

**Agenda**  
**City of Baldwin City, Kansas Planning Commission**  
**Tuesday, February 12, 2019 – 7:00 p.m.**

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I. Call to Order

II. Unfinished Business

None

III. New Business

1. To consider a rezone from R-1B “Single-Family Residential” to R-2 “Two-Family Residential” for a +/- 21,000 s.f. property described as Lots 68-71, West Baldwin Subdivision and generally situated at the NE corner of the intersection of Summit/South Streets. *(Action Item – The Planning Commission will provide the City Council with a recommendation to approve or deny the rezone petition)*
2. To consider a petition to vacate a 20-foot wide alley westerly of 10<sup>th</sup> Street between Lots 120, 122, 124, 126 of Dearborn Street and 83, 85, 87, 89 of Elm Street Subdivisions. *(Action Item - The Planning Commission will provide the City Council with a recommendation to approve or deny the alley vacation petition)*

IV. Adjourn

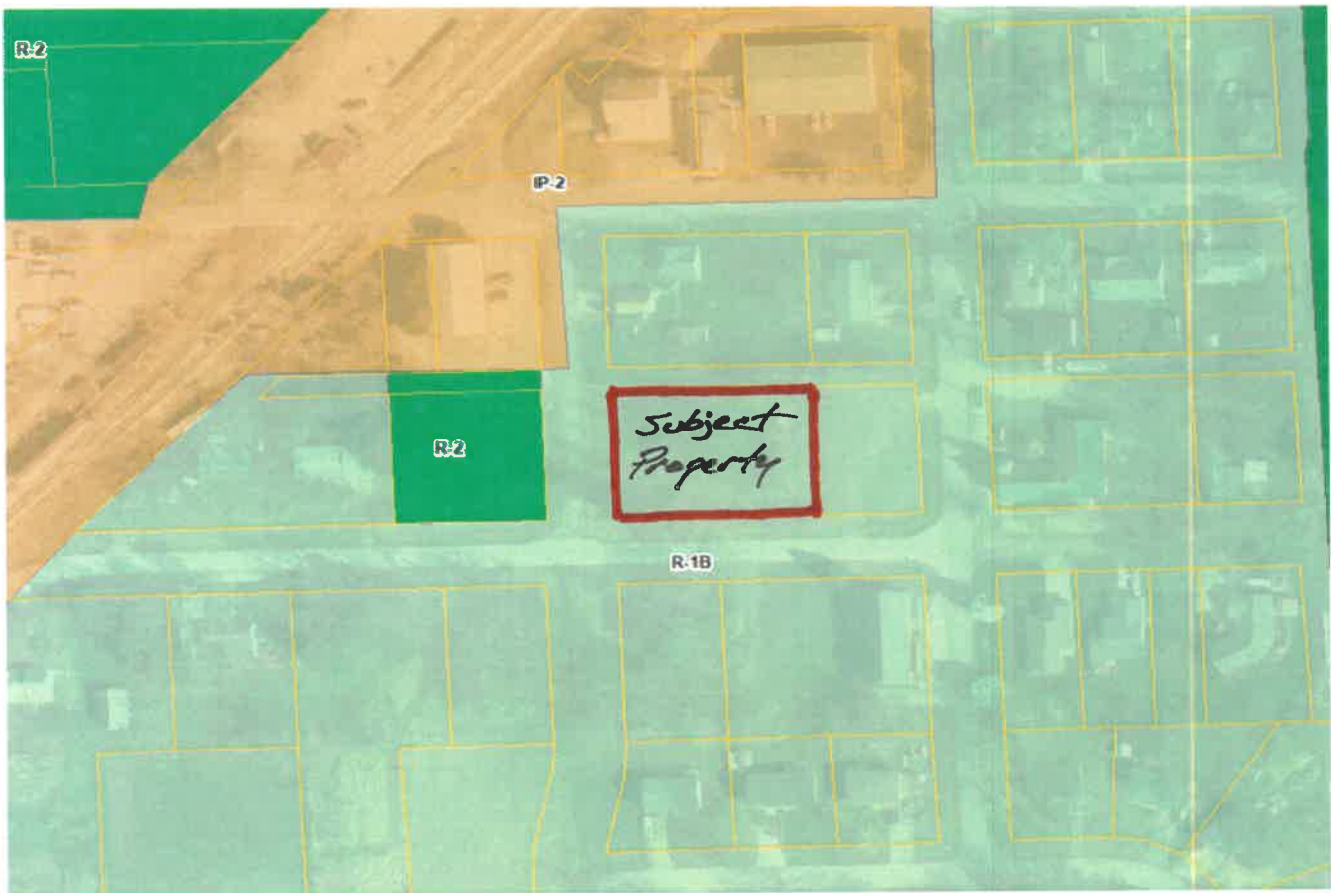


To: Planning Commission  
From: Ed Courton, Community Development Director  
Date: February 8, 2019  
Re: Harding Rezone

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**Petition Request:**

The applicant, Russell Harding, is seeking to rezone Lots 68 - 71, West Baldwin subdivision from the existing R-1B zoning district to R-2 pursuant to Article 31 "Amendments." The applicant is proposing to construct two-family (duplex) dwellings on the subject property.



**Analysis:**

The property is located at the northeast corner of the intersection of South/Summit Streets. Industrial zoning "IP-2" is situated to the northwest, two-family residential "R-2" is located opposite of Summit Street to the west, while single-family residential "R-1B" is situated to the east, north and south of the property.

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:** Yes. The request is consistent and compatible with the mixed-use neighborhood and existing land uses consisting of industrial, commercial and residential. Further to the west, Midland Railway owns industrial property. New housing is needed at this current time, either single-family or two-family residential.

Staff has reviewed the proposed request with respect to existing development standards and documents. A duplex is considered a dwelling unit much the same as a single-family residence and is evaluated as a housing type. The City's Zoning Regulations do not set minimum housing standards relating to size nor require off-street parking structures, such as garages or carports for residential housing. Furthermore, the Comprehensive Plan residential goals and policies, limit staff in their review to potential housing types for the requested zoning district and its impact on the existing neighborhood. Consequently, the inclusion of additional duplexes is considered the same impact as single-family residential, though the density may be greater, but this was factored in the Comprehensive Plan designation of Single Family when the Plan was developed and subsequently adopted in 2008. The designation of Single Family is somewhat misleading by the name, as this designation can allow both single-family and two-family residential. A duplex is generally considered to have the same impacts as a single-family dwelling. The negative impacts of both housing types are generally associated with other factors such as noise and activity of occupants; number of vehicles; housing size and construction; and general property appearance. These factors are not evaluated as part of a rezone petition for they are unknown at this time.



