



**PLANNING COMMISSION MEETING**  
**October 20 & 22, 2008**  
**Meeting Minutes**

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October 20, 2008 – 6:30 p.m.

Commissioners present: Carter, Chaney, Dominguez, Finkeldei, Harris, Hird, Moore, and Rasmussen

Staff present: McCullough, Stogsdill, Leininger, McKain, J. Miller, Warner, Zollner, and Ewert

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**MINUTES**

Receive and amend or approve the minutes from the Planning Commission meetings of September 22 & 24, 2008.

Motioned by Commissioner Moore, seconded by Commissioner Chaney, to approve the September 22 & 24, 2008 minutes.

Unanimously approved 8-0.

**COMMITTEE REPORTS**

Receive reports from any committees that met over the past month.

Commissioner Moore said the Industrial Design Guideline committee met and are making good headway. He also said that Transportation Advisory Committee met and discussed the 56 Corridor Study, Bicycle Facilities Map, an update to the UPWP, and the 31<sup>st</sup> Street extension project.

Commissioner Harris said that Comprehensive Plan Committee met tonight and have met one other time since the last Planning Commission meeting and they are putting together the new Environmental Chapter for the Comprehensive Plan. They have a list of stakeholders that are on an email server.

**COMMUNICATIONS**

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

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**ITEM NO. 1 U TO RM32; .134 ACRES; 1232 LOUISIANA STREET (KM)**

**Z-08-15-08:** Consider a request to rezone a tract of land approximately .134 acres from U (University) to RM32 (Multi-Dwelling Residential), located 1232 Louisiana Street. Initiated by City Commission on 8/12/08.

**STAFF PRESENTATION**

Ms. Katie McKain presented the item.

Commissioner Dominguez asked if the Oread Neighborhood Association was aware of the project.

Ms. McKain said the Oread Neighborhood Association is in the process of redoing their neighborhood plan and there is a stipulation that nothing can be built on the property until the Oread Plan has been approved and adopted by City Commission.

**PUBLIC HEARING**

Mr. William Gadberry, owns property at 1220 Louisiana Street, said he was not opposed to the rezoning of 1232 Louisiana Street, but he was upset that he was never notified about his own property being rezoned RM32.

Mr. McCullough said there was a comprehensive city wide rezoning classification that would have gone through the process of notification in a general sense. With the adoption of the new City Development Code there was a comprehensive effort to rezone to the new categories of the new Development Code.

Mr. Gadberry said he only received notice of the TIF district and the rezoning of 1232 Louisiana. He said he never received notification of his own property being automatically rezoned two years ago.

Ms. Stogsdill said as part of the comprehensive zoning update the City started in 1999 with a consultant to rewrite the previous 1966 zoning regulations and that took a number of years and was finally adopted in 2006. As part of that the properties that were previously zoned RM3 or RD were all put together in the new zoning category of RM32. She said in reality the properties that were zoned RD could not reach the density that the 1966 zoning code indicated because of parking restrictions and setbacks. Through the rewrite of the code those lots were all rezoned to RM32 which was considered to be more consistent with the development patterns in Lawrence.

Mr. Gadberry was upset he did not receive notification that his property was automatically rezoned. He felt that the governing body should be responsible for reimbursing for diminished value in property. He wanted to know how to go about getting the zoning of RD (Residential Dormitory) back.

Ms. Stogsdill said that the zoning category RD did not exist anymore.

Mr. McCullough said the zoning district RD does not exist anymore. He went on to say that with RM32 zoning there would need to be enough acreage to contain parking, building density, buffer yards, and those sorts of elements to get the highest density allowed by the zoning district.

Mr. Gadberry said that RM32 zoning was present in the 1100 block of Louisiana Street with non-conforming apartments.

Mr. McCullough said that Planning staff would be happy to meet with Mr. Gadberry to go over any questions he has.

