

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, NOVEMBER 9, 2016

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of Notice to Township Board for Cereal Malt Beverage License for Flamingo Enterprises (Clerk's Office);
- (c) Consider approval of Notice to Township Board for Cereal Malt Beverage License for Clinton Marina (Clerk's Office);
- (d) Consider approval of Notice to Township Board for Cereal Malt Beverage License for Clinton Submarina (Clerk's Office); and
- (e) Consider approval for Class "B" Club License for The Bird of Lawrence (Clerk's Office);
- (f) Consider approval of Community Corrections FY2017 Quarterly Budget Adjustment Report (Deborah Wright);
- (g) Consider approval to grant a utility easement to the City of Lawrence to facilitate construction of the Wakarusa Township Fire Station improvements, (Mike Baxter)
- (h) Consider approval of revised rental and use guidelines, fee schedule and rental agreement for Douglas County Fairgrounds (Jill Jolicoeur)-backup to follow
- (i) Consider approval of FY2016 Community Corrections Year End Outcomes Report (Deborah Wright)

REGULAR AGENDA

- (2) **CUP-16-00035:** Consider the renewal of a Conditional Use Permit for *Prairie Moon School Preschool Program*, located at 1853 E 1600 Road. Submitted by Melissa Watson for Waldorf Association of Lawrence tenant, Grant Township, property owner of record. (Sandra Day)
- (3) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- Board of Construction Codes Appeals (1) position 12/15**
- Planning Commission (1) position to fill unexpired term**
- Douglas County Fairboard (3) positions 12/16**
- (c) Public Comment
- (d) Miscellaneous

RECESS

RECONVENE

6:00 p.m.

- (4) Extension to Midnight Farm CUP-04-03-06, Conditional Use Permit, Community Living Opportunities, located at 2084 N 600 Rd, as tabled from the 10/19/16 meeting, with added discussion on traffic concerns (Mary Miller is the Planner)
- (5) **TA-16-00323:** Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses, as tabled from the 10/19/16 meeting. (Mary Miller is the Planner)
- (6) Adjourn

WEDNESDAY, NOVEMBER 16, 2016

WEDNESDAY, NOVEMBER 23, 2016 (meeting cancelled)

WEDNESDAY, NOVEMBER 30, 2016

-Presentation of Douglas County Fairgrounds Master Plan and finalize funding budget for landscaping (Eileen Horn)

WEDNESDAY, DECEMBER 7, 2016 (light or cancelled)

WEDNESDAY, DECEMBER 14, 2016

4 p.m.

-Receive recommendation from the Public Incentive Advisory Committee (PIRC) and consider County/School District participation in a 10 year, 75% Neighborhood Revitalization Area (NRA) for Vermont LLC for their mixed-use project at approximately 800-815 Vermont Street (Britt Crum-Cano)

WEDNESDAY, DECEMBER 21, 2016

-Bid openings for Consider awarding contract for Douglas County Project no. 2015-68, replacement of bridge no. 00.64-05.50 (Keith Browning)

WEDNESDAY, DECEMBER 28, 2016

***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.*

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, GRANT TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Flamingo Enterprises** to sell Cereal Malt Beverages at retail for consumption on the premises: **1626 E 1550 Rd, Lawrence, KS** .

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 **9th Day of November 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.

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** to sell Cereal Malt Beverages at retail for consumption off the premises: **1329 E 800 Road**.

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 **9th Day of November 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.

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 Submarina** to sell Cereal Malt Beverages at retail for consumption on the premises: **1329 E 800 Road**.

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.

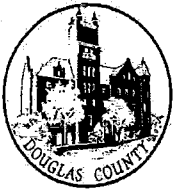
Done by the Board of County Commissioners this **9th day of November, 2016**

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.



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

1(b-e)

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

2017

DOUGLAS COUNTY KANSAS OCCUPATIONAL LICENSE APPLICATION

DATE: 10/20/16

APPLICANT: Bird of Lawrence

APPLICANT'S REPRESENTATIVE: Wesley R Kabler

BUSINESS ADDRESS: 1626 E 1550 Rd., Lawrence KS

STATE LIQUOR LICENSE NUMBER: 10-016-0297-00

BUSINESS PHONE: 785-843-9800

DOUGLAS COUNTY USE LOCATION: Same as above

Wesley R Kabler

APPLICANT'S SIGNATURE

COUNTY FEE: \$150.00 COUNTY LICENSE NUMBER 2

DATE ISSUED 10/20/16

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee: \$ 150.00 (original)

LICENSE TAX NO. 2

2017

TO WHOM IT MAY CONCERN:

Occupation License is hereby granted to THE BIRD OF LAWRENCE

Of CLASS "B" CLUB LICENSE NO. 10-016-0297-00 for the year beginning **January 1, 2017**

at **1626 EAST 1550 ROAD, LAWRENCE, KS 66044** in the Township of **GRANT** in **DOUGLAS COUNTY, KANSAS**

Same having been approved by the governing body of said County as provided by the Laws of Kansas, K.S.A.41-2622, and the regulations of the Board of County Commissioners.

This License will expire DECEMBER 31, 2017 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Done by the Board of County Commissioners of DOUGLAS County, Kansas

this 9th Day of November 2016.

Attest: _____

County Clerk

Chairman

Peggy Carr Kittel, Chief Judge

Sally D. Pokorny, Judge

Barbara Kay Huff, Judge

James R. McCabria, Judge

Paula B. Martin, Judge

James T. George, Pro Tem Judge

DOUGLAS COUNTY DISTRICT COURT
Seventh Judicial District
Judicial Center, 111 E. 11th St., Unit #3
Lawrence, Kansas 66044-2966



Linda Koester-Vogelsang
Court Administrator, 785-832-5264

Douglas A. Hamilton
Clerk of the District Court, 785-832-5333

Michelle Roberts
Chief Court Services Officer, 785-832-5218

Deborah Wright
Community Corrections Director, 785-832-5342

Katy Nitcher
Court Trustee, 785-832-5315

Heather Krase-Minnick
Citizen Review Board Director, 785-832-5219

TO: County Commission
FROM: Deborah L. Wright, Director *DW*
SUBJECT: FY2017 Quarterly Budget Adjustment Report
DATE: November 4, 2016

Attached is the FY2017 KDOC Quarterly Budget Adjustment Report for the first quarter. Signatory Approval is required for all budget adjustments over \$5000.

Douglas County Community Corrections (DCCC) balanced with the county general ledger for the first quarter, July 1st – September 30th. As you may recall, DCCC was awarded \$435,604.65 in Community Corrections grant funds for FY2017, and \$12,797.89 of the award was budgeted for agency operations. I made budget adjustments moving this amount from agency operations to personnel in the grant budget. This was done in FY2016 as well, since all funding goes toward retaining personnel. Operation expenses are paid out of collected offender reimbursements.

Thank You!

Agency: DG
Period: 7/1/17-9/30/17

	BUDGET ADJUSTMENTS			
Date Received	From Line # and Budget Category Title	To Line # and Budget Category Title	Amount	Carryover/Reimb. Unexpended Fund Award or Behavioral Health Award Worksheet?
	#18 Travel	#11 Personnel AISP	797.89	Grant
	#19 Travel	#11 Personnel AISP	500.00	Grant
	#19 Travel	#11 Personnel AISP	1,000.00	Grant
	#26 Training	#11 Personnel AISP	1,000.00	Grant
	#27 Training	#11 Personnel AISP	750.00	Grant
	#28 Training	#11 Personnel AISP	750.00	Grant
	#32 Communication	#11 Personnel AISP	\$3,000.00	Grant
	#46 Supplies/Commodities	#11 Personnel AISP	\$1,500.00	Grant
	#73 Contract/Client Services	#11 Personnel AISP	1,500.00	Grant
	#74 Contract/Client Services	#11 Personnel AISP	1,500.00	Grant
	#83 Contract/Client Services	#11 Personnel AISP	\$500.00	Grant
		TOTAL:	\$ 12,797.89	

I certify that any budget adjustment listed above, has been approved by the Community Corrections Advisory Board.

Advisory Board.


Community Corrections Advisory Board Chair

11/2/16
Date

I certify that any budget adjustment listed above, has been approved by the County Commission.

County Commission Chair (Sponsoring County)

Date _____

Agency Comments:

*Explanation for adjustments is required

Douglas County Community Corrections (DCCC) was not fully funded for FY2017. DCCC operation expenses totaled \$12,797.89, and this amount was moved to personnel to help maintain staff.

UTILITY EASEMENT

THE UNDERSIGNED, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, sells, conveys, and delivers unto the City of Lawrence, Kansas, a municipal corporation, a permanent and perpetual Utility Easement for the construction, installation, and maintenance of Utilities, in, over, under, and through the following described tract of real estate situated in Douglas County, Kansas, to-wit:

SEE EXHIBIT 'A' FOR EASEMENT DESCRIPTION

Grantee shall have the right of ingress and egress upon the above described easement for the purpose of maintaining, repairing, or replacing said Utilities and otherwise make all uses of said Easement and do all things necessary or proper for the use of said Easement for said public facilities and structures.

Grantor shall do or cause nothing to be done to interfere with the Grantee's right of use of said Easement for the purposes herein stated.

THE UNDERSIGNED FURTHER WARRANT that it has good and lawful right to convey said easement, and will forever and defend the title thereto.

THIS AGREEMENT is and shall be binding and obligatory upon the heirs, administrators, executors, personal representatives, successors, and assigns of the parties hereto.

DATED this _____ day of _____, 2016.

Jim Flory, Chair
Board of County Commissioners
Douglas County, Kansas

ATTEST:

Douglas County Clerk

Printed Name

STATE OF KANSAS)
)
COUNTY OF DOUGLAS) SS:

Be it remembered, that on this ____day of _____, 2016 before me a Notary Public in and for said County and State aforesaid came, Jim Flory, Chair, Board of County Commissioners, Douglas County, Kansas, who is personally known to me to be the same person(s) who executed the foregoing instrument of writing, and such persons duly acknowledged the execution of the same to be his voluntary act and deed of the aforementioned entity.

 In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year last above mentioned,

Notary Public_____ My appointment Expires:_____

EXHIBIT 'A'

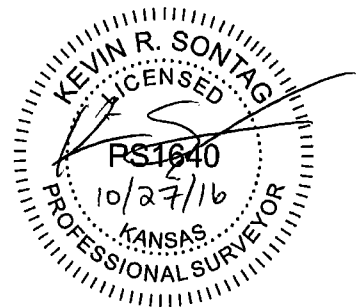
A tract of land in the Southwest Quarter of Section 7, Township 13 South, Range 20 East of the Sixth Principal Meridian, in the City of Lawrence, Douglas County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 1 degree 45 minutes 48 seconds East along the west line of said Southwest Quarter a distance of 1738.96 feet to the northwest corner of a tract of land described at Book 199 Page 637 at the Douglas County Register of Deeds; thence North 88 degrees 58 minutes 43 seconds East along the north line of said tract and parallel with the north line of said Southwest Quarter a distance of 243.45 feet to a point 428.53 feet west of the northeast corner of said tract and the point of beginning; thence continuing North 88 degrees 58 minutes 43 seconds East along the north line of said tract a distance of 428.53 feet to the northeast corner of said tract; thence South 1 degree 45 minutes 48 seconds East along the east line of said tract and parallel with the west line of said Southwest Quarter a distance of 20.00 feet; thence South 88 degrees 58 minutes 43 seconds West parallel with the north line of said tract a distance of 428.53 feet; thence North 1 degree 45 minutes 48 seconds West parallel with the west line of said Southwest Quarter a distance of 20.00 feet to the point of beginning; this tract contains 8,571 square feet (0.1968 acres).

AND

A tract of land in the Southwest Quarter of Section 7, Township 13 South, Range 20 East of the Sixth Principal Meridian, in the City of Lawrence, Douglas County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 1 degree 45 minutes 48 seconds East along the west line of said Southwest Quarter a distance of 1738.96 feet to the northwest corner of a tract of land described at Book 199 Page 637 at the Douglas County Register of Deeds; thence North 88 degrees 58 minutes 43 seconds East along the north line of said tract and parallel with the north line of said Southwest Quarter a distance of 671.98 feet to the northeast corner of said tract; thence South 1 degree 45 minutes 48 seconds East along the east line of said tract and parallel with the west line of said Southwest Quarter a distance of 600.24 feet to the point of beginning; thence South 88 degrees 16 minutes 18 seconds West a distance of 376.42 feet; thence North 74 degrees 12 minutes 6 seconds West a distance of 242.70 feet to the east right of way line of Louisiana Street as now established; thence South 2 degrees 59 minutes 37 seconds East along said east right of way line a distance of 15.84 feet; thence South 74 degrees 12 minutes 6 seconds East a distance of 239.91 feet; thence North 88 degrees 16 minutes 18 seconds East a distance of 378.74 feet to the east line of said tract; thence North 1 degree 45 minutes 48 seconds West along the east line of said tract and parallel with the west line of said Southwest Quarter a distance of 15.00 feet to the point of beginning; this tract contains 9,283 square feet (0.2131 acres).



