

Burroughs Creek Corridor Plan

**Lawrence/Douglas County Planning Office
Approved February 14, 2006**

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City of Lawrence

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Executive Summary

On October 26, 2004, Old East Lawrence, Barker, and Brook Creek Neighborhood Associations jointly submitted a request to the Lawrence City Commission for development of an area plan. The area requested to be studied is an area extending approximately 500' in all directions along the abandoned Burlington Northern Santa Fe (BNSF) railroad right-of-way, from E. 11th Street to E. 23rd Street. They also requested a temporary building moratorium be put in place for the portion of the study area north of E. 23rd Street. On November 16, 2004, a temporary building moratorium was approved by the City Commission for one year with an expiration based on the publication date of November 24, 2004. [See Ord. 7841 in Appendix A]

The moratorium area is 272.74 acres and bounded by Haskell Avenue on the east, E. 23rd Street on the south, and Learnard Avenue on the west between E. 23rd and E. 15th Streets, Pennsylvania Street on the west between E. 15th and E. 11th Streets, and Delaware Street on the west between E. 11th and E. 9th Streets, and E. 19th Street on the north. [See Map 1-1] The study area is 408.64 acres and includes the moratorium area in addition to that portion of the abandoned railroad corridor south of E. 23rd Street. This portion of the study area bounded by E. 23rd Street on the north, Haskell Avenue on the east, E. 31st Street on the south, and shares the eastern border of the Haskell Indian Nations University property on the study area's western boundary. The study area includes both the moratorium and the existing rails-to-trails project to the south of E. 23rd Street to create a continuous rails-to-trails project from E. 11th Street to E. 31st Street. [See Map 1-2]

This area is in transition. Until the 1960's, the study area was beyond the eastern most city limits, in the county. The railroad lines provided an efficient way to transport raw materials and products to and from businesses. Many industrial businesses located along the railroad lines because of this transportation link. After the railroad line was abandoned in 1987, almost all of the industrial uses and zonings have remained, supplemented by the development of new commercial and light industrial uses. In 1991, the first portion of the rails-to-trails project was built from E. 23rd Street to E. 29th Street. The remaining portion of railroad line from E. 11th Street to E. 23rd Street has changed little since 2001 when all railroad service by BNSF ceased. A few infill development projects have developed in the area since the railroad line abandonment.

RECOMMENDATIONS

As the Burroughs Creek area redevelops, the neighborhoods would like to emphasize residential infill and neighborhood friendly redevelopment of industrial and commercial areas that are presently underutilized. A large part of the redevelopment the neighborhoods would like to see is the transition of the railroad right-of-way to a linear park and recreation trail.

I. Linear Park and Recreation Trail

A. Property Acquisition

It is recommended that the City pursue the acquisition and development of the abandoned BNSF railroad right-of-way into a linear park and recreational trail. The 100' wide corridor is currently being acquired by the City because of the location of trunk sewer lines through the study area. This acquisition will improve the integration and connectivity of the neighborhoods with the park and trail's development. Additional properties recommended for acquisition have been identified in this plan. These properties are grouped by priority tiers listed below. [See Map 3-1]

- First Priority Tier:
 - Sale Barn property: 900 E. 11th Street
 - Rail spur between Maryland and Delaware Streets and south of Forrest Avenue
 - 702 and 710 E. 19th Street

- Second Priority Tier:
 - Three triangular shaped lots on the east side of the 1600 block of Delaware Street
 - Open space for The Woods on 19th development (Use agreement only)
 - Lot on the west side of the 1600 block of Bullene Avenue, north of La Salle Street
 - Three lots on the west side of the 1700 block of Bullene Avenue, south of La Salle Street
 - Johnson Avenue right-of-way and the east half of 522 Johnson Avenue, west of the dedicated park by The Woods on 19th development, west of the railroad corridor

B. Rails-with-Trails

From E. 12th Street to the north, the railroad tracks are still owned and in use by BNSF. It is recommended that the City pursue an agreement with BNSF for 'rails-with-trails', north of E. 12th Street. 'Rails-with-trails' would allow the trail to continue to the north, sharing the railroad corridor with the railroad lines, to a desired trail head, Hobbs Park, and in the future, allow the trail to continue further north. This would be a step toward achieving the broad concept of a recreational trail system that would connect the Kansas River to the Wakarusa River.

C. Funding Opportunities

It is recommended that additional funding for a park/recreational trail within the abandoned railroad corridor be pursued. There are a variety of funding options available for the development of parks, recreational trails, and for conservation aspects of projects. The following are a few opportunities for funding which are further described on page 3-2 and 3-3.

- Transportation Enhancement Funds (TE)
- Recreational Trails Program (REC)
- National Park Service- Heritage Preservation Services (HPS)
- Private donations
- Public monies
- Dedication of Easements

D. Park and Recreational Path Development

It is recommended that the City's Parks and Recreation Department continue to work with the neighborhoods and general public to plan the park and trail alignment within this abandoned railroad corridor. This process should include the following considerations:

- New trends in recreational trail design and management should be researched to allow for the best quality facility that will hold up well over time.
- Development of an intermodal plan for pedestrian, motorized, and non-motorized vehicles to travel safely together. The proposed park and recreational trail intersects many streets meaning careful consideration and planning needs to take place to keep everyone safe.

- The abandoned railroad corridor and trail should be named the Two Rivers Trail to reflect the broad concept for a trail system that would connect the Kansas River to the Wakarusa River.
- The existing trail south of E. 23rd Street should be incorporated into the Parks Department's planning process to improve the current facility and to create continuity with the new trail.
- The practice of landscaping with species natural to the area that are slow-growing and drought tolerant plants that effectively conserve water and reduce yard trimmings should be used as the predominate park management practice in this park.
- Primary consideration should be given to connecting the park/trail to the surrounding neighborhoods, not only by street accesses, but by additional pedestrian accesses. Identified neighborhood accesses are listed below and shown on Map 3-1:
 - Garfield Street right-of-way, west of the railroad corridor
 - Forrest Avenue, through Parnell Park and the rail spur, west of the railroad corridor
 - La Salle Street right-of-way, east of the railroad corridor
 - Johnson Avenue right-of-way and the east half of 522 Johnson Avenue, west of the dedicated park by The Woods on 19th development, west of the railroad corridor
- A variety of opportunities for public input and informational meetings should be included during the park planning phase to keep the public involved.

II. Residential Development and Neighborhood Appropriate Commercial and Industrial Adaptive Reuse

A. Zoning Consistent with Use

It is recommended that the zoning be modified where needed to be consistent with the existing use(s). Additionally, it is recommended that when redevelopment of industrially zoned areas is proposed in the future, these areas should be scrutinized for neighborhood compatibility. Properties recommended to be rezoned are listed below and identified on Map 3-2. Further details about the recommended properties are located starting on page 3-6. The first tier of recommended rezonings is requested to be initiated upon approval of this plan. The second tier is recommended to be brought forward by the neighborhood association in the future.

- First Tier
 - 824 Garfield Street
Recommendation: M-2 to RS-2
 - 827 Garfield Street
Recommendation: M-2 to C-4
 - Property abutting the southeastern half of 827 Garfield Street
Recommendation: M-2 to RS-2
 - 800 Block of Lynn Street
Recommendation: M-2/M-1A to O-1
 - 2001 Haskell Avenue
Recommendation: M-2 to O-1
- Second Tier
 - 1725 Bullene Avenue
Recommendation: M-1A to C-4
 - 1729 & 1733 Bullene Avenue
Recommendation: M-2 to C-4
 - 1801 Bullene Avenue
Recommendation: M-2 to C-4
 - 1815-17 Bullene Avenue
Recommendation: M-2 to C-4
 - 1710 Bullene Avenue
Recommendation: M-1A to C-4
 - 1724 Bullene Avenue
Recommendation: M-2 to C-4
 - 802 Lynn Street
Recommendation: M-2 to C-4
 - 808 Lynn Street
Recommendation: M-2 to C-4
 - 810-2-4-6 ½ Lynn Street
Recommendation: M-2 to C-4
 - 1705 Haskell Avenue
Recommendation: M-1A to C-4

- 1725 Haskell Avenue
Recommendation: M-1A to C-4
- 1735 Haskell Avenue
Recommendation: M-1A to C-4
- 1827 Haskell Avenue
Recommendation: M-2 to C-4

B. Tax Incentives for Development/Redevelopment

There are a variety of incentive programs available for residential, commercial, and industrial uses. These programs allow for development and redevelopment of sites or for general improvements. Some programs available for this type of assistance are listed below and further described on page 3-9 and 3-10:

- Residential Programs
 - Community Development Block Grant (CDBG)
 - Comprehensive Rehabilitation Loans
 - Emergency Loan
 - Homeowners Out of Tenants (HOOT)
 - State Housing Trust Fund
 - Historic Preservation Tax Credits (State or Nationally listed properties only)
 - Heritage Trust Fund (State or Nationally listed properties only)
- Commercial/ Industrial Programs
 - High Performance Incentive Program
 - Historic Preservation Tax Credits(State or Nationally listed properties only)
 - Machinery and Equipment Credit
 - Kansas Economic Opportunity Initiative Fund

C. Encourage New, Residential Friendly Development

It is recommended that the all three neighborhoods within the Burroughs Creek study area encourage new, residential friendly development. Commercial and industrial development should be designed to enhance the area and not detract from the character of the area. Ways that this can be achieved are described below:

- Work with potential and current property owners to identify and maintain the neighborhood's character in the area.
- Consider density alternatives that allow smaller lots and mixed uses to include residential and small scale neighborhood commercial.
- Encourage open space as an element of any development.
- Create destinations and safe accesses to them to enhance walkability of the neighborhoods.

D. Protect Historic Sites and Character

It is recommended that the Burroughs Creek study area be surveyed for historical properties. Any historically significant property identified through this process should be protected by listing them on the local, state, and/or national Historic Register. The Horizon 2020 Preservation Plan Element lists from E. 11th Street to E. 15th Street of the study area as a high priority area for a historical survey to be conducted. From E. 15th Street to E. 23rd Street the Preservation Plan identifies that area as medium priority. Application for a grant to provide funding for the survey has been applied for by City staff. Map 3-3 identifies areas recommended to be surveyed.

Chapter 1 : Introduction

On October 26, 2004, Old East Lawrence, Barker, and Brook Creek Neighborhood Associations jointly submitted a request to the Lawrence City Commission for development of an area plan. The area requested to be studied is an area extending approximately 500' in all directions along the abandoned Burlington Northern Santa Fe (BNSF) railroad right-of-way, from E. 11th Street to E. 23rd Street. They also requested a temporary building moratorium be put in place for the portion of the study area north of E. 23rd Street. On November 16, 2004, a temporary building moratorium was approved by the City Commission for one year with an expiration based on the publication date of November 24, 2004. [See Ord. 7841 in Appendix A]

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This area is in transition. Until the 1960's, the study area was beyond the eastern most city limits, in the county. The railroad lines provided an efficient way to transport raw materials and products to and from businesses. Many industrial businesses located along the railroad lines because of this transportation link. After the railroad line was abandoned in 1987, almost all of the industrial uses and zonings have remained, supplemented by the development of new commercial and light industrial uses. In 1991, the first portion of the rails-to-trails project was built from E. 23rd Street to E. 29th Street. The remaining portion of railroad line from E. 11th Street to E. 23rd Street has changed little since 2001 when all railroad service by BNSF ceased. A few infill development projects have developed in the area since the railroad line abandonment.

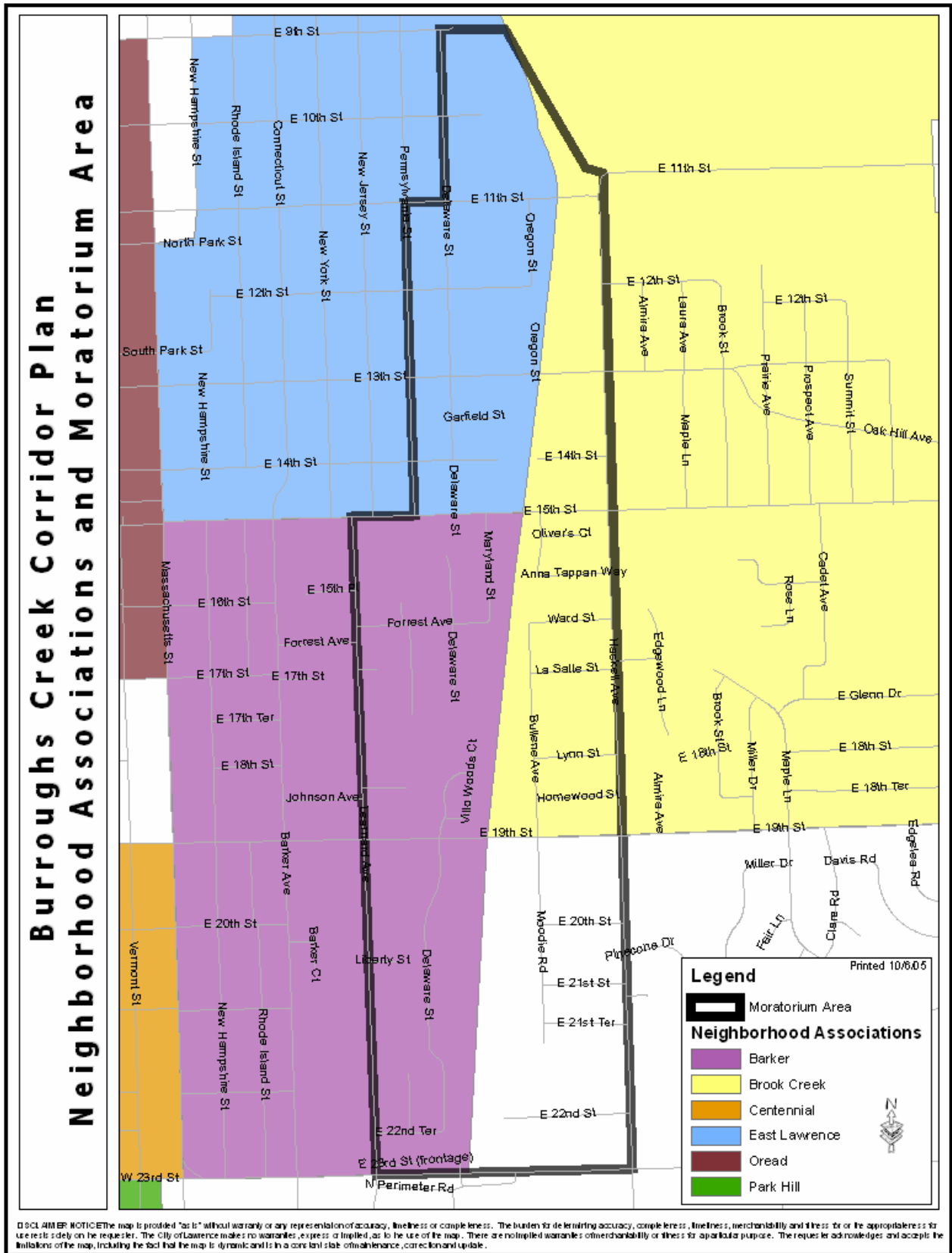
PURPOSE OF THE PLAN

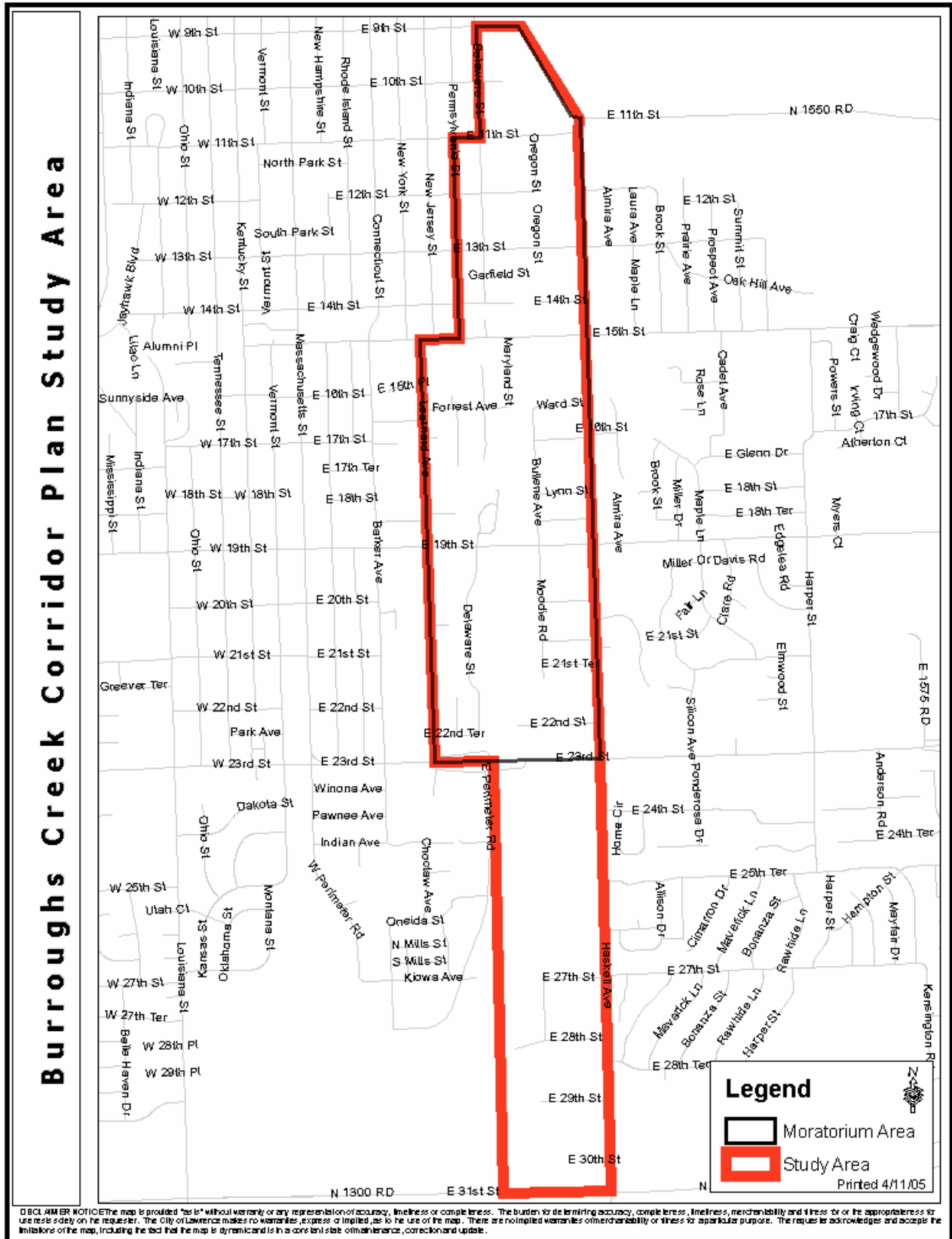
The purpose of the Burroughs Creek Corridor Plan is to provide guidelines for the use of the abandoned railroad corridor as a linear park, including the incorporation of a recreational trail (rails-to-trails). The plan's purpose is also to emphasize residential development and appropriate neighborhood friendly reuse of underutilized industrial and commercial sites. This plan assesses existing conditions, establishes goals for the district, provides specific recommendations, and proposes an implementation plan to achieve the stated goals.

