

Agenda

City of Baldwin City, Kansas Planning Commission

Tuesday, January 9, 2018 – 7:00 p.m.

- I. Call to Order

- II. Approve the minutes of the regular Planning Commission meeting held Tuesday, July 11, 2017.

- III. Unfinished Business
 - A. None.

- IV. New Business
 - A. To consider for a Rezone from CP-2 to R-1B for the property addressed as 111 6th Street and generally described as a portion of Lots 87,89 & 91 Baker Street Subdivision and to provide a recommendation to the Governing Body.

- V. Adjourn

**Minutes
City of Baldwin City Planning Commission
July 11, 2017 at 7:00 P.M.**

Location: Baldwin City Library, 800 Seventh Street, Baldwin City, Kansas

Chairperson Richard Dechant called the meeting to order at 7:00P.M.

Members present included Matt Kirby, Casey Simoneau, Ted Madl, and Joe Salb. Commission Member Not Present: Richard Dechant. Baldwin City staff present: Ed Courton, Community Development Director and Tamara Hagerman, Administrative Assistant.

Vice Chairperson Kirby asked for a motion to approve the draft minutes of the regular meeting on June 13, 2017. Casey Simoneau moved and Ted Madl seconded a motion to approve the minutes as submitted. The motion carried.

There being no unfinished business, Vice Chairperson Kirby opened the meeting with the first item under New Business:

- A. To consider a Zoning Text Amendment to reduce the front yard setback in Residential Districts from 30-feet to 25-feet for new subdivisions consisting of four lots or more and to provide the Governing Body with a recommendation.

Ed Courton gave a summary of the zoning text amendment.

Vice Chairperson Kirby asked if there was any further discussion and with none he would entertain a motion.

Mr. Simoneau moved and Mr. Madl seconded a motion to approve the a Zoning Text Amendment to reduce the front yard setback in Residential Districts from 30-feet to 25-feet for new subdivisions consisting of four lots or more and to provide the Governing Body with a recommendation.

Motion carried by a 4-0 unanimous vote.

Seeing no further business, Vice Chairperson Kirby stated he would entertain a motion to adjourn.

Mr. Madl moved and Mr. Simoneau seconded a motion to adjourn the meeting at 7:03pm. The motion carried by a 4-0 unanimous vote.

Respectfully submitted by:
Tamara Hagerman, CPT
Administrative Assistant
City of Baldwin City

**APPLICATION FOR CHANGE OF ZONING CLASSIFICATION (REZONING) OR A
CONDITIONAL USE PERMIT**

This is an application for change of zoning classification (rezoning) or for a Conditional Use Permit. The form must be completed and filed at the office of the Zoning Administrator in accordance with directions on the accompanying instruction sheet.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants (owner(s) and/or their agent(s)). All owners of all property requested to be rezoned must be listed in this form.

A. Applicant Owner MLC Properties LLC
 Address PO Box 4001
 Address _____
 Phone Lawrence, KS 66046

B. Agent Christine Fuller proposed Buyer of
 Address 105 W 5th St property
 Address Overbrook KS 66524
 Phone 616-5603896

(Use separate sheet if necessary for names of additional owners/applicants.)

2. The applicant hereby requests:

Commercial Residential
 A change of zoning from "C" to "R".
 A Conditional Use for the following: No longer applicable

3. The property is legally described as (Lot and Block or Metes and Bounds):

Baker Street N 65 Ft Lts 87, 89 + 91 (B00177A
and portion B001778 combined 1994)

4. This property address is: 111 6th St Baldwin City, KS 66006

The general location is (use appropriate section):

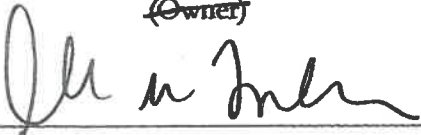
A. At the SW (NW, NE, SW or SE) corner of 56 Hwy / Arroyo (street/road) and 6th Street (street/road) or,

B. On the W (N, S, E, W) side of 6th (Street) (Road) between Arroyo / 56 Hwy (Street) (Road) and Baker (Street) (Road).
Street

5. I request this change in zoning for the following reasons (Do not include reference to proposed uses for a rezoning.)

Christine Fuller has made rezoning a contingency in the purchase agreement, based on belief that it will provide both tax relief and better prospects for sale in distant future. Prospective buyers down the road may then consider the home. If it is zoned commercial they may not. The home across the street in similar environment (owned by Eula Gorton) is zoned residential.

6. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in; is accompanied by an ownership list as required in the instruction sheet; and is accompanied by the appropriate fee.

By  ^(Owner) Authorized Agent (if any) By X ^{MLC Properties LLC (Owner)} Authorized Agent (if any)

VI. OFFICE USE ONLY:

This application was received at the office of the Zoning Administrator at _____ (A.M.) (P.M.) on _____ day of _____, 20____. This application has been checked and found to be complete and accompanied by the required documents and the appropriate fee of \$ _____.