Robert W. Fairchild, Chief Judge

Sally D. Pokorny, Judge

Kay Huff, Judge

James McCabria, Judge

Paula B. Martin, Judge

Peggy C. Kittel, Judge

James T. George, Pro Tem Judge

DOUGLAS COUNTY DISTRICT COURT
Seventh Judicial District
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Court Trustee, 785-832-5315

Heather Krase-Minnick
Citizen Review Board Director, 785-832-5219

TO: County Commission
FROM: Deborah L. Wright, Director *DW*
SUBJECT: FY2016 Community Corrections Year End Outcomes Report
DATE: November 2, 2016

Attached, you will find the FY2016 Douglas County Community Corrections Year End Outcomes Report. Kansas Department of Corrections (KDOC) requires each agency to meet a 75% offender success rate. We are pleased that we had another successful year, having a 76.8% success rate. This report requires signatory approval.

Thank You!

Kansas Department of Corrections

Community Corrections Services



Kansas Department of Corrections Community Corrections Comprehensive Plan Quarterly and Year End Outcome Report Format

Community Corrections Agency: Douglas County Community Corrections

Fiscal Year 2016 Report Period

<u>X</u> 1 st Quarter	July 1 st - September 30 th
<u>X</u> 2 nd Quarter	October 1 st - December 31 st
<u>X</u> 3 rd Quarter	January 1 st - March 31 st
<u>X</u> Year End	July 1 st - June 30 th

Process Goals

Goal #1: Revitalize the agency's mentoring program to help with offender pro-social orientations during FY2016. In addition to helping close this gap, below are strategies to help our agency achieve at least a 75% success rate.

Strategies to Achieve Success for Outcome/Gap

- By July 1st 2015, the mentoring program facilitator will begin soliciting both male/female volunteers, with the assistance of the Program Provider.
- By September 1st 2015, the facilitator will collaborate with staff regarding offenders who will be eligible for the program.
- By October 1st 2015, Douglas County Community Corrections (DCCC) will identify the volunteer population via the interview process.
- By December 1st 2015, DCCC will review and finalize a mentor selection interview process.
- By December 1st 2015, DCCC will schedule and complete the mentor orientation training for volunteers based on the training curriculum.
- By December 30th 2015, DCCC will have a special staff meeting to discuss matching offenders with suitable mentors, and review the mentoring referral process.
- By January 1st 2016, eligible offenders will begin meeting with their mentor.

Target Date: January 1, 2016

Progress: The mentoring program is implemented. With approval from the United Way, DCCC was able to utilize their website to advertise for female and male mentors. DCCC recruited two female mentors, and continued to seek male mentors.

Discussion / Current Activities: The mentoring program is for offenders who score high needs on the LSIR assessment. A female offender successfully completed probation with the assistance of a DCCC mentor.

Challenges: Although DCCC recruited two female mentors, recruiting male mentors was a challenge. DCCC hired a volunteer to assist the Program Provider in enhancing the mentoring program, but the volunteer failed to report on her start date.

Modifications: There are no modifications at this time, and DCCC will continue to work toward recruiting male mentors.

Goal #2: Develop and implement the internal Substance Abuse Program (SAP) to assist with offender thinking patterns centered on substance abuse. In addition to helping close this gap, below are strategies to help our agency achieve at least a 75% success rate.

Strategies to Achieve Success for Outcome/Gap

- By July 1st 2015, DCCC will review with ISOs the number of offenders who qualify for SAP to determine if there are enough offenders to begin the program.
- By July 1st 2015, DCCC will continue collaboration with the Lawrence, Kansas State Parole Office regarding establishing a partnership to assist both CC/Parole offenders.
- By July 1st 2015, DCCC will collaborate with the Douglas County Sheriff's Department regarding how many offenders will be released from jail to DCCC, the release date, and if the offender(s) will qualify for SAP.
- DCCC will continuously monitor SAP, and determine what is working, and what areas need improvement.

Target Date: - July 1, 2015

Modified Date: June 30, 2016

Progress: The SAP program has been implemented. The Program Provider met with the Kansas Department of Corrections (KDOC) Program Consultant to gain more insight regarding SAP. The Program Provider attended the Pre-Treatment and Orientation training. In March, 2016, the Program Provider provided an overview of the SAP Program to Lawrence, Kansas State Parole.

Discussion / Current Activities: The Program Provider met with offenders individually, including a Lawrence, Kansas State Parole offender. Before beginning a SAP class, it is ideal to have an adequate number of offenders for the classes to be effective. DCCC began its first SAP class on April 25, 2016. Four offenders were enrolled in the class, but it was canceled due to lack of attendees. DCCC offered a class that began May 2, 2016. One offender had consistent attendance. Reasons for offenders not attending were the following: an offender was incarcerated on new charges; an offender was referred for intensive substance abuse treatment; and, an offender absconded from probation.

Challenges: It was difficult implementing SAP because many offenders were already participating in outpatient alcohol and drug treatment, and were not eligible for SAP. DCCC received clarification from KDOC that although offenders may be participating in outpatient alcohol and drug treatment, offenders are still eligible to participate in SAP. Having an adequate number of offenders to begin and continue a SAP class was difficult.

Modifications: There are no modifications at this time. DCCC will work toward enhancing the SAP Program during FY2017.

Goal #3: Director/ISO II will complete random audits to ensure ISOs are upholding evidence-based practices.

Strategies to Achieve Success for Outcome/Gap:

- The Director/ISO II will randomly select two files per month per ISO for auditing. Audits will include files and TOADS reviews.
- The Director/ISO II will observe cognitive skills classes once per month to ensure the Program Provider is following the curriculum.
- The Director will request that KDOC help with the fidelity piece by observing the cognitive skills classes and provide written/verbal feedback.

Target Date: June 30, 2016

Progress: Progress toward this goal was slow due to time constraints. DCCC hired new staff during FY2016, and concentration was placed on training and development, and managing higher caseloads through the process.

Discussion / Current Activities: KDOC began auditing DCCC offender files during the last quarter of FY2016. The results were not provided to DCCC by the end of the fiscal year. The Director and ISO II periodically reviewed reports from the KDOC database, and provided ISOs feedback regarding their data entry, and offender related information. The quality assurance calendar was developed.

Challenges: File audits are time-consuming, which was a challenge for DCCC. The focus during FY2016 was on hiring, training, and developing new staff.

Modifications: There are no modifications, and DCCC will be working on enhancing the quality assurance program during FY2017.

Goal #4: Director/ISO II will arrange for Case Plan, Motivational Interviewing, and EPICS refresher trainings to assist staff with offender case management.

Strategies to Achieve Success for Outcome/Gap:

- The Director/ISO II will contact KDOC by July 1, 2015 to schedule refresher trainings and incorporate refresher trainings into weekly staff meetings.
- The Director/ISO II will monitor staff to ensure skills and tools learned in refresher trainings are incorporated in offender case management and cognitive skills classes.

Target Date: June 30, 2016

Progress: The Director attended the EPICS II supervisor training in May 2016. The training provided supervisors a tool to use for auditing purposes. The ISO II will attend the EPICS II supervisor training, if offered, during FY2017.

Discussion / Current Activities: DCCC worked with the Douglas County Sheriff's Office, Reentry Department, and Johnson County Community Corrections in planning EPICS II refresher training for ISOs. Riley County Community Corrections expressed interest in

attending the training. Planning was ongoing at the end of FY2016. DCCC requested that KDOC provide Case Plan training during FY2017.

Challenges: Scheduling training when staff from Johnson County Community Corrections, Riley County Community Corrections, and DCCC would be available was difficult. In addition, the training facilitator's schedule was full.

Modifications: There are no modifications at this time. Planning refresher trainings for staff is on-going.

Outcome Goals

Goal: Achieve and maintain a supervision success rate of at least 75% or improving such rate by at least 3% each year, by June 30th, 2016.

Strategies to Achieve Success for Outcome/Gap:

- Per policy/procedure ISOs are required to obtain supervisory approval for any recommended revocations.
- Per policy and procedure, all referrals to DCCC will be monitored by the Director to ensure proper placement in Community Corrections.

Target Date: June 30, 2016

Progress: During FY16, DCCC closed 151 offender files, and 116 (76.8%) offenders were successful.

Target Success Rate	1 st Quarter	2 nd Quarter	3 rd Quarter	Year End
75%	82.1%	69.2%	79.1%	76.8

Discussion / Current Activities: ISOs did a good job staffing recommended offender revocations with a supervisor. ISOs exhausted all resources before recommending revocation. DCCC internal programming contributed to offender success during FY2016. The Thinking for Change (T4C) program was successful. DCCC Program Provider assisted offenders in seeking employment opportunities, and several offenders were successful in obtaining employment. DCCC provided incentives to offenders, and the bicycle program was available. The Substance Abuse Program (SAP) and mentoring program were in place.

Challenges: DCCC continues to struggle with assisting offenders who have mental health issues and/or who are dual diagnosed. Recruiting male mentors for the mentoring program was a challenge, as well as having an adequate number of offenders to begin a SAP class.

Modifications: There are no specific modifications, and DCCC achieved a 76.8% success rate. DCCC will continue to work toward enhancing internal programs.

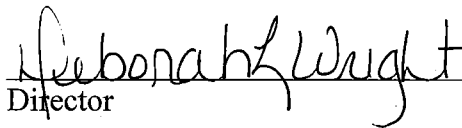
FY 2016 Community Corrections Year End Outcome Report Signatory Approval Form

Agency Name: Douglas County Community Corrections

Agency Director: Deborah L. Wright

Report Period: July 1, 2015 - June 30, 2016

My signature certifies that I did author this report, and assist in the compilation and analysis of the data cited therein.


Director

10/11/16
Date

My signature certifies that the Community Corrections Advisory/Governing Board reviewed the Year End Report of Outcomes for Fiscal Year 2016 and agreed with the findings and discussion therein.


Robert D. Suderman,
Advisory/Governing Board Chairperson

10/11/16
Date

Address: 614 W. 27th Terr., Lawrence, Kansas 66046

Phone: (785) 766-4569 Fax:

E-Mail: sudermanl@yahoo.com

My signature certifies that the Board of County Commissioners reviewed the Year End Report of Outcomes for Fiscal Year 2016 and agreed with the findings and discussion therein.

James E. Flory,
Board Of County Commissioners Chairperson (Host County only)

Date

Address: 1100 Massachusetts, Lawrence, Kansas 66044

Phone: (785) 832-5268 Fax: (785) 832-5148 E-Mail: jflory@douglas-county.com

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
10/24/16

**ITEM NO. 1 CONDITIONAL USE PERMIT; PRAIRIE MOON WALDORF SCHOOL –
PRESCHOOL PROGRAM; 1853 E 1600 RD (SLD)**

CUP-16-00035: Consider the renewal of a Conditional Use Permit for Prairie Moon School *Preschool Program*, located at 1853 E 1600 Road. Submitted by Melissa Watson for Waldorf Association of Lawrence tenant, Grant Township, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for Prairie Moon School *Preschool Program*, 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.

Reason for Request: *"To continue offering our early childcare program as part of our prek-8 private school – Prairie Moon Waldorf School."*

KEY POINTS

- A Conditional Use Permit, CUP-1-2-05, for the preschool was approved by the County Commission on April 8, 2005. 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.
- The school includes pre-K through 8th grade classrooms.
- The previous approval included a limitation on the number of students and required a review/reapproval.
- There are no exterior improvements proposed for this site.

ATTACHMENT

1. Area Map
2. Existing Land Use – Northeast Area Plan
3. Site Plan

ASSOCIATED CASES

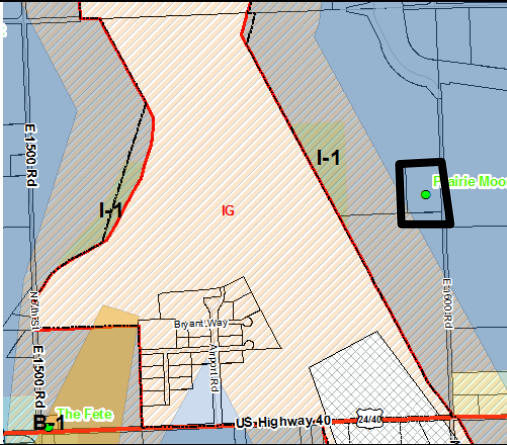
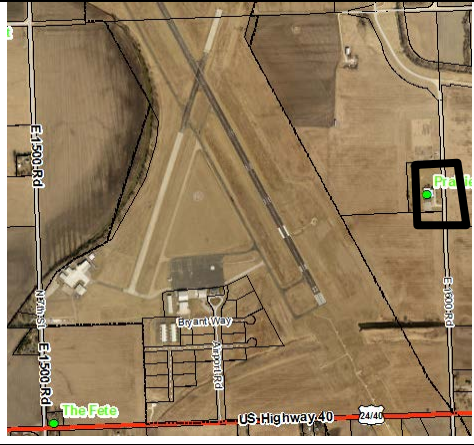
- A Conditional Use Permit, CUP-1-2-05, for the Prairie Mood was approved by the County Commission on April 8, 2005.