POLICY FRAMEWORK

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to Horizon 2020, guiding policy is also obtained in other adopted physical element plans. Together, these plans serve as the general "umbrella" policies under which the Burroughs Creek Corridor Plan is developed. Listed, these plans are:

- Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County, Lawrence-Douglas County Metropolitan Planning Office, 1998.
- East Lawrence Neighborhood Plan, Sabatini & Associates, Inc., Patti Banks and Associates, Historic Preservation Services, LLC, Molly McGovern Consulting, Keller & Associates, November 21, 2000.
- Far East Lawrence [Brook Creek] Neighborhood Plan, Lawrence/Douglas County Planning Office, June 16, 1981
- Transportation 2025 (T2025), Lawrence/Douglas County Long Range Transportation Plan, LSA Associates, Inc, April 5, 2001.
- Lawrence-Douglas County Bicycle Plan, Lawrence/ Douglas County Metropolitan Planning Office, May 2004.
- Lawrence Parks & Recreation Department A Comprehensive Master Plan, Leon younger & PROS, 2000
- Horizon 2020 Preservation Plan Element, The Comprehensive Plan for Lawrence and Unincorporated Douglas County, Historic Preservation Services, LLC, Lawrence-Douglas County Metropolitan Planning Office, Draft April 2003.





VISION

The vision of the citizens and property owners of the three neighborhoods that exist within the Burroughs Creek study area is to transform the abandoned railroad corridor into a neighborhood asset as a linear park and recreational trail that unites the separate neighborhoods. The neighborhoods envision new residential development that will create friendly and walkable neighborhoods with redeveloping businesses that are neighborhood compatible.

GOALS

1. Transform the abandoned railroad corridor into a linear park with a recreational trail connecting to the communities pedestrian and bicycle trail systems.
 - a. Acquire property to include in the railroad corridor and the possibility of additional identified properties adjacent to the corridor.
 - b. Pursue additional funding for park and trail development.
 - c. Pursue the development of “rails-with-trails” from E. 12th Street to the north.
 - d. Plan the park while examining new trends in trail design and management.
 - e. Incorporate an intermodal plan for pedestrian, motorized and non-motorized vehicles to travel safely together.

2. Emphasize new residential infill development in the Burroughs Creek study area over more industrial uses by encouraging neighborhood friendly reuse of underutilized commercial and industrial sites.
 - a. Modify zoning to reflect existing use wherever appropriate and consistent with surrounding property.
 - b. Use available tax incentives for development, redevelopment, and revitalization.
 - c. Encourage new, residential friendly development.
 - d. Protect historical sites and historical character of the area.

Chapter 2 : Existing Conditions Summary

Information about the study area presented in this chapter is principally in graphic and tabular forms. The study area has been divided into three sections for ease of study. Section 1 is from E. 9th Street to E. 15th Street, Section 2 is from E. 15th Street to E. 23rd Street, and Section 3 is from E. 23rd Street to E. 31st Street. The data collected from each section was used to develop recommendations in Chapter 3.

LAND USE

There are significant historical factors that have contributed to the current land use configuration in the study area. Primarily, there is a wedge of industrial zoning and land uses along the abandoned BNSF railroad line that divides these three east side residential neighborhoods.

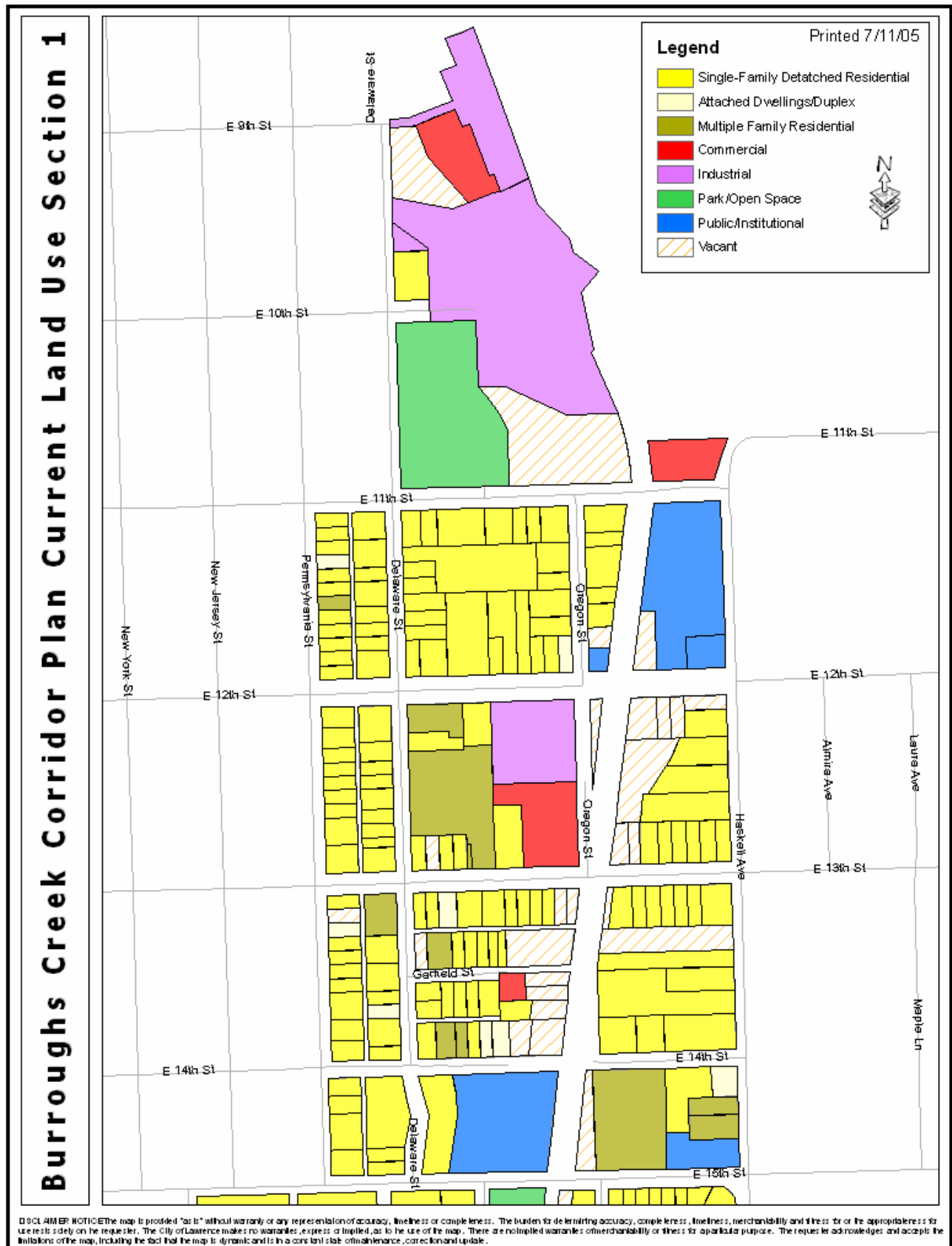
This industrially zoned railroad corridor never achieved its development expectations. In 1868, the LL&G Railroad was built through this corridor in competition with the MKT or 'Katy' Railroad to be the first railroad to reach the Oklahoma border. The Indian nations agreed to grant only one railroad right-of-way to the first-arriving railroad company. LL&G lost the competition and went broke in the late 1870's which is when the AT&SF Railroad took over. In the 1950's, while the railroad corridor was outside the city limits, the owners of the quarter section from 15th to 19th Streets and Learnard to Haskell Avenues platted the entire property into residential lots called Homewood Gardens. The vision of a residential neighborhood failed to materialize with only a fraction of the platted lots having homes built before industry moved in. In the early 1960's, there was an industrial land deficit in Lawrence and some land owners along the AT&SF railroad line succeeded in having large tracts, from E. 14th to E. 23rd Streets, rezoned to industrial zoning. The landowners had hoped for an industrial business corridor along the railroad lines but this was not fully accomplished because the land tracts became too small for the increasing size of industrial buildings and the railroad lines were being used less because of the new highway system.

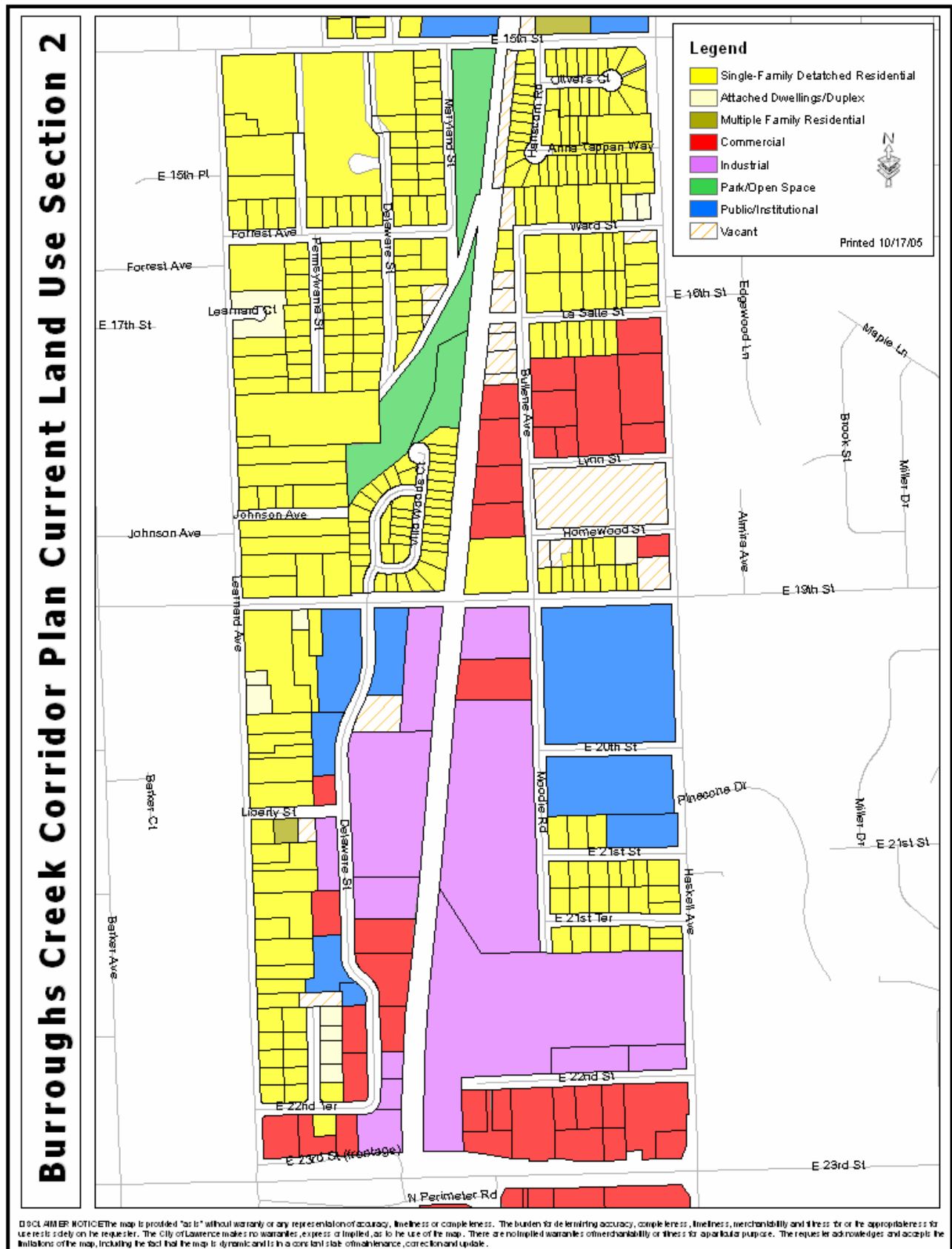
Forty plus years later, the railroad line has been abandoned and the businesses that remain are primarily commercial storage and warehouse or small industrial supply and assembly. North of E. 15th Street, the City of Lawrence has purchased most of the railroad right-of-way, and adjacent land, for a major stormwater project. Since the early 1990's, the neighborhoods located in the Burroughs Creek study area have suggested that much of the industrial zoning be downzoned to allow more neighborhood friendly development.

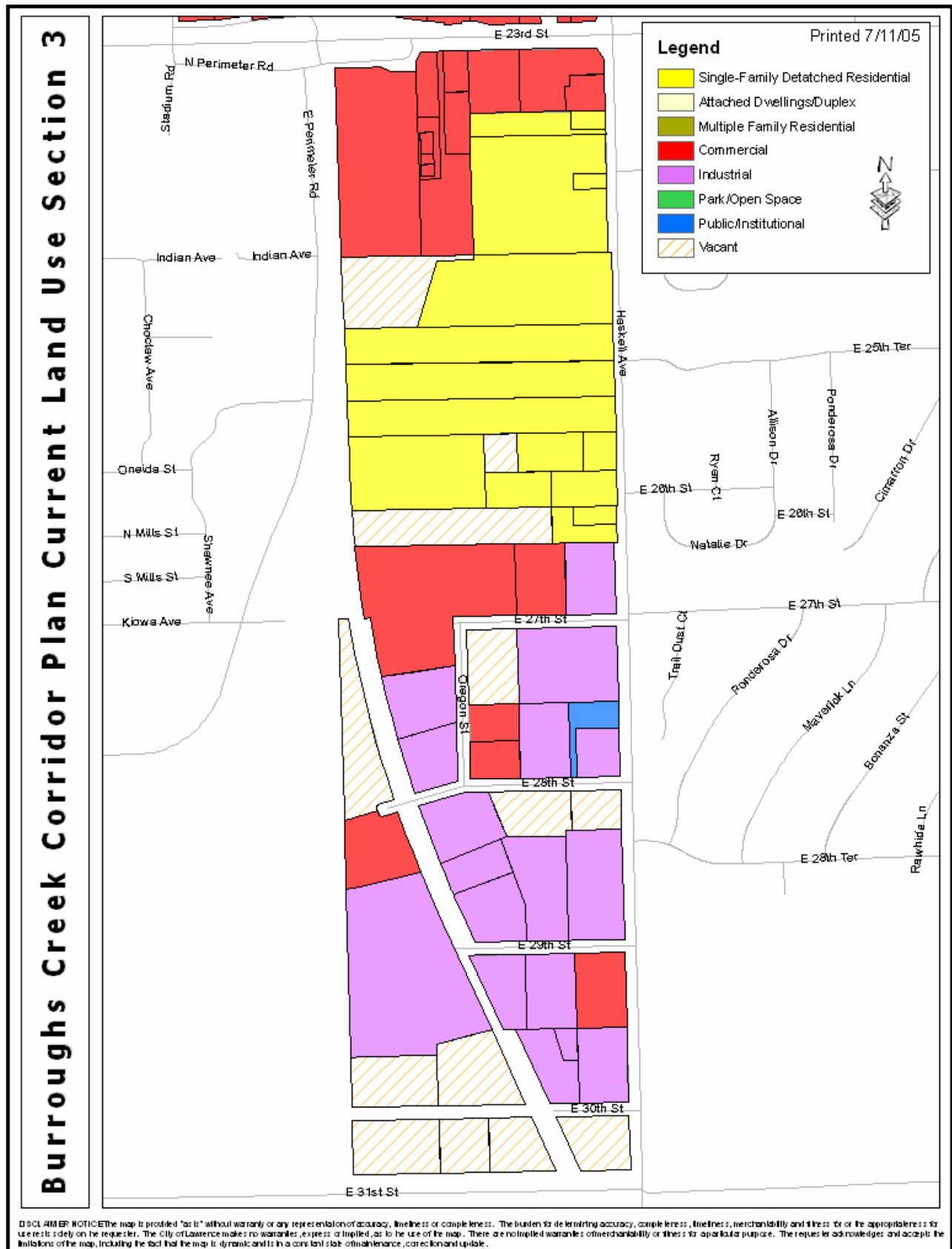
The Burroughs Creek study area and land use classifications were identified by the Douglas County Appraisers Office and Planning staff. There are a wide variety of land uses in the Burroughs Creek study area. Because this area is where railroad lines were located, there are many industrial and commercial uses located here but there is also a large amount of residential land use in the study area. Approximately 72% of the study area is comprised of residential uses. Fifteen percent are commercial or industrial uses, and 13% are other uses which include public and institutional, vacant property, and park and open space uses. The uses are described further in Table 2-1 and specifically noted by parcel on Map 2-1, Map 2-2, and Map 2-3.