Mr. David Holroyd, 1224 Louisiana Street, had the same concerns that Mr. Gadberry did and said that they should have been notified by certified mail about their property being rezoned. He was upset his property was rezoned with the new Development Code without him knowing. He also said the Oread Neighborhood Association does not represent the neighborhoods opinion.

### **ACTION TAKEN**

Motioned by Commissioner Carter, seconded by Commissioner Moore, to approve the rezoning of approximately .134 acres from U (University) District to RM32 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff report and with the following condition:

1. The property shall not be used in any fashion for a parking lot except in strict compliance with the zoning standards of the Development Code. Parking facilities shall only be permitted if accessory to a permitted and approved principal use that is located on the same property that is the subject of this rezoning application.

Unanimously approved 8-0.

Commissioner Harris asked about the mailing notice procedure.

Mr. McCullough said Mr. Gadberry referred to a letter he received about the Oread Inn TIF, which had a different process. He said the process that rezoned Mr. Gadberry's property was a comprehensive rezoning process.

Ms. Stogsdill said that regular first class mailing notice is sent to property owners within 200' of a specific property within the city. She said there is not a requirement to mail notice to all property owners when a comprehensive rewrite of the Development Code is done.

Mr. McCullough said additionally a legal notice is published in the newspaper.

Commissioner Dominguez inquired about notification of any landlord associations.

McCullough said that notification is sent for issues that are deemed to be landlord related, such as rental registration.

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**ITEM NO. 2 CPA-2008-04; AMENDMENT TO CHAPTER 6 LAND USE (MJL)**

**CPA-2008-04:** Amend Chapter 6-Commercial Land Use – Lawrence- New Commercial Areas and Map 6-1 to correct inconsistencies between map and text. Initiated by Planning Commission in April, 2008 as part of the annual review.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Harris asked which area-plans the potential commercial centers were located in.

Ms. Leininger pointed on the map which centers were in what plans.

Commissioner Harris asked if the revised commercial center locations coincide with their locations on those plans.

Ms. Leininger said that what is proposed on the map is what is proposed in the plans.

**PUBLIC HEARING**

Mr. Francois Henriquez, was confused about the location of the West of K-10 Plan.

Ms. Leininger pointed on the overhead map where the West of K-10 Plan was located.

**COMMISSION DISCUSSION**

Commissioner Harris wondered why they were considering this when some of the elements are in plans that have yet to be adopted.

Ms. Leininger said this was identified and initiated as part of the annual review of the comprehensive plan as a housekeeping issue. She said she did not believe those are elements are changing in either one of the plans as far as relocating or reclassifying either of those identified neighborhood commercial areas.

Commissioner Harris asked if those elements have not received public comment.

Ms. Leininger said the one identified as #7 was not proposed to change in the plan, so it would be consistent.

Mr. McCullough said there have not been comments on that element of the plan.

Commissioner Harris said that if they could possibly change there is no point in approving this now.

Mr. McCullough said the Southeast Area Plan, for example, they re-designated certain commercial nodes and then went back and changed either Chapter 6 or the sector plans.

Commissioner Hird asked if this change would make it easier for the public to identify accurately the commercial development locations in these sectors.

Ms. Leininger replied, yes, it will make the text consistent with the map.

Commissioner Hird inquired about the blue spots on the map being the intent.

Ms. Leininger said it does talk about it in Horizon 2020 and the common practice is that the maps identify the appropriate location.

Mr. McCullough said the maps reflect the spacing of the commercial nodes more than the text would which is why the map should govern the two nodes.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Chaney, to approve the comprehensive plan amendment to *Horizon 2020* to amend Chapter 6, Commercial Land Use Lawrence- New Commercial Areas to correct inconsistencies between Map 6-1 and the text, and forwarding the comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval and recommends authorizing the chair to sign PC Resolution 2008-10 regarding this amendment.

Unanimously approved 8-0.