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

- None have been received

GENERAL INFORMATION	
Current Zoning and Land Use:	A (Agricultural) District; <i>School, Private.</i>
Surrounding Zoning and Land Use:	In all directions: A (Agricultural) District; Agriculture fields. Airport Overlay Zone – Transitional Zone (City of Lawrence) to the west.
	
Figure 1a. Zoning of the area: Blue area is A (Agricultural), stripped area is Airport Overlay District.	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 located within the Lawrence urban growth area. The proposed request is for a childcare/education program within an existing building. The program initially provided early education programming for 2.5 to 6 year old children. As the program has grown additional grades have been added. There are no exterior improvements proposed for this site.

Approval of the request will allow continuation of the childcare/early education element of the program. The proposed use is included in the enumerated list of uses that are permitted as Conditional Uses in Section 12-319-4.30 *Child Care Center*. The education use (school) is not subject to a Conditional Use Permit. The *Child Care Center* use is permitted in the A (Agricultural) Zoning District only when approved as a Conditional Use Permit. The proposed use has been reviewed with the following criteria provided in Section 12-319-1.02 of the Zoning Regulations.

Table 1: Site Summary

Site Summary	
Gross Area:	6.37 acres
Building: One-Story	12,946 SF (per appraisal records)
Parking:	13,576 SF
Fenced Play yard	7,136 SF
Early Childhood/Kindergarten	2 classrooms (30 students – 5 staff)
Grades 1-8	5 classrooms (59 students – 5 staff + 7 part time staff) Part-time staff works on different days and different shifts.

I. ZONING AND USES OF PROPERTY NEARBY

The immediately surrounding area is zoned A (agricultural) in all directions. County industrial zoning is located west adjacent to the Lawrence Municipal Airport and to the south along Highway 24/40. KU Endowment owns the tracts of land immediately north and south of the property. These tracts are used for agricultural purposes.

Staff Finding – Surrounding land uses are agricultural. A significant land use in the immediate area is the Lawrence Municipal Airport. The continued use as an education/child care facility is compatible with the surrounding zoning and land use.

II. CHARACTER OF THE AREA

The property is located in Grant Township and located east of the Lawrence Municipal Airport. Rural residential uses are generally located along County roads and are clustered in the northeast and southwest portions of the Township. Residential development within the Township is very low density and consistent with rural residential patterns.

The Kansas River bounds the west and south edges of the Township. Jefferson County and Leavenworth County border the north and east sides of the Township. The Kansas River and Mud Creek are also defining features of the Township. The subject property is located between these two waterways.

The KU field station is located in the northeast corner of the Township and is included in community Open Space as described in the Northeast Area Plan of Existing Uses. A copy of the existing Land Use map is attached to this report.

The Township is developed with a grid type street network and includes state and interstate highway access. E 1600 Road north of Highway 24/40 is a local road; south of the highway it is a designated collector street.

Within the Township one structure is listed on the National Register of Historic Places – the Vermilya-Boener House. (see Attached Map at end of report).

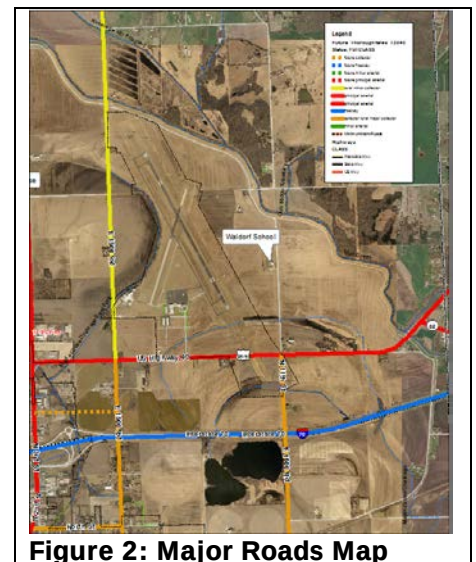


Figure 2: Major Roads Map

Staff Finding – The area has access to the major transportation network with the subject property taking access to E 1600 Road, a north/south local road which connects with Highway 24/40 to the south. Agriculture uses dominate the area. The Kansas River, major streams and highways through the Township as well as the Lawrence Municipal Airport are also significant features of the area.

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

Applicant's Response: *"It serves our needs well as we grow our enrollment. We'd like to continue its use as childcare."*

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, schools, 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. *Child Care Center* is an enumerated use in Section 12-319. The use is defined as:

12-303-1.17 (c) *"...the care of 13 or more children for less than 24 hours, away from the some of the parent or legal guardian; and includes but not limited to child care facilities, preschools, play groups, kindergartens, and before and after school programs not operated by the public schools and other establishments offering care to groups for children for less than 24 hours for more than two consecutive weeks, ..."*

The *Child Care Center* has operated in the former Grant School since the CUP was approved in 2005.

Staff Finding – The property is suitable for agricultural uses which are permitted within the A (Agricultural) District. The property was developed as an elementary school and is currently being operated as a school that includes early childhood education. The property is well suited for the continued use of the building and surrounding area for a school with a *Preschool* program.

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

The property is developed with an existing building used for an elementary school. The property has been zoned for Agricultural uses since 1966 and was used for Township activities after Grant School was closed. A review of the aerial photography of the area shows the building being constructed sometime between 1954 and 1966.

Colleges, and schools, public and private Schools are permitted in the A (Agricultural) District. However *Childcare/preschool* uses require a Conditional Use Permit (CUP). A CUP was previously approved but has expired. The applicant is seeking reapproval to continue the early education (preschool) program in conjunction with the elementary education that extends through 8th grade.

Staff Finding – The property is not vacant. The building is actively used as a school that includes pre-K through 8th grade education.

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

Applicant's Response: *"We do not affect nearby property in any way. It is all agricultural and research."*

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 *Child Care Center*.

Impacts from this type of use are usually associated with traffic at peak times of the day. The use has been in operation since 2005 and the traffic associated with the existing use has not resulted in complaints from nearby property owners. The Zoning and Codes Office indicated they received no complaints regarding the facility. Continuing the current operation should have no detrimental impacts on nearby properties.

If the use were to be intensified, for example through a building expansion or construction of additional parking spaces, 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 2005 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 *child care center (Preschool)* 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: *"EC (Early Childhood Childcare) resource provided in the county."*

Approval of this request would allow the continuation of the education program that includes pre-K students as well as applicable before and after school care as needed.

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 education facility which offers alternative learning and child care options for the community.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"No changes from the last 11 years."*

The comprehensive plan does not address special uses but does state: *"Public and semi-public land uses include municipal facilities, schools, universities, parks, recreation and open space and a range of institutions."* The plan also states the need for such land uses is difficult to project partially due to the fact that such facilities are *"controlled by jurisdictions over which the City and/or County has limited (or no) control."* *"The plan therefore considers areas shown for the various residential categories as appropriate for many public and semi-public uses, provided access and buffering are considered in their location."*

The plan reiterates the importance of schools in a predominantly residential community and such facilities provide an important cultural, recreational and social role in that community. The plan encourages a cooperative effort among jurisdictions in the decision making process that affects the community but which generally focuses on the location or expansion of new facilities. This theory can also be attributed to other community type facilities such as daycare and nursing home type facilities which provide both an anchor and appropriate community services within a neighborhood area.

Regarding Educational Needs the *Horizon 2020* states:

The need for expanded early childhood daycare to provide parents greater schedule and employment flexibility. Increased daycare and preschool services are encouraged for age one through kindergarten.

The following ***Community Facilities Goals and Policies*** related to the proposed request are as follows:

Goal 1:	<i>Provide Facilities and Services to Meet the Needs of the Community:</i>
	<i>Provide quality public and semi-public facilities equitably distributed throughout the community.</i>
Policy 1.1:	<i>Maintain Existing Facilities</i>
a.	<i>Encourage the adaptive reuse or redevelopment of excess community facilities and sites.</i>
b.	<i>Maintain or upgrade existing facilities and services where necessary to serve existing development.</i>
Policy 1.3:	<i>Coordinate the Delivery of Services</i>
a.	<i>Plan cooperative use of facilities, services and land to optimize use of resources and avoid duplication.</i>
b.	<i>Encourage the coordination of services and facilities among this municipal service providers engaged in similar services in the community.</i>
Policy 1.4:	<i>Combine Facilities</i>
a.	<i>Encourage multiple uses of educational facilities for recreation and/or other service programs.</i>
b.	<i>Promote combined public facilities such as school/community centers, police/fire stations, or library/community centers in several locations throughout the community to improve accessibility and promote efficient delivery of services.</i>

Staff Finding – The proposed request utilizes existing building space originally designed as a school. The proposed request is consistent with the general principals of *Horizon 2020* outlined above.

STAFF REVIEW

The proposed request is for a childcare/education program within an existing building. The program initially provided early education programming for 2.5 to 6 year old children. As the program grew additional grades were added. Approval of the request will allow for the continuation of service provided to the community and provide for an alternative educational experience. There are no exterior improvements proposed for this site.

Exterior Yard: As a childcare facility, an outdoor play yard is required. A fence area is provided on the west side of the building. No changes are proposed or required.

Future Expansion: In discussions with the staff it is clear that the growth of the program will include a need for additional facility space. Any expansion of the existing building or the addition of other detached buildings would be subject to a site plan review and approval.

Access to the site: A circle driveway access is provided on the east side of the building with access to E 1600 Road. The south driveway provides access to a larger parking lot on the south side. Parking spaces are also provided along the drive as needed. No changes to the access or site circulation are proposed with this application.

Parking: The site includes two parking areas. A row of 6 parking spaces is located just south of the building and is angled parking. The larger paved lot is not striped but could park approximately 30 to 40 vehicles.

The facility staff includes 10 full time employees and 7 part-time employees. The part-time employees do not work all on the same day or during the same shift. Current enrollment, including the pre-kindergarten students is 89. The total number of classrooms is 7. Off-street parking for school related uses is summarized in Table 2 below.

Required Off-Street Parking for Education Uses	
Elementary or nursery school	1 per 10 seats in main assembly or 1 per classroom whichever is greater
College or high school	1 per 5 seats in main auditorium or 8 per classroom, whichever is greater.

Table 2: Off Street Parking

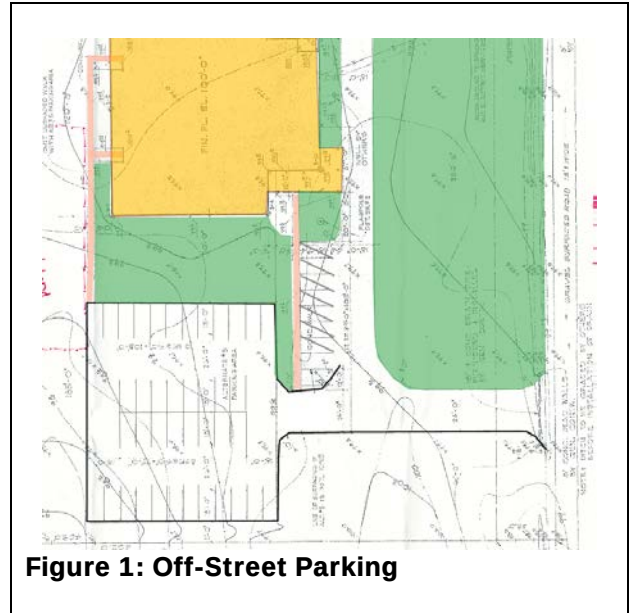


Figure 1: Off-Street Parking

The site provides parking at 6 spaces per classroom. This parking is sufficient for the use at this time. There is adequate area for overflow parking in the fields east and west of the larger parking lot as well as parking along the east side of the circle drive, if needed.

Review and Renewal: The County Zoning Regulations do not specify if a Conditional Use Permit must be conditioned or limited to a period of time. Some uses by nature are appropriately evaluated at given intervals to assess the use and determine if the conditional use is still compatible with the surrounding areas. Other uses may not require periodic evaluations unless they have become out of compliance with their original approval or conditions change that make the use no longer compatible with the surrounding area.

Section 12-319-3 provides the County Commission authority and procedures to amend or revoke a Conditional Use Permit. Regardless of any time limits or expiration of approval the County Commission has clear authority to amend or revoke a Conditional Use Permit.

- The building was constructed as a school (education facility) in 1880.
- The building has been consecutively used as a school or township facility since construction.
- Current education facility designs commonly include child care and preschool options for school age and preschool programs.
- Early childhood education is a fundamental building block to successful academic success.
- The Comprehensive Plan recommends coordination of services and shared facility use for *"providers engaged in similar services"*.
- The current child care (preschool) program has operated since 2005 without incident.

A requirement to continue or extend a review period or to require a future renewal of the use is not needed in this application.

Conclusion: The school was originally constructed in 1880. There are no existing historic resources that are impacted by the proposed use. A Conditional Use Permit was approved in 2005 for a *Child Care Center* (accessory to a private school). The use has operated since 2005 without incident. This application is for the reapproval of a previously approved Conditional Use Permit.

