

1311 Prairie Ave.  
Lawrence KS 66044

31 October 2013

re: 1146 Haskell rezoning and preliminary plat

Michael Dever, Mayor  
Lawrence City Commission  
Lawrence City Hall  
Lawrence KS 66044

Mayor Dever & Commission:

We are about to turn the page on a particularly troubling chapter of industrial land use in Lawrence. I am grateful, as are all my neighbors, for the Commission's help in 2011 in getting the junkyard land use Notice of Violation enforced via a unanimous ruling by the Board of Zoning Appeals on 5 April 2012.

Now you are about to upzone 1.785 acres from single family to industrial. We generally favor this, though it seems contrary to our need for protection from industrial nuisances. But Struct/Restruct has assembled a package that keeps the balance of the parcel in residential and open space. And with proper restrictions, their commercial construction business can be conducted in the IL industrial zone without problems for the adjoining residences.

With this new opportunity to chart a course for this parcel that is harmonious with our 95% residentially zoned neighborhood, Brook Creek Neighborhood wants to be sure that the new uses are done correctly. And our main concern is not for the Struct/Restruct operations, but for whatever use(s) that an unknown future owner may engage in. Assuming you have read the Planning Commission minutes and the public comments, I want to point out a few details that need attention.

First off, upzoning is a public giving, generally ignored in legal discussions of public takings. By zoning this 1.785 acres to IL, Lawrence is giving the property owner increased value. As our neighborhood President, Julia Mitchel said at the Planning Commission, let's be clear that that recipient is Bo Killough. Judging by his questionable business practices on this site for 9 years that caused us untold person hours of research and meetings, and thousands of dollars of legal fees, Mr. Killough does not deserve such a public giving. I oppose that unequivocally.

- If you do upzone the 1.785 acres to IL, please make it contingent on closing the sale of the property to Struct/Restruct, and the recording of the deed.

The entire list of 39 zoning conditions that I asked be applied to the IL zoning were requested by Struct/Restruct themselves. In effect that conditional zoning request was an amendment to their zoning application. Planning staff did not report it that way, and cherry picked 15 prohibitions to recommend to you, 15 of the 39 that I listed as necessary protections. Beyond those 15 prohibitions, there are at least three others that are critical to have reinstated. Please keep in mind that the primary problems with Mr. Killough's industrial salvage operation were noise, vibration and fumes, and the primary problem with the City was non-enforcement of Code provisions that would have ended the operational problems.

Almon: 1146 Haskell, p. 2

- In addition to the 15 prohibitions recommended by staff, please add the following prohibitions to the conditional zoning:

1. General Industrial: The activities allowed are far too broad for residential compatibility. Also, the definition reads "General Industrial uses may require Federal air quality discharge permits", a sure red flag for problems. And the definition lists exceptions from the restrictions of "noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; and noise from vehicles entering or leaving the site". If 15 minutes seems a reasonable time allowance, Lawrence enforcement happens 99% of the time on a complaint basis, meaning the neighbors would be saddled again with a daily struggle. During the junkyard days, the Police Department always demurred saying the continuous noise and vibrations were "temporary construction noise", and City Planning chose not to enforce the Code because it was too imprecise. Relying on enforcement is unworkable.

2. Laundry Service: The definition reads "Laundering, dry cleaning, or dyeing services" (not self-serve laundromats). Staff did not think these uses have any negative impact on nearby residences. However, dry cleaning involves the toxic tetrachloroethylene which would release toxic fumes if accidentally vented or spilled. And depending on the fabric and dyeing process, dyeing services may use toxic dyes and mordants with similar problems as with dry cleaning.

3. Small Collection Recycling: Staff recommended exclusion of Large Collection Recycling and Recycling Processing Center because it would "help reassure neighbors that a use similar to the previous will not be reinstated on the property". Staff's logic somehow did not apply to Small Collection Recycling, even though the daily off-loading bottles and cans and running them along conveyors to bins was a constant source of noise from the junkyard.