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**ITEM NO. 3      CPA-2008-5; AMENDMENT TO CHAPTER 6 LAND USE (MJL)**

**CPA-2008-5:** Amend Chapter 6-Commercial Land Use – to correct policy numbers under Goal 3 (duplicate numbers). Initiated by Planning Commission in April, 2008 as part of the annual review.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve the comprehensive plan amendment to *Horizon 2020* to amend Chapter 6, Commercial Land Use to correct policy numbers under goal 3 and forwarding the comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval and recommend authorizing the chair to sign PC Resolution 2008-09 regarding the amendment.

Unanimously approved 8-0.

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**ITEM NO. 4 CPA-2008-9; AMENDMENT TO H2020, CHAPTER 14 (MJL)**

**CPA-2008-9:** Consider amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the K-10 & Farmer's Turnpike Plan.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Rasmussen asked Ms. Leininger to go back through the photos of the uses from where it started out to where they are now.

Ms. Leininger went through the revised future land map uses.

Commissioner Rasmussen asked if having very low residential next to medium was standard.

Ms. Leininger said the reason that it stayed very low was because of the extreme topography and because of how it is currently developed. It is not that extreme of a change and the transition can be accomplished by different types of housing.

Commissioner Harris asked where the extreme topography was.

Ms. Leininger showed the extreme topography on an overhead map.

Mr. McCullough said that Phil Struble from Landplan Engineering was present at the workshop meetings, and staff had discussions with him about what to do in situations of extreme topography. From his perspective, as someone who knows a lot about how to develop property, about what to do in situations of extreme topographic challenges, he said that the low density category is difficult to work with. It is either higher density where you can go up with the density and still provide infrastructure and utilities, or very low density where you can tuck large lots back and only touch small buildings sites within large lots. Mr. Struble found it challenging to be in that midrange of the low density up to 6 units per acre to work with that in extreme examples. Staff took that information and used it to reflect these designations where some of the topography was challenging, but there are a few homes that it may be better left as very low density. Staff then raised the density of the other areas to provide some higher density to work with the topography.

Ms. Leininger said that also supports some of the policies that have to do with cluster development. She said an example that Mr. Struble brought up was The Links that basically calculates out to be low density even though it is an apartment type complex because it is cluster type development with the open space incorporated into it.

Commissioner Dominguez inquired about the open space.

Ms. Leininger said there has not been a change in open space. The City has struggled in the past to be able to identify other areas that are currently not open space in the plan, other than areas that are purchased by the City or floodways and water protection ways. Staff rely on the policies and what is in the Land Development Code when platting and development occurs. There are mechanisms in the Development Code requiring parks be designated for development and some of the policies staff did add lean on the City when infrastructure is put in to try and acquire property that way for greenspace. Staff really cannot identify it but there are other mechanisms to try and accomplish the same thing.

Commissioner Harris said the steep slopes map was helpful. She was looking at the residential office space that was on steep slopes and wondered how that could be built.

Ms. Leininger said that it could be built upward and increase the density that way or increased through cluster type development.

Mr. McCullough said if they are steep enough and if the proposed environmental sensitive lands get passed much of that property will be preserved as open space. Staff uses a broad brush to designate these larger acreages. How much intensity you can get on a property has to do with physical constraints for development, whether or not there are waterways, drainage, parking, slopes, etc.

## **PUBLIC HEARING**

Ms. Marguerite Ermeling, 1852 E 950 Road, said that it has been a good challenge and she has been pleased with the work that is being done with planning staff and thanked them for their work. She requested that another meeting take place and would like to look at open space. She said there are integrated paths already between land owners and that they could be looked at as open space.

Mr. David Ross, 1855 E 950 Road, agreed with Ms. Ermeling's comments. He would like to have another workshop. He said that another guy who attended a previous meeting was concerned with the wording of 'auto-related.'

Commissioner Carter asked if perhaps 'auto-related' could be changed to 'tourism-related.'

