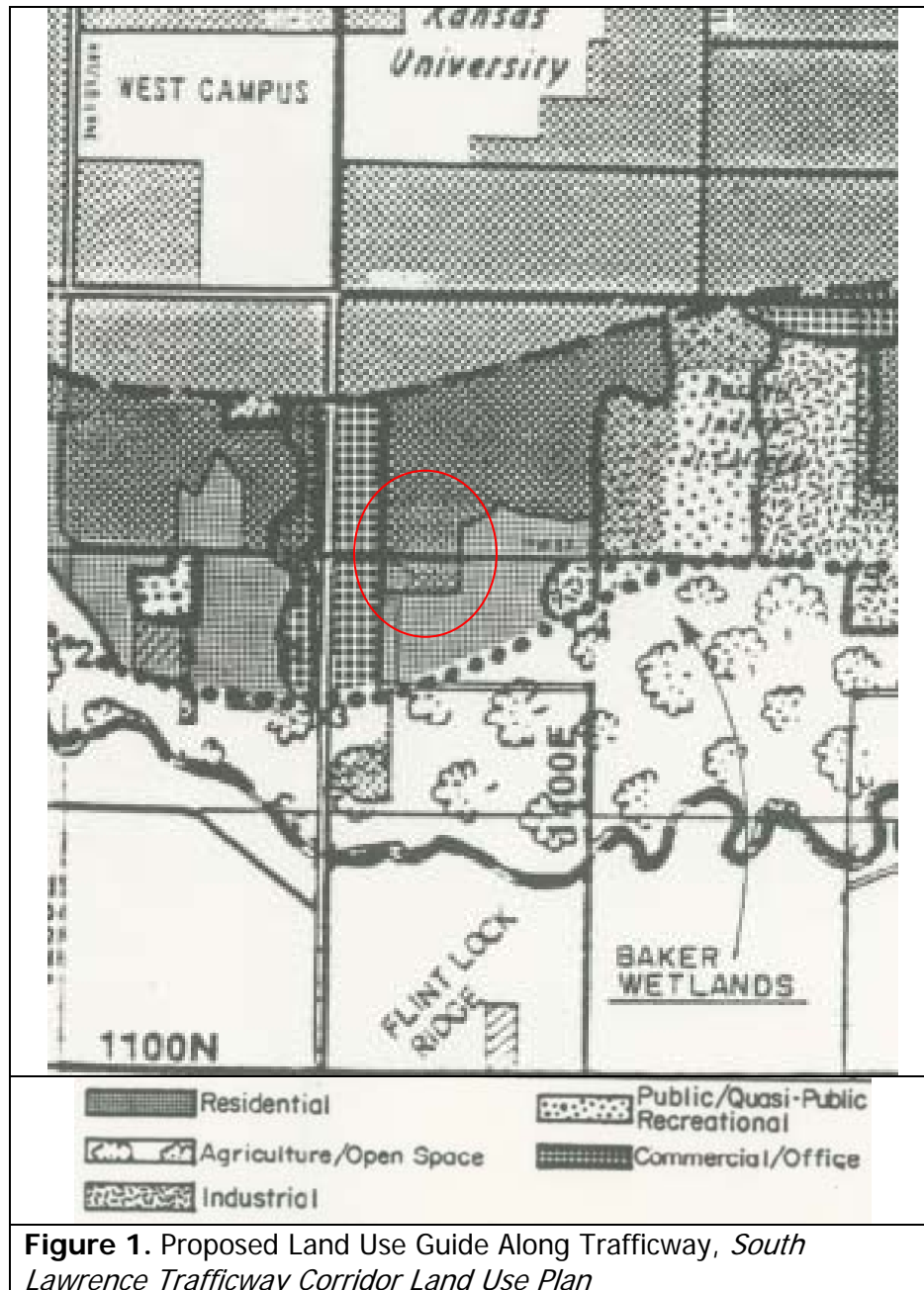


Appendix A

containing future or conceptual land use maps which were drafted as part of area, transportation or long range plans.