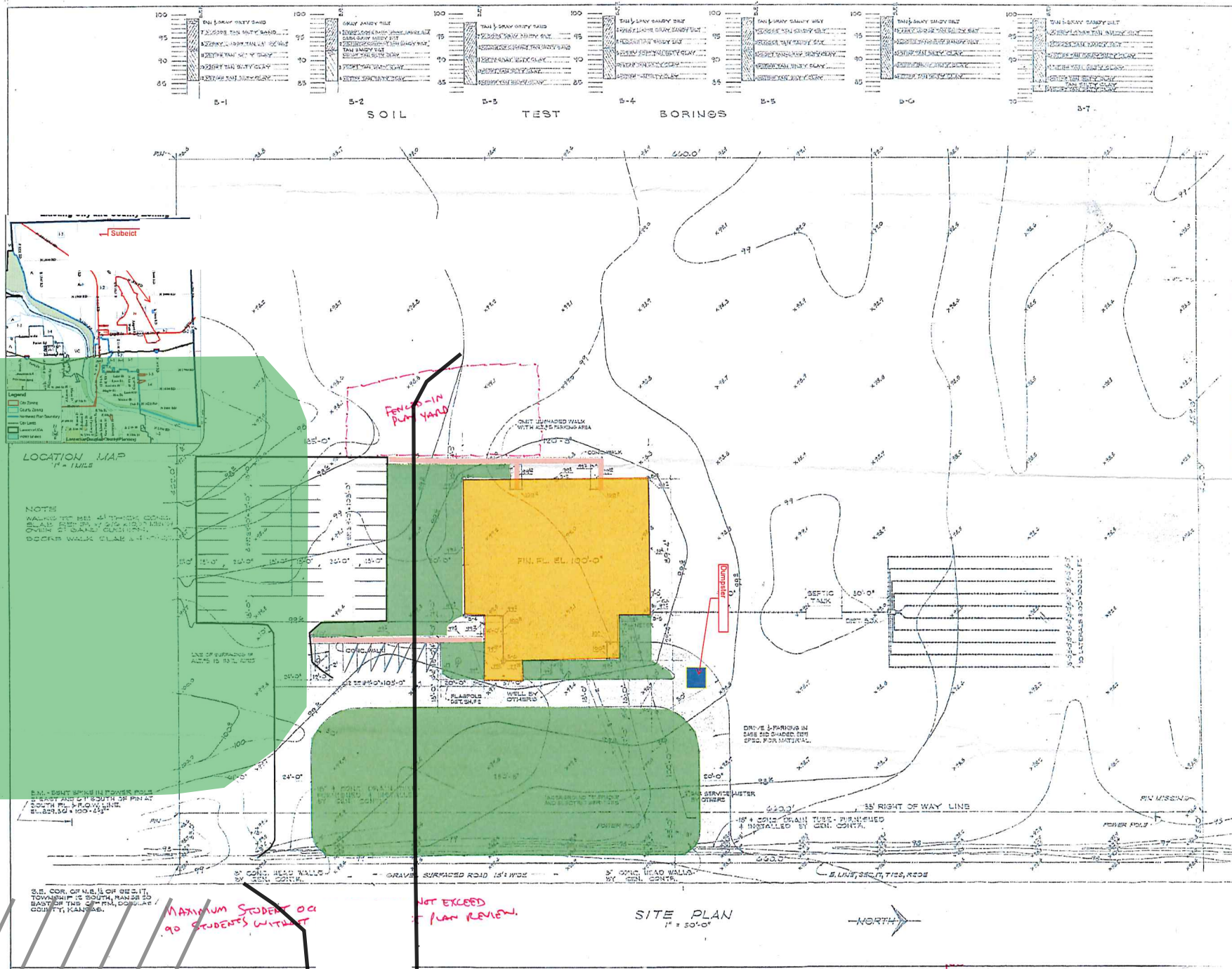
PROFESSIONAL STAFF RECOMMENDATION: Planning staff recommends approval of the Conditional Use Permit and forwarding it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the Staff Report.



Figure 4: Historic Properties

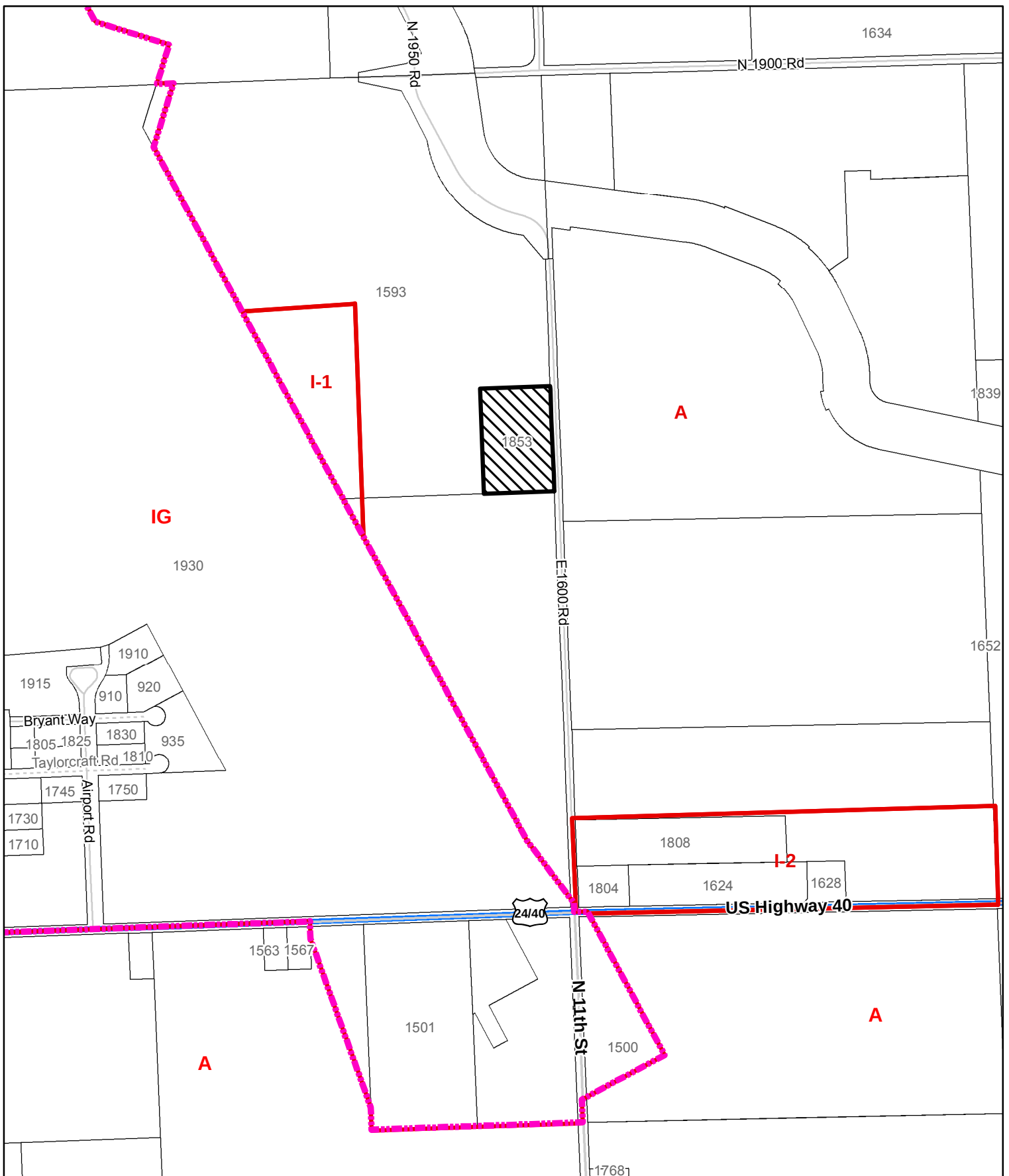
A detailed survey of the Township was completed in August 2016 and is online at

<https://www.douglascountyks.org/sites/default/files/media/groups/hcc/pdf/2015intensivesurveyreportgrantpalmyratwpswithoutappendix.pdf>



Northeast Sector Plan





CUP-16-00340: Conditional Use Permit for Child Care at Prairie Moon Waldorf School
Located at 1853 E 1600 Road

Lawrence-Douglas County Planning Office
October 2016

 Subject Property



PC Minutes 10/24/16

**ITEM NO. 1 CONDITIONAL USE PERMIT; PRAIRIE MOON WALDORF SCHOOL;
1853 E 1600 RD (SLD)**

CUP-16-00340: Consider a Conditional Use Permit for child care at Prairie Moon Waldorf School, located at 1853 E 1600 Rd. Submitted by Waldorf Association of Lawrence on behalf of Grant Township, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Ms. Melissa Watson, Administrator of Prairie Moon Waldorf School, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

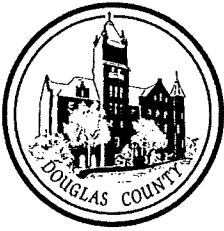
Commissioner von Achen asked the applicant to provide a brief summary of Prairie Moon.

Ms. Watson said Prairie Moon used the Waldorf or Steiner approach, which looks at childhood development as seen through the lens of anthroposophy. She said they believed that early childhood needed to be preserved and children should be learning through play. She said it was a play based approach. She said the rooms were set up like a home. She said the teacher moves with the student through each grade and the family gets to know teacher very well.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Carpenter, to approve the Conditional Use Permit, CUP-16-00340, for Prairie Moon School *Preschool Program*, 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.

Unanimously approved 7-0.



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

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

MEMORANDUM

To : Board of County Commissioners

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

Date : November 3, 2016

Re : Traffic issues associated with Midnight Farm renewal request for CUP-04-03-06

During the October 19 BOCC discussion on the CUP renewal request for Midnight Farm, neighbors expressed concern about dust management on portions of E 2100 Road and N 600 Road. The road portions in question are (1) E 2100 Road from N 600 Road to Route 460 (N 700 Road), and (2) N 600 Road from E 2100 Road to Route 1061 (E 2200 Road). The concern is that Midnight Farm generates traffic that otherwise would not be on these township roads. We discussed 24-hour traffic counts taken in June 2016, which yielded counts of 134 vehicles per day (vpd) on E 2100 Road, and 108 vpd on N 600 Road.

Following the October 19 meeting, we set counters on the four legs of the N 600/E 2100 intersection. The counter on the west leg of the intersection was set between E 2100 Road and the Midnight Farm entrance. Other counters were set approximately ¼-mile south and east of the intersection, and the fourth counter was set approximately ¼-mile south of Route 460 on E 2100 Road. Counts were taken for three days starting at 10:00 AM on Tuesday, October 25, and ending at 10:00 AM on Friday, October 28. A summary of counts is as follows:

Location	Average Daily Traffic	Maximum 24-hour Traffic
N675-E2100	129	148
N 600-E2125	106	113
N600-E2095 (near Midnight Farm entrance)	120	158
N575-E2100	78	86

While the counts are not extraordinarily high for these township roads, it is clear that Midnight Farm does significantly affect traffic counts on the roads. When counts were high on N 600 Road near the Midnight Farm entrance just west of the intersection, counts were high on N 600 Road east of the intersection and on E 2100 Road north of the intersection, and vice versa when counts were low near the Midnight Farm entrance. There did not seem to be a strong correlation for counts south of the intersection.