Ms. Leininger said it is called 'auto-related commercial center' because that is what its designation is in Horizon 2020. Staff did make clarification under the land use category to add that it provides goods and services aimed toward auto oriented uses and is intended to serve the employment center area in addition to tourists traveling along I-70. Staff also added some policies about the intent of the center, specifically in the gateways policies stating 'the gateway development should include amenities to support tourism.' Under the Commercial Land use it talks about the same policy. The only thing with changing the textual name is that it means a change to Horizon 2020.

Mr. McCullough said it is a category that is used throughout sector plans and this particular sector plan includes language to bolster the tourism aspect.

## **COMMISSION DISCUSSION**

Mr. McCullough said staff heard three big things from the neighbors that staff tried to address with this plan. One was the belief that not all 20,000 jobs identified to occur by 2020 should happen in this area and staff understood that and looked at different allocations of where those employment centers would happen in this area. There was a belief that there should be some maintaining of the rural feel in the area and there is language under the residential policies encouraging rural type of development patterns. The matter of tourism for this important intersection, staff bolstered that language and there was discussion about the Freedom Frontier effort. He said the trail issue was brand new to staff and has not been heard in any of the workshops. In regards to getting more detailed in terms of how these individual parcels and designations could develop staff just does not have those kind of resources in a planning effort like this. Staff leaves that to the professional land planners, surveyors, and engineers who do that for a living and have those kind of resources, so this is still a 30,000 foot level of land use designation and street mapping. If staff needs to meet with the neighbors then that will need to happen quickly before the November Planning Commission meeting.



Commissioner Moore thanked the neighbors and staff for working on this project. He liked the down zoning of CC200 and felt it made more sense. He encouraged staff to meet with the neighbors if there was opportunity to do so.

Commissioner Carter said he liked the additional verbiage for auto-related. He requested feedback through the list serve on open space and walking trails.

Commissioner Harris felt that another workshop meeting with the neighbors and staff was a good idea to refine the plan a little more. She said that she has been a proponent from the beginning of having other tools than just the tools in the Development Code in this area because the topography in the area could benefit from using more tools other than the Development Code. She said the specific tools were innovative ways of combining a rural feeling with industrial development, especially if there will be a concentration of industrial and commercial development in this area. She said the areas with high slopes would have to be innovative. She thought the trails idea that Ms. Ermeling mentioned was intriguing and would like to know more. She felt the auto-related center language was still pretty slanted toward auto-related uses. She said it gives a nod to tourism uses but that it did not really get at what the Commission would like to see there. She said it could possibly be called a commercial center and in the text mention that it could have some auto components for tourists. She said the League of Women Voters sent a letter about a gateway overlay for the area and she agreed that is an important gateway and that careful consideration needs to be taken about developing it. She said that Ms. Ermeling gave her a tour of the area and she found it very enlightening. She encouraged the Commissioners to take a tour of the area as well.

Commissioner Dominguez complemented staff for their work. He asked if the Chamber of Commerce had any comments.

Mr. McCullough said he did not know that the Chamber commented on this draft but that Ms. Beth Johnson was part of the workshop group and that the Chamber is looking for large lot sites.

Commissioner Finkeldei inquired about increased acreage.

Ms. Leininger said that not all of the acreage was buildable, about 1/3 of what is in the blob map will be taken for street right-of-way. The future land use draft 1 combined industrial and office research in approximately 800 acres, draft 2 was about 575 acres, and the current draft is a little over 600 acres, so 1/3 of that would be taken out for right-of-way.

Commissioner Rasmussen inquired about the acreage for industrial.

Ms. Leininger said the 1<sup>st</sup> draft had about 500 acres of industrial, the 2<sup>nd</sup> draft had about 270 acres of industrial, and the current draft has about 270 acres of industrial.

Commissioner Dominguez said the Chamber of Commerce is looking for 100 acre properties, he wondered how many will be available to offer them with this plan.