- b. **The character and condition of the surrounding neighborhood and its effect on the proposed change:** Adding new duplexes or more single-family residences would enhance the neighborhood's appearance and provide needed housing for Baldwin City. The surrounding housing is primarily single-family residential with the exemption of a new duplex currently under construction to the west. Mixed uses are situated northerly ranging from single-family residential to commercial/industrial. Existing single-family residential is situated to the east, south and west.
- 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 neighborhood was originally intended to be residential and the proposed uses (single-family and two-family) under the requested zoning district are consistent with the intent of the original and existing neighborhood.
- d. **The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification:** Staff doesn't anticipate negative impacts resulting from the change of the zoning district and the permitted land uses for the R-2 district.
- 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:** Yes. Staff doesn't anticipate negative impacts resulting from the change in zoning district and the allowable land uses for the proposed district.
- f. **The suitability of the applicant's property for the uses to which it has been restricted:** Yes. The underlying zoning district is residential as well as the proposed zoning district.
- 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 underlying zoning district is residential as well as the proposed zoning district.
- 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 land for the R-2 zoning district. This district is one step up in intensity from the single-family district and it allows two-family (duplex) dwellings. Not all residents of Baldwin City can afford a single-family home or rent one. A duplex can provide the public with another housing option. The subject property is also vacant and undeveloped. Single-family or two-family housing are permitted uses under the Comprehensive Plan designation of Single Family Residential. The Comprehensive Plan does not separate the two housing types since both are considered compatible.
- j. **The recommendations of permanent or professional staff:** None.
- k. **Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan:** Yes. The property is designed as Single-Family Residential under the Comprehensive Plan Land Use Map and duplexes are allowed under this designation.
- 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; and:** The proposed zoning district is consistent with the Comprehensive Plan. The public benefits by having

more housing stock available and options for its populace. The site is a mixed-use neighborhood with industrial, commercial and residential uses situated in the general vicinity of the property.

m. **Such other factors as may be relevant from the facts and evidence presented in the application:** None.