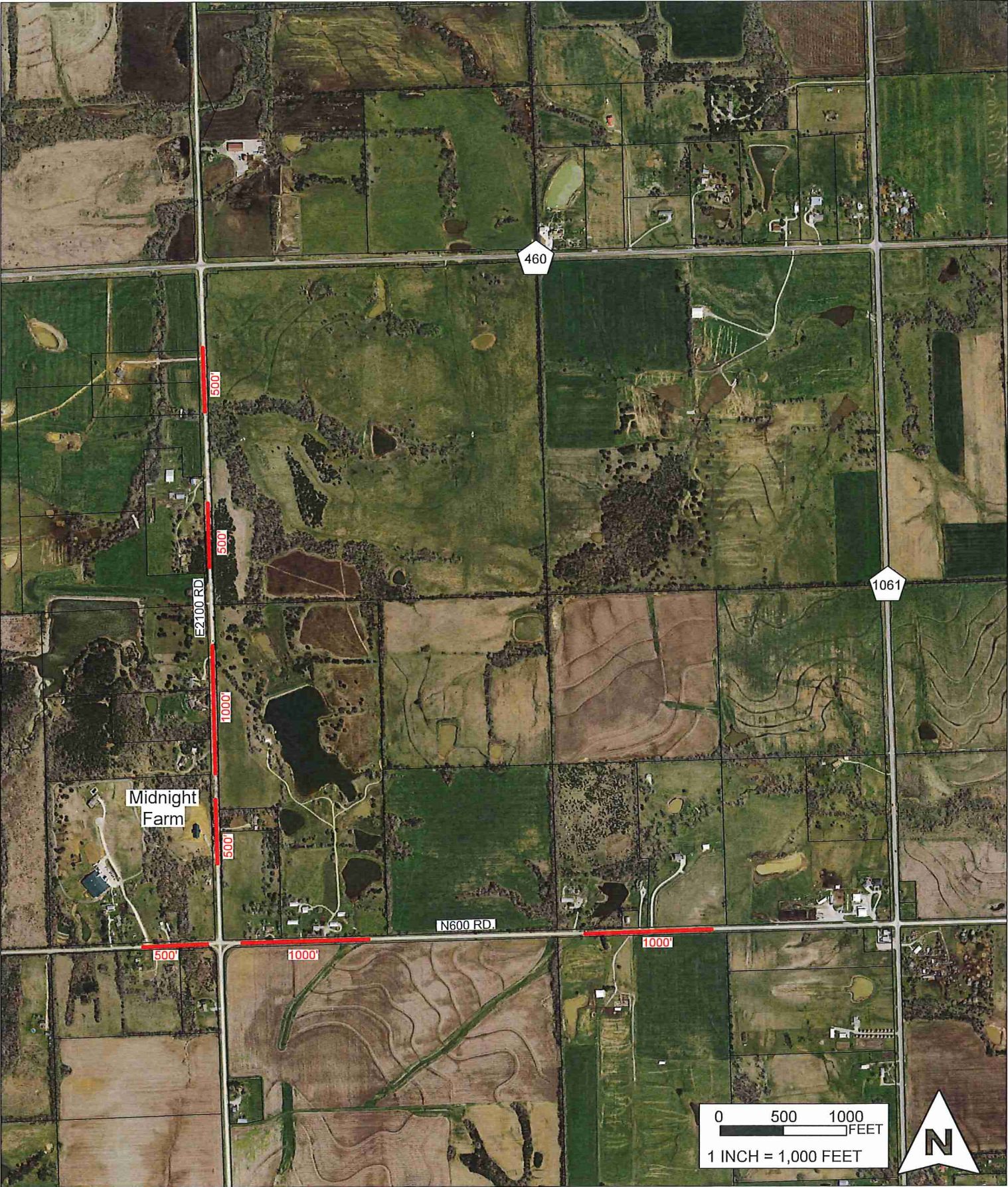
Approximately 5,000 linear feet (l.f.) of roadway would need to be treated with dust palliative in order to treat in front of residences along the two one-mile sections of N 600 Road and E 2100 Road listed above. (This does not include approximately 500 l.f. needed in front of the home/business at the east end of N 600 Road just west of Route 1061, as this business apparently generates large truck traffic.) The options for requiring dust palliative treatments as a condition of CUP renewal seem to be:

- Option 1: No dust palliative requirement
- Option 2: Require Midnight Farm to treat 5000 l.f.
- Option 3: Require Midnight Farm to treat some portion of 5000 l.f.

I recommend Option 3. The BOCC must determine the portion of the total 5,000 l.f. required to be paid by Midnight Farm. Given the non-profit nature of Midnight Farm, I recommend requiring Midnight Farm to pay for 1,000 l.f. of dust palliative treatment annually. This requirement would cover costs for treatment on N 600 Road west of the intersection along Midnight Farm property, and treatment on E 2100 Road in front of a residence on Midnight Farm property and a residence directly across the road. The remaining approximately 4,000 l.f. of treatment could be paid by Douglas County. At this year's cost of \$1.40/l.f., this would be a cost of \$1,400 to Midnight Farm and \$5,600 to Douglas County.

Action Required: Determine if Midnight Farm should be responsible to pay for annual dust palliative treatments in front of residences on N 600 Road between E 2100 Road and Route 1061, and on E 2100 Road between N 600 Road and Route 460, and, if so, determine the proportion of a total 5,000 l.f. of treatment to be paid annually by Midnight Farm.

Proposed Dust Palliative Treatments near Midnight Farm



Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, Planner

Date: October 13, 2016

RE: Request for one-year extension of approval for **CUP-13-00281**: Conditional Use Permit for a water treatment plant for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd.

ATTACHMENTS:

A: Written Request for Extension

B: CUP plan

BACKGROUND

At their September 23, 2013 meeting, the Board of County Commissioners voted unanimously to approve the Conditional Use Permit for the Public Wholesale Water Supply District No. 25 Water Treatment Plant subject to conditions of approval.

Per Section 12-319-2 of the Zoning Regulations, if a building permit is not obtained for the site within one year of the Commission's approval of the CUP, the approval becomes null and void unless an extension is requested prior to that date. The applicant submitted a written request for an extension prior to the deadline and the County Commission approved a one-year extension to September 23, 2015.

The applicant submitted a written request for an extension prior to that deadline and submitted a site plan for a change to the buildings to accommodate a different processing system. The Commission approved the one-year extension to September 23, 2016 and revised site plan subject to the following revised conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. The following revised note should be added to the plan: *"If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."*

- b. Show one ADA accessible parking space on the plan, with dimensions. This space shall also be marked and signed on site.
- c. Floodplain boundary lines readjusted to match the FEMA maps.
- d. Addition of the following note: *"A Floodplain Development Permit shall be obtained from the Douglas County Zoning and Codes Office prior to the placement of any fill in the 100 year floodplain. No fill is permitted in the floodway."*
- e. Dimensions added to the access drive.

In addition, the Commission directed the applicant to work with the property owner to the south to develop a landscaping plan to buffer the building.

The applicant and staff met with the property owner and developed a landscaping plan using a mix of evergreen and deciduous species that was acceptable to the property owner. The revised plan was approved and release to Zoning and Codes for processing of building permits on April 20, 2016

2016 EXTENSION REQUEST

Construction plans and an application for a building permit were submitted to the Zoning and Codes office. These are currently under review. The applicant submitted a written request for an extension prior to the expiration date. (Attachment A) Planning staff provided mailed notification to all property owners within 1000 ft of the subject property of the extension request and revised site plan. No comments have been received as of the date of this memo.

RECOMMENDATION:

Staff recommends approval of a one-year extension to the approval for CUP-13-00281, Conditional Use Permit for water treatment plant for Public Wholesale Water Supply District No. 25 to allow time for the completion of the building permit review process subject to the conditions approved by the County Commission at their September 23, 2013 meeting, as revised at their October 21, 2015 meeting.

September 20, 2016

Mary Miller, AICP
City of Lawrence Douglas County
Planning & Development Services
6 East 6th St.
P.O. Box 708
Lawrence, KS. 66044

RE: CUP-13-00281 (Request for Extension)
W.O. 14366.100

Dear Mary:

This letter is our request for a one year extension to CUP-13-00281 which was approved September 23, 2013. We have been working with the county to finalize a building permit but due to the complexity of the project this is taking some time. My concern is that this may not occur prior to the one year date of September 23, 2016, so to cover our bases I am requesting this one year extension. There have been no changes to the project plan since last presented and approved by the commission.

For this reason we are requesting an additional one year extension to the CUP. If you have any further questions regarding this information or need additional documentation please let me know.

Sincerely,

BARTLETT & WEST, INC.



John A. Ruckman, P.E.

Cc: Larry Wray, PWWSD No. 25 Chairman

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
09/26/2016

**ITEM NO. 4 TEXT AMENDMENT TO ZONING REGULATIONS; SMALL SCALE
INDUSTRIAL USES (MKM)**

TA-16-00323: Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses. *Initiated by County Commission on 8/24/2016.*

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-16-00323, to revise Section 12-319-4 in the Zoning Regulations to add Small Scale Industrial uses to the list of Conditional Uses and to establish standards for the use and that the Planning Commission forward a recommendation for approval to the Board of County Commissioners.

Reason for Request: Currently, small scale industrial uses are permitted in the Agricultural Zoning District as Home Occupations with an administrative approval process. Industrial uses which exceed the size or employee limit of the Home Occupation, or are not located on the same property as the business owner's residence, require rezoning to an Industrial Zoning District. This amendment would provide a transitional approval process, the Conditional Use Permit, for small scale industrial uses on properties that generally meet the criteria for approval of industrial zoning but may not be well suited to the range of uses which would be allowed with the I-1 (Limited Industrial) Zoning designation.

RELEVANT GOLDEN FACTOR:

- Conformance with the comprehensive plan.

ATTACHMENTS

- Attachment A – Draft language

OVERVIEW OF PROPOSED AMENDMENT

The amendment adds *Small Scale Industrial* uses to the list of uses which are allowed when approved as a Conditional Use. Planning and the Zoning and Codes Office have received several inquiries into the approval process for a small industrial use and have responded that it would be necessary to rezone the property to an Industrial or Business District.

In many cases, the property would be suitable for rezoning; however, the rezoning would permit not only the requested use but a range of uses. The-is amendment would allow small scale industrial uses in locations where they are appropriate without the range of other uses which would be permitted with the industrial zoning. Table 1 illustrates the range of uses which would be permitted on a property if rezoned to the IL District to accommodate a small scale industrial use.

In some instances, a Home Occupation grows to the point where it no longer meets the criteria for a Home Occupation, but it remains small enough that it would be compatible with the

surrounding land uses. In others, a project is proposed which would be low impact and could be appropriate on a property; while some of the other uses permitted in the industrial zoning district could have a negative impact on nearby properties.

One option is to use conditional zoning, where all uses but the proposed use are removed from the district. Conditional zoning is often used when a site is suitable for rezoning to a district, but some uses in the district are seen as problematic – based primarily on traffic generation, site characteristics, and potential negative impacts on surrounding land uses. Developing a Small Scale Industrial Conditional Use will allow the use in those locations where it would be appropriate, without allowing the other uses permitted in the I-1 District that may not be suitable for that area. This amendment would also provide an opportunity for existing small businesses to grow in their current location.

The CUP process has the same review and approval process as a rezoning request.

- Public hearing at a Planning Commission meeting. If the property is within 3 miles of an incorporated City, a public hearing at a Joint Planning Commission is held.
- Protest petition. If a valid protest petition is submitted, a super-majority (unanimous) vote of the Board of County Commissioners is required to approve the request.
- Consideration and action by the Board of County Commissioners.

The CUP has the following advantages over rezoning:

- Conditions to minimize any negative impacts may be developed and applied to each use, based on the specific use proposed and the site characteristics as well as the character of the area.
- The permitted use is limited to the specific use listed in the CUP.
- An approval time frame may be established. Prior to expiration, the business owner may request an extension. The extension request would be evaluated to see if it remains compatible with the character of the area as it has developed. The CUP could be approved if found to be compatible, it could be approved with revised conditions, or the extension request could be denied.
- There is an amendment and revocation process for Conditional Uses. If the use is found to be in violation of the conditions, it is possible to amend or revoke the Conditional Use.

The additional safeguards established with Conditional Uses and the ability to tailor and condition the permitted use would be preferable, in some cases, to rezoning the property to the Limited Industrial District.

Table 1. Permitted Uses in the I-1 (Limited Industrial) District
1) Laboratories, research, experimental, or testing.
2) Offices or office buildings.
3) Wholesale merchandising or storage warehouses with floor area devoted to warehousing and handling of merchandise
4) <i>Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.</i>

5) <i>Photographic processing or blueprinting.</i>
6) <i>Printing and publishing.</i>
7) Manufacture or assembly of medical and dental equipment drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
8) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet metal products, and vitreous enameled metal products.
9) Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing, and canning, packing and processing of meat and poultry products, but not distilling of beverages, slaughtering of poultry or animals, or processing of bulk storage of grain or feeds for animals or poultry.
10) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
11) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
12) Moving picture production.
13) Light manufacturing uses similar to those listed above, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.
14) Bank, drive-in or otherwise.
15) Restaurant, not drive-in
16) Filling station, if located in a district of 20 acres or more.
17) Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
18) Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
19) Dwellings for watchmen and caretakers employed on the premises.
20) Accessory farm dwellings on a farm of 10 acres or more
21) Railroad siding
22) Animal hospital or clinic.

TABLE LEGEND:

- Some uses permitted in the I-1 District are permitted in the A (Agricultural) District. These uses are highlighted in the table, and are not included in the list of uses which would be permitted with a CUP.
- Only industrial uses are being considered with this amendment. Non-industrial uses are shown as ~~struckthrough~~.
- Uses included in this text amendment as small scale industrial conditional uses are shown in **bold**.

The following industrial uses permitted in the I-1 District are not included in the Small Scale Industrial Conditional Uses: *Compounding of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products, Photographic Processing or Blueprinting and Printing and Publishing*. In staff's opinion, these uses would be included in the category of uses which are similar to those listed uses, provided they do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted. These businesses would be evaluated on a case-by-case basis for hazardous impacts.

I-1 DEVELOPMENT

Per the information on file in Planning's GIS maps, there are 10 parcels that are currently zoned I-1. Of these, 6 are undeveloped and most of these have impediments to development such as the lack of road frontage. One developed parcel has a use that isn't permitted in the district, but that may predate the Zoning Regulations. The parcels that are developed with uses that are permitted in the I-1 District include the Hull Iron Works in Pleasant Grove and McFarlane Aviation near Vinland. McFarlane Aviation is a good example of a use that would require the IL Zoning as it isn't small scale and is industrial in nature. The Hull Iron Works shop would have been a good candidate for a CUP as the use is small scale, the property has a rural rather than industrial appearance, and there is no exterior storage. (Figures 1 and 2)



Figure 1. McFarlane Aviation located in the I-1 Zoning District. 24,000 sq ft building; has site plan approval for 48,000 total.