Table 2-1 Land Use

Land Use	Number	Percent
Single-Family Detached Residential	409	67.4%
Attached Dwellings/Duplex	19	3.1%
Multiple Family Residential	12	2%
Commercial	57	9.4%
Industrial	33	5.4%
Vacant	59	9.7%
Public/Institutional	14	2.3%
Park/Open Space	4	.7%
Total	607	100%







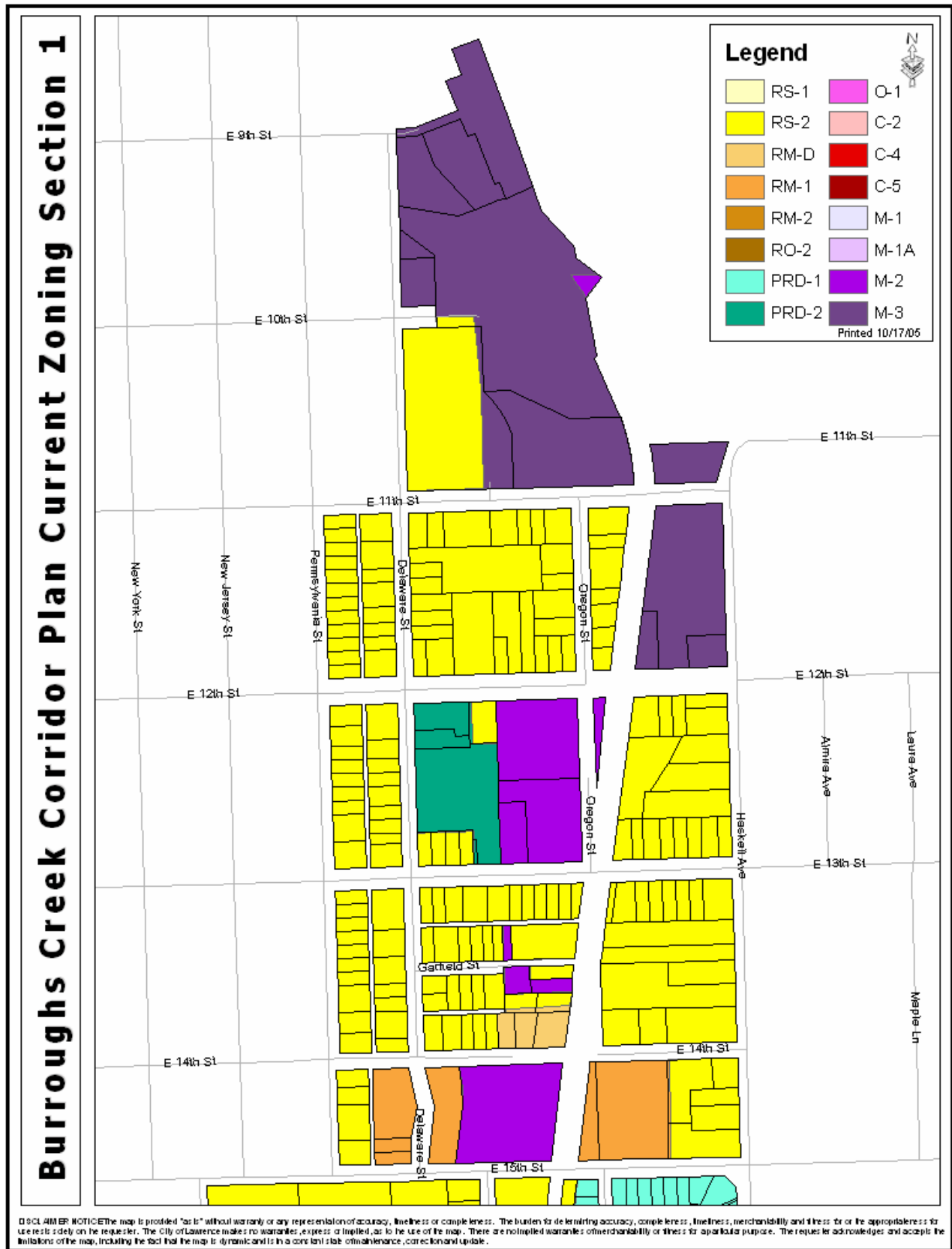
ZONING

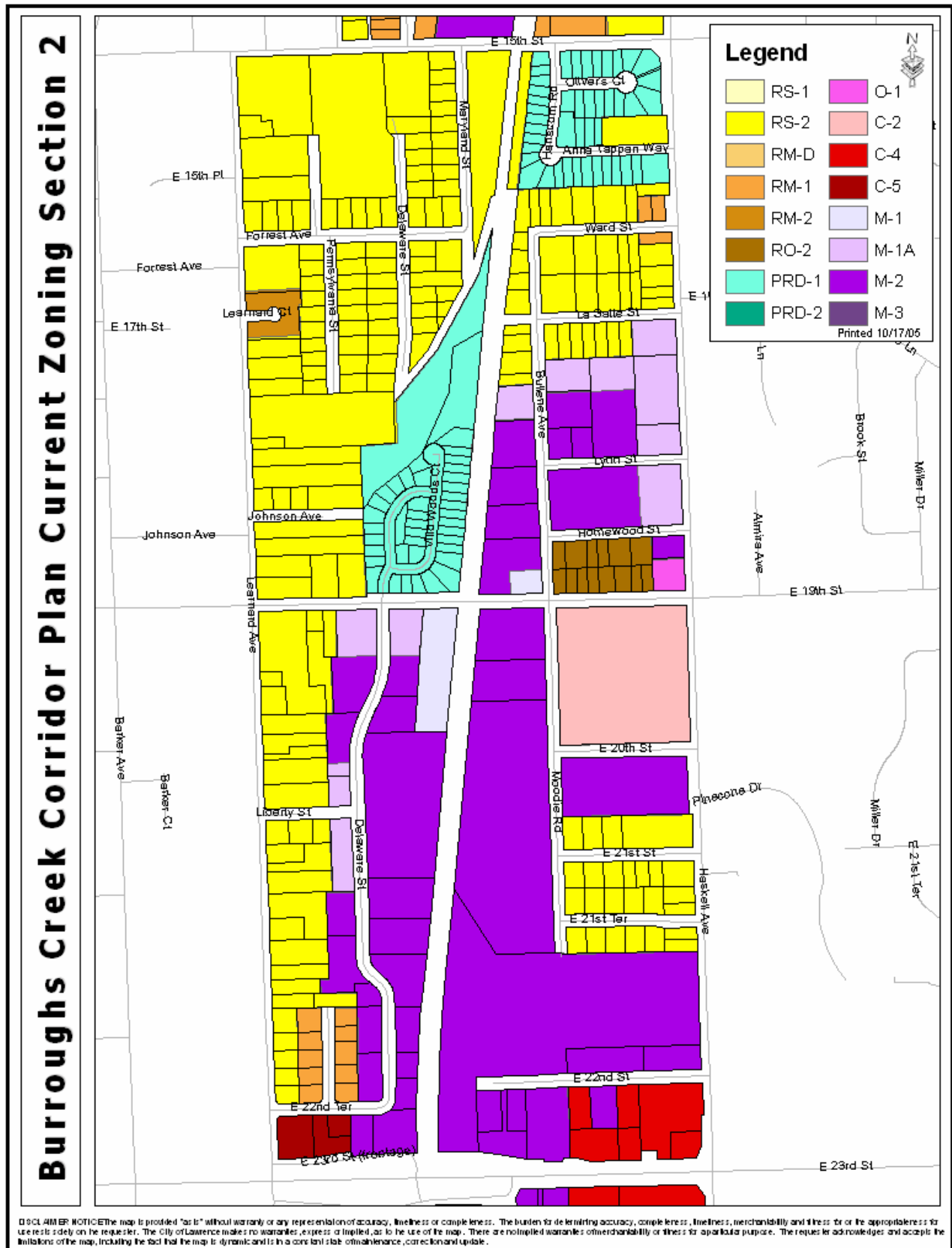
The Zoning Ordinance is intended to implement goals and policies in Horizon 2020 in a manner that protects the health, safety, and general welfare of the citizens of Lawrence. The Zoning Ordinance establishes zoning regulations for each land use category, which development must follow.

The Burroughs Creek study area has a wide variety of zonings ranging from low density single-family detached zoning to medium density industrial zonings. [See Table 2-2, Map 2-4, Map 2-5, and Map 2-6] The majority of the zonings in the Burroughs Creek study area occurred in 1966 when the Zoning Ordinance (Ord. 3500) was adopted. In the 1980's, areas were downzoned following the adoption of neighborhood plans for East Lawrence and Far East (Brook Creek) neighborhoods. There are many properties where the zoning does not coincide with the land use. Table 2-3 lists properties where the existing use is not a permitted use in the current zone.

Table 2-2 Burroughs Creek Study Area Zoning District Descriptions

Zoning	District Name	Comprehensive Plan Designation
RS-1	Single-Family Residence District (10,000 sq. ft. min lot area per dwelling unit)	Low Density
RS-2	Single-Family Residence District (7,000 sq. ft. min lot area per dwelling unit)	Low Density
RM-D	Duplex Residential District (7,000 sq. ft. min lot area per dwelling unit)	Low Density
RM-1	Multiple-Family Residence District (3,500 sq. ft. min lot area per dwelling unit)	Medium Density
RM-2	Multiple-Family Residence District (2,000 sq. ft. min lot area per dwelling unit)	High Density
RO-2	Residence-Office District (3,500 sq. ft. min lot area per dwelling unit)	Low Density
PRD-1	Planned Residential District (7 dwelling units max per net residential acre)	Medium Density
PRD-2	Planned Residential District (15 dwelling units max per net residential acre)	Medium Density
O-1	Office District	Office or Office/Research
C-2	Neighborhood Shopping District	Neighborhood Commercial Center
C-4	General Commercial District	Community Commercial
C-5	Limited Commercial District	Community Commercial
M-1	Research Industrial District	Office or Office/Research
M-1A	Light Industrial District	Warehouse and Distribution or Industrial
M-2	General Industrial District	Warehouse and Distribution or Industrial
M-3	Intensive industrial District	Warehouse and Distribution or Industrial





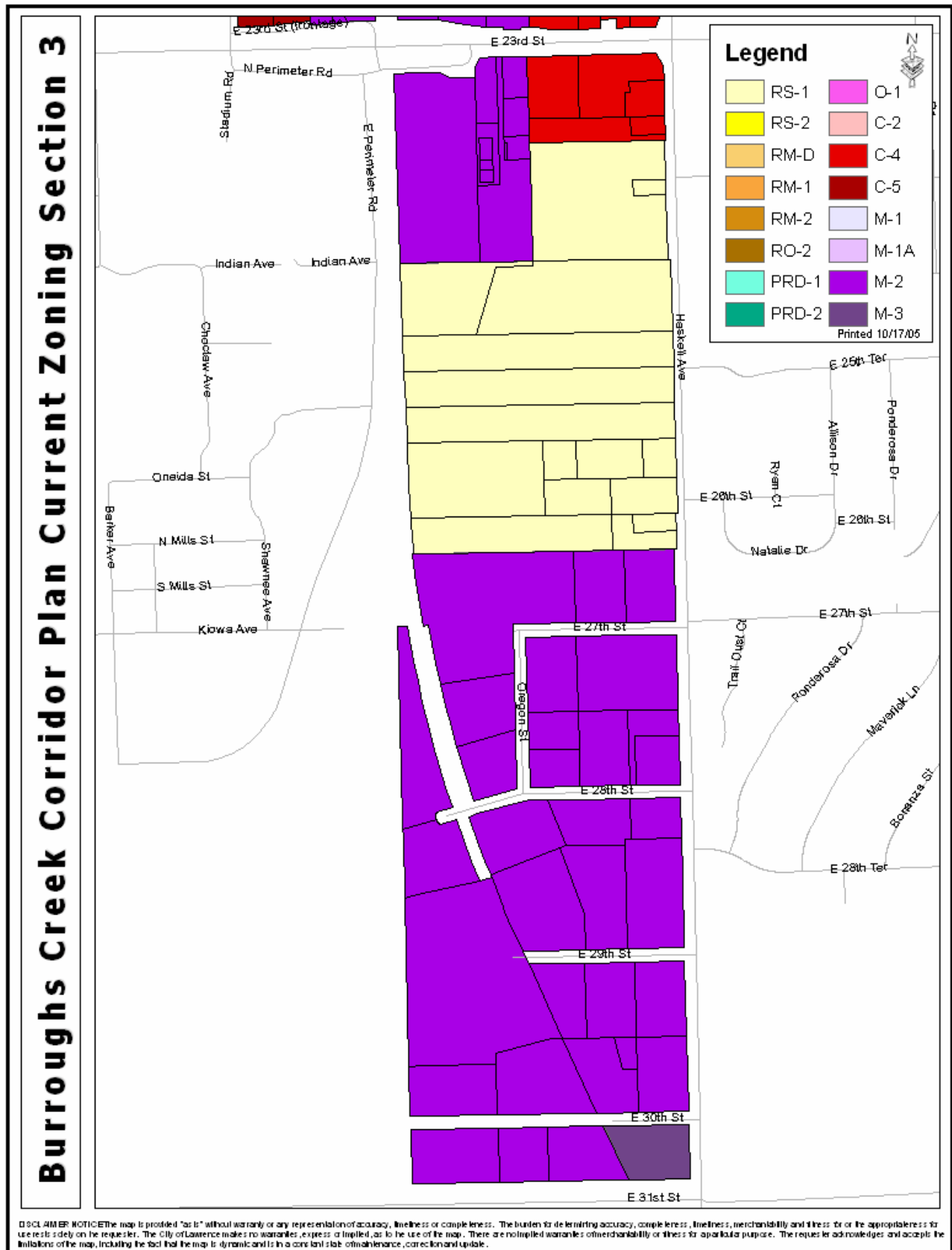


Table 2-3

Properties Where the Existing Use is Not Permitted in the Current Zoning

Address	Current Land Use	Current Zoning
1126 Pennsylvania Street	Multiple Family Residential	RS-2
1145-47 Oregon Street	Attached Dwellings/Duplex	RS-2
818-20 E. 14 th Street	Attached Dwellings/Duplex	RS-2
1112-14 Pennsylvania Street	Attached Dwellings/Duplex	RS-2
1308-10 Pennsylvania Street	Attached Dwellings/Duplex	RS-2
1301 Delaware Street	Multiple Family Residential	RS-2
811-13 E. 13 th Street	Attached Dwellings/Duplex	RS-2
810 A-C Garfield Street	Multiple Family Residential	RS-2
810 A-C E. 14 th Street	Multiple Family Residential	RS-2
1331-33 Delaware Street	Attached Dwellings/Duplex	RS-2
1403-05 Haskell Avenue	Attached Dwellings/Duplex	RS-2
1409 Haskell Avenue	Multiple Family Residential	RS-2
1411 Haskell Avenue	Multiple Family Residential	RS-2
431 E. 19 th Street	Attached Dwellings/Duplex	RS-2
1930-32 Learnard Avenue	Attached Dwellings/Duplex	RS-2
1934-36 & 1938-40 Learnard Ave	2 Attached Dwellings/Duplex	RS-2
2016 ½ Learnard Avenue	Multiple Family Residential	RS-2
2329 Haskell Avenue	Multiple Family Residential	C-4
501 E. 22 nd Terrace	Single-Family Detached Residential	C-5
2327 Haskell Avenue	Single-Family Detached Residential	C-4
934 Delaware Street	Single-Family Detached Residential	M-2
830 E. 13 th Street	Single-Family Detached Residential	M-2
824 Garfield Street	Single-Family Detached Residential	M-2
702 & 710 E. 19 th Street	Single-Family Detached Residential	M-1

PUBLIC UTILITIES

Water

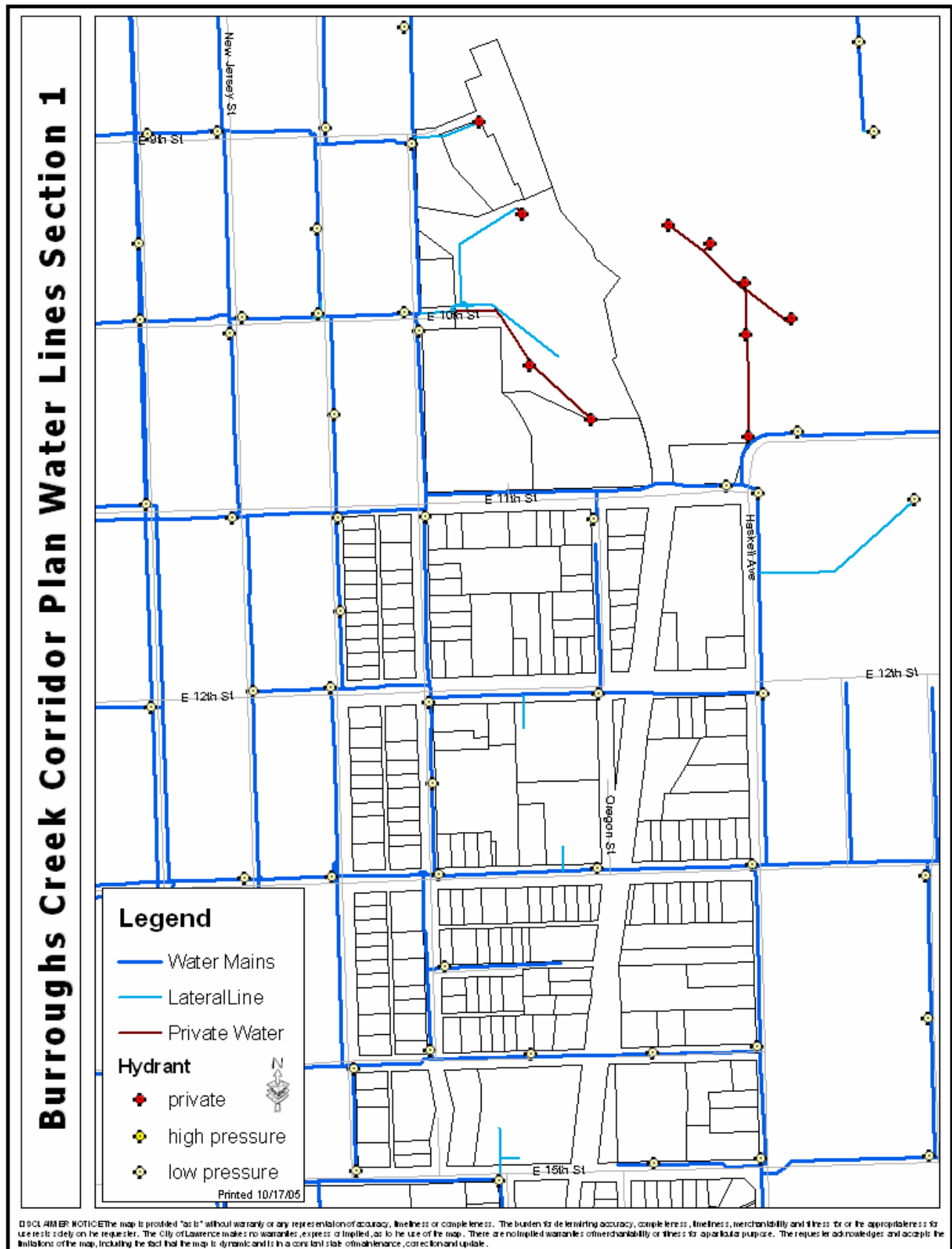
Municipal water is provided throughout the Burroughs Creek study area. Water lines cross through the study area at E. 11th Street, E. 12th Street, E. 13th Street, E. 14th Street, and E 19th Street. [See Map 2-7, Map 2-8, and Map 2-9]