Name

Title

Ed Courton

From: Ed Courton
Sent: Tuesday, December 12, 2017 8:19 AM
To: 'Christine Fuller'
Subject: RE: Rezoning petition

Email is okay. Thank you, Ed

From: Christine Fuller [<mailto:christine.gen.68@gmail.com>]
Sent: Tuesday, December 12, 2017 4:40 AM
To: Ed Courton
Subject: Re: Rezoning petition

Good morning, Ed, thanks for the zoning information. I appreciate the suggestion and agree that R1B single family residential should be stated in the proposal. Do I need to change it at city hall or does this email suffice?

Christine

On Dec 11, 2017 2:33 PM, "Ed Courton" <ecourton@baldwincity.org> wrote:

Christine,

I need to state which residential district are you proposing. As the proponent, you can choose any residential zoning district. I attached a print screen of the general area.

I would suggest R-1B "Single Family Residential" to be consistent with other properties in the general area. I also attached a copy of article 24 which lists all the zoning districts and the corresponding setbacks, etc.

Please let me know ASAP. I need to get the legal ad on Wednesday.

Thanks,

To: Planning Commission
From: Ed Courton, Community Development Director
Date: January 4, 2018
Re: 111 6th Street Rezone

Petition Request:

The applicant, MLC Properties LLC, is seeking to rezone a portion of Lots 87, 89 and 91, Baker Street Subdivision from the existing CP-2 “Planned General Commercial” zoning district to “R-1B” Single-Family Residential zoning district pursuant to Article 31 “Amendments.”

Analysis:

The property is situated along the west side of 6th Street roughly midway between Ames and Baker Streets. The CP-2 district is situated to the north, northeast, south and northwest of the site, while across 6th Street, the single-family residential R-1B district is situated to the east and “RP-3” Planned Multi-Family Residential zoning district is situated southeast of the site. See zoning map below:



Section 31-104 describes the approval criteria for rezones. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts

presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:

- a. **Whether the change in classification would be consistent with the intent and purpose of these Regulations:** No. The requested zone change from commercial to residential would be inconsistent with the established CP-2 commercial district. The CP-2 commercial district is situated to the north and south of the property and along Ames Street. 6th Street is an arterial road classification, more conducive for commercial development. The property has been used for commercial for a decade or so.

The logical land use and zoning district classification would be to remain commercial or the property could have a mixed commercial/residential component, but the primary use of the property should be commercial due to existing commercial uses immediately north and south and the arterial road classification.



- b. **The character and condition of the surrounding neighborhood and its effect on the proposed change:** Adding a residential only use in between two commercial uses could cause land use conflicts. Commercial uses can be incompatible with adjacent residential uses due to the commercial use intensity, noise, hours of operation and exterior activity just to name a few.
- c. **Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions:** The surrounding area was changed from a residential to commercial zoning district, as part of the adoption of the Zoning Code in 2010. A new Zoning Map was adopted, as part of Ordinance 1247 in April, 2010. The reason why the property was changed to commercial in 2010 was due to the change in land use.
- d. **The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification:** The CP-2 commercial district is situated to the north, northeast, south

and northwest of the property. Across the street is an existing single-family residence and further to the southeast is an apartment complex. The apartment complex is closer to a commercial use than single-family residential due to the intensity, noise and concentration of people. The subject property is a good location for commercial development due to its location along an arterial and proximity to the one controlled intersection with a stoplight.

- e. **Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity:** Staff believes the property could have a residential component, but the primary use should be commercial. A residential only land use would not be the best use of the property and, in the future, there may arise land use conflicts with the adjacent commercial uses.
- f. **The suitability of the applicant's property for the uses to which it has been restricted:** The property is more conducive for commercial than residential. A residential component could be supported by staff, as a conditional use permit, but only as an accessory use and contingent upon the residence being located above the first floor similar to the downtown commercial district (CP-3), which allows residential above the first floor. In the CP-3 district, the first floor is reserved for commercial.
- g. **The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped:** The property has been used for commercial in the past and was rezoned in 2010, as part of the adoption of the current Zoning Code and Zoning Map. This property and many others were rezoned due to the commercial use established at the time of adoption of the new Zoning Map.
- h. **Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified:** The proposed land use will not adversely impact existing or future infrastructure. Existing infrastructure is readily available.
- i. **The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development:** There is a need for more commercial land in the city limits. The City and the local economic development stakeholders have been looking for new property to be rezoned to commercial to stimulate additional commercial development. Additional commercial properties can provide the City with increased property and sales taxes needed to finance City services and existing/future infrastructure.
- j. **The recommendations of permanent or professional staff:** Denial. Staff could support a CUP for residential above the first floor and commercial on the first floor. This option is not supported by the applicant.
- k. **Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan:** Yes and the Planning Commission could recommend approval based upon the Future Land Use Map (FLUM) designation as residential. The Planning Commission should factor in its deliberations and recommendation to the Governing Body the existing commercial zoning and uses since 2010 and the potential adverse impacts caused by commercial uses. Furthermore, any new or significant expansion of abutting commercial may be required to add additional building and/or use setbacks, screening & landscaping due to the change in zoning for the property. This could impact future commercial expansion.