Figure 2. Hull Iron Works located in the I-1 Zoning District. Residence and iron shop. 2,080 sq ft shop building.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 recommends that an industrial site should substantially meet the following general criteria:

- Have feasible access to Federal and State transportation networks
- Be of adequate parcel size, generally over forty acres
- Lie primarily outside of the regulatory floodplain
- Have minimal average slopes (Page 7-4 to 7-5)

It further recommends that the following specific criteria should be met:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- Encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- Have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- Be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- Be annexed before development if adjacent to municipal boundaries.

These criteria should be applied to the Small Scale Industrial Use as it is intended as a transitional step between Home Occupation type businesses and businesses that are large enough to require rezoning.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 12-324 of the Zoning Regulations provides the process for proposed text amendments but does not include criteria for review and decision-making. The text amendment was reviewed with the following criteria which are similar to those in the City of Lawrence Development Code:

1) Whether the proposed text amendment corrects and error or inconsistency in the Zoning Regulations or meets the challenge of a changing condition

The proposed text amendment is in response to a changing condition as small businesses are becoming more prevalent. Many rezoning applications have met with opposition based on the wide range of uses that would be permitted in the proposed zoning district. Neighbors have indicated that they would not oppose the project, if they could be sure the use that is being proposed is the use that would be developed and that would be on the property in the future.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Regulations

The proposed amendment is consistent with the Comprehensive Plan and the purpose of the Zoning Regulations in that it includes standards and processes to insure the compatibility with nearby land uses. A Conditional Use Permit provides that assurance in that the permit is linked to the specific use. A change in the use would require submittal of an amended Conditional Use Permit application and a public hearing before the Planning Commission and approval by the Board of County Commissioners. The CUP process provides additional assurances to nearby

landowners through conditions that may be applied to the use to insure the use is compatible with nearby uses. In addition, the Zoning Regulations provides for the amendment or revocation of a Conditional Use Permit if there is non-compliance with the conditions. It is also possible to place an expiration date on a CUP so that an extension request must be made. This allows the use to be re-evaluated to determine if it remains compatible with the character of the area and the nearby land uses, as the area develops.

SECTION 1: NEW LANGUAGE PERTAINING TO SMALL SCALE INDUSTRIAL USES

12-319.4.36 Small Scale Industrial Uses

A small scale industrial use is an industrial use that is permitted in the I-1 (Limited Industrial) District that is of such a scale as to be compatible with nearby land uses, while maintaining the rural character of the area. Small Scale Industrial Uses which would be permitted as Conditional Uses include:

- a.** Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Typical uses include:
 - 1) On-site production of goods by hand or artistic endeavor;
 - 2) Placement of digital or analog information on a physical or electronic medium;
 - 3) Light manufacturing, predominately from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site;
 - 4) Research of an industrial or biotechnical nature;
 - 5) Moving picture production such as movies, videos, and television; and
 - 6) Similar small scale industrial uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.
- b.** Standards to maintain consistency with the Comprehensive Plan recommendations for Industrial uses and to insure compatibility with nearby land uses and the character of the area are listed below:
 - 1) Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).
 - 2) The proposed use shall be located primarily outside of the regulatory floodplain.
 - 3) Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
 - 4) The site shall have adequate utilities, infrastructure and services for the proposed use.
 - 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq. ft. unless a larger area is approved by the Board of County Commissioners.
 - 6) The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.

- 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
- 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
- 9) The use does not require Federal air quality discharge permits.
- 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.).
- 11) The site shall be located on a full maintenance public road.
 - i. Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use.
 - ii. Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County Engineer, shall be required as part of the Conditional Use.
 - iii. The property must, at a minimum, meet the Access Management Standards for residential properties.
- 12) Exterior lighting associated with the use shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.
- 13) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the rural character of the area.
- 14) No shift work/24 hour a day businesses shall be permitted. Business shall operate with defined working hours.

ITEM NO. 4 TEXT AMENDMENT TO ZONING REGULATIONS; SMALL SCALE INDUSTRIAL USES (MKM)

TA-16-00323: Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mike Jilka agreed with the staff recommendation. He said Mr. Dwane Richardson had operated the business for 30 years and it was continuing to grow.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey said she was a huge fan of rural home businesses.

Commissioner von Achen expressed concern about the potential for 15 employees and the traffic it would generate.

Mr. Dwane Richardson said he had no close neighbors and was on a hard surface road.

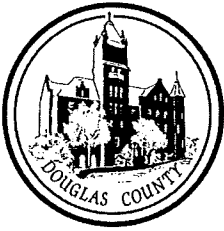
Ms. Miller said the Conditional Use Permit would allow a maximum of 15 employees.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner von Achen, to approve the proposed amendment, TA-16-00323, to revise Section 12-319-4 in the Zoning Regulations to add Small Scale Industrial uses to the list of Conditional Uses and to establish standards for the use and that the Planning Commission forward a recommendation for approval to the Board of County Commission.

Commissioner von Achen had concerns about 15 employees being too many.

Unanimously approved 10-0.



DOUGLAS COUNTY PUBLIC WORKS

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

MEMORANDUM

To : Board of County Commissioners

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

Date : November 3, 2016

Re : Traffic issues associated with Midnight Farm renewal request for CUP-04-03-06

During the October 19 BOCC discussion on the CUP renewal request for Midnight Farm, neighbors expressed concern about dust management on portions of E 2100 Road and N 600 Road. The road portions in question are (1) E 2100 Road from N 600 Road to Route 460 (N 700 Road), and (2) N 600 Road from E 2100 Road to Route 1061 (E 2200 Road). The concern is that Midnight Farm generates traffic that otherwise would not be on these township roads. We discussed 24-hour traffic counts taken in June 2016, which yielded counts of 134 vehicles per day (vpd) on E 2100 Road, and 108 vpd on N 600 Road.

Following the October 19 meeting, we set counters on the four legs of the N 600/E 2100 intersection. The counter on the west leg of the intersection was set between E 2100 Road and the Midnight Farm entrance. Other counters were set approximately ¼-mile south and east of the intersection, and the fourth counter was set approximately ¼-mile south of Route 460 on E 2100 Road. Counts were taken for three days starting at 10:00 AM on Tuesday, October 25, and ending at 10:00 AM on Friday, October 28. A summary of counts is as follows:

Location	Average Daily Traffic	Maximum 24-hour Traffic
N675-E2100	129	148
N 600-E2125	106	113
N600-E2095 (near Midnight Farm entrance)	120	158
N575-E2100	78	86

While the counts are not extraordinarily high for these township roads, it is clear that Midnight Farm does significantly affect traffic counts on the roads. When counts were high on N 600 Road near the Midnight Farm entrance just west of the intersection, counts were high on N 600 Road east of the intersection and on E 2100 Road north of the intersection, and vice versa when counts were low near the Midnight Farm entrance. There did not seem to be a strong correlation for counts south of the intersection.

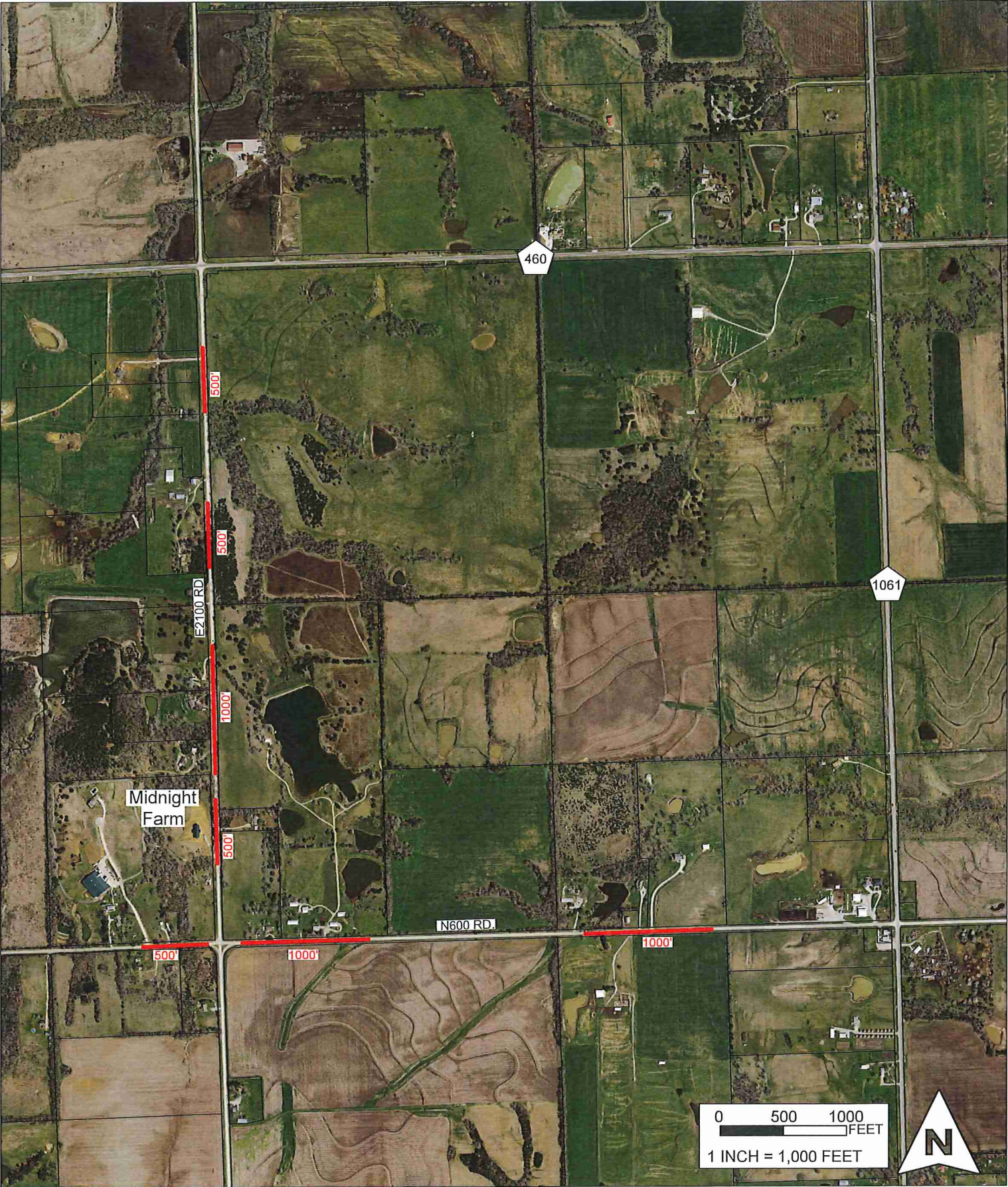
Approximately 5,000 linear feet (l.f.) of roadway would need to be treated with dust palliative in order to treat in front of residences along the two one-mile sections of N 600 Road and E 2100 Road listed above. (This does not include approximately 500 l.f. needed in front of the home/business at the east end of N 600 Road just west of Route 1061, as this business apparently generates large truck traffic.) The options for requiring dust palliative treatments as a condition of CUP renewal seem to be:

- Option 1: No dust palliative requirement
- Option 2: Require Midnight Farm to treat 5000 l.f.
- Option 3: Require Midnight Farm to treat some portion of 5000 l.f.

I recommend Option 3. The BOCC must determine the portion of the total 5,000 l.f. required to be paid by Midnight Farm. Given the non-profit nature of Midnight Farm, I recommend requiring Midnight Farm to pay for 1,000 l.f. of dust palliative treatment annually. This requirement would cover costs for treatment on N 600 Road west of the intersection along Midnight Farm property, and treatment on E 2100 Road in front of a residence on Midnight Farm property and a residence directly across the road. The remaining approximately 4,000 l.f. of treatment could be paid by Douglas County. At this year's cost of \$1.40/l.f., this would be a cost of \$1,400 to Midnight Farm and \$5,600 to Douglas County.

Action Required: Determine if Midnight Farm should be responsible to pay for annual dust palliative treatments in front of residences on N 600 Road between E 2100 Road and Route 1061, and on E 2100 Road between N 600 Road and Route 460, and, if so, determine the proportion of a total 5,000 l.f. of treatment to be paid annually by Midnight Farm.

Proposed Dust Palliative Treatments near Midnight Farm



Memorandum

City of Lawrence-Douglas County Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, Planner

Date: October 14, 2016

RE: **CUP-16-00403:** Renewal request for CUP-04-03-06, Conditional Use Permit for Midnight Farm, located at 2084 N 600 Road. Submitted by Community Living Opportunities (CLO), property owner of record.