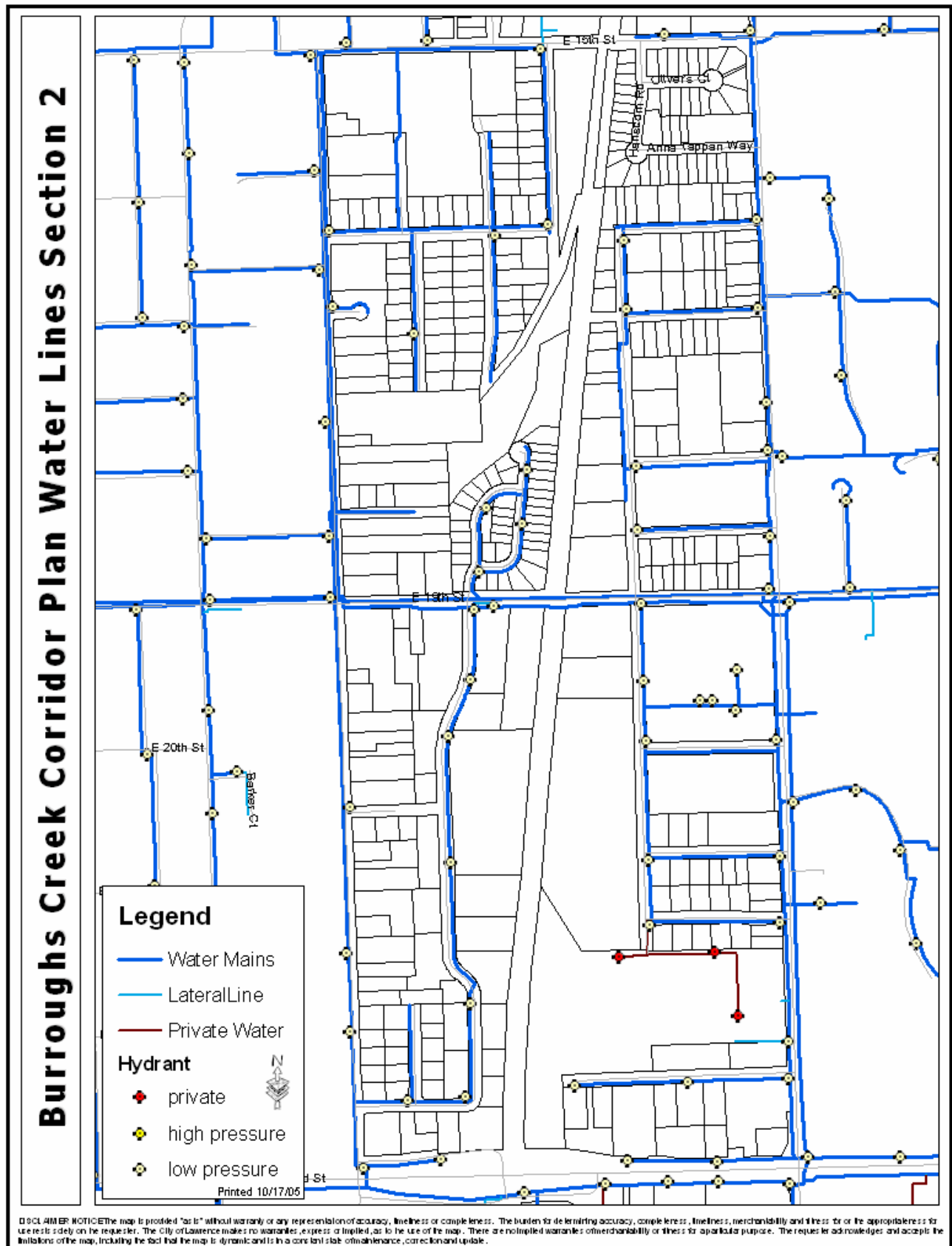
Sanitary Sewer

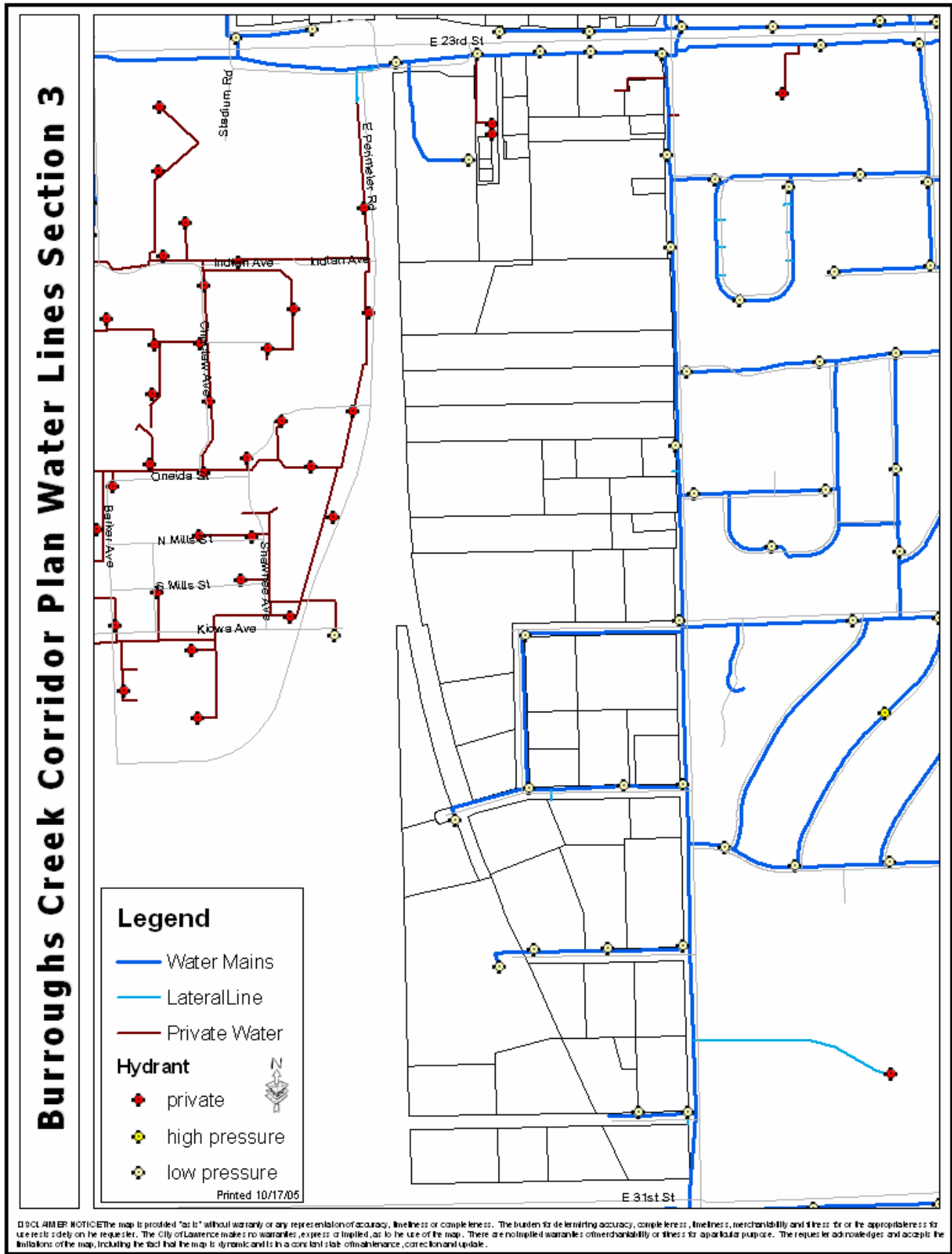
Multiple sanitary sewer lines run throughout the Burroughs Creek study area. Two and sometimes three lines are located in the right-of-way for the abandoned railroad lines. [See Map 2-10 Map 2-11, and Map 2-12] These sanitary sewer lines include some of the main trunk lines that transport approximately two-thirds of the city's wastewater to the treatment facility located at the east end of E. 8th Street, north of the study area along the Kansas River.

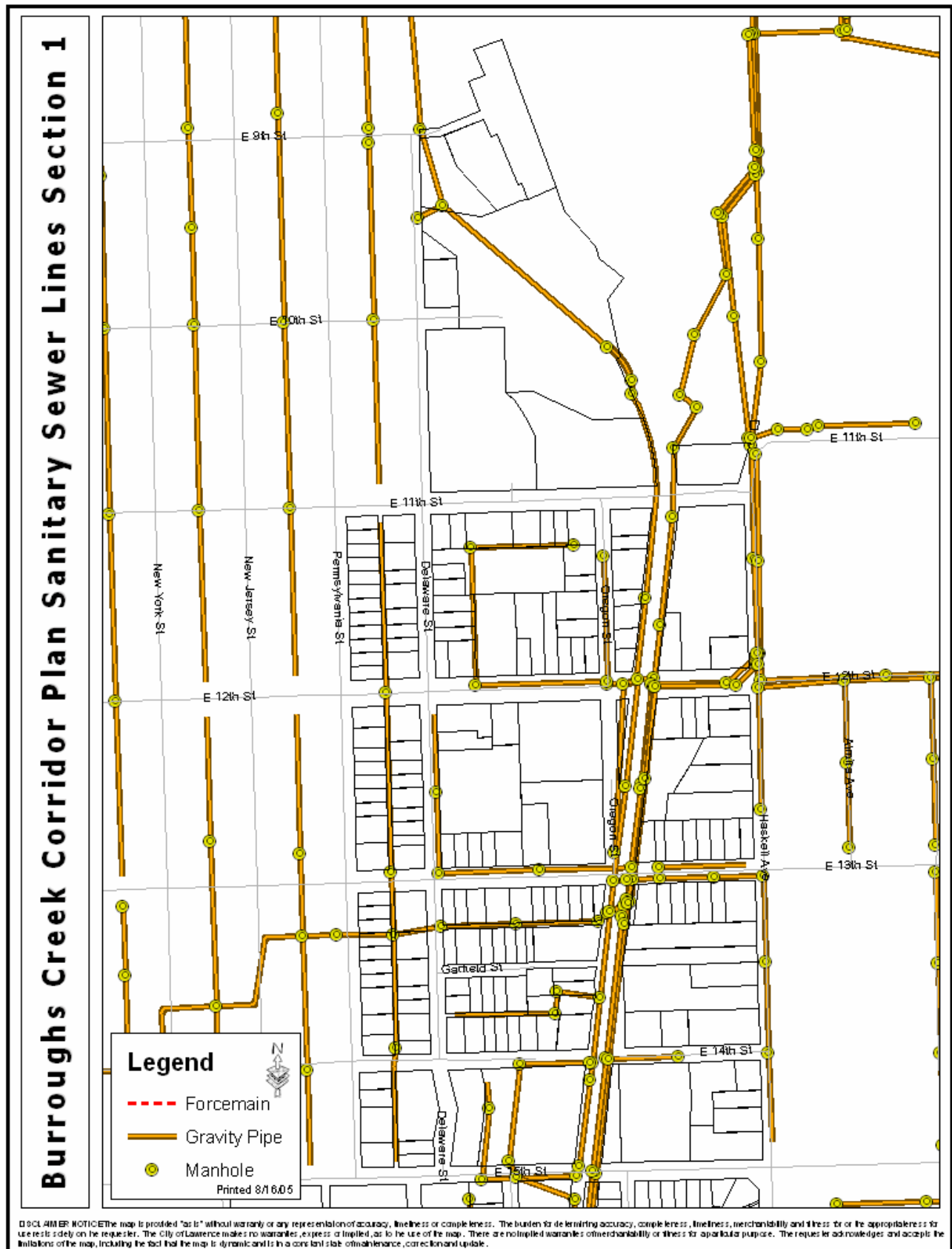
Storm Sewer

There are storm sewers throughout the Burroughs Creek study area. Work is nearing completion on a project to reroute the section of Burroughs Creek from E. 12th Street to E. 15th Street into a wide open vegetated stream, just west of its current piped route. This stream restoration or "stream daylighting" approach provides both flood control and a natural vegetation corridor through the neighborhood. The relocation is shown in tan on Map 2-13 and storm sewers in the study area on Map 2-14 and Map 2-15.