The correspondence from the League of Women Voters mentions two important points. It became apparent from Planning Commissioner questions that the findings from the soil toxicology report by Larsen & Associates have not been publicly vetted. Also, the results of the required Hydrologic & Hydraulic studies are not complete. The League stated that "before the property is zoned and platted, it should be known that it is suitable for residential use and not a health hazard", and "the issue of fill and developing in a floodplain should be determined before rezoning and platting".

- If you do rezone the 2.186 acres from RS10 to RS7 and accept the plat, please make it contingent on a public review of the soil toxicology report and completion of remediation if necessary, and contingent on completion of an H & H study with findings of buildability.

Sincerely,

Michael Almon

Byron Wiley  
1200 Almira  
Lawrence, KS 66044

November 2, 2013

RE: 1146 Haskell rezoning

Michael Dever, Mayor  
Lawrence City Commission

Mayor Dever and Commission,

The proposed re-zoning 1146 Haskell (the old 12<sup>th</sup> and Haskell Bargain Center's property), has prompted one strong concern related to the upzoning of the 1.785 acre area to IL. I am a residential neighbor who has lived adjacent to this parcel of land since 1996. I did not know it at the time when I purchased my property, but the quiet and peaceful appearing neighborhood was enjoying a 10-year intermission from intensive neighborhood-incompatible activities on the adjacent property.

Agricultural activity ceased on the property in 1951 when Ray's Garage and Auto Salvage started its business, ending operations in 1993. From 1993 through 2003, the property supported low impact businesses that included an auto repair shop, an auto alignment shop and a towing company's vehicle impound business.

In late 2003 the property was sold to Bo Killough. He gradually morphed a damaged goods retail business into a high impact recycling collection, intensive recycling processing and high impact scrap yard. For almost 10 years, neighbors were abused with a variety of intolerable nuisances including: nearly constant heavy equipment noise, seismic vibrations, thunderous impact noises, crushing sounds, penetrating glass loading and unloading sounds, blowing litter from recycling activities, frequent (gasoline, oil and solvent) odors, heavy truck and other equipment use on the streets, enormous amounts of open space storage of scrap and six separate incidents of vehicle fires.

A second attempt to start a process of shutting down and ultimately relocating the offensive business was commenced in February of 2013. After much time, expense, legal work, public hearings, etc., the operation essentially ceased on that property around February of 2013.

I am in support of the rezoning of the 2.186 acres to RS7 and am especially in support of the donation of the section of open space land. I am concerned with the proposed IL zoning because I do not want to have a permanent zoning status that would allow nuisances incompatible with the very nearby residential neighborhood. I am not concerned with StructRestruct's intended uses of the 1.785 acre parcel. They have met with the neighborhood and have been very open about their intentions. I am concerned

about future owners when the land is sold or if this particular deal falls through for some reason. I want to make sure there are safeguards in place to prevent a repeat of the intolerable nuisances that developed previously.

There are many uses within IL zoning that appear to be questionable or absolutely incompatible. I am very appreciative that staff had recommended prohibiting several uses under the conditional zoning. I am concerned about two uses that were not included in the recommendation.

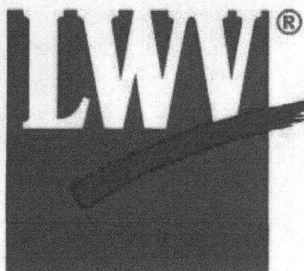
A) One of the permitted uses is “General Industrial.” After reading the definition of this use type, I discovered several permitted uses, exemptions to the norm. Even though there appears to be a strict time limit on particular distressing nuisances (noise, vibration and air quality discharges), I am concerned that if intensities and duration increased, the neighborhood would be in a new intolerable position requiring a new round of public hearings, legal fees, etc.

B) I am also concerned that “Small Collection Recycling” was left off of the conditional zoning. From our past experience, daily unloading of the smaller recyclables contributed greatly to the nuisance because of traffic issues, loud glass drop off, and loud pickup and removal activities.

Please consider adding additional safeguards to the conditional zoning for the 1.785 acre parcel.