Mr. McCullough said possibly two to three properties of 100 acres, and a few 80 acre properties.

Commissioner Finkeldei expressed concern about the trails breaking land up that would make future development difficult. He said in regard to the idea of having extra 'tools in the tool box' they cannot write a plan that references some tool that is not in the tool box. He agreed in the spirit of the plan that language could be put in the plan that says, for example, 'encourage creative design of industrial space to maximize the topographical nature of the area.' He said this is a unique area that deserves unique

consideration. He said his first reaction of looking at the map, is consideration of the areas bounded between the I-70 and the Farmers Turnpike. He wondered if those areas would be more appropriate for the darker purple color. He liked the changes to the east end with office research zoning.

Commissioner Rasmussen inquired about the medium-density residential north of light industrial.

Mr. McCullough said it is a little bit more topographically challenged and the main reason was staff heard a lot about transitioning since there are a number of existing residences in the area. As staff started to pull these down to flank Farmers Turnpike they allocated the amount of employment center which left the ability to carry out the medium density just behind it and transition from Farmers Turnpike to the north with employment center, medium density, and then low density residential. It was more of an exercise in transitioning. It is just reallocating the concept and shifting some of the employment center along I-70 to keep the trucks and intensity along Farmers Turnpike, versus moving north.

Commissioner Dominguez asked how deep the industrial zoning was.

Mr. McCullough said the industrial purple is ½ mile.

Commissioner Dominguez said he would like to keep industrial away from I-70 for aesthetics.

Commissioner Hird said aesthetically Commissioner Dominguez had a good point, however to minimize the impact on the neighbors he felt the distance between I-70 and industrial should be less to increase the space from residential homes.

Mr. McCullough said he would put another meeting together.

**No Action Taken**

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**ITEM NO. 5 CPA-2008-6; AMENDMENT TO H2020, CHAPTER 14 (DDW)**

**CPA-2008-6:** Consider amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the West of K-10 Plan.

**STAFF PRESENTATION**

Mr. Dan Warner presented the fourth draft of the West of K-10 Plan.

Commissioner Harris inquired about why the southeast area of the plan needed to be high density residential.

Mr. Warner said there is Highway K-10, a major arterial Clinton Parkway, major intersection, and then the transition with the medium density, commercial, high density, and then the high density would run up E 902 Road a little farther. There are property owners in the area that are asking for higher density. Staff thinks it makes sense if the assumption is that the area will urbanize in the future.

Commissioner Harris said that the land owners want high density to get the best value for their land, but it may not fit the needs of the overall plan. She asked why the area next to this low density residential needs to be high density.

Mr. Warner said there is an urban pattern that has started to develop in that area with commercial and high density and it is on a highway and arterial road. He said the area should be balanced and the high density serves the plan as well as the property owners.

Commissioner Finkeldei asked if that area was high density now.

Mr. Warner said it is approved for high density, RM24 zoning.

Commissioner Harris asked if the red area on the map was designated as commercial.

Mr. Warner said that was correct, about 5 acres, and it is not developed yet.

Commissioner Dominguez asked if that was enough commercial.

Mr. Warner said there is also commercial on the other side of the highway.

Commissioner Rasmussen asked if part of that existing high density area has been developed.

Mr. Warner said that was correct.

Commissioner Moore said there high density compact homes, West of Lakepointe.

Commissioner Rasmussen said E 902 Road is showing connecting into Clinton Parkway and he wondered about the likelihood that E 902 Road would change.

Mr. Warner said if there is urban development in the area it will become a city street and that the information comes from Transportation 2030.

Commissioner Hird asked if the commercial area on the south edge labeled commercial-lake oriented was different than just commercial.

Mr. Warner said yes, there are lake oriented uses there, including boat storage.

Commissioner Hird asked if that was a separate type of land use.

Mr. Warner said in this plan yes, it is to accommodate the existing situation out there now.