**Staff Recommendation:**

City staff is recommending approval of the Rezone from R-1B to R-2.

**Decision:** The Planning Commission shall review the rezoning request and make a recommendation to be forwarded to the City Council for final decision.

**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 Russell Harding  
Address PO Box 975  
Address Baldwin City, KS 66006  
Phone 785-393-7655

B. Agent \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

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

2. The applicant hereby requests:

A change of zoning from R-1B to R-2.  
 A Conditional Use for the following: \_\_\_\_\_

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

West Baldwin Lots 68, 69, 70, & 71  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. This property address is: Not yet assigned

The general location is (use appropriate section):

A. At the SW (NW, NE, SW or SE) corner of Summit (street/road) and South (street/road) or,

B. On the E (N, S, E, W) side of Summit (Street) (Road) between South (Street) (Road) and College (Street) (Road).

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

To develop the area and add tax revenue for the  
city.

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.

(Owner)

(Owner)

By   
Authorized Agent (if any)

By \_\_\_\_\_  
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

# DOUGLAS COUNTY KANSAS

## Property Search Results: Real Property

**Please Note:** This information is assumed current as of: **1/13/2019**. For more current information, please call the Appraiser's Office: (785) 832-5133.

### Property Information

[Map this Property](#)

**Year:** 2019

**Pin Number:** 023-202-04-0-30-14-003.00-0

**Plate/Record Id:** B02547

**Owner 1:** HARDING RUSSELL D

**Owner 2:** HARDING NICOLE L

**In-Care-Of:** (no record)

**Property Address:** 1600 SOUTH ST BLK 2, BALDWIN CITY, KANSAS

**Mailing Address:** PO BOX 975 BALDWIN CITY, KS, 66006

**Delinquent Tax:** No

**Tax Unit:** 001

**School:** USD 348

**Sec-Twp-Rng:** (no record)

**Book:** 1163

**Page:** 4124

### Value Information

*Values for 2019 have not been calculated at this time. To view values for this property, please select a previous year from the*

### \*Market or Ag use

### Tax Information

*Tax data for 2019 has not been calculated at this time. To view taxes for this property, please select a previous year from the*

### Property Description

CB 3/6/18 SEE ALSO B02548A; MEDIA LTS 68-71 122 X 169 .47AC (C)

### Legal Description

**WEST BALDWIN LTS 68, 69, 70 & 71 (B02547 & 48A COMBINED 2018)**





To: Planning Commission  
From: Ed Courton, Community Development Director  
Date: February 8, 2019  
Re: Hoffman Alley Vacate

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**Petition Request:**

The applicant, Kenneth Hoffman, is seeking to vacate a portion of an existing 20-foot wide alley situated immediately to the west of 10<sup>th</sup> Street and to the east of the East Fork Taury Creek. The alley is generally described as being located in between Lots 120, 122, 124 and 126 of Dearborn Street and Lots 83, 85, 87 and 89 of Elm Street subdivisions.

**Analysis:**

K.S.A 12-505 (a) describes the approval criteria to vacate an alley. The vacation of an alley requires a public notice of hearing upon such request and a minimum of 20-days from the date of publication until the hearing. A public hearing is conducted by the Planning Commission and a recommendation is forwarded to the City Council for either approval or denial. A vacation may only be approved where the result of the public hearing concludes that there will be no injury to private property rights or to the public, as a result of the vacation. See subject alley location below.



By state statute, adjoining property owner(s) are granted all vacated land, unless the City has or needs utilities placement and/or easements.

After review by City staff, the requested alley vacation will not adversely impact the adjoining properties nor the general public. The applicant owns adjoining property both sides of the alley. The alley is currently unimproved and is not proposed to be improved to cross the existing creek to the west, so it effectively terminates at the creek. There are no public utilities situated within the alley.

**Staff Recommendation:**

City staff is recommending approval to vacate the subject alley.

**Decision:** The Commission shall review the alley vacation request and shall provide a recommendation to the City Council. An alley vacation may be approved where the result from the public hearing concludes that there will be no injury to private property rights or to the public, as a result of the vacation.