The Comprehensive Plan is outdated with respect to the FLUM map and many other components. The Comprehensive Plan was adopted in 2008. The property was rezoned in 2010 with the adoption of a new

Zoning Code and subsequent Zoning Map. The Zoning Map was based on existing land uses in 2010. The residential land use designation is technically correct, but not for the majority of existing land uses nor zoning in the general vicinity of the site. (See Zoning Map above) As previously mentioned in this report, staff would be in favor of a mixed-use development onsite, but not a stand-alone residential use.

- l. **Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification:** The proposed zoning district is consistent with the Comprehensive Plan FLUM map, but in conflict with adjacent land uses and the abutting existing commercial zoning district. Retaining the property as the existing commercial district is a logical land use pattern. The applicant wants to rezone the property to use the whole building as residential and to reduce the property taxes. (See submitted application) Staff could support a conditional use permit for a residential use above the first floor and a commercial use below.
- m. **Such other factors as may be relevant from the facts and evidence presented in the application:** It is staff's opinion that the existing Comprehensive Plan is outdated and needs to be reviewed and updated. This is especially true for the FLUM, as it depicts many properties within the city limits as residential rather than commercial, as they are currently being used. This is due to the natural growth of the City along commercial corridors, such as this section of 6th Street. This issue will be brought up by staff to the Commission in early 2018.

Staff Recommendation:

City staff is recommending denial of the Rezone request from CP-2 to R-1B due primarily to the shortage of existing developable commercially-zoned lots and the existing commercial district in the general vicinity of the site. There is also a potential for land use conflicts between commercial and residential properties.

As noted previously, the FLUM designation of Residential and is considered by staff as being outdated. However, the Commission could make a finding of support for the rezone request based upon the FLUM map designation of Residential. This would be consistent with past rezoning recommendations.

There are two-sides to this rezoning request and the Commission will need to make a recommendation to the Governing Body (City Council) to either support the request or to recommend denial based upon staff's analysis.

Decision: The Planning Commission shall review the rezoning request and make a recommendation to be forwarded to the Governing Body for final decision. Once a recommendation is made, then the request will proceed to the Governing Body for final decision after the appeal time period is expired or appealed by a property owner notified in accordance with the Zoning Code.