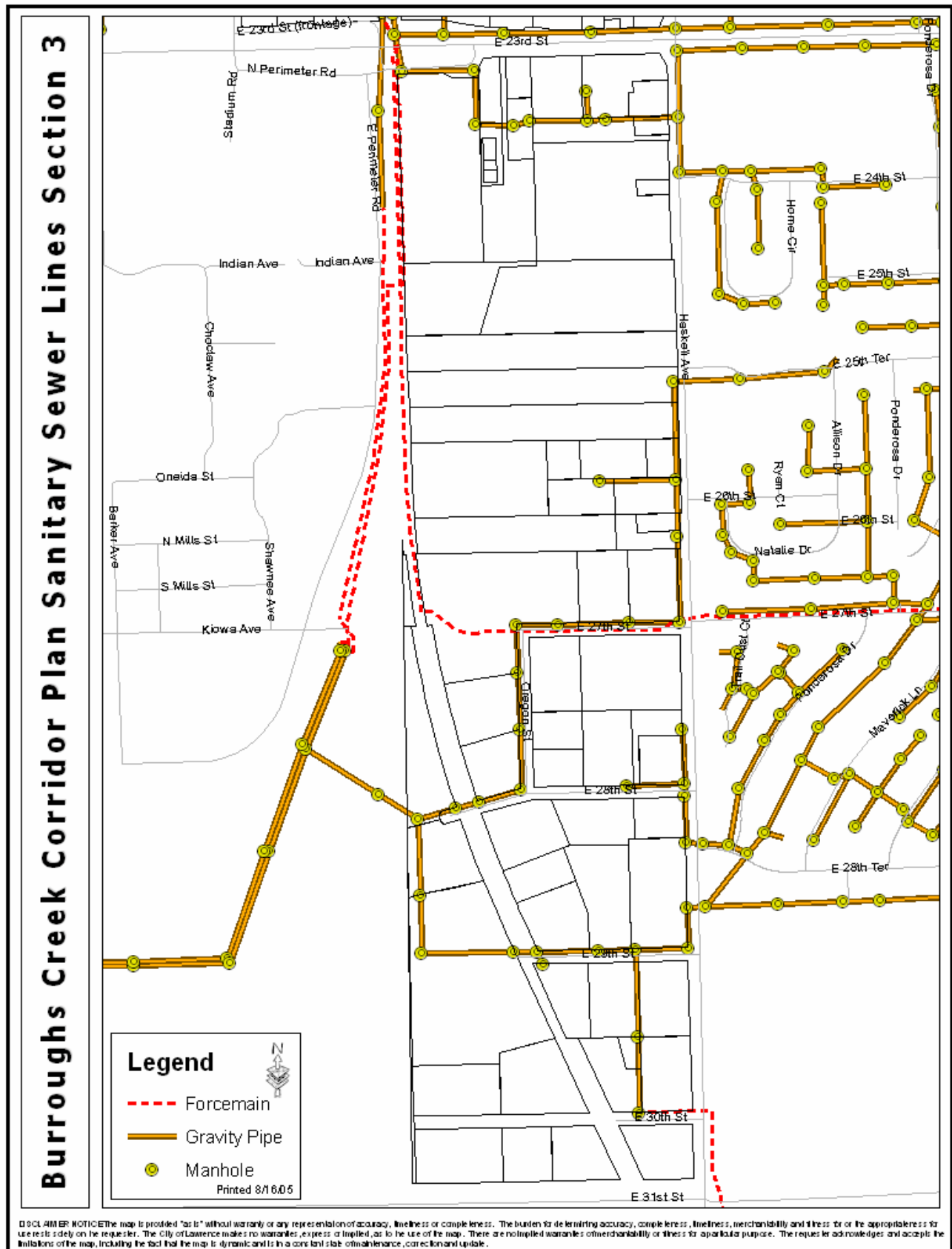


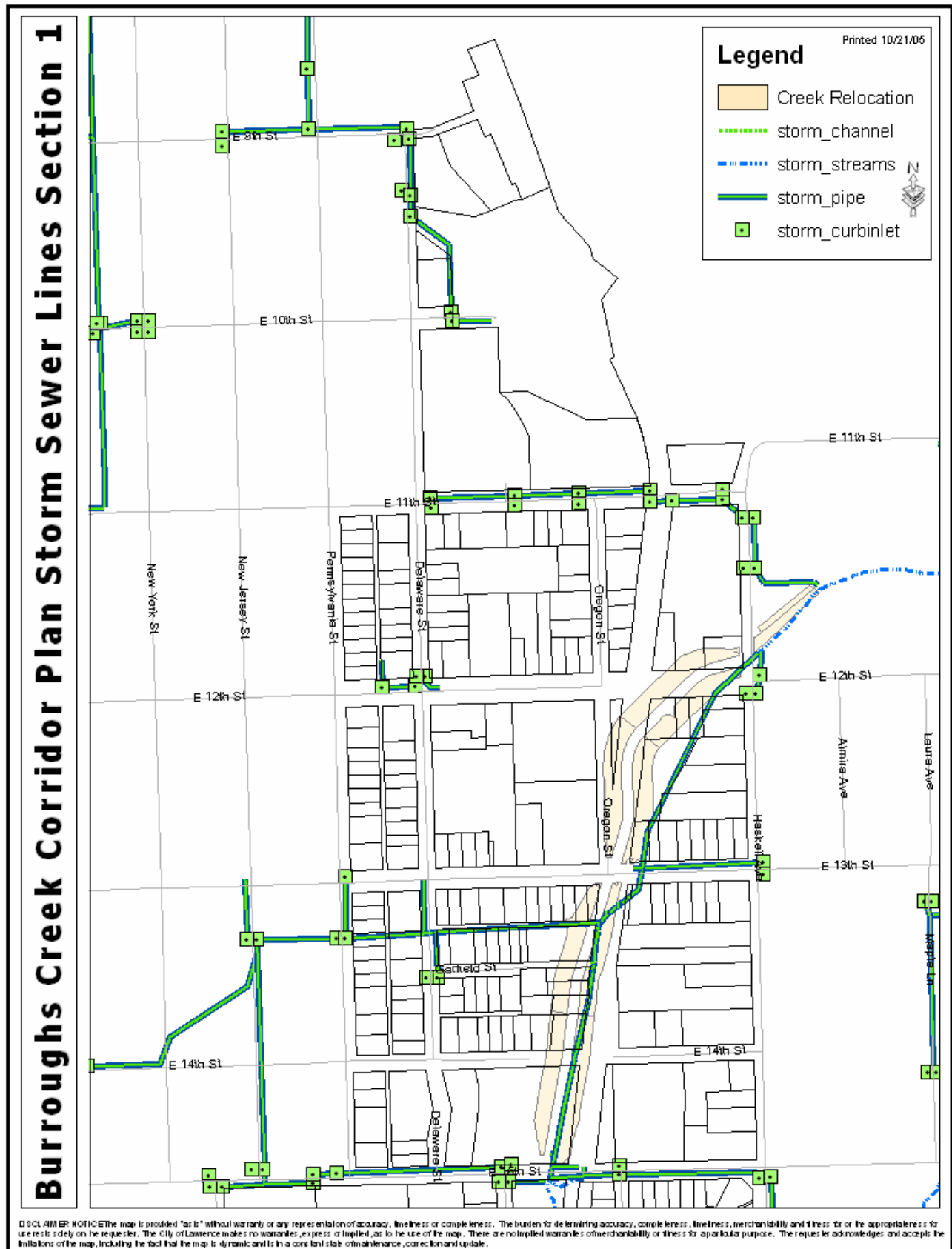


Burroughs Creek Corridor Plan Sanitary Sewer Lines Section 2

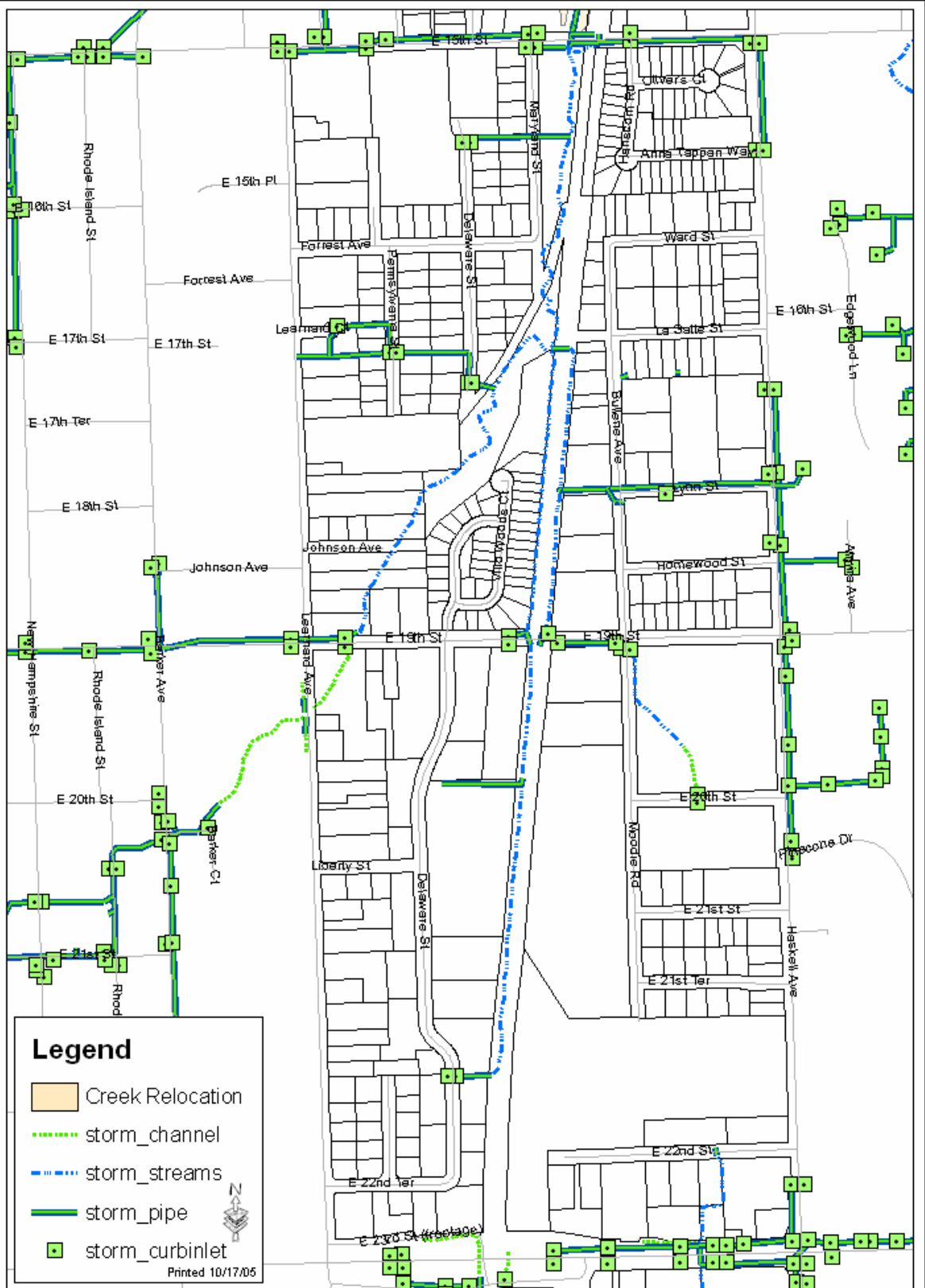


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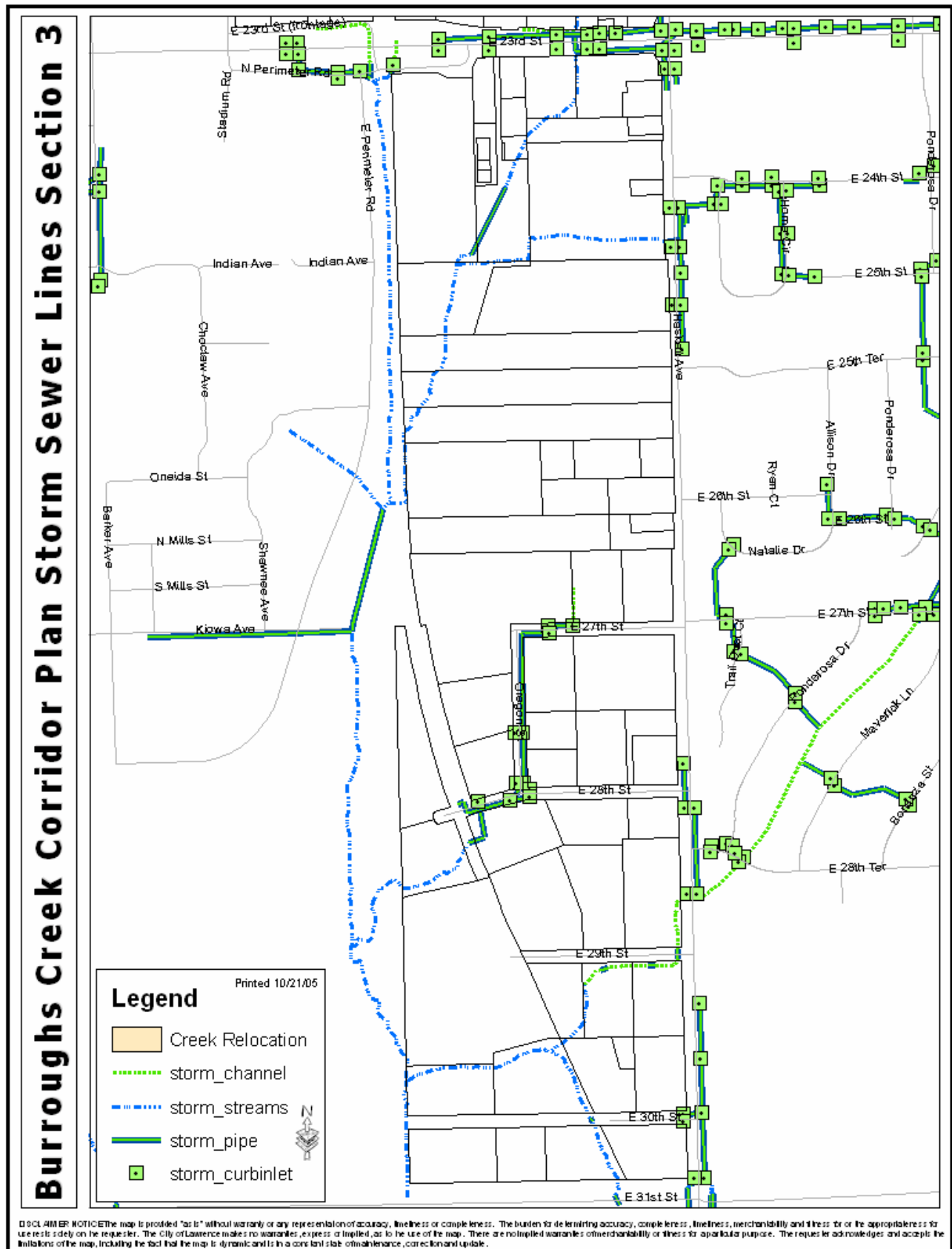




Burroughs Creek Corridor Plan Storm Sewer Lines Section 2



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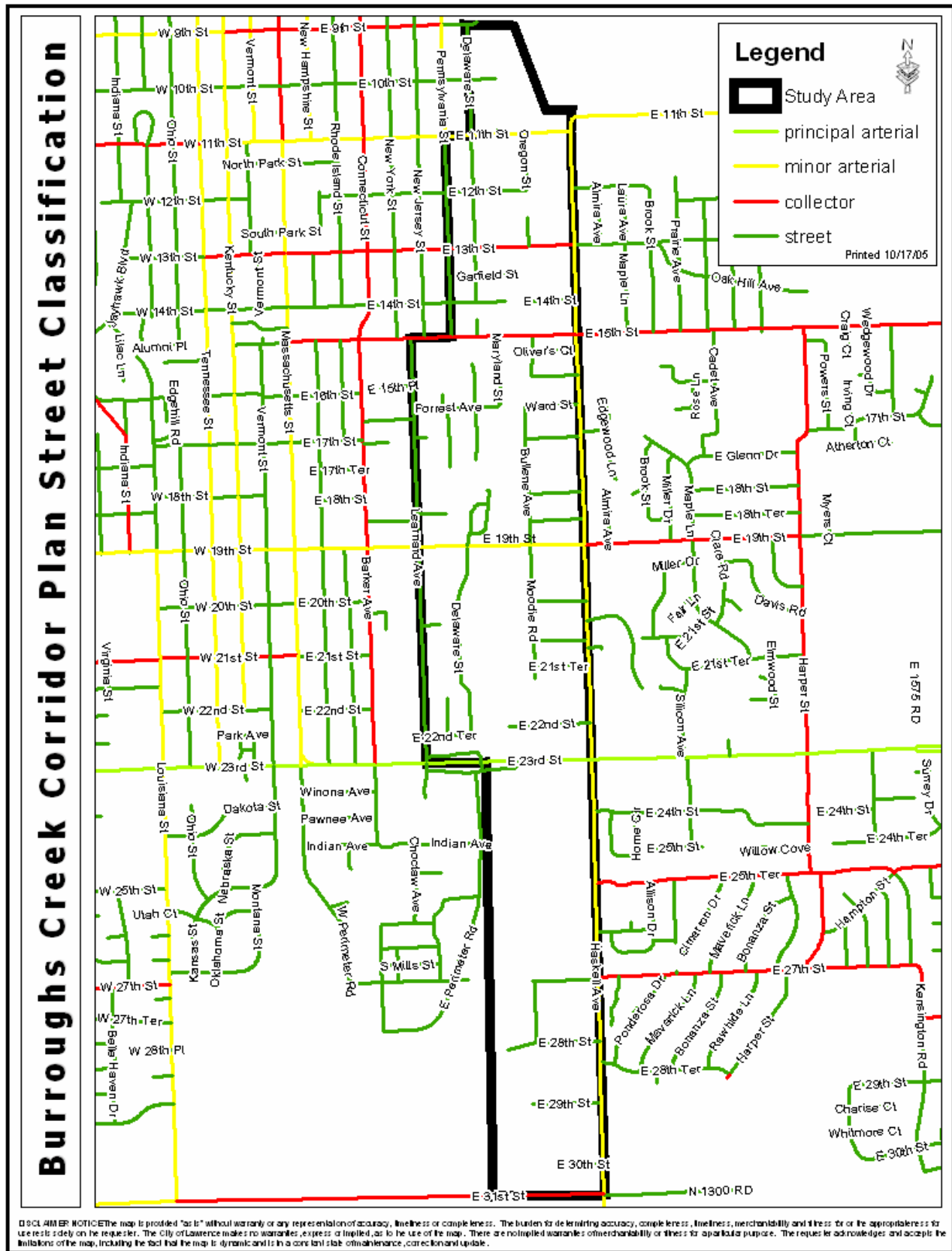


TRANSPORTATION

Streets

Transportation 2025 (T2025) is the comprehensive, long-range transportation plan for the metropolitan area. T2025 designates streets according to their functional classification or their primary purpose. [See Map 2-16] The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

The streets in the Burroughs Creek study area have multiple class functions from local streets to different levels of arterial streets. The principal arterial is E. 23rd Street. Haskell Avenue, E. 19th Street and E. 11th Street from Haskell Avenue to the city limits are classified as minor arterials. The collector streets are E. 13th Street, E. 15th Street and E. 19th Street. The remaining streets are classified as local streets. [See Map 2-16]

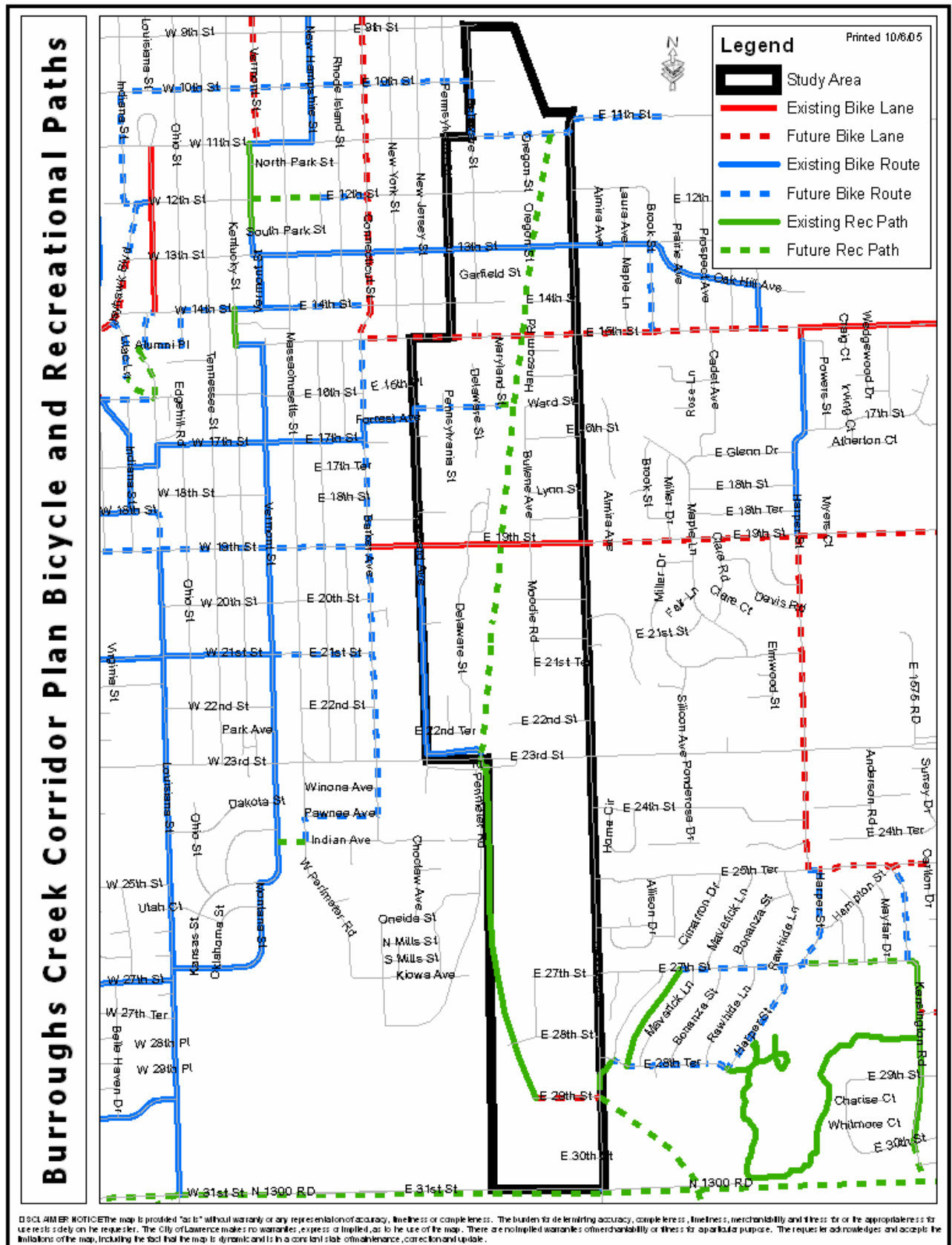


Bicycle Routes

The Lawrence-Douglas County Bicycle Plan is a strategic plan that identifies existing and future bike lanes, bike routes, and recreational paths. A bike lane is a designated space within a street for bicyclists. A bike route is a network of streets, shared with vehicles, enabling safe access for bicyclists. A recreation path is a shared use (bike/pedestrian) path that is independent from a street and solely for non-motorized travel.

The Burroughs Creek study area contains many existing and future bike lanes, routes, and recreational paths. [See Map 2-17] E. 19th Street has an existing bike lane that crosses through the study area. There is an existing bike route that crosses the Burroughs Creek study area on E. 13th Street and a bike route on Learnard Avenue from E. 19th Street to E. 23rd Street. From E. 23rd Street the bike route travels along E. 23rd Street frontage road to where it meets an existing recreational path. The existing recreational path is the City's first phases of the rails-to-trails project that travels from E. 23rd Street to E. 29th Street.

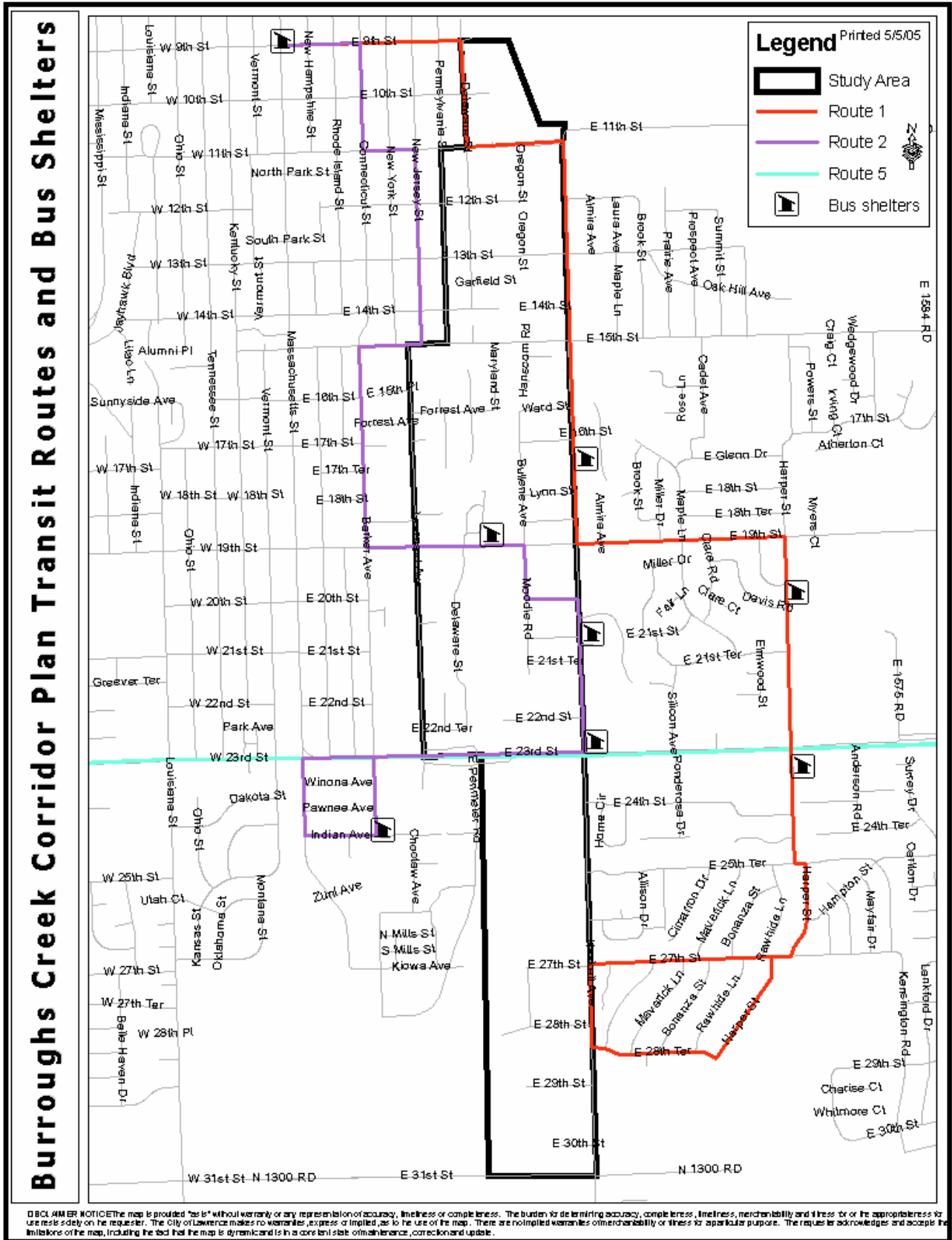
Future bike lanes are identified in Bike Plan as E. 15th Street (connecting to the East Lawrence Recreation Center) and E. 29th Street in the study area. There are future bike routes identified on Delaware Street from E. 10th Street to E. 11th Street, E. 11th Street from Delaware Street to the east, and Forrest Avenue from Learnard Avenue to Maryland Street. The identified future recreation path is along the railroad right-of-way from E. 11th Street to E. 23rd Street.