Sincerely yours,

Byron Wiley



**LEAGUE OF WOMEN VOTERS®**  
OF LAWRENCE/DOUGLAS COUNTY

**RECEIVED**

**OCT 21 2013**

City County Planning Office  
Lawrence, Kansas

October 20, 2013

To Mr. Bryan Culver, Chairman, and Planning Commissioners  
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 2: DEVELOPMENT OF 1146 HASKELL AVENUE

Dear Chairman Culver and Planning Commissioners:

We have several issues of concern with this development that we hope you will consider before recommending approval of the rezoning and platting of this property.

The entire proposed development is in the Regulatory Floodplain. Our League position is that floodplains should be left open to accommodate floodwater storage. However, regardless of the flooding problem, because of the development difficulties that can be foreseen here, we believe that the issue of fill, its source, and the other considerations of developing in a floodplain should be determined before it is rezoned and platted. We believe that some method should be applied here that would prevent unsuspecting buyers from purchasing individual lots that they later find require raising their future home 2 feet above base flood level before building.

Also, in view of the fact that this property has a history of use that apparently had contaminated its soil, if it is to be developed, the soil should be decontaminated before any steps are taken for further use, especially for residential use. In other words, before the property is rezoned and platted, it should be known to the future buyer of the property that it is, in fact, suitable for residential use and not a health hazard to those who would buy and build on it.

We believe the planning process is missing a vital step here before this property, and land like it, is taken through rezoning and platting up to recordation. We believe that the safety of the soil and the method for ensuring that the lots will be buildable must be determined very early in the process. We ask this for the safety of the public and the fairness to those who would buy and/or build on this land. We ask that these issues be determined before you allow the start of the rezoning and platting process not only of this property but also for similar situations in the future.

We hope that you will consider these issues carefully and we appreciate your concern for the public. Thank you.

Sincerely yours,

*Cille King*

Cille King  
Co-President

*Alan Black*

Alan Black, Chairman  
Land Use Committee

*Co-President*  
David Burress

*Co-President*  
Cille King

*President-Elect*  
Cille King

*Vice President*  
marci francisco

*Secretary*  
Caleb Morse

*Treasurer*  
Marjorie Cole

*Directors*  
Margaret Arnold

Caroljean Brune

Scott Criqui

James Dunn

Ruth Gibbs

Midge Grinstead

Marlene Merrill

1311 Prairie Ave.  
Lawrence KS 66044

15 October 2013

re: 1146 Haskell rezoning and preliminary plat

Bryan Culver, Chair  
Lawrence-Douglas County Planning Commission  
Lawrence City Hall  
Lawrence KS 66044

Mr. Culver & Commission:

The zoning and plat being considered is for a site with a checkered past, which you have never had an opportunity to review before. So I want to give you a thumbnail sketch of it's history to explain why the Brook Creek Neighborhood is extremely cautious towards whatever may be allowed there in the future.

The most recent owner of the property engaged in a number of illegal land uses on residentially zoned land. He engaged in the industrial uses of "large collection recycling", "recycling processing facility", and "auto salvage yard", all being illegal Open Uses of Land, and all out of compliance with his non-conforming use permit. His Code violations resulted in numerous noise complaints, six vehicle fires, K.D.H.E. fines and toxic clean up orders, and two Notices of Violation of the Lawrence Development Code. The immediate neighbors and the Neighborhood Association pressed for enforcement of the Code for six years until we finally prevailed at the Board of Zoning Appeals, while incurring thousands of dollars of legal fees. We do not want to face that situation again.

The previous owner has moved his operation to a properly zoned parcel, and we now want to turn a new page on the 1146 Haskell site. We know that whatever is accepted and allowed from here on out will be legally binding, so we want to be sure the uses will not impact negatively on our residential neighborhood immediately across the street to the south. We want it done right.

So I'm gratified that the prospective buyer and tenant is approaching the process in an open way, as should all land developers. Struct/Restruct has met with the Neighborhood Association on two occasions, made clear their intentions for the property, been open to concerns and conditions, and been approachable for conversation in general. I think their construction business activities can be conducted in a non-offensive way, if certain conditions are placed on the zoning, and if certain stipulations are incorporated into the plat and site plan.