Commissioner asked if the designation of lake-oriented precluded other types of development.

Mr. Warner said no, it would allow the zoning CC200.

### **PUBLIC HEARING**

Ms. Lee Radar, 916 N 1452 Road, pointed on the map where she lives. She thanked the Planning Commission and staff for listening to what the neighbors had to say. She said she is one of the neighbors that wants to stay living in the area and the neighbors wanting high density along Highway K-10 are the neighbors that intend to leave. She said it seemed like they were trying to cram a lot into a small space. She proposed a plan in keeping with the unique beauty of this portion of the city by leaving it as a mix of low and very low density. She did not feel there was a need for high density in the area. She was concerned about safety issues with the transition of N 1500 Road and E 902 Road with the bypass. She said that adding more density to the area will increase traffic. She said her property is the lowest property in the area and drainage goes through her property so she was worried about adding more density to the area. She said this area is unique and felt that it would be ruined by the proposed fourth draft of the West of K-10 Plan.

Commissioner Dominguez asked far the distance was from her house to high density.

Ms. Radar said maybe about ½ mile.

Commissioner Finkeldei asked if the plan proposed closing the South Lawrence Trafficway entrance.

Mr. McCullough said yes, longterm that is what Transportation 2030 calls for. He said Ms. Radar's house is less than 1,000 feet away from high density.

Commissioner Finkeldei asked Ms. Radar's thoughts about closing the intersection.

Ms. Radar said it would be a catawampus way for her to get home.

Commissioner Finkeldei said if it would be high density it should really be oriented to Clinton Parkway and K-10. To orient it any other way would send people on a wild goose chase.

Mr. Francois Henriquez, 1436 E 920 Road, thanked Planning Commission and staff for their work. Felt that the fourth draft was a good step forward. He felt that medium density should be used as transition on the east side of E 902 Road. He was not sure that the small area on the west side should be high density. He asked for a more reasonable transition.

Commissioner Dominguez asked if the plan is approved as it stands would a traffic study have to be done before any type of development is built.

Mr. McCullough said that was correct, a traffic impact study would be considered with any development proposal. He said the issue of West of K-10 is more of a policy decision versus a technically based decision whether it is safe or not to access K-10. He did not disagree with the merits of the discussion

because there will have to be hard look taken at the traffic improvements for any future development to occur in the area.

Commissioner Carter said ultimately 1500 Road may have an intersection well after development at this corner because development is already heading there. He said it would be likely that it would be developed prior to 902 Road connecting to Clinton Parkway and he thought it would have to happen before development.

Mr. McCullough said staff does not have enough information to say when the improvements would be made but that he would anticipate that the intersection would receive a good look with traffic impact studies. He said the sector plans lay out the end game, except for street patterns, staff generally know where collector and arterial streets will need to be in an area but do not say exactly when or where they will connect to other street patterns. He said he would anticipate that knowing the neighbors concern for safety it will be given careful consideration when and if development occurs along 902 Road. The technical studies with facts for safety is where staff gets judgments on what improvements need to be made before development goes in.

Commissioner Carter said he was confident that the traffic impact studies would require improvements before high density is built in that area.

Mr. Henriquez, said the plan says that there ought to be an interchange there and it also says that before any further development that this ought to be planned and financing provided. He said the planning professionals recognize that there is a significant strain on this intersection and they call for the completion of the intersection before further development.

Commissioner Dominguez asked if once the plan is approved and before development could start a traffic impact study would have to be completed to make sure the intersection could handle the traffic.

Mr. McCullough said that was correct. Any development proposal requires a traffic impact study. It is a policy decision about improving that intersection.

Ms. Jeanie Bronoski, 1428 E 902 Road, showed pictures on the overhead of the commercial development she sees out of her window and said it was a vast improvement over the junk yard that used to be there. She said the other commercial section was on Clinton Parkway and there might be a bank, a drive-thru place to get coffee, and maybe a boat repair shop. She said behind her house are more houses. She was concerned about safety because the new houses are only 10' apart and the driveways are only 10' from farm equipment. She said she was aware that future development was coming and supports higher density for her property.