Public Transportation

Lawrence has a public transportation system (The “T”) which operates throughout the city. This system allows people that do not live within walking distance of a neighborhood to utilize the neighborhood services without relying on an automobile. The T has three bus routes that travel through the Burroughs Creek study area. [See Map 2-18] Route 1 travels down Delaware Street from E. 9th Street to E. 11th Street, then east along E. 11th Street, then turns south along Haskell Avenue, then east along E. 19th Street and continues out of the study area. Route 1 again enters the study area along Haskell Avenue from E. 27th Street to E. 29th Terrace. Route 2 enters the study area along E. 15th Street from the north, turns west along E. 15th Street, travels south along Barker Avenue to E. 19th Street where it travels east to Moodie Road and continues south to E. 20th Street, then south along Haskell Avenue, and then west along E. 23rd Street where it leaves the study area. Route 5 travels through the study area along E. 23rd Street.

There are four bus shelters in the Burroughs Creek study area. One is located on the north side of E. 19th Street near Delaware Street and the other three are located on the east side of Haskell Avenue. One is between La Salle and Lynn Streets, another is near E. 21st Street, and the third is near E. 23rd Street.



PARKS AND RECREATION FACILITIES

There are three parks located within the Burroughs Creek study area and many in the surrounding area. The three parks in the study area are Hobbs Park, Parnell Park, and 19th and Haskell Park. There is also an additional site that has been earmarked for a park north of the development on E. 19th Street adjacent to the railroad corridor. This property has been dedicated to the City for the extension of Parnell Park. East Lawrence Recreation Center is located to the east of the study area in Edgewood Park and is utilized by neighborhoods all over the east side of the city.

Hobbs Park

Hobbs Park is named for Myra B. Hobbs, a long-time Lawrence resident who left money to purchase the property for the park. Hobbs Park is classified as a neighborhood park approximately 4.5 acres in size and is located in the 1000 block of Delaware Street. This park is in the process of being listed on the Lawrence Register of Historic Places. Hobbs Park embodies a large amount of Lawrence's history. It is the previous location of the farmstead of one of Lawrence's founders, publisher and politician, John Speer. Hobbs Park is also the location of repeated military encampments and a massacre during Quantrill's raid during the American Civil War. This is also the site of a Quaker church and the relocated Murphy-Bromelsick House which was built in the 1860's. Hobbs Park also includes a historic Municipal Stadium, playground equipment, an outdoor basketball court, and a picnic shelter.

Parnell Park

Parnell Park is named for Andrew Jackson "AJ" Parnell, a County Commissioner around 1905. This park is classified as a mini neighborhood park, and is 2.7 acres located just south of E. 15th Street along Maryland Street. Parnell Park has playground equipment and an outdoor basketball court.

19th and Haskell Park

19th and Haskell Park is classified as a neighborhood park and is 8.6 acres located at the southwest corner of the intersection of E. 19th Street and Haskell Avenue. This park is also the location of the fire training facility and a Parks and Recreation department maintenance facility. The park has a playground, picnic shelter, and basketball courts.

East Lawrence Recreation Center

The East Lawrence Recreation Center is located in Edgewood Park which is a 23 acre neighborhood park, east of the study area along W. 15th Street. The East Lawrence Recreation Center provides the surrounding neighborhoods with 2 gymnasiums, a game area (ping-pong, billiards), wellness facilities/weight room, meeting facilities, and locker rooms with showers as well as outdoor park facilities.

HISTORIC SITES

The neighborhoods surrounding the Burroughs Creek study area were among the first neighborhoods to develop in Lawrence. Many of the structures date back to the late 1800's and early 1900's. A second building wave occurred after World War II and many homes date from the 1950's through the 1960's. These homes are not what would be traditionally thought of as historical although many are over 50 years old. These structures help to tell the story of development patterns in the study area.

There are four listed properties and one property that is in the process of being listed, that are in and around the Burroughs Creek study area. One listed property is located within the study area boundaries along with Hobbs Park which is in the process of being listed. The other four listed properties are outside the study area but have historic 'environs' of 250 feet to 500 feet, which overlap the study area.

The Kansas State Preservation Statute (KSA-75-2715-75-2726) requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. This statute also provides for the review of projects located in the "environs" (notification boundary identified as 500 feet) of the listed properties. Properties listed on the Lawrence Register of Historic Places are protected by Chapter 22 of the Code of the City of Lawrence. Like the State statute, the City Code requires the review of projects for their affect on the listed property or its environs. (Environs for Lawrence Register of Historic Places are 250 feet). The review of changes to historic properties and their environs is conducted by the Lawrence Historic Resources Commission. [See Map 2-20, Map 2-21, Map 2-22]

Hobbs Park

Hobbs Park is in the process of being listed on the Lawrence Register of Historic Places. This is a 4.5 acre park located in the 1000 block of Delaware Street. Hobbs Park is the home site of John Speer who helped Kansas to come into the union as a non-slave-holding state. Hobbs Park is also the location of repeated military encampments and a massacre from Quantrill's raid during the American Civil War. It is also the site of the Murphy-Bromelsick house built in the 1860's and was originally located at 909 Pennsylvania. A classic baseball stadium, Memorial Stadium, is also located at the southwest corner of Hobbs Park.

Samuel Riggs House

This house is the only registered property located within the Burroughs Creek study area located at 1501 Pennsylvania Avenue. The house has been listed on the National Register of Historic Places since 1977. Samuel Riggs was a lawyer and politician in Lawrence, Douglas County, and the State of Kansas. He was also part of the group that codified Kansas laws. Riggs' house was completed in 1864 after having survived Quantrill's raid.

Zinn-Burroughs House

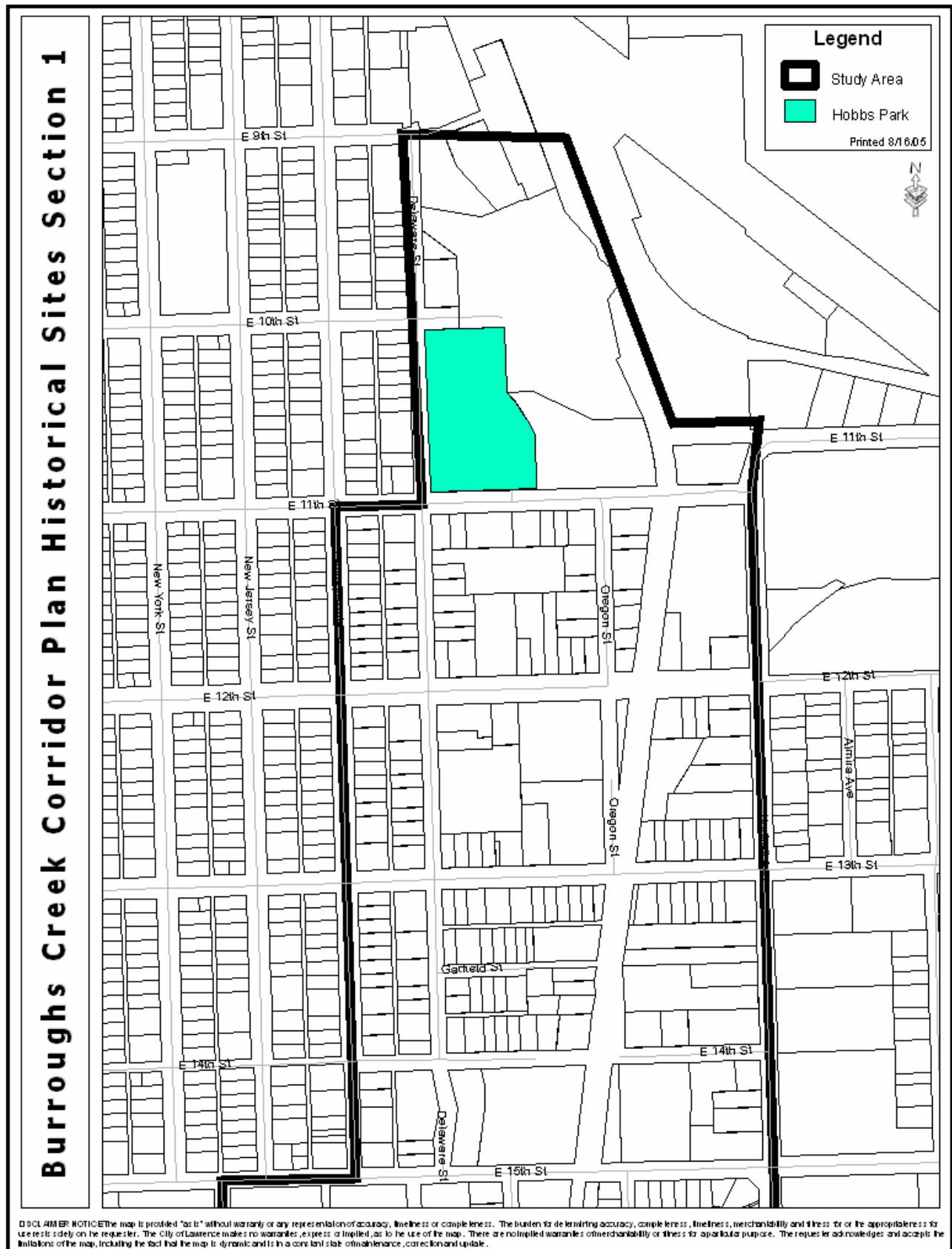
The Zinn-Burroughs house is located west of the Burroughs Creek study area at 1927 Learnard Avenue. The site was listed on the Lawrence Register of Historic Places in 2005. This bungalow home was built in the late 1920's by Merritt Zinn, a Lawrence streetcar motorman and later owned by William Burroughs, a renowned writer.

Robert H. Miller Residence

The Robert H. Miller residence is located just east of the Burroughs Creek study area at 1111 East 19th Street. This home was listed on the National Register of Historic Places in 1984 and on the Lawrence Register of Historic Places in 1990. The house was built in 1858 by Robert H. Miller who relocated to Lawrence where his son, Josiah Miller, was the editor of the first newspaper in town. This property has also been known to be involved with the Underground Railroad.

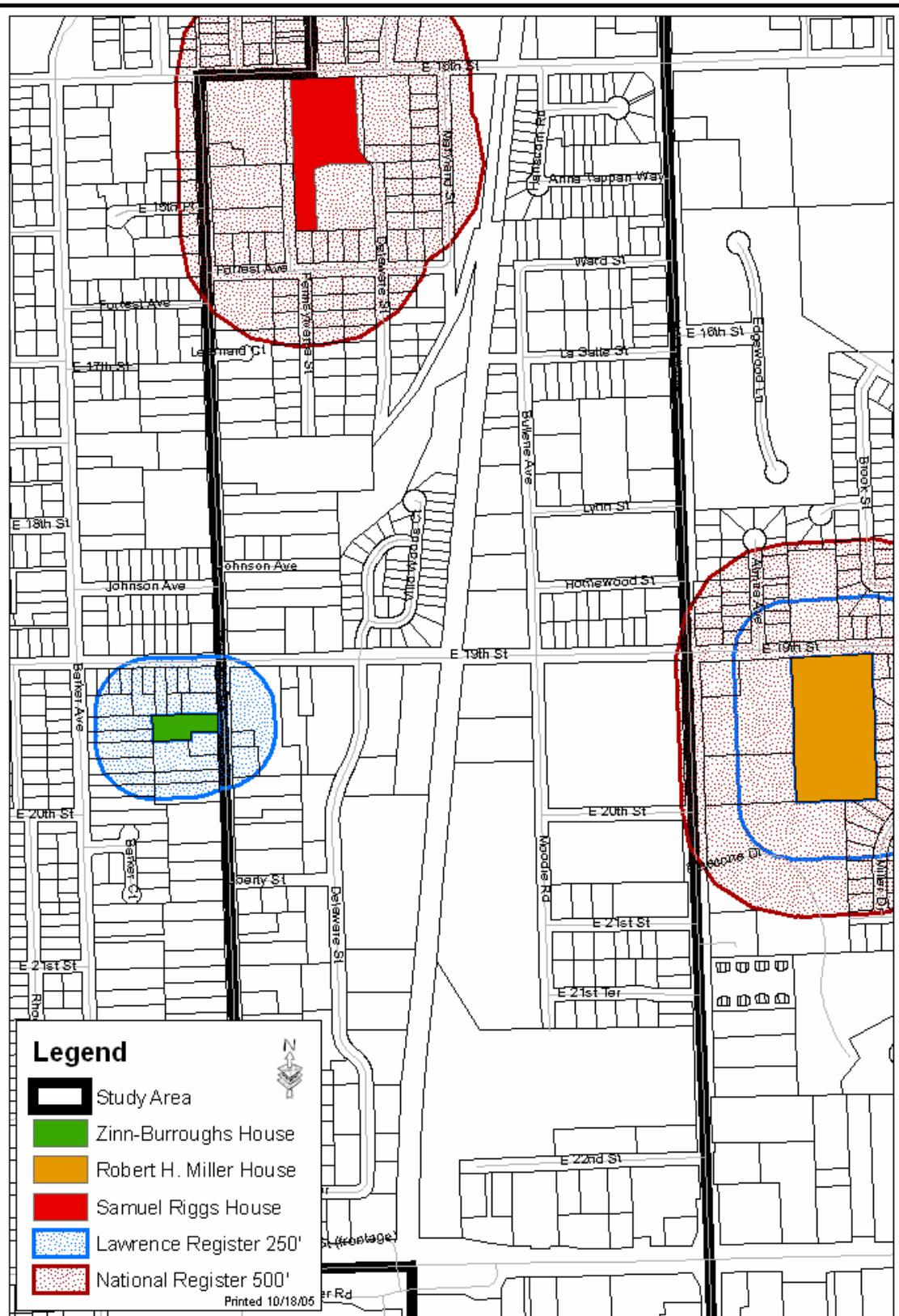
Haskell Indian Nations University and Indian Cemetery

Haskell Indian Nations University (HINU) is located south of E. 23rd Street and adjacent to the Burroughs Creek study area on the west side. There are twelve individual sites that collectively make up the Haskell Institute National Historic Landmark. Founded in 1884, Haskell Institute was one of the first large off-reservation boarding schools for Indian students established by the Federal Government. The historic site that is directly adjacent to the study area is the Indian Cemetery which is located along the southeastern boundary of the HINU's campus. This site has approximately four rows of small headstones with individual marking on them. The dates on these head stones range from 1885-1913.









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Burroughs Creek Corridor Plan Historical Sites and Environs Section 2



Legend

-  Study Area
-  Zinn-Burroughs House
-  Robert H. Miller House
-  Samuel Riggs House
-  Lawrence Register 250'
-  National Register 500'

Printed 10/18/05

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Burroughs Creek Corridor Plan Historical Sites and Environs Section 3



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Chapter 3 : Recommendation

The Burroughs Creek study area historically has had a combination of businesses and residential uses. A portion of the study area abutting the railroad corridor was platted for residential lots in the early 1960's and a few years later were rezoned for industrial uses. Neither the residential nor the industrial uses ever materialized to the degree that was envisioned. The industrial uses never grew as expected as a result of the decline of the railroad and the growth of the interstate highway system changing material transportation abilities. As a result, the sizes of industrial sites needed to be larger than what the railroad corridor area had to offer. A combination of small industrial uses and residential uses currently coexist throughout the corridor today.

As the Burroughs Creek study area redevelops, the neighborhoods would like emphasize residential infill and neighborhood friendly redevelopment of industrial and commercial areas that are presently underutilized. A large part of the study area redevelopment the neighborhoods would like to see is the transition of the railroad right-of-way to a linear park and recreation trail.

I. Linear Park and Recreation Trail

A. Property Acquisition

It is recommended that the City pursue the acquisition and development of the abandoned BNSF railroad right-of-way into a linear park and recreational trail. The 100' wide corridor is currently being acquired by the City because of the location of trunk sewer lines through the study area. This acquisition will improve the integration and connectivity of the neighborhoods with the park and trail's development. Additional properties recommended for acquisition have been identified in this plan. These properties are grouped by priority tiers listed below. [See Map 3-1]

- First Priority Tier:
 - Sale Barn property: 900 E. 11th Street
 - Rail spur between Maryland and Delaware Streets and south of Forrest Avenue
 - 702 and 710 E. 19th Street

- Second Priority Tier:
 - Three triangular shaped lots on the east side of the 1600 block of Delaware Street
 - Open space for The Woods on 19th development (Use agreement only)
 - Lot on the west side of the 1600 block of Bullene Avenue, north of La Salle Street
 - Three lots on the west side of the 1700 block of Bullene Avenue, south of La Salle Street
 - Johnson Avenue right-of-way and the east half of 522 Johnson Avenue, west of the dedicated park by The Woods on 19th development, west of the railroad corridor

B. Rails-with-Trails

From E. 12th Street to the north, the railroad tracks are still owned and in use by BNSF. It is recommended that the City pursue an agreement with BNSF for 'rails-with-trails', north of E. 12th Street. 'Rails-with-trails' would allow the trail to continue to the north, sharing the railroad corridor with the railroad lines, to a desired trail head, Hobbs Park, and in the future, allow the trail to continue further to the north. This would be a step toward achieving the broad concept of a trail system that would connect the Kansas River to the Wakarusa River.