February 6, 2019

Members of the Baldwin City Planning Commission

I (Kenneth w. Hoffman Jr.) am petitioning to vacate the portion of the alley west of 10<sup>th</sup> Street and East of Tauy Creek that runs through my property. The legal description is as follows:

A 20 –foot wide alley westerly of 10<sup>th</sup> Street between Lots 120, 122, 124, 126 of Dearborn Street and Lots 83, 85, 87, 89 of Elm Street Subdivisions.

I own the property on both sides of the unimproved alley and there are no utilities located in the alley.

Thank You for your consideration of this petition.

A handwritten signature in black ink that reads "Kenneth W. Hoffman Jr." in a cursive script.

BEFORE THE BALDWIN CITY PLANNING COMMISSION

IN THE MATTER OF THE VACATION OF

GENERALLY LOCATED AT

)  
)  
)  
)  
)  
)

CASE NO. \_\_\_\_\_

VACATION PETITION

COMES NOW your petitioner(s), Kenneth W Hoffman Jr. and pray(s) for the vacation of the following described alley, to wit: a 20-foot wide alley westerly of 10<sup>th</sup> Street between Lots 120, 122, 124, 126 of Dearborn Street and Lots 83, 85, 87, 89 of Elm Street Subdivisions

1. That the petitioner(s) is/are owner(s) of real property adjacent to and abutting the herein described alley.
2. That no private rights will be injured or endangered by the vacation of the alley, described herein, and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s) hereof, the prayer(s) of the petitioner(s) for the vacation of the alley should be granted.

WHEREFORE, petitioner(s) pray(s) that this petition be set for hearing before the Baldwin City Planning Commission, that notice of said hearing be given as provided by law, and that at such time and place and at such hearing, the Baldwin City Planning Commission recommends the governing body having jurisdiction orders the vacation of the above described alley.

(Owner) Kenneth W. Hoffman Jr.

Kenneth W. Hoffman Jr.

(Owner Name)

Petitioner(s) or  
Agent of Petitioner(s)

2/6/19

Date

# Affidavit in Proof of Publication

STATE OF KANSAS  
Douglas County

(Published in the Lawrence  
Daily Journal-World on the  
22nd day of January 2019)

January, 2019

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 01/22/2019 with publications being made on the following dates:

01/22/2019



Subscribed and sworn to before me this 22nd day of January, 2019.



Notary Public

My Appointment expires: 8/19/2020

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$74.22
	<hr/>
	\$74.22

## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

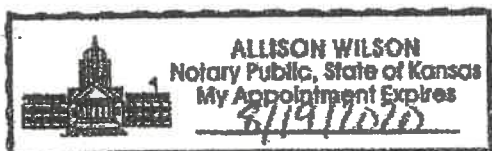
NOTICE IS HEREBY GIVEN that on February 12, 2019, the Baldwin City Planning Commission will hold a public hearing at the Public Library meeting room, 800 7th Street, Baldwin City, Kansas, at 7:00 P.M., to consider the following applications:

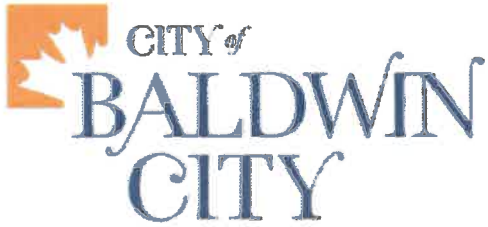
1. To consider a rezone from R-1B to R-2 for a +/- 21,000 s.f. property described as Lots 68-71, West Baldwin Subdivision and generally situated at the NE corner of the intersection of Summit/South Streets.

2. To consider a petition to vacate a 20-foot wide alley westerly of 10th Street between Lots 120, 122, 124, 126 of Dearborn Street and 83, 85, 87, 89 of Elm Street Subdivisions.

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 views and wishes; 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 17th day of





January 22, 2019

Dear Sir or Madam:

As a property owner within 200 feet of the proposed Rezone from R-1B to R-2 situated at the NE corner of the intersection of South/Summit Streets, you are hereby notified that a **public hearing** will be held at the **Baldwin City Library** located at **800 7<sup>th</sup> Street** on the following date:

**Tuesday, February 12, 2019 at 7:00 p.m.**

The property is depicted below and highlighted in blue. 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*