Area containing subject property



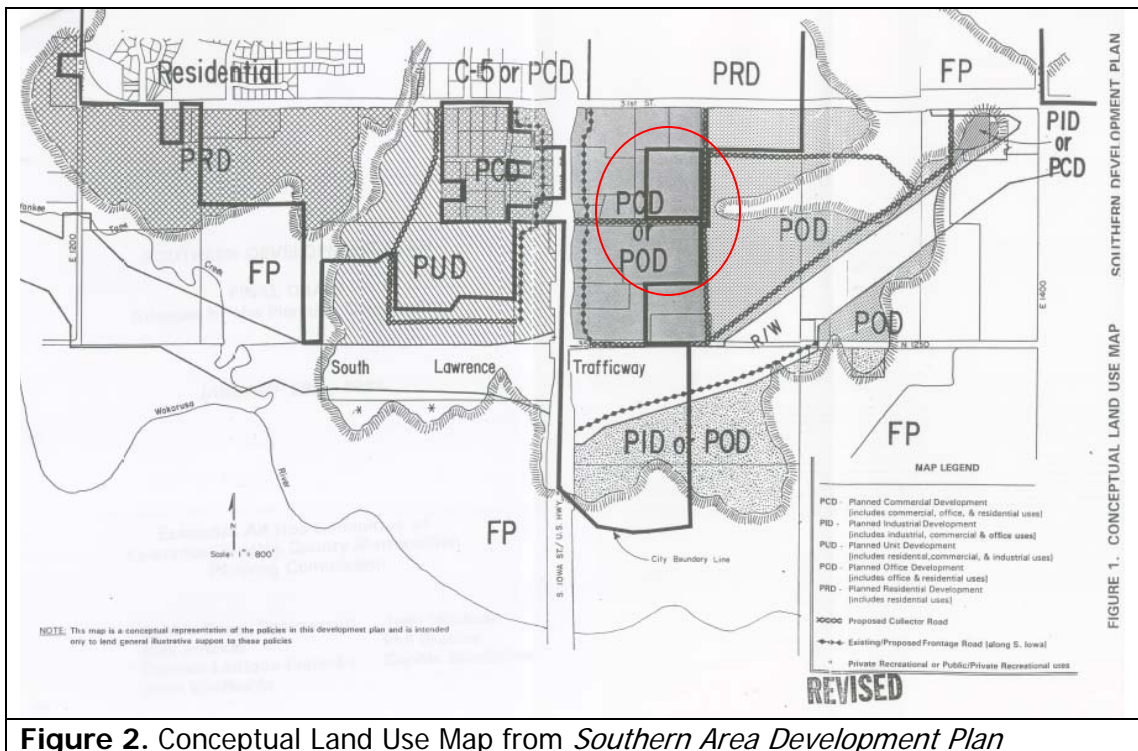


Figure 2. Conceptual Land Use Map from *Southern Area Development Plan*

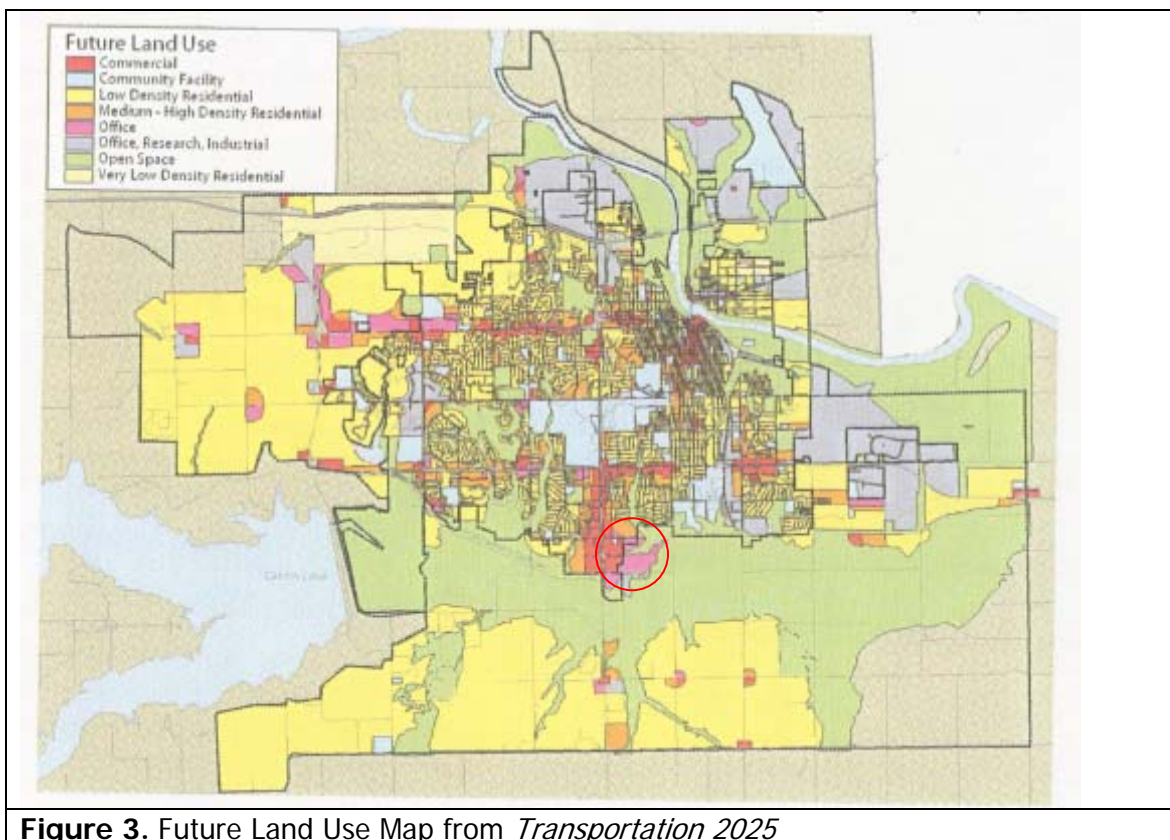


Figure 3. Future Land Use Map from *Transportation 2025*

**LAND USES IN THE AREA OF THE PROPOSED REZONING AND PLAT
FOR 'THE EXCHANGE'; W 31ST AND OUSDAHL AREA**



Figure 1. View to the northwest / Home Depot and Best Buy.



Figure 2. View to the west, across Ousdahl Road / mini storage and Wal-Mart.



Figure 3. View to the west / Entire Car Center.



Figure 4. View to the north / Gaslight Village Mobile Home Park.



Figure 5. The subject property; view to the south of W 31st Street.