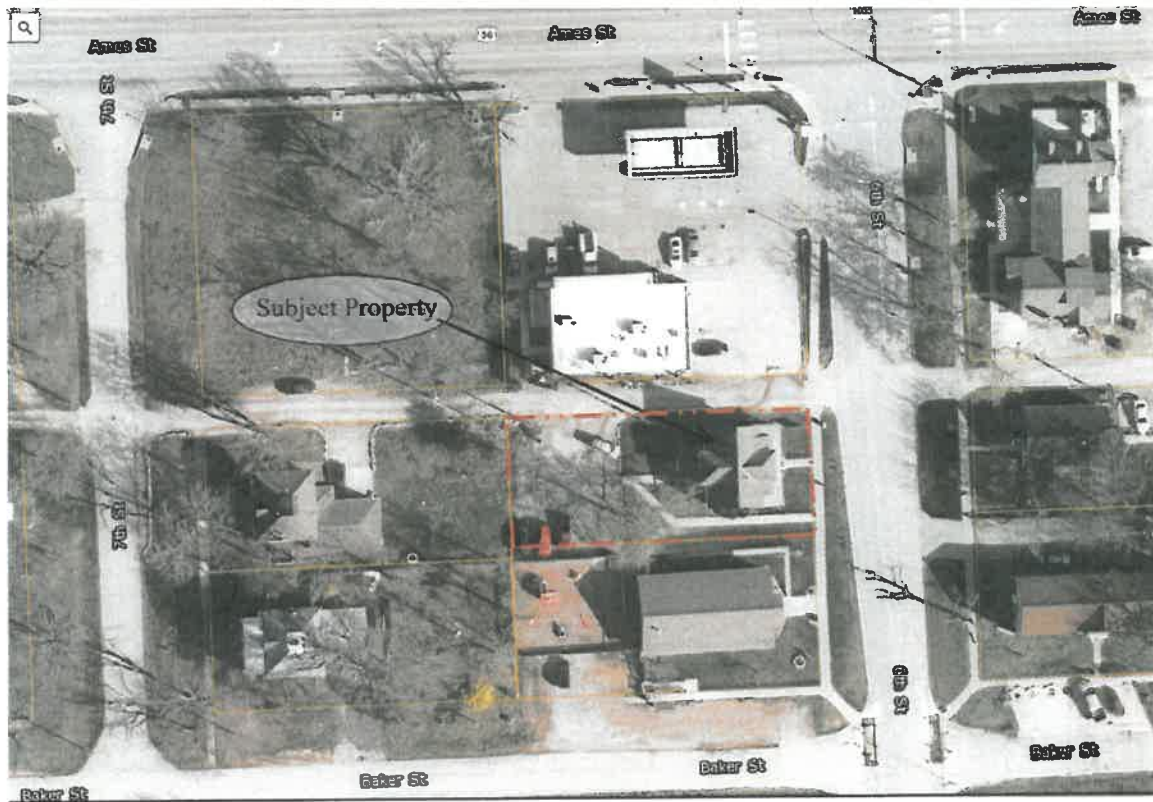
December 17, 2017

Dear Property Owner:

As a property owner within 200 feet of the proposed Rezone from CP-2 to R-1B for a property addressed as 111 6th Street situated on the west side of 6th Street between Ames Street and Baker Street, you are hereby notified that a **public hearing** will be held at the **Baldwin City Library** located at **800 7th Street** on the following date:

Tuesday, January 9, 2017 at 7:00 p.m.

The property is depicted below and outlined in red. Staff has provided a map of the site and general vicinity for your convenience:



The public hearing shall provide everyone with the opportunity to speak in favor of, or in opposition to, the request. Written comments will also be accepted and will be presented at the public hearing. Inquiries or written comments may be submitted to:

*City of Baldwin City
Ed Courton, Community Development Director
PO Box 86
Baldwin City, KS 66047
785-594-6427*

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Steven F. Carlson of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 12/19/2017 with publications being made on the following dates:

12/19/2017



Subscribed and sworn to before me this 19th day of December, 2017.



Notary Public

My Appointment expires: 8/19/2020

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$69.12
	<hr/>
	\$69.12

(Published in the Lawrence Daily Journal-World December 19, 2017)

NOTICE OF PUBLIC HEARING

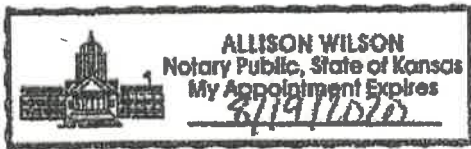
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on January 9, 2017, the Baldwin City Planning Commission will hold a public hearing at the Public Library meeting room, 800 7th Street, Baldwin City, Kansas, at 7:00 P.M., to consider the following applications:

1. A request for a Rezone from CP-2 to R-1B for the property addressed as 111 6th Street and generally described as a portion of Lots 87, 89 & 91 Baker Street subdivision.

The files and all application materials are available for review at the Community Development Department during normal hours. As provided in the Baldwin City Zoning Regulations, the above applications will be discussed and considered by the Baldwin City Planning Commission, and all person interested in said matter will be heard at this time concerning their comments and all matters concerning the request and presented at the hearing will be considered. The Planning Commission may continue this matter to a later date without additional notice.

Certified, this 14th day of December, 2017



DOUGLAS COUNTY

KANSAS

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Property Search Results: Real Property

Please Note: This information is assumed current as of: **12/10/2017**. For more current information, please call the Appraiser's Office: (785) 832-5133.

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- Select Year - ▾

Property Information

Map this Property

Year: 2017	Pin Number: 023-202-04-0-10-01-007.00-0	Plate/Record Id: B00177A
Owner 1: MLC PROPERTIES LLC		
Owner 2: (no record)		
In-Care-Of: (no record)		
Property Address: 111 6TH ST, BALDWIN CITY, KANSAS		
Mailing Address: PO BOX 4001 LAWRENCE, KS, 66046-1001		
Delinquent Tax: No	Tax Unit: 001	School: USD 348
Sec-Twp-Rng: (no record)	Book: 0922	Page: 0361

Value Information

Class	Appraised			Assessed		
	Land	Improvements	Total*	Land	Improvements	Total
C	\$16,950	\$107,450	\$124,400	\$4,238	\$26,863	\$31,101

*Market or Ag use

Tax Information

Tax	Special Tax	Total Tax	Taxes Paid	Mill Levy
\$5,049.22	\$0.00	\$5,049.22	\$0.00	162.3490

Property Description

SP 9-12-94 CB WITH PART OF B00177B/ RETURN TO TAX ROLL 9-6-94/NO COV 97 50SFBAKER STREET N 65 LTS 87 & 89 65 X 150

Legal Description

BAKER STREET N 65 FT LTS 87,89& 91 (B00177A & PORTION B00177B COMBINED 1994)