In addition to such conditions and stipulations, there also are two major concerns with the City infrastructure proposals on the plat – the location of the new water line on the south side of 12th St., and the possibility of a 10 foot wide bicycle trail also on the south side of 12th St.

**Conditional Zoning:**

Regarding the conditions on the IL zoning, I am requesting the zoning be conditioned to prohibit the following Use Groups:

- 1) Mobile Home
- 2) Cemetery
- 3) College/University
- 4) Detention Facilities
- 5) Lodge, Fraternal & Civic Assembly
- 6) Postal & Parcel Service
- 7) Public Safety
- 8) Funeral & Internment
- 9) Temporary Shelter
- 10) Social Service Agency
- 11) Active Recreation
- 12) Kennel
- 13) Livestock Sale
- 14) Animal Sales & Grooming
- 15) Veterinary
- 16) Fast Order Food
- 17) Fast Order Food, Drive-in
- 18) Commercial Parking Facilities
- 19) Personal Convenience Retail Sales
- 20) Hotel, Motel, Extended Stay
- 21) Car Wash
- 22) Gas & Fuel Sales
- 23) Heavy Equipment Repair
- 24) Heavy Equipment Sales/Rental
- 25) Inoperable Vehicles Storage
- 26) Light Equipment Repair
- 27) Light Equipment Sales/Rental
- 28) RV & Boats Storage
- 29) Laundry Service
- 30) Scrap & Salvage Operation
- 31) Amateur & Receive-Only Antennas
- 32) Broadcasting Tower
- 33) Communications Service Establishment
- 34) Telecommunications Antenna
- 35) Telecommunications Tower
- 36) Large Collection Recycling Facilities
- 37) Small Collection Recycling Facilities
- 38) Recycling Processing Center

Struct/Restruct recommended all of these be prohibited uses to assure adequate protections, now and with future property owners (see attached).

Regarding the notes and requirements on the plat, there are a few elements that need to be clarified so that the future reality will not leave the immediate property owners in a worse situation than before. Because the lots in our neighborhood are only 40 feet wide, the property owner at 1200 Almira has only a five foot exterior side yard facing 12th Street. And because the street pavement is positioned off-center to the north of the right-of-way, the area from pavement to property lines on the south is about 35 feet, all of which the property owners are required to maintain.

### **Water Line, Pavement:**

It would be a major problem for at least some of the property owners if the new water line were located in this open right-of-way area. The property at 1200 Laura has some large trees and ornamental plants located there. The property at 1201 Laura has two apple trees in the right-of-way, and most problematic, the property at 1200 Almira has thousands of dollars of perennial food bearing trees, shrubs and herbs. The owner, Byron Wiley, is a botanist, horticulturist and permaculturist, and he has been maintaining the right-of-way with a well designed polyculture that has taken years to establish.

It would be tragic if Mr. Wiley's landscaping were sacrificed to clear a swath for the water line, and/or install a 10 foot wide concrete multi-use track. Mr. Wiley did not fight six years for his property rights against intrusions from the illegal junkyard only to have City infrastructure destroy his life's work. Please revise the plat to remove the water line (and any possibility of City curb-and-gutter or multi-use track) from the south side of 12th Street.

### **Business Access Points:**

The plat also mentions that access to the the IL zoned business property will be from both Haskell Ave. and 12th St. One of the main problems with the previous junkyard was the continual vehicular access into both the building and the scrap metal yard along 12th St. (skid loaders, trucks, roll-offs, etc.). Most considerately, Struct/Restruct has said that Haskell Ave. will be their primary access, and I am asking that that be reflected in the notes on the plat.

### **Buffer Yard & Screening:**

Another problem with the previous junkyard was inadequate screening against sound, fumes, dust, lights, and view. The area of the Struct/Restruct business property east of the main building eastward to the residential properties will need tall, dense, and deep landscaping. I am requesting that the buffer landscaping be installed 50 feet back to the building setback line, and that some main elements be white pine, spruce, and other evergreen species. Mr. Wiley may be willing to help design in some fruit trees and berry bushes as well.