C. Funding Opportunities

It is recommended that additional funding for a park/recreational trail within the abandoned railroad corridor be pursued. There are a variety of funding options available for the development of parks, recreational trails, and for conservation aspects of projects. The following are a few opportunities for funding:

- Transportation Enhancement Funds (TE)
www.enhancements.org, www.fhwa.dot.gov/environment/te
 This program funds project that have a direct relationship with surface transportation and falls within one or more of the categories of historic, bicycle/pedestrian, or scenic/environment.
- Recreational Trails Program (REC)
www.fhwa.dot.gov/environment/rectrails
 This program of the Department of Transportation's Federal Highway Administration (FHWA) makes funds available to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses.

- National Park Service- Heritage Preservation Services (HPS)
<http://www.cr.nps.gov/hps/treasures/index.htm>
The Federal Save America's Treasures Grants are administered by the National Park Service in partnership with a variety of the programs. This program funds preservation and/or conservation work on a variety of historic and cultural buildings, sites, districts, and objects.
- Private donations
- Public monies
- Dedication of easements

D. Park and Recreational Path Development

It is recommended that the City's Parks and Recreation Department continue to work with the neighborhoods and general public to plan the park and trail alignment within this abandoned railroad corridor. This process should include the following considerations:

- New trends in recreational trail design and management should be researched to allow for the best quality facility that will hold up well over time.
- Development of an intermodal plan for pedestrian, motorized, and non-motorized vehicles to travel safely together. The proposed park and recreational trail intersects many streets meaning careful consideration and planning needs to take place to keep everyone safe.
- The abandoned railroad corridor and trail should be named the Two Rivers Trail to reflect the broad concept for a trail system that would connect the Kansas River to the Wakarusa River.
- The existing trail south of E. 23rd Street should be incorporated into the Parks Department's planning process to improve the current facility and to create continuity with the new trail.
- The practice of landscaping with species natural to the area that are slow-growing and drought tolerant plants that effectively conserve water and reduce yard trimmings should be used as the predominate park management practice in this park.

- Primary consideration should be given to connecting the park/trail to the surrounding neighborhoods, not only by street accesses, but by additional pedestrian accesses. Identified neighborhood accesses are listed below and shown on Map 3-1:
 - Garfield Street right-of-way, west of the railroad corridor
 - Forrest Avenue, through Parnell Park and the rail spur, west of the railroad corridor
 - La Salle Street right-of-way, east of the railroad corridor
 - Johnson Avenue right-of-way and the east half of 522 Johnson Avenue, west of the dedicated park by The Woods on 19th development, west of the railroad corridor

- A variety of opportunities for public input and informational meetings should be included during the park planning phase to keep the public involved in the process.

II. Residential Development and Neighborhood Appropriate Commercial and Industrial Adaptive Reuse

A. Zoning Consistent with Use

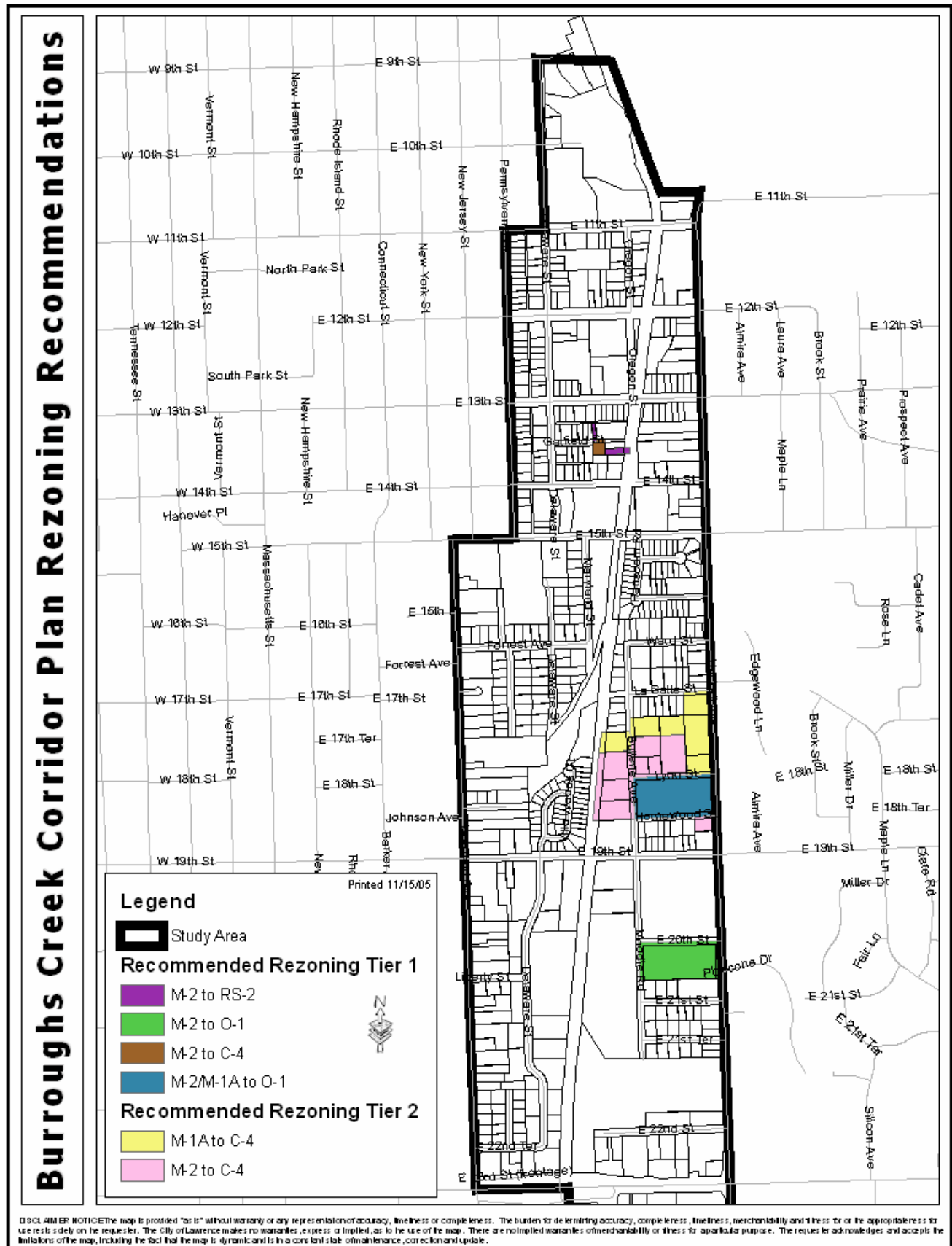
It is recommended that the zoning be modified where needed to be consistent with the existing use(s). Additionally, it is recommended that when redevelopment of industrially zoned areas is proposed in the future, these areas should be scrutinized for neighborhood compatibility. Properties recommended to be rezoned are listed below and identified on Map 3-2. Further details about the recommended properties are located starting on page 3-6. The first tier of the recommended rezonings is requested to be initiated upon approval of this plan. The second tier is recommended to be brought forward by the neighborhood association in the future.

Table 3-1

First Tier Recommended Rezoning			
Address	Current Use	Current Zoning	Recommended Zoning
824 Garfield Street	Single-family home	M-2	RS-2
827 Garfield Street	Auto detailing shop	M-2	C-4
Property abutting the southeastern half of 827 Garfield Street	Vacant	M-2	RS-2
800 Block of Lynn Street	Vacant	M-2/M-1A	O-1
2001 Haskell Avenue	Training facilities for persons with disabilities	M-2	O-1

Table 3-2

Second Tier Recommended Rezoning			
Address	Current Use	Current Zoning	Recommended Zoning
1725 Bullene Avenue	Plumbing contractor	M-1A	C-4
1729 & 1733 Bullene Avenue	HVAC contractor/ auto repair	M-2	C-4
1801 Bullene Avenue	Plumbing supplies- wholesale	M-2	C-4
1815-17 Bullene Avenue	Ice making equipment/ HVAC contractor	M-2	C-4
1710 Bullene Avenue	Office/warehouse	M-1A	C-4
1724 Bullene Avenue	Contractor/ building supply-wholesale	M-2	C-4
802 Lynn Street	Auto repair	M-2	C-4
808 Lynn Street	Overhead door supply-wholesale	M-2	C-4
810-12-14-16 ½ Lynn Street	Mini storage	M-2	C-4
1705 Haskell Avenue	Glass products from previously manufactured glass	M-1A	C-4
1725 Haskell Avenue	Plumbing fixtures and supply- wholesale	M-1A	C-4
1735 Haskell Avenue	Pneumatic equipment	M-1A	C-4
1827 Haskell Avenue	Auto repair	M-2	C-4



B. Tax Incentives for Development/Redevelopment

There are a variety of incentive programs available for residential, commercial, and industrial uses. These programs allow for development and redevelopment of sites or for general improvements. Some programs available for this type of assistance are described below:

- Residential Programs
 - Community Development Block Grant (CDBG)
This program works to ensure decent affordable housing for all, to provide services to the most vulnerable in our communities, to create jobs, and expand business opportunities.
 - Comprehensive Rehabilitation Loans
This program provides loans to bring property to rehabilitation standards.
 - Emergency Loan
This program provides loans for dwellings to eliminate immediate hazards to health and safety or conditions that are likely to cause such hazards in the near future.
 - Homeowners Out of Tenants (HOOT)
This program provides an opportunity for first time low and moderate income families that are not served by existing lender programs, to purchase a home.
 - State Housing Trust Fund
This program provides funding for housing programs and related services. It has assisted in the rehabilitation and improvement of residential housing, provided accessibility modifications for disabled individuals, granted rental subsidies for low-income citizens, and addressed other housing needs.
 - Historic Preservation Tax Credits
(This is available to State or Nationally listed properties only)
This program is available to qualified taxpayers that make qualified expenditures to restore or preserve a qualified historic structure according to a qualified rehabilitation plan.
 - Heritage Trust Fund
(This is available to State or Nationally listed properties only)
The Heritage Trust Fund (HTF) was created in 1990 to provide assistance for the preservation of historic properties in Kansas. It represents recognition of the efforts invested by individuals and organizations across the state to preserve these reminders of our shared history.

- Commercial/ Industrial Programs
 - High Performance Incentive Program
This program encourages companies to expand their capital investment in Kansas plant and equipment by providing an investment tax credit and an exemption from sales tax for a specific project; encourages accelerated growth in business, leading to related job creation, by making state funds available to reimburse 50% of the costs of approved consulting services; gives companies a tax credits of making a cash investment in the training and education of its employees; and stimulates growth in the Kansas economy by encouraging eligible non-manufacturing companies to sell to specific kinds of out-of- state customers and to Kansas manufactures.
 - Historic Preservation Tax Credits
(This is available to State or Nationally listed properties only)
This program is available to qualified taxpayers that make qualified expenditures to restore or preserve a qualified historic structure according to a qualified rehabilitation plan.
 - Machinery and Equipment Credit
This program offers tax credits for commercial and industrial machinery and equipment used for income producing purposes and all other tangible personal property not otherwise specifically classified for property tax.
 - Kansas Economic Opportunity Initiative Fund
This program provides loans for projects that create or maintain jobs and invest new capital in the state.

C. Encourage New, Residential Friendly Development

It is recommended that the all three neighborhoods within the Burroughs Creek study area encourage new, residential friendly development. Commercial and industrial development should be designed to enhance the area and not detract from the character of the area. Ways that this can be achieved are described below:

- Work with potential and current property owners to identify and maintain the neighborhood's character in the area.
- Consider density alternatives that allow smaller lots and mixed uses to include residential and small scale neighborhood commercial.
- Encourage open space as an element of any development.

- Create destinations and safe accesses to them to enhance walkability of the neighborhoods.

D. Protect Historic Sites and Character

It is recommended that the Burroughs Creek study area be surveyed for historical properties. Any historically significant property identified through this process should be protected by listing them on the local, state, and/or national Historic Register. The Horizon 2020 Preservation Plan Element lists from E. 11th Street to E. 15th Street of the study area as a high priority area for a historical survey to be conducted. From E. 15th Street to E. 23rd Street the Preservation Plan identifies that area as medium priority. Application for a grant to provide funding for the survey has been applied for by City staff.

The process for identifying historic areas begins with a historic resources survey of the area. This process is either a reconnaissance (window survey from a car) or a more detailed, intensive survey that includes research to identify historical information on the property, photos, and a building description. All are methods used to determine the age of a property. Map 3-3 identifies areas recommended to be surveyed.

The next steps are to identify properties to be nominated for listing and then actually prepare nomination listings at the local, state, or federal level for the identified properties. The Kansas State Preservation Statute (KSA-75-2715-75-2726) requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. This statute also provides for the review of projects located in the “environs” (notification boundary identified as 500 feet) of the listed properties. Properties listed on the Lawrence Register of Historic Places are protected by Chapter 22 of the Code of the City of Lawrence. Like the State statute, the City Code requires the review of projects for their affect on the listed property or its environs. (Environs for Lawrence Register of Historic Places are 250 feet).

After nominations are completed, design guidelines can be established for the area. Design guidelines are developed with the individual neighborhoods to identify and protect the specific characteristics of an area that create a “sense of place” worthy of protection. Guidelines typically focus on compatible building materials, size, scale, massing and placement. The review of changes to historic properties and their environs is conducted by the Lawrence Historic Resources Commission.

Burroughs Creek Corridor Plan Recommendations Areas Identified for Historical Survey



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Chapter 4 : Implementation

LINEAR PARK AND RECREATIONAL TRAIL

Task	Participants	Timeframe
Acquire the entire right-of-way of the abandoned railroad corridor and the first priority properties	City Property Owners	6-12 months
Pursue development of the rails-with-trails program from E. 12 th Street to E. 11 th Street	City BNSF rail road	6-9 months
Pursue funding opportunities	City	Ongoing
Park and Recreational Path Development <ul style="list-style-type: none"> - Examine new trends in recreational trail design and management - Intermodal Plan for all modes of transportation to travel safely together - Incorporate existing trail south of E. 23rd Street - Use of native, slow growing, drought tolerant plant species in landscaping - Public involvement in park master plan development 	City Consultant Public	9-18 months

RESIDENTIAL DEVELOPMENT AND NEIGHBORHOOD APPROPRIATE
COMMERCIAL AND INDUSTRIAL ADAPTIVE REUSE

Task	Participants	Timeframe
Modify existing zoning to be consistent with existing land use	City Property Owners	Initiate upon adoption
Pursue tax incentives for residential, commercial, and industrial development and redevelopment	City Neighborhood Associations Developers Property Owners	Ongoing
Encourage new, residential friendly development	City Neighborhood Associations	Ongoing
Protect historic sites and neighborhood character	City Neighborhood Associations Property Owners	Ongoing

Appendix

ORDINANCE 7841

ORDINANCE NO. 7841

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS ESTABLISHING A TEMPORARY BUILDING PERMIT MORATORIUM

Whereas, the governing body of the City of Lawrence, Kansas is entrusted with the responsibility to establish reasonable laws, policies and regulations to further the general public health, safety and welfare of the community; and

Whereas, pursuant to this responsibility the City has adopted Zoning laws, Subdivision regulations, and a comprehensive plan pursuant to the provisions of Kansas law; and

Whereas, the City's comprehensive plan (*Horizon 2020*) and the City's laws provide for certain requirements and limitations on certain land uses in order to promote the general public health, safety and welfare of the community; and

Whereas, the governing body finds that the property bounded by Haskell Avenue on the east, 23rd Street on the south, and Learnard Avenue on the west between 23rd and 15th Street, Pennsylvania Street on the west between 15th and 11th Street, and Delaware on the west between 11th and 9th Street, and 9th Street on the north as it would intersect with the BNSF rail tracks to the east, and the BNSF rail tracks to the intersection of 11th Street (hereinafter "Temporary Moratorium Area") needs immediate planning, review, and study related to land uses, public infrastructure, community facilities and related issues to ensure the promotion of the general public health, safety and welfare of the Temporary Moratorium Area and the entire community; and

Whereas, to avoid the creation or installation of land uses or development that would be contrary to appropriate planning within the Temporary Moratorium Area, a limited and temporary building permit moratorium in the Temporary Moratorium Area is necessary and appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein.

Section 2. The governing body hereby establishes a temporary building permit moratorium for the real property bounded by the Temporary Moratorium Area. No building permit shall be issued in the Temporary Moratorium Area until 12 months from the effective date of this ordinance, or the repeal, or amendment of this ordinance. Provided, that otherwise valid building permits may be issued for any and all projects that have submitted to the City either a building permit application prior to October 26, 2004 or have submitted a request for development plan or site plan approval prior to October 26, 2004. Provided, further that otherwise valid building permits may be issued for any and all projects in the Temporary Moratorium Area if the project does not increase the size or footprint of the existing building or structure, it being the intent of this ordinance that building permits for the repair or replacement of existing structures, or parts thereof, shall be allowed during the moratorium.

Section 3. Any person or entity with property interests in the Temporary Moratorium Area may seek exception or amendment to the provisions of this Ordinance by filing such request in writing with the Office of the City Clerk. Such request shall provide justification for the requested exception or amendment and shall be heard by the governing body within thirty (30) days of the receipt of the request by the City Clerk. In addition to other relevant issues, the City Commission shall consider whether denial of a building permit unlawfully denies vested rights or property rights of the property owner.

Adopted this 16th day of November 2004.

PASSED:



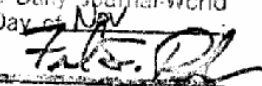
Mike Rundle, Mayor

ATTEST:



Frank S. Reeb

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 16 day of Nov, 2004; that the record of the final vote on its passage is found on page _____ of Journal _____; that it was published in the Lawrence Daily Journal-World on the 24 Day of Nov, 2004.


City Clerk

CITY COMMISSION MEETING MINUTES FROM THEIR FEBRUARY 14, 2006 MEETING WHERE THE BURROUGHS CREEK CORRIDOR PLAN WAS APPROVED.

Michelle Leininger, Planner, presented the staff report. She said staff was recommending approval of the Burroughs Creek Corridor Plan and initiation of the first tier of recommended rezonings which were:

Property Address	Current Zoning	Proposed Zoning	Current Use
824 Garfield St.	M-2	RS-2	Single-family home
827 Garfield St.	M-2	C-4	Auto Detail Shop
Property abutting SE ½ of 827 Garfield	M-2	RS-2	Vacant (Stormwater Project N of property)
800 block of Lynn St.	M-2/M-1A	O-1	Vacant
2001 Haskell Ave.	M-2	O-1	Training Facility for persons with disabilities

Mayor Highberger asked if all of the property owners that Leininger had listed had been notified of the proposed rezonings.

Leininger said she had provided information to Independence Inc, but they had not returned any emails or phone calls, representatives from the Salvation Army were not interested, two of the property owners were in favor of the down zoning, and the City owned the last property.

Commissioner Hack asked when those contacts were made.

Leininger said contacts were made within the last 4 months at various times.