Ms. Kristel Lewis, 1430 E 902 Road, thanked Planning staff and the Planning Commission for their work. She said that high density would help her and the surrounding neighbors to sell their homes and be able to afford to relocate. She said the area is about 25 acres which includes both the east and west side of 902 Road. She would like the land to remain high density.

## **COMMISSION DISCUSSION**

Commissioner Finkeldei asked where the collector street connects.

Mr. Warner said the road connects to Clinton Parkway.

Commissioner Carter said the lake oriented commercial is across the street and he wondered if there was room for more development.

Mr. Warner said it is not completely developed and the assumption is that it would redevelop in some manor in the future.

Commissioner Hird asked if some of the neighbors want to maximize their value and move from the area.

Mr. McCullough said that was a fair statement from what we have heard from some of the neighbors.

Commissioner Hird asked if medium density was considered for east of 902 Road.

Mr. Warner said no, probably not.

Mr. McCullough said staff thinks this reflects the Planning Commissions direction at the last meeting where there was discussion to bring the designation around and create it as a transition

Commissioner Moore said at the last meeting the Planning Commission eliminated commercial off of the piece that is now high density and got rid of medium density off of 1452 Road. He felt this was a good plan.

Commissioner Harris asked if there was an area in town that has 25 acres of high density.

Commissioner Moore said Ironwood and Aspen.

Commissioner Harris said that is a pretty significant development.

Mr. McCullough said the Exchange was pretty high density but he did not know the acreage right off the top of his head. He said they would try to find examples.

Commissioner Harris said she was inclined to go with a compromise of having medium density that gives some value to the homeowners, but also felt that they should be thinking about what is needed in the area apart from the wishes of the home owners.

Commissioner Finkeldei said he was still caught up on how traffic would flow out of the area.

Commissioner Dominguez asked if the streets and traffic issues would be taken care of before development occurs.

Mr. McCullough replied yes, that is the typical process.

Commissioner Harris noted that Planning Commission did approve a large apartment complex, the Exchange, that is currently close to a failed intersection, 31st Street and Louisiana, and construction is proceeding without intersection improvements.

Mr. McCullough said there was a lot of discussion about the traffic with the Exchange and there was also recognition that there needed to be improvements, a particular stretch of roadway was in the County. The City hopes that funds become available to make those improvements.

Commissioner Rasmussen asked Mr. Warner to show the original proposal was for the area.

Mr. Warner showed the original proposal on the overhead map.

Commissioner Rasmussen asked if they were just trying to appease everyone or is this good planning.

Mr. Warner said they were trying to do both.

Commissioner Carter said he was confident that high density in the area will require some changes. He said he was comfortable letting the traffic engineers control that aspect. He said it is an interesting challenge, even if we go forward with the plan as is, if high density does not work there then it would not be developed until it is ready.

Ms. Stogsdill gave examples of high density: The Exchange at 31<sup>st</sup> Street and Ousdahl, Colony Woods on the west side of Naismith Valley Park, Legends at KU on 24<sup>th</sup> Place, Aberdeen on 6<sup>th</sup> Street and Stoneridge, Aberdeen South at 27<sup>th</sup> Street and Wakarusa, Highpointe at 6<sup>th</sup> Street and Iowa.

Commissioner Dominguez wondered that if they went with medium density would it encourage other people to invest. He said eventually the property would be high density so he did not want to say it is medium density now and then come back later and say it is high density.

Mr. McCullough said that some of the locations Ms. Stogsdill gave could be medium or high density.

Commissioner Harris asked if Commissioner Dominguez was suggesting not planning the area and that it could be higher.

Commissioner Dominguez said that was correct.

Commissioner Harris said her interpretation is that they are planning for what they want it to be.