Equally dense and tall landscaping should also be located along the west property line of the westernmost residential property.



**100 Year Floodplain:**

These properties are at the confluence of Burroughs Creek and Brook Creek, both of which have the 100 year floodplain extending south from this location. Burroughs Creek drains a watershed of about 1 ½ square miles, and Brook Creek drains a watershed of about 1 ¼ square miles. Flooding on these properties and the neighboring properties can be significant.

Struct/Restruct has said that they want to build all nine residences above flood level by placing them on concrete piers. This would be ideal, so that no fill would be used and all flood storage capacity would be maintained within the properties. However, each residential lot buyer has their own option to use another builder. They also can use fill dirt or an extra tall foundation wall to get above flood level. Given that all building lots are fully within the 100 year floodplain, I am requesting that there be a note on the plat that if fill dirt be used, that all fill dirt come from on-site, and that all lots be filled continuously east to west rather than individual raised pads.

**Stipulations Beyond the Standard:**

If some of my requests seem to be beyond the norm, please keep in mind the unusual conditions here: the severe impacts of the previous operation, IL industrial zone immediately adjacent to residential zoning, and the entire site being within the 100 year floodplain. This situation calls for extra precautions, and Struct/Restruct has been more than willing to accommodate the neighborhood protections.

Bearing that in mind, I point you to Sec. 20-1101 of the Code, Protection Standards for Residential Districts. Subsection (a) reads in part, for “approval of any non-residential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter, and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property” [Subsection (a) attached].

I and the rest of my neighbors have expressed a desire to have Struct/Restruct locate their construction business on this site, and for them to build the adjoining residences. We have collaborated well to craft conditions that enable them to operate their business while being compatible with the adjacent residential neighborhood. All that's needed is that the Planning Commission use your authority to place the necessary conditions and stipulations in place. If so, we can be assured that this business, and any future purchaser of the site, will cause no problems for Brook Creek Neighborhood.

Thank you,

Michael Almon

**Use Prohibitions Recommended by Struct/Restruct (red strike throughs):****Article 4 – Use Table**

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**20-403 NONRESIDENTIAL DISTRICT USE TABLE**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CA1	CA2	MU	CO	CC	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	h	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	<del>P*</del>	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*	-	P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	<del>P*</del>	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	<del>P*</del>	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	<del>P*</del>	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	<del>P*</del>	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

## Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		CN1	CN2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI		H
	Detention Facilities	-	-	-	-	-	-	-	-	-	<del>S</del>	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	-	<del>P</del>	-	-	-	P*	-	512
	Postal & Parcel Service	-	P	P	P	P	P	P	P	P	<del>P</del>	P	P	-	P	-	
	Public Safety	S	P	P	P	P	P	P	P	P	<del>P</del>	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	<del>P</del>	-	-	A*	-	-	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	<del>S*/A*</del>	-	S*	-	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	<del>P</del>	-	P	-	P	A	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	<del>S/A*</del>	-	S	-	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	<del>P*/S*</del>	P*/S*	P*/S*	P*/S*	P*/S*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	<del>S</del>	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	<del>P</del>	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	<del>P</del>	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	<del>P</del>	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	-	S	-	-	P	P	P	P	<del>P</del>	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	<del>P</del>	P	P	P	P	A	

## Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	ML	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
COMMERCIAL USE GROUP																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	P	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	-	P	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P	-	-	-	-	-	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	A	P*	-	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	A	P*	-	-	-	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	P	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	S	S	P	P	P	P	P	P	P	-	P	A	



## Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	M/L	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	<del>P*</del>	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	<del>P</del>	-	-	-	-	A	

## Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CH1	CH2	MU	CC	CD	CC	CR	CS	IBF	IL	IM	IG	CS	GFI	H	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	<del>P</del>	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	<del>P</del>	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	<del>P</del>	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	<del>P</del>	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	<del>P</del>	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	P	P	-	<del>P</del>	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	S	P	P	P	-	<del>P</del>	-	P	-	-	-	
	Light Equipment Sales/Rental	-	P*	-	-	S	P	P	P	-	<del>P</del>	-	P	-	-	-	545
	RV and Boats Storage	-	-	-	-	-	P	P	P	-	<del>P</del>	-	P	-	-	-	
INDUSTRIAL USE GROUP																	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	<del>P</del>	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	<del>P</del>	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	<del>P</del>	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	<del>P</del>	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	<del>P</del>	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	<del>S*</del>	-	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	<del>A*</del>	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	<del>S</del>	-	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	<del>P</del>	P	P	-	S	-	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	<del>P</del>	-	P	-	-	-	

Effective July 1, 2008

Land Development Code

Amended November 27, 2012

Article 4 – Use Table

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Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	M/L	CC	CD	CC	CR	CS	IBF	IL	IN	IG	CS	GFI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515	
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

## ARTICLE 11. GENERAL DEVELOPMENT STANDARDS

20-1101	Protection Standards for Residential Districts
20-1102	Intersection Visibility
20-1103	Outdoor Lighting
20-1104	Performance Agreements; Guarantees
20-1105	Sidewalks
20-1106	Agreement Not to Protest Formation of a Benefit District
20-1107	Retail Market Impact Analysis
20-1108	General Development Standards for <a href="#">Mixed Use</a> (MU) Districts

### 20-1101 PROTECTION STANDARDS FOR RESIDENTIAL DISTRICTS

#### (a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-[Family](#) use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, [Planning Director](#), [Planning Commission](#) or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional [Landscaping](#) and buffering;
- (7) [Height](#) restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar [Access](#);
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.





## Brook Creek Neighborhood Association

Mail Address: 1944 Miller Drive (66046)

Telephone: 785/ 841-4997

e-mail: BrookCreekNA@gmail.com

October 17, 2013

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

The Brook Creek Neighborhood Association met on October 9<sup>th</sup> to discuss the proposed rezoning of 1146 Haskell. We acknowledge that the proposed plan may be the best option for the property, but the letter sent to neighbors brings up more questions than answers. We appreciate that the proposed plan is much better than living next to an industrial level salvage yard, but we do have questions/concerns to be addressed before we can fully stand behind this project.

- Flooding: The property is located in the floodplain. What was the outcome of the floodplain study? Who did the study? Most important is that new development does not add to flooding problems or increase FEMA flood insurance rates for neighbors. Outside storage near the floodway needs to be addressed.
- Ground contamination: What were the results of the environmental study, and who did the study? Is the property really suitable for residential uses?
- Rezoning to Limited Industrial District: What uses does this zoning allow? How do we prevent undesirable industrial uses in the future? Can conditions be placed on this zoning to prevent undesirable industrial uses?
- Effects on and changes to 12<sup>th</sup> Street:
  - How will the easements on the south side of 12<sup>th</sup> Street be affected by the construction and any future repairs/updates to sewer and water lines?
  - Will a sidewalk be built on the north side of 12<sup>th</sup> Street?
  - Will the ditch along both sides of 12<sup>th</sup> Street remain, or will curbs and storm sewers be installed? If the ditches remain, culverts along the south side need to be cleaned/repared.
  - What kind of outdoor lighting will be installed?
  - Access to the business should be on Haskell, not 12<sup>th</sup> Street.
- Green space on north side of property:
  - The wooded area to the east of the property needs to remain undeveloped. The neighborhood made this agreement with the City and Parks & Recreation many years ago. No parking lot.
  - The BMX bike track is not a popular idea, however neighbors did like the idea of extending the Burroughs Trail.

We appreciate the opportunity to discuss our questions and concerns.