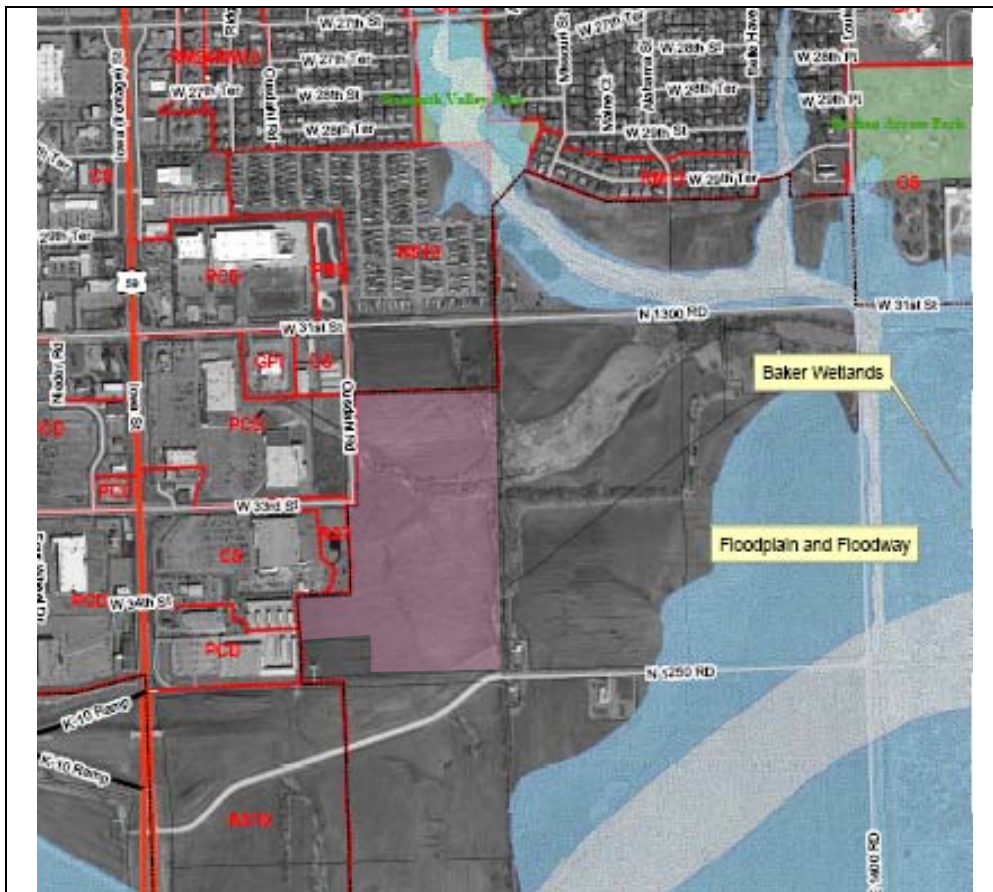


Figure 6. Aerial w/zoning. Pink shaded area is the subject property.

Items 8A, 8B & 8C were discussed simultaneously.

PC Minutes 11/15/06

NON-PUBLIC HEARING ITEM:

ITEM NO. 8A: ANNEXATION OF 13.3 ACRES; 31ST & OUSDAHL (MKM)

A-09-04-06: Annexation of approximately 13.3 acres located at 31st and Ousdahl. Submitted by Professional Engineering Consultants, P.A., for RA & JG Limited Company, property owners of record.

ITEM NO. 8B: RS-10 AND COUNTY A TO RM-15; 24.5 ACRES; 31ST & OUSDAHL (MKM)

Z-09-26-06: A request to rezone a tract of land approximately 24.5 acres, from RS-10 (Single-Dwelling Residential) and County A (Agricultural) to RM-15 (Multi-Dwelling Residential). The property is located at 31st and Ousdahl. Submitted by Professional Engineering Consultants, P.A., for RA & JG Limited Company, property owners of record.

ITEM NO. 8C: PRELIMINARY PLAT FOR THE EXCHANGE AT LAWRENCE; 31ST & OUSDAHL (MKM)

PP-09-15-06: Preliminary Plat for The Exchange at Lawrence. This proposed 1 lot residential subdivision contains approximately 24.5 acres. The property is located at 31st and Ousdahl. Submitted by Professional Engineering Consultants, P.A., for RA & JG Limited Company, property owners of record.

STAFF PRESENTATION

Mary Miller, Planning Staff, gave an introduction and overview of the planned annexation, rezoning and preliminary plat for The Exchange. Ms. Miller said that the annexation conforms to criteria set in Horizon 2020 (H2020), adequate services are established, and there is a 36 inch sanitary sewer line which will not have capacity until the Wakarusa Water Reclamation plant is on line. There is a 24 inch line further to the south which the City Utility Engineer has approved tying into. The applicant will place funds in escrow for a new pump station that will be required. The applicant will provide the lines and construct a temporary pump station which is to be connected prior to any building permits being issued. Ms. Miller said the City Engineer stated this would not pose a problem. She indicated that the Commission had received a memo from Staff which provided a revised condition for the annexation and plat.

Ms. Miller continued that the applicant is requesting rezoning of the property. The area was zoned RS1 in the late 1960's and the zoning category automatically converted to RS10 with adoption of the Land Development Code. The property is currently being used for agricultural production. To the north is an unplatted area which is a mobile home park. Directly to the west is a tire repair shop and to the southwest is Pine Ridge Plaza. Ms. Miller stated she had received public comment regarding the rezoning which listed concerns regarding traffic impact on the neighborhood and the uncertainty of the status of the South Lawrence Trafficway on stormwater drainage. She said the

proposed land use is in conformance with the Comprehensive Plan and that policies and goals recommend higher density residential.