ATTACHMENTS:

A: Written Request for Renewal/Extension

B: Approved Plans

C: Traffic Counts

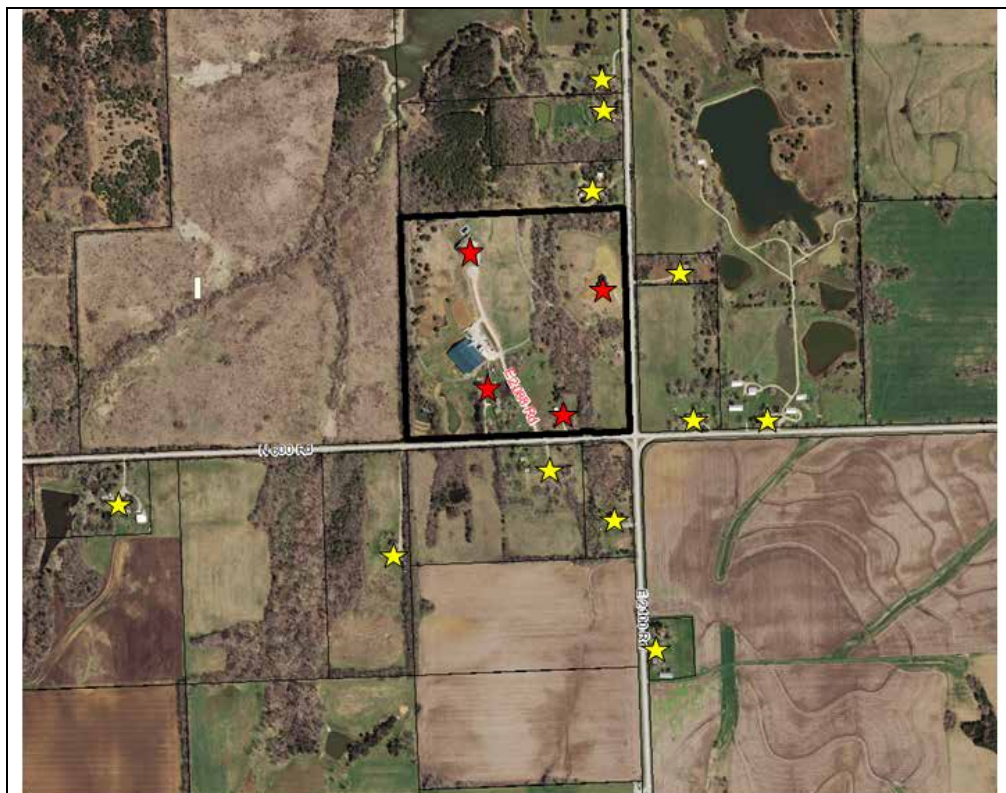


Figure 1. Midnight Farm, outlined, and surrounding area. Residences on the farm marked with red stars, residences in the area marked with white stars.

BACKGROUND

Midnight Farm is operated by Community Living Opportunities (CLO) to provide residential and therapeutic services in a rural setting to persons with developmental disabilities by using CLO's extended family teaching model. Midnight Farm's programs include a therapeutic horseback riding program, various educational and recreational activities for clients and their families/guests, and four residences on the site. Figure 1 contains an aerial photo of the Midnight Farm property and surrounding area.

At their October 4, 2006 meeting, the Board of County Commissioners voted unanimously to approve the Conditional Use Permit for Midnight Farm subject to the following conditions of approval:

1. Approval of a preliminary plat for the project.
2. Approval and recordation of a final plat for the project.
3. Revision of the site plan to include the following:
 - a. Notation that the permit will be administratively reviewed by the County in 5 years (Calendar Year 2011).
 - b. Notation that the permit will expire at the end of 10 years (Calendar Year 2016), unless an application for renewal is approved by the local governing body.
 - c. Notation of retention of all existing vegetation along each side of the property and in other areas where no development is proposed.
 - d. Notation of a landscape schedule which includes proposed vegetation, if any.
 - e. Notation indicating that if the homes are sold to families or individuals in the future, each home site will be replatted as a separate lot.
 - f. Revision of the note "70-foot access and utility easement" to state "70-foot access and utility easement to be dedicated with forthcoming one-lot plat".
 - g. Notation of numbers of weekly activities, numbers of staff/clients included in each weekly activity, hours/days of weekly activities, numbers of overnight campers, and numbers of residents (including staff/clients). [Note: These figures should reflect those listed in the June 2, 2006 letter from CLO. However, the numbers of residents should be noted as two to six persons per residence, and 8 to 24 total residents.]

The property was platted as Lot 1 Block 1 Midnight Farm Addition. The plat was recorded with the Register of Deeds on April 24, 2007. The CUP plan was revised with the changes noted in Condition 3 and was released to the Zoning and Codes Office for processing of building permits.

The following site plans were submitted and approved to allow for site changes:

- SP-10-76-07, approved by the County Commission on November 28, 2007.
 - Revisions to the site plan approved by the County Commission on July 7, 2008.
 - A minor revision to add a swimming pool to a house was administratively approved on October 28, 2008.
- SP-2-18-12, administratively approved on March 9, 2012. This plan relocated one of the houses and allowed it to take direct access to the road rather than sharing the central drive which was used for activities for the facility.

The most recently approved site plan is included with this memo as Attachment B.

REQUEST FOR RENEWAL

The applicant submitted a written request for renewal/extension of the CUP prior to the deadline. This request is included with this memo as Attachment A. The following review of the extension/renewal request focuses on the conformance of the facility with the approved CUP plans and the compatibility of the use with the area. When the CUP was approved in 2006, it was anticipated that the area may develop over time and the CUP would need to be reviewed to re-evaluate the compatibility of the use with the area.

USE OF THE FACILITY

The approved plan contains an activity summary. This summary is listed below

Activity	Approved Plan	Current
Number of permanent residents	2 to 6 per residence 8 to 24 total residents	6 individuals w/disabilities: total of 24 residents
Overnight campers	Up to 15	None currently
Hours/ Days of weekly activities	Not including camping: Activities will be held in daylight hours, primarily on weekdays. Weekend events may occur in spring, summer and fall.	8 AM to 7 PM M – F Weekend events on Saturday approximately 10 times a year: includes field trips, show cases for horse riding, family fun days.
Number of weekly activities	Up to 18 organized activities involving visitors a week	As noted on approved plan.
Number of persons included in each weekly activity	Up to 64 (including up to 40 visitors and their supervisors and as many as 24 residents)	As noted on approved plan.

The original application for the Midnight Farm CUP noted that the intent of the facility was to provide a broad range of activities for teaching about the 'life on a farm' along with fun and leisure. The recreational features would include a multi-purpose building for gatherings, retreats, and educational classes and a recreational trail. There will also be a green house, swimming pool, camping sites, and areas for a pumpkin patch and other possible activities. The permitted uses are residential, recreational, and educational activities to serve the residents and clients of CLO and their guests. Other events of a more commercial nature were not included in the CUP but would be allowed with approval of a Special Event Permit.

CONFORMANCE WITH APPROVED PLAN

The development shown on the most recently approved site plan is compared with the development shown on the most recent County GIS aerial photos in Figure 2. Three of the four planned residences have been constructed in locations shown on the plan. The fourth residence has not yet been constructed. The trail, horse riding areas, and pastures have been developed in conformance with the approved plan. The applicant indicated that the structure in the southwest corner is a pavilion in the 'secret garden;' area. This structure is used for field trips and picnics for their day service individuals. This structure should be shown on the plans.



Figure 2a. Structures to be built, per approved plan, shown in black.



Figure 2b. Structures built per plan outlined in red. Area where structure has not yet been built outlined in white. Structure not shown on plan marked with star.

COMPATIBILITY WITH SURROUNDING AREA



Figure 3. Aerial photos: 2006 on left, 2013 on right. Residences marked with red dots. There has been minimal development in the area in this time frame.

The use should continue to be compatible with the surrounding area as there has been minimal development in the area. Staff did receive one complaint regarding dust associated with traffic to the facility.

The County Public Works Department provided traffic data for the roads surrounding Midnight Farm. This is included as Attachment C. The traffic counts were taken on June 1, 2016, a Wednesday, reported the following number of cars through a 24 hour period:

1. E 2100 Road, (North) between N 600 Rd and N 700 Rd, 134 vehicles
2. E 2100 Road, (South) between N 600 Rd and N 500 Rd, 95 vehicles
3. N 600 Road, (East) between E 2100 and E 2200 Roads, 108 vehicles
4. N 600 Road (West) between E 2100 Road and curve to the south, 37 vehicles

The County Engineer recommended that Midnight Farm participate in the dust palliative program; however, the degree of participation has not been determined at this time. Additional information regarding the recommendation for dust palliative will be provided the Commission prior to the October 19th meeting.

RECOMMENDATION:

Staff recommends approval of the renewal of the Midnight Farm CUP with the following condition:

The CUP plan (as revised with SP-2-8-12) shall be revised with the following changes:

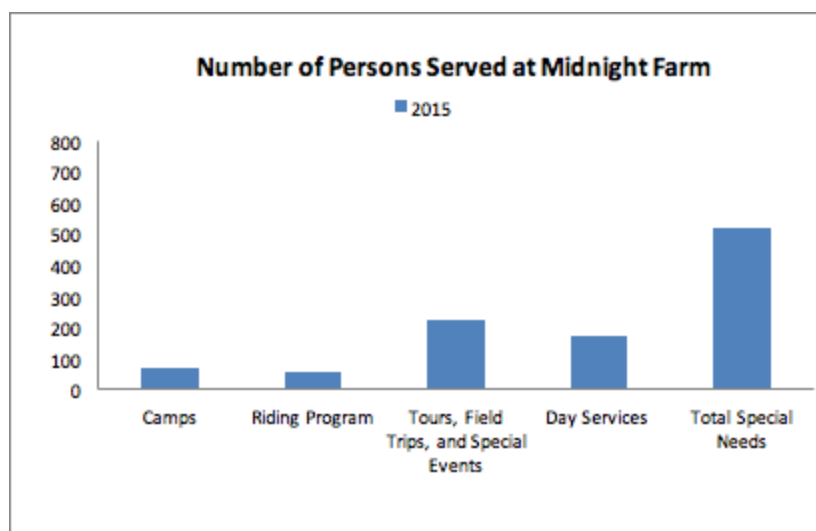
1. General Note 19 revised as follows: *"This Conditional Use Permit will expire at the end of 10 years (Calendar Year 2016) unless an application for renewal is submitted prior to that expiration date and approved by the local governing body."*
2. Addition of the pavilion structure in the southwest corner of the site.
3. Addition of a note outlining the dust palliative program as approved by the County Commission.

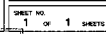
September, 2016

Community Living Opportunities, Inc. (CLO)
2113 Delaware Street
Lawrence, KS 66046

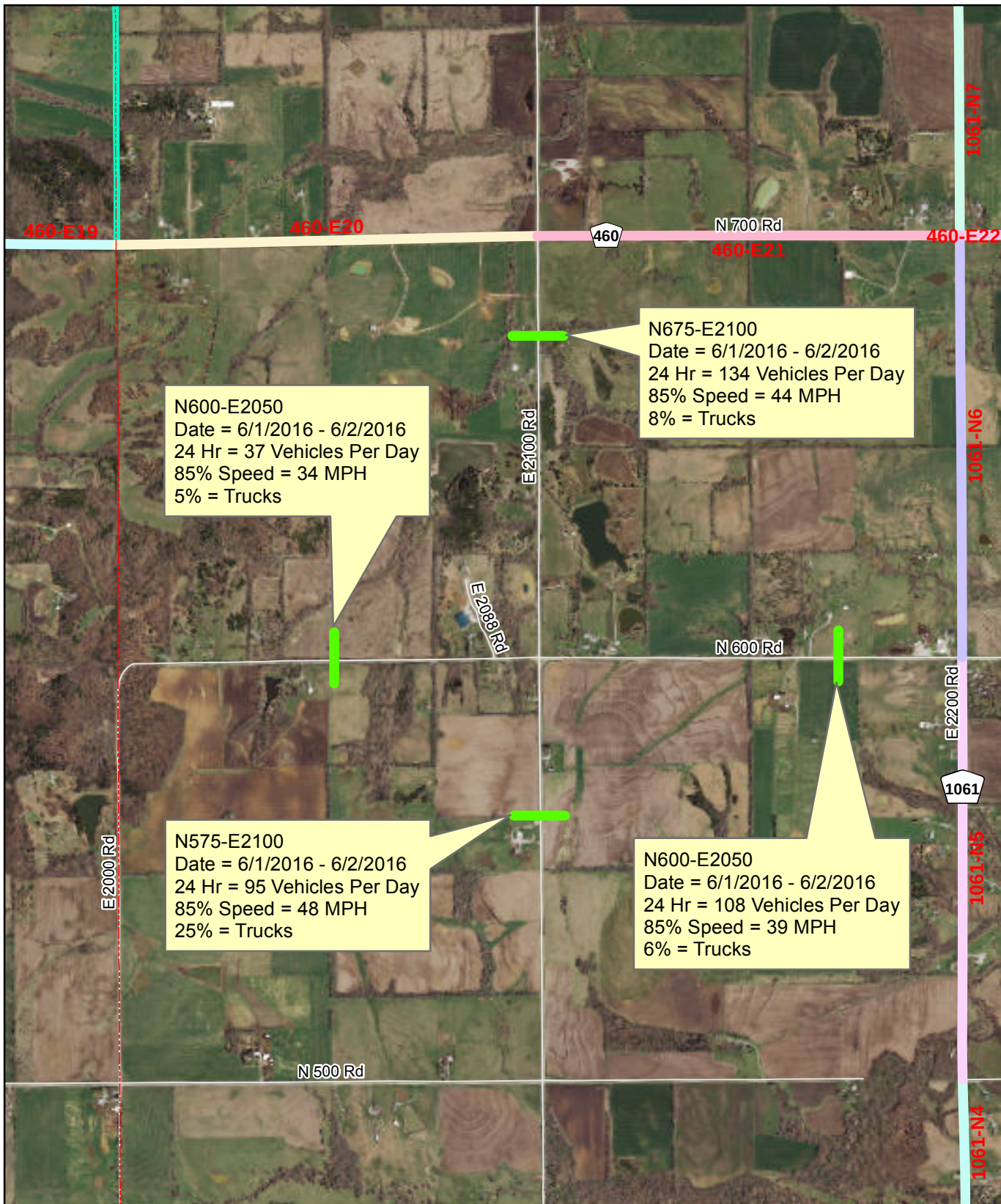
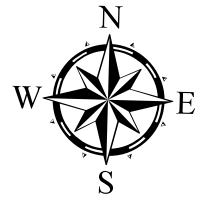
This following statement is a written request for an extension of the Conditional Use Permit (CUP) for CLO's Midnight Farm.