Sincerely,

Julie Mitchell, President  
Brook Creek Neighborhood Association  
1231 Brook Street, Lawrence, KS 66044  
865-3688

To: Lawrence/ Douglas County Planning Commission  
Bryan Culver, Chairman

RE: 12th and Haskell property rezoning

Dear Bryan,

The proposed re-zoning of the old 12th and Haskell Bargain Center's property has prompted a few concerns. I am a residential neighbor who has lived adjacent to this parcel of land since 1996. I did not know it at the time when I purchased my property, but the quiet and peaceful appearing neighborhood was enjoying a 10 year intermission from intensive neighborhood-incompatible activities on the adjacent property.

Agricultural activity ceased on the property in 1951 when Ray's Garage and Auto Salvage started its business, ending operations in 1993. From 1993 through 2003 the property supported low impact businesses that included an auto repair shop, an auto alignment shop, and a towing company's vehicle impound business.

In late 2003 the property was sold to Bo Killough. He gradually morphed a damaged goods retail business into a high impact recycling collection, intensive recycling processing and high impact scrap yard. For almost 10 years, neighbors were abused with a variety of intolerable nuisances including: nearly constant heavy equipment noise, seismic vibrations, thunderous impact noises, crushing sounds, penetrating glass loading and unloading sounds, blowing litter from recycling activities, junk visible over the ugly fence, frequent (gasoline, oil and solvent) odors, frequent diesel exhaust odors, heavy truck and other equipment frequently using neighborhood streets, enormous amounts of open storage of scrap, and six separate incidents of vehicle fires. The last one involved three vehicles and engulfed the neighborhood with toxic smoke.

A second attempt to start a process of shutting down and ultimately relocating the offensive business was commenced in February of 2010. After much time, expense, legal work, public hearings, etc., the operation essentially ceased on that property around February of 2013.

The proposed rezoning and development of the property has prompted me to share these concerns so that any zoning that is put in place will not allow for a business to violate the peace, quiet and scenic character of this neighborhood again. I am not so concerned with Struct/Restruct's intentions, but am concerned beyond their use of the property. I want to make sure that there are safeguards built into the zoning to prevent future uses that are incompatible with a residential neighborhood.

I have reviewed the uses that are permitted in the IL district and have concerns with a few of them, thinking that when a time comes that Struct/Restruct no longer would own the property, the IL zoning may allow an incompatible entity to operate on the land. Not mentioning the uses that would require a SUP (they would most likely not be compatible), here are the ones of concern because of potential noise or traffic issues:

Livestock Sale -

Accessory Bar -

Cleaning (car wash) -

Gas and Fuel Sales

Light/Heavy Equipment Repair -

Light/Heavy Equipment Sales/Rental -

Manufacturing & production - this might be okay - depends on the noise and traffic -

Large collection recycling facility -

Small collection recycling facility -

Please help write the conditional zoning to prevent future incompatible matches with our residential neighborhood.

Looking at the entire proposed project, I have a few additional concerns and questions.

Since much of the property is in the 100 year flood zone, I am concerned that any net gain of fill from outside the boundaries of the property will displace future flood waters on the property, forcing that displaced water into our low lying neighborhood. I would support using fill from the property only, which would not add to floodwater displacement. (If soil is needed to be removed from the property, then only an equal amount should be replaced from the outside.) Material removed from location(s) on the property would create appropriate flood control basins.

I support the use of some dense trees/shrubs as screening around the exposed perimeter of the business part of this property. I am very impressed with the beautiful fencing around the new Advantage Metals facility in North Lawrence. If any fencing is required, I think that is a very nice model to follow.

I am concerned about commercial access from the business property on 12th Street. I think that it should be kept to an absolute minimum. Commercial traffic should be limited to the Haskell entrance for normal daily use.

I am concerned about the proposed waterline that would run through the easement north of my house. Over the past 17 years I have gone to great expense to fill in the area with fruit trees. Is there a reason that the waterline is not proposed to run on the north side of 12th Street which would avoid having to run individual water lines under the street to each of the new residential lots?

Overall, I am in support of Struct/Restruct's intentions and plans. I think that it is a very good solution for that piece of property. I am strongly in support of their offer to donate part of the property to the city for park use and for it to eventually function as a trail connector.

Sincerely yours,  
Byron Wiley

1200 Almira  
Lawrence, KS 66044