Ms. Miller stated the preliminary plat is for one lot, multi-dwelling residential development. It provides a stormwater detention pond in the southeast corner, 50 feet of right-of-way (r-o-w) for a future minor arterial street on the east side and 25 feet if additional r-o-w for 31st Street. Ms. Miller said public comment had been received from the League of Women Voters which stated concerns about multiple buildings on one lot and suggested it should be a planned development. She said one of the conditions of RM zoning is good transportation access and Ms. Miller showed a future bikeway map. A bikeway is planned on 31st Street and to the south which would lead to the paths in the Wal-Mart area. There would be good bicycle access and it would be a good location for transit. Ms. Miller pointed out that transit routes 7 & 8 currently service the area; she spoke with the Transit Administrator who said that the Lawrence Transit System is working on coordinating with the University bus system. If that occurs, route 7 would be removed and two route 8's would be established. Staff recommends approval of the annexation, rezoning and preliminary plat.

APPLICANT PRESENTATION

Mike Berry, Professional Engineering Consultants, for applicant said that the Staff report addresses many technical issues and they agree with the amended language suggested. The applicant would request that the annexation be approved with the amended condition regarding the sanitary sewer that is addressed in the memo as opposed to the original condition contained within the Staff report. Mr. Berry indicated the applicant has no issues with the zoning conditions. In regards to the plat requirements, Mr. Berry requested adopting the amended conditions regarding the sanitary sewer and also requested reconsidering the dedication of 25 feet r-o-w for 31st Street. He said there is currently 50 feet r-o-w on this stretch of 31st Street. Mr. Berry does not want to dedicate 25 feet of r-o-w if it cannot be obtained to the east and west.

Scott Schlosser from Fairfield Residential introduced himself and indicated he is available to answer questions.

Comm. Harris asked why the word "construction" was not on the revised condition as it appeared on the original and wondered if that aspect of the condition had changed.

Ms. Miller stated the applicant would have to construct the pump station and the funds would be placed in escrow for future modifications or decommissioning of the pump station.

Comm. Finkeldei asked if the site plan does or does not show the additional 25 feet of r-o-w along west 31st Street.

Mr. Berry said the site plan did not show the additional 25 feet.

Comm. Krebs asked Staff to clarify the r-o-w issue for the Commission and asked if previous applicants have been required to provide the same.

Ms. Miller replied that Home Depot had additional r-o-w requirements and that it has been required based on the 31st Street Corridor Plan.

Comm. Eichhorn inquired why it was necessary to change from RS10 zoning to RM15.

Ms. Miller stated the RS-1 zoning was automatic. The area had automatically been zoned RS-1 when annexed and this had converted to RS10 with the adoption of the Development Code. The RM15 zoning was a more appropriate use for the area.

Comm. Krebs quoted the League of Women Voters letter which suggested concurrent zoning of RM15 and an overlay district. Comm. Krebs questioned the protocol for use of a Planned Unit Development (PUD) under the current code.

Ms. Stogsdill replied that the Code has the planned development as an overlay, not base district. In the new code there must be a base conventional district with all planned development overlays.

Comm. Krebs asked what criteria are used to determine if a planned development overlay is appropriate.

Ms. Stogsdill indicated the intent was to establish development standards that allowed development to occur in conventional districts. In the previous code, there were not as many standards in site planning in conventional districts. The general intent of the new code would be to manage these exceptions.

Comm. Krebs asked if PUD standards are now integrated into the code.

Ms. Stogsdill replied in the affirmative.

Comm. Burress asked the status of the legal protection of the Wetlands on the property.

Mr. Schlosser stated a federal permit would be required from the Corps of Engineers before any action could be taken that would compromise the Wetland area.

Comm. Erickson commented that the staff report mentioned a second phase was being considered and asked how many acres would be involved with that phase.

Mr. Berry said that the 2nd phase consisted of a 60 acre parcel to the south and showed an aerial photo of the area.

Comm. Erickson asked if the intent was to make phase 2 multi-family.

Mr. Schlosser said they may build a 2nd phase or they may sell the parcel but it will be dependent upon the success of the 1st phase of the project.

PUBLIC HEARING

Carol Bowen, 403 Dakota, Park Hill Neighborhood resident, stated that she was involved in forming the original Louisiana Street Traffic Calming Coalition. She said she has read all of the information and comments printed in the Lawrence Journal World and feels an assumption has been made that all residents will be students. Ms. Bowen thinks that it is not going to be that clear cut and that there may be residents that are not students. She said another assumption is that residents will use Iowa to get to campus and pointed out that students have a life in between classes with flexible schedules. She stated that Louisiana Street will be the main corridor to campus, grocery stores and restaurants. Ms. Bowen said there are long held beliefs that Louisiana should be widened to campus but various pressures do not allow that to happen. There is limited access to the neighborhood via Park Hill, Utah or Dakota. She said Vermont Street is no longer safe as cars stack up and add to the visibility problem. Ms. Bowen stated the assumption that traffic will not use Louisiana Street is not valid as the claim was made before regarding Target, Wal-Mart and Home Depot. She said there are not enough through streets in the area. Ms. Bowen stated that with the limited access to the neighborhood, the 4 schools in the area and the multitude of driveways, widening Louisiana Street would not be easy and left turn lanes would not work well. She said that the neighborhood had, in the past, received assurances that there would be no commercial development east of Home Depot.

