commissioner Liese to withdraw the motion for denial.

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, until the Board of County Commissioners acts on the rezoning.

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

ACTION TAKEN on Item 5C

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report.

Commissioner Culver asked if condition 3 would still apply to this Conditional Use Permit since it was related to the recycling facility.

Commissioner Kelly amended the motion, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report, except for conditions 3 and 6 which were related to the recycling facility.

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner's approval.
2. Commercial truck traffic to the facility is limited to the following roads:
E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
- ~~3. Only clean construction rubble shall be stockpiled or processed on the site.~~
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
- ~~6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:~~
 - ~~a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.~~
 - ~~b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.~~
 - ~~c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.~~
 - ~~d. List Conditions No. 1-5 on the plan.~~

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

DRAFT