Vice Mayor Amyx asked about when all of the confusion occurred as to whether the Salvation Army needed to go through the permitting process again.

Leininger said the Salvation Army project had a site plan that expired last May and the Salvation Army came before the City Commission and received a one year extension on their site plan with a note that another extension would not be accepted. She said Salvation Army's site plan would expire in May.

Mayor Highberger said he thought Commissioner Amyx was trying to say that if this recommended down zoning was approved for the Salvation Army property, would the Salvation Army need to go through the other procedures such as the use permitted upon review process.

Leininger said if the recommended down zoning occurred to O-1, the Salvation Army would need to submit another site plan. Under the current code, the Salvation Army would need a UPR.

Commissioner Schauner asked Stogsdill to explain the new code and its impact on the Salvation Army's current zoning.

Stogsdill said Linda Finger, Former Planning Director, and Leininger had looked at the proposed development code several months ago and the development of the Burroughs Creek Plan. She said they looked ahead to see where uses would fall. Currently, the M zoning had a provision that stated that the type of use for the Salvation Army, which was a rehabilitation center, was exempted from the UPR process when in an industrial or commercial zoning

district. If there was no change in the zoning, and the Salvation Army was not able to pull a building permit before this site plan expired, then the Salvation Army would need to go back through that site plan approval process again because the extension that was approved stated one extension only.

She said in looking at the proposed development code, those two M districts converted into two different industrial districts. Churches and transient housing facilities were not permitted in any of those industrial districts in the new code. If the property was rezoned to O-1, that property would convert to the C-O district and the C-O district allowed both churches and the transient housing with a special use permit. If the Salvation Army was unable to begin construction under the existing site plan and no rezoning had taken place, the Salvation Army, when the new code was adopted, would need to seek some sort of rezoning in order to continue to do what they intended to do with that property because of the way the industrial district was written.

Commissioner Schauner said the best path for ultimate construction of the facility the Salvation Army intended to build was best protected by rezoning into O-1.

Stogsdill said O-1 would convert to the C-O which would then allow the Salvation Army to seek the special use permit for that process.

Commissioner Schauner said if the rezoning did not convert to O-1 and they stayed as they were currently, when the new code was adopted, their current zoning would convert to a zoning classification that would not permit their current intended use.

Stogsdill said correct. The Salvation Army would then need to seek rezoning.

Glen Sheridan, Chair, Salvation Army Advisory Board, said he thought they did have some communication with staff, but it had been some time ago. He said he appreciated the explanation and they hoped to have better understanding when they were able to absorb that explanation.

Dick Zinn, Salvation Army Advisory Board Member, said the concern they have was that they had no prior notice of the consequences of this action. He said he received a telephone call in late fall from a member of the Planning Staff who said that a committee was considering downzoning the Salvation Army tract to residential/office and he was asked if the Salvation Army would have any problem with that down zoning. He said his response was yes, they would have a problem because if they were downzoned it might eviscerate their plans and put in jeopardy the ability to provide that badly needed community service.

He said he informed the City Planner that he and the architect met with the Director of Planning in early of 2003. He said he had asked that planner to notify the Salvation Army if any thing further occurred with respect to that issue. He said he received no notice or to the best of their understanding and inquiry, has any member of the Salvation Army received anything further until they were surprised by the article in the newspaper that day. He said as one that dealt in most of his working hours with transactional issues, he was constantly aware of reliability and predictability.

He said when they obtained their approval they relied on the rules that existed at that time. He said the project was approved and therefore, they believed they would be able to build a needed community center at that location. He said they started a campaign helping people changing lives, enlisted the support of hundreds of volunteers, raised over a million dollars, and had commitments from people that not only had pledged to this specific plan, but had actually paid money for this plan based on the predictability and the reliability of the rules that had existed and that they had followed. He said they were now told that the rules might change. He said he just found out that they might have another set of rules to follow when the new development code was adopted. He said they were adrift now as to how they could honor the commitment they had made to the hundreds of volunteers.

He said their basic request was to leave the Salvation Army site alone. The Burroughs Creek Corridor Plan and Rails to Trails project could move forward without changing the zoning of the Salvation Army site, but now they had found out that even if the existing zoning remained as it was, they still would have a new set of rules.

The best they could do was to respectfully request, at least, a two week deferral so they could understand what the rules would be and somehow determine how to deal with the commitments they had made, along with the commitments made by the community as a whole through elected representatives that this project could go forward. He said if the rules were going to change again, they needed to be able to determine the consequences of those rules to this project and how they dealt with the commitments they had made to the Lawrence community for the persons who rely on the Salvation Army services as well as their generous donors. Again, they were respectfully requesting, at least a two week deferral until those issue could be more carefully determined.

K.T. Walsh, Lawrence, said she was present wearing two hats. She said she was on the Board of Independence Inc., and the East Lawrence Neighborhood Association and apologized for Independence Inc., not getting back with staff on this issue. She said they had received their first communication in October and the issue was a non-issue because a down zoning was a happy event, but that was not an official vote from the Board of Independence Inc., because she needed to wait for a vote by the board.

She said from her own personal perspective she had been a long time supporter of the Rails to Trails project, a dream of a river to river rail system that was completely accessible for anyone using a wheel chair, pushing a stroller, using a walker to get outdoor opportunities. She wanted to give her voice for support to the down zoning and she wondered if it was a premature that the advisory task force was being disbanded. She said she thought there needed to be a group to champion this issue through the process.

Patricia Sinclair, Lawrence, resident of the Barker Neighborhood, said she was a firm supporter of the Rails to Trails hopefully with as much natural habitat for wildlife because it was their corridor to the river as well. She said she was also a supporter of as much residential or non-manufacturing use just east of the

Santa Fe tract in the area north of 19th Street, between 15th and 19th Streets, because that area was originally designed as a residential neighborhood and they would just be returning that area to its original design which was where the shelter was planned. She said apparently there was a two tier system for acquiring properties for rezoning and there had been talk about acquiring two homes on 19th, for the trail head for the Rails to Trails. She said there had been correspondence from the Woods at 19th Homeowners Association and she thought it would be helpful to have some perspective on that area and some things that occurred before 2003.

She said there had been a lot of activity in 2003 such as promises being made and land given to the City for that area. She urged the Commission, when looking at this plan, to make sure the neighborhood got what they were promised in that development. She said they were promised neighborhood accessibility and originally promised about half of the almost 12 acres that had a lot of old woods would be a park for the City, but that tract was reduced.

She said neighborhood accessibility was considered a big plus and the area was changed from an RS-2 (Single-Family Residential District) to a PRD (Planned Residential District) and that rezoning was intended to be a selling point.

She said as a neighbor who had heard all of the disruption, she could not get to the public land which was adjacent to the Rails to Trails and it was relevant to this discussion as they looked at this corridor and some of the view points that had been expressed in writing from the Woods at 19th Homeowners Association.

There were a number of changes to the plans since the plan came to the Commission in June. She said, at that time, she had shown photographs of the storm drainage creek and indicated to the Commission that a path was not feasible because it could not be crossed. She said she was reassured by Planning that they could work that out with engineering.

There was also supposed to be public access points from the east which would be from the Santa Fe railroad from the Rails to Trails Corridor and from the west, from the Johnson Avenue dead end, but apparently that was not going to happen. She said she was confused because some of the correspondence from Planning seemed to indicate something from the north, but she said Sandra Day, Planner, indicated there would be one small entrance to that public tract from the east on the Rails to Trails.

She said she was concerned because there were homes that were listed as having a private park and nature trail. She said she recalled that in 2003, the City had accepted the right-of-way and easements and she did not understand how those things could change after the fact.

Also, she had seen photographs that would be presented to planning of a path that was paved that she thought was floodplain and thought that Chad Voigt, former City Stormwater Engineer, indicated that a paved path could never be placed at that location.

She said her fear was that what had been done was that they had allowed those developers to give this land to the City and as the City's reward for that land, the City had the job of maintaining and cleaning out the drainage tract, but

the public did not have access to that land. She said she was concerned about a process that took them from a plan that was sold to the City and Planning Commissions as one that would give almost half the land to the citizens as a park and citizens had already submitted a plan to the Parks Department to have the whole area kept as wildlife park. Unfortunately, they lost that plan to this loophole and it was also sold on the basis of neighborhood connectivity. She said the City and Planning Commissioners seemed to have responded to this rezoning request based on a public benefit.

Mayor Highberger said Sinclair had raised some legitimate concerns about the implementation of the City Commission's previous decisions and he suggested that the City Commission would take a look at those previous decisions. He said if Sinclair had concerns about how the site plan was being implemented, they could have staff look into those concerns. He respectfully requested that Sinclair keep her comments directed to whether or not to adopt the Burroughs Creek Corridor Plan and the rezonings.

Sinclair said she understood that there was a primary and secondary tier and there had been a concern from Michael Almon, Burroughs Creek Area Plan Committee, in not including the secondary tier and this issue was in the secondary layer. She said if the Commission did not address that issue tonight, she did not know when that issue would come before the Commission again if those were not proposed for rezoning or city acquisition. She was present in response to written comments that were submitted about that area.

Mayor Highberger said those were issues that were related to a plan the City Commission previously adopted and he appreciated Sinclair following up on those plans, but he was not sure those issues were directly relevant to the plan. He said if Sinclair had concerns about implementation of the Woods rezoning or site plan, he asked that Sinclair follow up with him by email or after the meeting and he would have those concerns looked at.

Sinclair said she was specifically commenting in the beginning about her support for Rails to Trails and her support for the residential nature of returning that area to the east to a residential nature. However, not in such a narrow way of disagreeing with the Wood at 19th Neighborhood Association which seemed to have a concern about traffic flowing through their area, but that was her area too. As long as they continued to advertise private park and nature trails for their properties, their not acknowledging the public land would be a valuable part and factored into the consideration of the acquisition of properties and the value of this entire corridor. She said the applicant promised not to protest the conversion of railroad right-of-way to Rails to Trails program.

Mayor Highberger said Sinclair had raised some questions about implementation of The Woods site plans and asked that staff draft a report by next week or the week after because the City Commission needed to know that what they approved was getting implemented.

Mike Wildgen, City Manager, said none of the second tier requests were on the west side of the trail, but were all on the east side including the first tier and did not have anything to do with The Woods.

Janet Good, East Lawrence Neighborhood Association, said by now the Commission should know that their Association supports the Rails to Trails. She said looking back, she thought the Advisory Committee that she was part of should have explicitly brought the Woods Homeowners Association into the fold early in the process, but the final plan for that trail was still a long way off and apparently the Salvation Army's plans were slightly up in the air at the moment as well.

She said the advisory committee idea was good to get people on board and to get the planning process back on track to work with people who were affected by this plan. She said their Association supported the down rezonings which was part of the reason they wanted that plan to be examined with City staff all along. She said that area was not an industrial corridor anymore and the reason it was an industrial corridor was the railroad which was now gone. She said she would like to extend a hand to anyone who was affected by this trail to be part of the process. It would add a lot to the City as a whole.

Commissioner Schauner said in Almon's letter, Almon made a comment about the fact that there was a 1st and 2nd Tier of rezoning. He asked Good if the advisory group took up that issue and did they have an opinion as a group.

Good said she was not part of the Advisory Committee at the point when that issue was discussed. She said second hand there were advantages to the Neighborhood Association's bringing the second tier of zoning forward, but there were also disadvantages because it was a lot to put on the neighborhood association and she was not sure why it was broken off that way because she was not a member of the Advisory Committee at that time.

Dayna Carlton, East Lawrence Neighborhood Association, said she worked on the Advisory Committee. She said to answer Commissioner Schauner's question, a majority on the Advisory Committee preferred to let the Neighborhood Association deal with the rezoning. She said she respected Almon's difference of opinion, but that was the Association's decision that they would not be dealing with that second tier rezoning.

She said she wanted to respond to the comments that the people from The Woods pointed out. She said the members on the Advisory Committee were all private property owners and it was important what the quality of life was like.

She said taking off her East Lawrence Neighborhood Association's hat, she said she lived close to the Salvation Army and she was comfortable with the location of the Salvation Army and with the people that frequent that space. She said she felt safe to walk in that area because many of those people she considered acquaintances or friends. She said people needed to stop and remember that people that live in fancy homes also struggled with substance abuse, alcoholism, and mental illness and it was not just people who were unfortunate enough to not have a home. She said they needed to be careful about making stigmatizing comments.

Commissioner Schauner asked Carlton if the Advisory Committee took a vote on separating the two tiers of rezoning.

Carlton said yes. She said the majority of the committee's vote was to have two tiers.

Sauny Scott, Lawrence, said she was concerned about the idea of changing the zoning and messing up the plans of the Salvation Army. She said once people went through the process, the process should stay that way. She said the Salvation Army already started getting that money together to get that land ready for their building and changing the picture was unfair.

She said personally, she thought it would be safe to have a park in that area, but if it was not safe, the park should go, not the Salvation Army project.

Erik Struckhoff, Chair Bicycle Advisory Committee and a member of the Burroughs Creek Area Plan Study Group, said he implored the City Commission to keep perspective on the various concerns about the proximity of the Salvation Army and the appearance and aesthetic concerns about the trail head across the street from The Woods. He said he wished they had reached out to the Homeowners Association and involved them in this process. Going forward, the design phase was still going to be an opportunity for them to work very closely with everyone involved in those neighborhoods. He said one issue from their committee was access points for that facility and the 19th Street facility seemed to be appropriate and that was why it came up as proposed access for that trail. He said it was important that that remain separate from the legitimate concerns about the Salvation Army facility. He said the Salvation Army provided an important and valuable community service. He said the concerns of The Woods Homeowners Association were shared by East Lawrence Neighborhood Association, particularly those people who were members of the study committee. He asked the Commission to consider this issue on its merits and not on what type of facility was nearby because they were not related.

Commissioner Rundle asked staff to reiterate that under that zoning change, the plans for Salvation Army could still be implemented.

Stogsdill said what was before the Commission was the initiating of the rezonings and nothing was being rezoned at this time. Under the proposal, if this property would go through the rezoning process and be rezoned to O-1, the uses would still be allowed with a special use permit which was based on an assumption that a building permit was not pulled before the site plan expired. If a building permit was pulled and progress occurred then once the property was rezoned it was allowed to continue. In the new code, if you were rezoned and you now needed a special use permit, you would be automatically granted a special use permit with the adoption of the new code and you would not need to go back through that public process until you wanted to expand that use at some point in the future.

Commissioner Schauner said if he understood correctly, the safest course for the Salvation Army would be to pull a building permit and begin activities related to that permit, before their current site plan expired in May or June.

Stogsdill said correct.

Commissioner Schauner said that pulling that building permit would give the Salvation Army the least heartburn, in terms of accomplishing their ultimate goal of constructing and operating.

Stogsdill said yes.

Commissioner Rundle asked if this plan was initiated, what would be the timeframe that it would go before the Planning Commission.

Stogsdill said it would not be on the Planning Commission's agenda until the third week in April and back to the City Commission the first or second week in May.

Commissioner Hack asked if this issue was tabled for two weeks, would it still be on the April Planning Commission agenda.

Stogsdill said yes.

Vice Mayor Amyx asked Walsh if Independence Inc., had discussed that issue.

Walsh said this issue would be discussed that week at their Board meeting. She said this issue had been discussed by staff, but they did not realize the issue was pressing. She said she had been on the Board for 6 years and as long as she had been on that Board there had been no discussion of moving to an industrial use on their part.

Commissioner Schauner said Commissioner Hack's question led to a logical next step. He said he did not see any problem in deferring that particular rezoning for two weeks. He said he had not remembered that the Commission had said there would not be any more extensions on that site plan. He said that presented another issue that the Commission would need to deal with at some point in the future. He said he would like to go forward with the other tier one rezonings, approve the plan, and defer the rezoning request on the Salvation Army's property.

Commissioner Hack said she agreed with Commissioner Schauner's comments. She agreed that the plan was a fabulous opportunity for connectivity for the entire community. However, she disagreed with the comment that the Salvation Army's plans were up in the air.

She said she also appreciated the comment about including The Woods neighborhood into this plan. She said she agreed that deferring the property that would revert to O-1, for the Salvation Army was appropriate, unless it made sense to defer Independence Inc. too, but she would leave that up to Walsh.

Walsh said it might be a good idea to defer the rezoning for Independence Inc., too.

Commissioner Hack said absent those two properties, she supported the rezonings of the first tier remaining properties.

Commissioner Schauner said he had a concern whether the neighborhood would bear any financial expense in carrying forth the tier two rezonings. He said even if there was no financial expense, he would like staff to provide assistance to the neighborhood on the tier two rezonings.

Vice Mayor Amyx said he always thought this was a good plan for the City of Lawrence. He said he liked the idea of giving both the Salvation Army and Independence Inc., the opportunity to discuss this issue with City staff and those boards to make sure they understood the process and procedures. He said the continuation of the Advisory Committee would be a great help because people

had questions about the future development of that entire corridor. He said the Burroughs Creek Area Plan would be a wonderful project for the City.

Commissioner Rundle said he acknowledged the comments about being taken by surprise by the zoning ordinance change. He said he wanted the public to know that this change was coming and people needed to be informed about what the impact was on their zoning and any plans that were still in the works such as this plan.

Commissioner Highberger thanked the committee for all their work. He said he wanted to see the Rail to Trails corridor happen. He said he had some concerns about some of the recommended property acquisitions, but not necessarily for the same reasons that had been stated. He said he understood the need for a trail head, but he was concerned about the City taking out a couple of affordable housing units in order to do that. He said he did not have the concerns about people congregating on that spot, and he shared Carlson's sentiments that getting people active on that corridor would likely make the area safer rather than less safe. He said the trail could be an asset to the neighborhood including The Woods and the trail needed access to all the City's properties along the route and he wanted to make sure that was done.

He said he would like to add the minutes to this meeting to the plan when the plan was adopted so that his concerns about that particular property acquisition would go on record. He said he also liked the concept of acquiring the Sale Barn property, but he did not want to make an absolute commitment to that by approving the plan because there might be financial considerations that they had not anticipated.

Wildgen said the public needed to understand, for the record, that the Mayor was not directing staff to acquire any property and adoption of the plan did not mean acquisition of the property.

Commissioner Schauner said it would be worth putting in the minutes that accessibility, whether it was the 19th Street location or some other location or locations, did seem a critical component in making the corridor usable and accessible. Where that place or places would be located would be left up to final design discussions, but he thought without access, there was not much point in having a trail.

Mayor Highberger said at this point, the plan recommended a 19th Street rail head and he wanted to get his concerns on record.

Moved by Hack, seconded by Schauner, to approve the Burroughs Creek Corridor Plan with the addition to the Plan, the February 14th City Commission meeting minutes, and initiate three of the five recommended rezonings, excluding the Salvation Army and Independence, Inc. properties. Motion carried unanimously. **(21)**