Comm. Jennings asked Ms. Bowen about being told in the past that commercial development would not creep east and how that statement relates to this project.

Ms. Bowen replied that the size of the development and density is worrisome.

Mike Carron, 315 Park Hill Terrace, President of Park Hill Neighborhood Association, said there are over 200 households in the neighborhood and they are all concerned about how imprisoned the neighborhood is becoming. There are many driveways that back directly onto Louisiana and the new schools are impacting traffic. He believes the neighborhood is reaching the saturation point and traffic is becoming a safety concern. There is increased difficulty getting in and out of the neighborhood, particularly during rush hour.

Comm. Burress questioned whether stoplights on the intersecting streets would be a potential solution.

Mr. Carron replied that he was not sure. He said it may help residents exit their driveways but it may exacerbate traffic issues.

Jeanne Ellermeier, 2529 Arkansas, Indian Hills Neighborhood Association, said she has lived in this location for 42 years. She stated she is very concerned with the traffic issues regarding this project. The developers have spoken to the neighborhood association and the time they spent was appreciated but she does not feel the traffic impact has been sufficiently addressed. She said the comparison of the development to an office area is not correct. With 888 bedrooms, not all residents would depend on the bus service to get around the city. The hours of travel will not be just during office hours. Ms. Ellermeier does not believe Louisiana Street can handle the traffic it already

has and stated there are larger implications to the City in a decision to recommend approval. She stated the City is at a crossroad in all of southern urban development in Lawrence and urged the Planning Commission to be careful of the precedence their decision will set.

Joyce Wolf, 2535 Arkansas, Indian Hills representative, referenced a September 2000 letter sent to the City urging a comprehensive plan for the south side of Lawrence. She stated there are external pressures on the City to go forward with development to avoid being characterized as hostile to development. Ms. Wolf said being asked to approve a large apartment complex without a future plan is haphazard development and asked if this is what is wanted for the south side of Lawrence. She stated she would like to see this request put on hold until the Southern Development Plan, which is 20 years old, is updated. Ms. Wolf said there seems to be an excess of rental vacancies and suggested the City perform a study similar to the Commercial Study of the downtown area to answer the question of what impact rental units will make to this neighborhood as well as the other rentals in the City. Ms. Wolf asked the Planning Commission not to approve the requests as it would add to the haphazard manner of development in the area and suggested the Commission instead initiate a land use plan for the south side.

Comm. Finkeldei asked if the Indian Hills Neighborhood Association was involved with the 31st Street Corridor Study.

Ms. Wolf said she did not believe the members were asked to take part in the study. She said she would like the neighborhoods to be part of the process and stated that studies have been done for other areas and she believes it is their turn.

Comm. Lawson asked the status of the Southern Development Plan (SDP).

Ms. Stogsdill answered that the SDP was initiated in the middle of the H2020 process. It was done in the mid 1990's when Target was proposed in Nieder Acres. She said there was a similar request for property adjacent to this site to have a development in 2000 and the request was made for the City to look at updating the SDP. At the same time, staff was working on the H2020 amendment that expanded the Urban Growth Area (UGA). That amendment was adopted in January 2004 and intended to combine the SDP update with a sector plan for the southern UGA. Ms. Stogsdill stated the plan is on the long term planning list and has not risen to the top. She commented that the Southeast Area Plan is not complete and five H2020 chapter updates are in process and not yet complete. The 6th and Wakarusa Plan, the 6th and Nodal Plan, the Northwest sewer planning have taken up most of the staff's time in the last 3 years. Ms. Stogsdill stated that H2020 addresses the area and it is not totally unplanned. She said Staff has begun to look at the UGA and has a contract with Placemakers to have charettes looking at southern UGA and western UGA, however, not everything will be planned at that time.

CLOSING COMMENTS

Mr. Schlosser said that in response to Ms. Bowen's comment about the type of resident that will be living in the development, this is a student project and for students only. The space will be rented by the bedroom, will be fully furnished with a common kitchen

area and students parents will have to co-sign the lease. There will be quarterly inspections, extensive recreation facilities and will be a gated community accessible by card only; this is not a typical rental situation. Mr. Schlosser stated that he understood Park Hill's traffic concerns but there is nothing they can do to correct the existing issues. He said the conditions that are part of approval provide r-o-w, agreements not to protest benefit districts for road and intersection improvements. R-o-w will be dedicated on 31st Street and new infrastructure will be installed. Mr. Schlosser referenced the Traffic Impact Study which indicates no significant impact on the current traffic conditions. All traffic will be directed on to Ousdahl, not to 31st Street. There are numerous amenities within walking distance and the development will be serviced by public transit systems. Mr. Schlosser stated not many students will be driving to the University as there are few new parking permits being issued and there is a new Park and Ride lot at Clinton Parkway and Iowa. Traffic will be scattered due to varied student schedules and the estimate is that there will be 2100 trips daily. Mr. Schlosser said that under H2020, this area was earmarked for office and industrial use which would have resulted in an additional 2404 daily trips. He said Fairfield researches the area prior to submitting an application and would not be in front of the Planning Commission if there was not a strong indication that the development will be successful.

Comm. Burress asked if Fairfield does any brownfield development or if the projects are primarily greenfield developments.

Mr. Schlosser answered that they do brownfield development but not as frequently. Fairfield performs a full review of environmental, historical and archeological factors as well as wetland studies and jurisdictional studies. Fairfield also tries to maintain mature trees.