Midnight Farm, located 7 miles south of Eudora, Kansas, is a 40-acre working-farm environment offering opportunities for people with disabilities to live, work, relax and pursue recreational activities in the countryside. CLO provides a variety of programs at Midnight Farm including special needs and horsemanship camps, a therapeutic equestrian program, day service programming for individuals with intellectual and developmental disabilities (I/DD) and various tours, field trips and special events. Midnight Farm welcomes individuals, groups and businesses from the community who volunteer, donate and are involved other ways, such that the benefits of Midnight Farm are shared by all and opportunities for community interaction are increased for the people CLO serves. In 2015, more than 5391 volunteer hours were donated to the various programs of Midnight Farm by individuals from the surrounding communities. This number speaks volumes to the dedicated volunteers and types of programs Midnight Farm offers to the people served and the surrounding communities.





E2100 Road at Intersection with N600 Traffic Volume Information



PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
09/26/2016

**ITEM NO. 4 TEXT AMENDMENT TO ZONING REGULATIONS; SMALL SCALE
INDUSTRIAL USES (MKM)**

TA-16-00323: Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses. *Initiated by County Commission on 8/24/2016.*

RECOMMENDATION: Staff recommends approval of the proposed amendment, TA-16-00323, to revise Section 12-319-4 in the Zoning Regulations to add Small Scale Industrial uses to the list of Conditional Uses and to establish standards for the use and that the Planning Commission forward a recommendation for approval to the Board of County Commissioners.

Reason for Request: Currently, small scale industrial uses are permitted in the Agricultural Zoning District as Home Occupations with an administrative approval process. Industrial uses which exceed the size or employee limit of the Home Occupation, or are not located on the same property as the business owner's residence, require rezoning to an Industrial Zoning District. This amendment would provide a transitional approval process, the Conditional Use Permit, for small scale industrial uses on properties that generally meet the criteria for approval of industrial zoning but may not be well suited to the range of uses which would be allowed with the I-1 (Limited Industrial) Zoning designation.

RELEVANT GOLDEN FACTOR:

- Conformance with the comprehensive plan.

ATTACHMENTS

- Attachment A – Draft language

OVERVIEW OF PROPOSED AMENDMENT

The amendment adds *Small Scale Industrial* uses to the list of uses which are allowed when approved as a Conditional Use. Planning and the Zoning and Codes Office have received several inquiries into the approval process for a small industrial use and have responded that it would be necessary to rezone the property to an Industrial or Business District.

In many cases, the property would be suitable for rezoning; however, the rezoning would permit not only the requested use but a range of uses. The-is amendment would allow small scale industrial uses in locations where they are appropriate without the range of other uses which would be permitted with the industrial zoning. Table 1 illustrates the range of uses which would be permitted on a property if rezoned to the IL District to accommodate a small scale industrial use.

In some instances, a Home Occupation grows to the point where it no longer meets the criteria for a Home Occupation, but it remains small enough that it would be compatible with the

surrounding land uses. In others, a project is proposed which would be low impact and could be appropriate on a property; while some of the other uses permitted in the industrial zoning district could have a negative impact on nearby properties.

One option is to use conditional zoning, where all uses but the proposed use are removed from the district. Conditional zoning is often used when a site is suitable for rezoning to a district, but some uses in the district are seen as problematic – based primarily on traffic generation, site characteristics, and potential negative impacts on surrounding land uses. Developing a Small Scale Industrial Conditional Use will allow the use in those locations where it would be appropriate, without allowing the other uses permitted in the I-1 District that may not be suitable for that area. This amendment would also provide an opportunity for existing small businesses to grow in their current location.

The CUP process has the same review and approval process as a rezoning request.

- Public hearing at a Planning Commission meeting. If the property is within 3 miles of an incorporated City, a public hearing at a Joint Planning Commission is held.
- Protest petition. If a valid protest petition is submitted, a super-majority (unanimous) vote of the Board of County Commissioners is required to approve the request.
- Consideration and action by the Board of County Commissioners.

The CUP has the following advantages over rezoning:

- Conditions to minimize any negative impacts may be developed and applied to each use, based on the specific use proposed and the site characteristics as well as the character of the area.
- The permitted use is limited to the specific use listed in the CUP.
- An approval time frame may be established. Prior to expiration, the business owner may request an extension. The extension request would be evaluated to see if it remains compatible with the character of the area as it has developed. The CUP could be approved if found to be compatible, it could be approved with revised conditions, or the extension request could be denied.
- There is an amendment and revocation process for Conditional Uses. If the use is found to be in violation of the conditions, it is possible to amend or revoke the Conditional Use.

The additional safeguards established with Conditional Uses and the ability to tailor and condition the permitted use would be preferable, in some cases, to rezoning the property to the Limited Industrial District.

Table 1. Permitted Uses in the I-1 (Limited Industrial) District
1) Laboratories, research, experimental, or testing.
2) Offices or office buildings.
3) Wholesale merchandising or storage warehouses with floor area devoted to warehousing and handling of merchandise
4) <i>Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.</i>

5) <i>Photographic processing or blueprinting.</i>
6) <i>Printing and publishing.</i>
7) Manufacture or assembly of medical and dental equipment drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
8) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet metal products, and vitreous enameled metal products.
9) Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing, and canning, packing and processing of meat and poultry products, but not distilling of beverages, slaughtering of poultry or animals, or processing of bulk storage of grain or feeds for animals or poultry.
10) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
11) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
12) Moving picture production.
13) Light manufacturing uses similar to those listed above, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.
14) Bank, drive-in or otherwise.
15) Restaurant, not drive-in
16) Filling station, if located in a district of 20 acres or more.
17) Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
18) Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
19) Dwellings for watchmen and caretakers employed on the premises.
20) Accessory farm dwellings on a farm of 10 acres or more
21) Railroad siding
22) Animal hospital or clinic.

TABLE LEGEND:

- Some uses permitted in the I-1 District are permitted in the A (Agricultural) District. These uses are highlighted in the table, and are not included in the list of uses which would be permitted with a CUP.
- Only industrial uses are being considered with this amendment. Non-industrial uses are shown as ~~struckthrough~~.
- Uses included in this text amendment as small scale industrial conditional uses are shown in **bold**.

The following industrial uses permitted in the I-1 District are not included in the Small Scale Industrial Conditional Uses: *Compounding of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products, Photographic Processing or Blueprinting and Printing and Publishing*. In staff's opinion, these uses would be included in the category of uses which are similar to those listed uses, provided they do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted. These businesses would be evaluated on a case-by-case basis for hazardous impacts.

I-1 DEVELOPMENT

Per the information on file in Planning's GIS maps, there are 10 parcels that are currently zoned I-1. Of these, 6 are undeveloped and most of these have impediments to development such as the lack of road frontage. One developed parcel has a use that isn't permitted in the district, but that may predate the Zoning Regulations. The parcels that are developed with uses that are permitted in the I-1 District include the Hull Iron Works in Pleasant Grove and McFarlane Aviation near Vinland. McFarlane Aviation is a good example of a use that would require the IL Zoning as it isn't small scale and is industrial in nature. The Hull Iron Works shop would have been a good candidate for a CUP as the use is small scale, the property has a rural rather than industrial appearance, and there is no exterior storage. (Figures 1 and 2)



Figure 1. McFarlane Aviation located in the I-1 Zoning District. 24,000 sq ft building; has site plan approval for 48,000 total.



Figure 2. Hull Iron Works located in the I-1 Zoning District. Residence and iron shop. 2,080 sq ft shop building.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 recommends that an industrial site should substantially meet the following general criteria:

- Have feasible access to Federal and State transportation networks
- Be of adequate parcel size, generally over forty acres
- Lie primarily outside of the regulatory floodplain
- Have minimal average slopes (Page 7-4 to 7-5)

It further recommends that the following specific criteria should be met:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- Encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- Have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- Be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- Be annexed before development if adjacent to municipal boundaries.

These criteria should be applied to the Small Scale Industrial Use as it is intended as a transitional step between Home Occupation type businesses and businesses that are large enough to require rezoning.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 12-324 of the Zoning Regulations provides the process for proposed text amendments but does not include criteria for review and decision-making. The text amendment was reviewed with the following criteria which are similar to those in the City of Lawrence Development Code:

1) Whether the proposed text amendment corrects and error or inconsistency in the Zoning Regulations or meets the challenge of a changing condition

The proposed text amendment is in response to a changing condition as small businesses are becoming more prevalent. Many rezoning applications have met with opposition based on the wide range of uses that would be permitted in the proposed zoning district. Neighbors have indicated that they would not oppose the project, if they could be sure the use that is being proposed is the use that would be developed and that would be on the property in the future.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of the Zoning Regulations

The proposed amendment is consistent with the Comprehensive Plan and the purpose of the Zoning Regulations in that it includes standards and processes to insure the compatibility with nearby land uses. A Conditional Use Permit provides that assurance in that the permit is linked to the specific use. A change in the use would require submittal of an amended Conditional Use Permit application and a public hearing before the Planning Commission and approval by the Board of County Commissioners. The CUP process provides additional assurances to nearby

landowners through conditions that may be applied to the use to insure the use is compatible with nearby uses. In addition, the Zoning Regulations provides for the amendment or revocation of a Conditional Use Permit if there is non-compliance with the conditions. It is also possible to place an expiration date on a CUP so that an extension request must be made. This allows the use to be re-evaluated to determine if it remains compatible with the character of the area and the nearby land uses, as the area develops.

SECTION 1: NEW LANGUAGE PERTAINING TO SMALL SCALE INDUSTRIAL USES

12-319.4.36 Small Scale Industrial Uses

A small scale industrial use is an industrial use that is permitted in the I-1 (Limited Industrial) District that is of such a scale as to be compatible with nearby land uses, while maintaining the rural character of the area. Small Scale Industrial Uses which would be permitted as Conditional Uses include:

- a.** Establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Typical uses include:
 - 1) On-site production of goods by hand or artistic endeavor;
 - 2) Placement of digital or analog information on a physical or electronic medium;
 - 3) Light manufacturing, predominately from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site;
 - 4) Research of an industrial or biotechnical nature;
 - 5) Moving picture production such as movies, videos, and television; and
 - 6) Similar small scale industrial uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.
- b.** Standards to maintain consistency with the Comprehensive Plan recommendations for Industrial uses and to insure compatibility with nearby land uses and the character of the area are listed below:
 - 1) Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).
 - 2) The proposed use shall be located primarily outside of the regulatory floodplain.
 - 3) Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
 - 4) The site shall have adequate utilities, infrastructure and services for the proposed use.
 - 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq. ft. unless a larger area is approved by the Board of County Commissioners.
 - 6) The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.

- 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
- 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
- 9) The use does not require Federal air quality discharge permits.
- 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.).
- 11) The site shall be located on a full maintenance public road.
 - i. Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use.
 - ii. Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County Engineer, shall be required as part of the Conditional Use.
 - iii. The property must, at a minimum, meet the Access Management Standards for residential properties.
- 12) Exterior lighting associated with the use shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.
- 13) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the rural character of the area.
- 14) No shift work/24 hour a day businesses shall be permitted. Business shall operate with defined working hours.

ITEM NO. 4 TEXT AMENDMENT TO ZONING REGULATIONS; SMALL SCALE INDUSTRIAL USES (MKM)

TA-16-00323: Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mike Jilka agreed with the staff recommendation. He said Mr. Dwane Richardson had operated the business for 30 years and it was continuing to grow.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey said she was a huge fan of rural home businesses.

Commissioner von Achen expressed concern about the potential for 15 employees and the traffic it would generate.

Mr. Dwane Richardson said he had no close neighbors and was on a hard surface road.

Ms. Miller said the Conditional Use Permit would allow a maximum of 15 employees.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner von Achen, to approve the proposed amendment, TA-16-00323, to revise Section 12-319-4 in the Zoning Regulations to add Small Scale Industrial uses to the list of Conditional Uses and to establish standards for the use and that the Planning Commission forward a recommendation for approval to the Board of County Commission.

Commissioner von Achen had concerns about 15 employees being too many.

Unanimously approved 10-0.