Comm. Harkins asked Mr. Schlosser to comment further on the affect of the additional 25 foot r-o-w dedication.

Mr. Schlosser replied that giving up the r-o-w could be accommodated by reusing their site plans but would like to ensure this is something the City will actually need. Mr. Schlosser stated he was not certain others on the same side of the street have dedicated the r-o-w and would prefer not to give up the r-o-w.

Comm. Burress questioned whether there are hydric soils outside of the wetland area.

Mr. Schlosser answered that there were not hydric soils, just the Wetland. He said that a jurisdictional wetlands study was done, the area has been farmed and the development will stay out of the stream and riparian area.

Comm. Harris asked what percentage of the traffic is predicted to utilize 31st Street.

Mr. Berry displayed a diagram, Figure 5, from the Traffic Impact Study which showed existing traffic conditions obtained from the City Traffic Engineer in morning and evening peak hours.

Comm. Harris questioned whether there will be significantly more trips going east rather than west to Iowa Street.

Mr. Berry replied that assumptions are made and modeled on existing traffic patterns. He said there will be a significant amount of traffic going up Ousdahl which is the established traffic pattern.

Comm. Jennings asked if there was really any way of presuming how much of the traffic would be headed east using afternoon peak hours.

Mr. Berry referenced the existing traffic at that location.

Comm. Finkeldei asked Staff to explain the 31st Street Corridor Study.

Ms. Miller stated that the Study looked at different alignments of the South Lawrence Trafficway (SLT) and at what 31st Street would need to be in the future. The City stated an additional 50 feet of r-o-w would be needed for future improvements to 31st Street.

Ms. Stogsdill said that the Commission saw residential development occurring just west of Mary's Lake and the requirement to provide r-o-w for that development was in accordance with the 31st Street Study. The additional r-o-w will be necessary to improve 31st Street. The residential development near Mary's Lake was required to provide the additional r-o-w.

Comm. Burress asked where the minor arterial on the east is going to go to in the south.

Ms. Stogsdill replied that it is conceptual as an alternate location for Louisiana should the 32nd Street alignment occur.

Comm. Krebs asked the applicant to address the comment that an office or industrial use will produce 2400 more trips daily. She questioned what size office complex, in square footage or number of workers, would account for 2400 additional trips.

Mr. Berry answered that traffic generation for office versus residential is a standard set by the manual from the Institute of Traffic Engineers. The manual provides formulas used to calculate standard daily trips dependent upon usage of the land. Office park use is calculated at 195 trips per acre, multi-family residential at 6.63 trips per dwelling unit.

Comm. Eichhorn questioned whether the office calculations were based on the area in phase 1 or included phase 2.

Comm. Haase stated that he did computations using the square footage of the office building and applied 11 trips per 1000 square feet. He looked at weekly trip generation and converted it to daily. Comm. Haase said it seems the applicant used the square footage of the entire site to calculate trips per day and computations should be limited to the square footage of the buildings only.

Comm. Burress asked how Staff makes recommendations when the questions posed are more discretionary and have to do with good public policy; should applicants be approved if there is no code preventing the approval of their application.

Ms. Miller replied that this project is seen as transitional and a lesser intensive use between commercial and residential as recommended by H2020.

Comm. Burress asked about how Staff analyzes land use and timing.

Ms. Stogsdill said that H2020 talks about having infrastructure concurrent with development. This can be served by streets and infrastructure. The Utilities Department stated a temporary pump station is appropriate at this location. H2020 does have language about analyzing commercial impact in an area but not the impact of multi-family development. This is not a new question. In the 1990's there was a huge influx of building permits and an unusual number of apartments built in one year; the Commission had discussions about how much apartment development should be allowed. There is no current policy on which to base those decisions.

Comm. Burress stated there is direction that wherever possible infill development should be utilized to maintain the quality of housing stock and that growth should be controlled. He asked if the Planning Commission could logically find, on that basis, that the timing for this project is not right.

Ms. Stogsdill replied that the Planning Commission has unlimited authority to recommend.

Comm. Eichhorn asked if there is anything in the Comprehensive Plan relating to student housing being closer to campus.

Ms. Miller said she did not see anything directly relating to student housing.

Comm. Burress asked if there was anything regarding minimizing driving distances.

Ms. Miller replied that there was not.

Comm. Krebs stated that she felt the recommendation for approval was based on appropriate transition as supported by H2020 and asked for clarification of what was meant by appropriate transition.

Ms. Miller said that the UGA map in H2020 looked at the southern portion and area directly to the east of this parcel and that H2020 recommended either residential or office usage.

Comm. Burress questioned whether there is enough code in place to protect what happens inside the parcel pertaining to setback rules for buildings, emergency access road rules, etc.

Ms. Miller replied that the fire code addresses issues regarding space between buildings and access. The new development code includes design standards in the site planning process.

Comm. Burress asked if the code addresses setback between buildings and pedestrian access.

Ms. Miller said there is not a provision for setback between buildings but there are additional standards in the Code on open space requirements and adequate pedestrian access is required as part of the site plan.

Mr. Schlosser stated the Fair Housing Standards require handicap accessibility and International Building Code dictates required setbacks.

Comm. Harris asked for clarification on the current level of service and propped level of service for Louisiana Street.

Mr. Berry referred to Table 1, Row 4 of the Traffic Impact Study and stated that in the morning peak hours, level of service are at C & F. After development, the level of service will remain at C & F. He explained that in the grading system, A is good and F is a breakdown which includes long delays, traffic and queues. C is an acceptable grade at a peak hour.

Comm. Harris asked if the Traffic Impact Study looked at the traffic moving north on Louisiana.

Mr. Berry said it did not as City guidelines ask the Study to look at intersections, not mid-points.

Comm. Harris asked if the prediction was that more traffic would be going straight east rather than north.

Mr. Berry replied that was correct and based on existing traffic patterns.

Comm. Krebs pointed out that eastbound traffic is predicted to increase and that for a student-only development it is unlikely that students will be traveling east.

Comm. Finkeldei stated that most students do not travel at the peak morning hours and the Study shows peak morning hours.

Comm. Burress said that if building on the periphery is not prevented, it is where things get built as it is less expensive for the developers to build there. If building on the periphery is unrestrained, the center of the City will be affected. He asked if Staff concurred that there is an overcapacity of rental dwellings with a 10% vacancy.

Ms. Stogsdill replied that she did not know the current vacancy rate.

COMMISSION DISCUSSION

Comm. Jennings said he did not have a problem with the 25 foot r-o-w if it had been requested of others. His feeling is that it had not as it would not have been possible to the west. Comm. Jennings recalled that this area was recommended for use as high density residential in the past, there had been an application that wanted more intense retail uses and it was denied. He said that there was similar development on the west side of Iowa, behind Target, and that this type of request is not without precedence.

Comm. Harkins stated the argument and concern about the traffic situation is real. He thought it compelling that the University has made efforts, through the Park and Ride program, to provide off-campus parking. Comm. Harkins said this location will provide access for residents walking to restaurants, shopping and theaters and will reduce vehicle miles traveled compared to developments built without these services. He said the Commission should be concerned about vehicle miles traveled in the future and that he was generally impressed with the good use of this project.

Comm. Erickson commented that this seems to be incremental development without a plan. She said she was disappointed with the site plan and the traffic patterns in the area should be more closely studied before developing the area.

Comm. Haase said that the City Commission saw similar development on the northwest side and ordered an area plan. The 31st and Iowa area will fail as the City continues to develop which will add to the F level of service at 31st and Louisiana. He stated there will be severe traffic problems in this corridor. He said he will support rezoning to urban reserve and make it a priority to develop an area plan to realistically assess traffic impact.

Comm. Harkins commented that the Planning Commission is responsible for doing the planning. He said development should not be stopped because the job of crafting the report has not been accomplished. Comm. Harkins said he would not have trouble putting this area at the top of the list but he felt one project would not harm what is already existing. He asked Comm. Haase if Transportation 2030 (T2030) is considering this issue.

Comm. Haase responded that this is not an issue the Transportation Committee will take on directly. T2030 is working on broad land use projections and transportation infrastructure; this is a bit beyond the T2030 scope. He said the need for a temporary pump station signals the development, is premature and the City is 4 years out from being able to service sewer at this site.

Comm. Harkins stated there is an existing sewer on the site that City Engineers have indicated will work.

Comm. Haase replied there is less priority in planning this area because it cannot be served with the existing sewer.

Comm. Finkeldei commented that it is ironic that if the entire tract was developed at once the property would hook into the 24 inch sewer system.

Comm. Haase replied that the temporary pump station would still be necessary to get through to the sewer line.

Comm. Jennings said, in regards to the area plan for the corridor, after this property there is not much left to plan as much of the remaining area is wetlands. He questioned what is left that is development-related.

Comm. Haase stated the area immediately east to Louisiana has substantial room for development as does the area north of 31st Street from Home Depot to Louisiana and has the potential to exacerbate traffic issues.

Comm. Harkins questioned how to solve a traffic problem that already exists by stopping this and every other project in this area of the city to develop a plan. He asked if development is stopped to create an area plan, what changes.

Comm. Haase responded that an area plan would look at build out scenarios and traffic implications in the area which would provide information on what projects are feasible. He continued that the City's expenses could be quantified and development could be asked to defray the costs.

Comm. Krebs stated with the timing of the development it is within Planning Commission's purview to say that changing zoning is not appropriate at this time.

Comm. Finkeldei said that the plans are consistent with H2020 and there is not a plan in place for the area to deal with existing traffic issues. He suggested looking at benefit districts and perhaps asking existing merchants to help defray costs of a benefit district. Comm. Finkeldei stated that Staff and the applicant have anticipated future issues and have addressed how to fix them.

Comm. Eichhorn stated he was conflicted regarding the rezoning from RS10 to RM15.

Comm. Krebs cited the H2020 land use map which shows office, industrial or warehouse use. The text is the only thing identifying that the area could be higher density residential.

Comm. Harkins asked for clarification that the current zoning was a "holding zone".

Ms. Stogsdill replied that it was and the process of automatically zoning newly annexed property to RS-1 stopped in the 1990's.

Comm. Krebs said that infrastructure is a general issue the Planning Commission deals with on a regular basis and that timing is frequently a struggle and whether development pays for itself. She commented that there now exists a situation in which Lawrence is catching up for years when development was a little ahead of its time. Comm. Krebs stated H2020 does not indicate timing of development or give a chronology and she believes this plan does not address finer details. She said in the long term there are substantial areas still undeveloped that will affect traffic and development will need to catch up.

Comm. Jennings stated that he is not sure whether development is ahead of sewers or sewers are behind development. He said he feels this is an appropriate use for the area.

Comm. Harris questioned how long it typically takes to complete an area plan.

Ms. Stogsdill replied best case scenario, 4-6 months.

Comm. Krebs asked what type of detail and guidance for long term infrastructure could be expected from an area plan.

Ms. Stogsdill said it varied but there have been plans which included specific timelines regarding development and infrastructure such as 6th and K-10 which indicated building permits could not be issued until the 6th Street improvements were complete. She also stated part of the timing is gathering property owners for public input and pointed out that Placemakers will be in the area doing charettes at the end of January.

Comm. Haase noted that the northwest nodal plan (6th Street and K-10) is a better benchmark plan.

Comm. Finkeldei commented that the plan will ultimately say the 31st and Louisiana corridor is failing and that the traffic problem must be fixed. He said the ability to solve the issue will be a huge problem which will take a great deal of time and it will take even more time to get an agreement on how to implement plans which will continue to hold up development. He asked if there would be a delay until a plan has been developed or until the problem is solved. If the Commission wants to restrict development until traffic in the area is fixed, the applicant should be advised accordingly.

Comm. Krebs stated that wise planning would be to solve the issues before making land use decisions.

Comm. Haase said part of planning is understanding fiscal constraints. He questioned who will pay if the land is developed at this density and with infrastructure needs. He believes the community needs to know the ramifications and costs of such decisions.

Comm. Lawson stated he was conflicted and empathized with the neighbors who spoke to the traffic issues on Louisiana Street. He said he would be inclined to be supportive but not with great enthusiasm as he could see many of the obstacles to the development and is not certain it can be supported from a pragmatic standpoint.

Comm. Harkins commented that this is a fairness issue. The rules, land, interest, development and Staff recommendations all concur and the Planning Commission is not saying "yes" because necessary planning has not been done. He said this one project will not define the future of the region and that this project meets all standards. Rather than allowing developers to go to the time and expense of going through the process and taking Staff time, say yes to the project and give other developers a warning that

there would be no further development approved until an area plan is completed, then do more area planning after.

Comm. Haase stated that zoning is a privilege and this request should be considered in light of many factors in order to make a recommendation to the governing body. He said one test is the impact of development on the area and that timing of the development may be at issue as well. Comm. Haase felt the Planning Commission was being asked to look at a fairly high density multi-family project before having the information needed to provide proper direction.

ACTION TAKEN

Moved by Comm. Lawson, seconded by Comm. Finkeldei, to recommend approval of the requested annexation of approximately 13.3 acres located at the southeast corner of the intersection of W 31st Street and Ousdahl Road and forwarding it to the City Commission with a recommendation for approval based on the findings found in the body of the staff report subject to the condition as revised in the Staff Memo:

1. Prior to issuance of any building permit the funds must be placed in escrow for the future modification and decommissioning of the temporary pump station.

COMMISSION DISCUSSION

Comm. Burress asked if there was an obligation to move forward on the zoning and preliminary plat if the property is annexed and if there is an obligation to have a plan to handle the infrastructure.

Ms. Stogsdill replied that there is an obligation if the annexation is unilateral but it is not the case in this request.

Comm. Harkins stated the annexation, rezoning and preliminary plat are a package and questioned whether the applicant would want the property annexed if the rezoning and preliminary plat are not approved.

Comm. Burress asked the applicant if it was known that the rezoning and preliminary plat would be denied, would they want the annexation denied as well.

Ms. Stogsdill replied that the Planning Commission makes the recommendation and the City Commission will make the decision regarding this action. The applicant has the ability to pull the items off of the City Commission agenda.

Comm. Haase stated his belief that the annexation is in the public's best interest and is appropriate at this time.

ACTION TAKEN

Motion on the floor was to recommend approval of the requested annexation of approximately 13.3 acres located at the southeast corner of the intersection of W 31st Street and Ousdahl Road and forwarding it to the City Commission with a recommendation for approval based on the findings found in the body of the staff report subject to the following revised conditions:

1. Prior to issuance of any building permit the funds must be placed in escrow for the future modification and decommissioning of the temporary pump station.

Motion passed unanimously, 10-0.

PC Minutes 11/15/06

Items 8A, 8B & 8C were discussed simultaneously.

ACTION TAKEN ON Z-09-26-06 (Item No. 8B)

Moved by Comm. Lawson, seconded by Comm. Finkeldei, to recommend approval of the 24.5 acres from RS10 (Single-Dwelling Residential) and County A (Agricultural) Districts to RM15 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

1. Recording of a final plat prior to publication of the rezoning ordinance.

COMMISSION DISCUSSION

Comm. Burress stated he will not vote for the rezoning due to the timing. He said the area will be developed but feels it is premature to do so at this time due to an absence of an area plan and the negative impact to the City in discouraging future infill development. He stated traffic impact is a consideration but not a sufficient reason to vote against the rezoning.

Comm. Eichhorn noted that there are times the applicant has been asked to change to lower density.

Comm. Krebs stated her rationale for voting against is not about specific density but about the timing of the project.

ACTION TAKEN

Motion on the floor was to recommend approval of the 24.5 acres from RS10 (Single-Dwelling Residential) and County A (Agricultural) Districts to RM15 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

1. Recording of a final plat prior to publication of the rezoning ordinance.

Motion failed, 5-5, with Comms. Eichhorn, Finkeldei, Harkins, Jennings and Lawson in favor and Comms. Burress, Erickson, Haase, Harris and Krebs in opposition.