Mr. McCullough said that was correct.

### **ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve the comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the West of K-10 Plan description, changing the high density east of the future road to medium density, and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval

Mr. Warner asked if the medium density would be on the east side of the future road and the high density would be on the west side and the future road would be the divider.

Commissioner Harris said that was correct.

Commissioner Carter said the switch is more stair-stepping and he could not recall what they talked about in last meeting.

Mr. Warner said the Planning Commission talked about extending the high density to the north.

Commissioner Dominguez asked if they vote yes how many acreage of high density would it be.

Commissioner Finkeldei said about 8 acres.

Commissioner Rasmussen asked how many units per acre of medium versus high density.

Mr. Warner said medium density is 7-15 units per acre and high density of 16 units per acre and above.

Commissioner Moore said he would vote against the motion because he felt a compromise was reached.

Motion failed 3-5, with Commissioners Finkeldei, Harris, and Hird voting in favor. Commissioners Carter, Chaney, Dominguez, Moore, and Rasmussen voted in opposition.

Motioned by Commissioner Moore, seconded by Commissioner Carter, to approve the comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the West of K-10 Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Commissioner Harris said she would vote against the motion because the decision was being based on what the neighbors want instead of what may be in the best interest of the plan.

Commissioner Dominguez said he would vote in favor because he was assured that whatever development occurs a traffic impact study would have to be done first.

Commissioner Hird said he would vote in favor but felt that maximizing value for landowners is probably not one of the factors that Planning Commission should use in land use decisions. He said it is an area that will be developed into high density and he would have preferred a more extensive buffer but could support the plan as a compromise. He said the plan was not perfect but better than it was.

Motion carried 6-2, with Commissioners Finkeldei and Harris voting in opposition.

Motioned by Commissioner Moore, seconded by Commissioner Hird, to approve and have the Planning Commission Chair sign Resolution 2008-11.

Motion carried 6-2, with Commissioners Finkeldei and Harris voting in opposition.



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**ITEM NO. 6 DOWNTOWN DESIGN GUIDELINES (LBZ)**

Receive Historic Resources Commission recommendation and consider revisions to Downtown Design Guidelines including standards for sidewalk dining and hospitality establishments.

**STAFF PRESENTATION**

Ms. Lynne Braddock Zollner presented the item.

Commissioner Dominguez asked if any builders had input into the Downtown Design Guidelines.

Ms. Braddock Zollner said yes, the consultants did get comments from people who had been through the process such as architects, construction workers, and property owners. Comments were received at public meetings as well. Simple projects can be administratively reviewed so the simple sign projects can have a turn around time of 2-3 days and minor building projects typically take up to 10 days for an administrative review.

Commissioner Dominguez asked if it would be a 60-90 day process for an HRC appeal.

Ms. Zollner said that would be about right but that the new guidelines are clearer and easier to understand whether or not an applicant will have to go through the HRC appeal process. She said the Downtown Design Guidelines to the Ad Hoc Committee are less than there appeals a year. Appeals from state law review are about three a year. They are written as guidelines so that there can be discussions and a compromise to get what the property owner is trying to achieve while meeting the standards.

Commissioner Finkeldei said he worked with Ms. Zollner for a downtown owner on a sign variance and the appeal process at that point was to go to two different groups (HRC and Ad Hoc Committee), and if either group disagreed then the applicant had to go before the City Commission. He felt the new guidelines were a vast improvement on the process. He asked if there were a lot of substantive changes or more of reorganization.

Ms. Zollner said a tremendous amount of time was spent on the signage section. Staff did additional research for the Historic Resources Commission to see how other cities handle signage in historic districts and found that being too specific led to homogenous bland looking signs like in a strip mall and that did not fit downtown Lawrence because every building is different. Staff wanted to give sign companies general guidelines. She stated that the signage section changed the most in verbiage but that most of the other standards were about the same. She said the Historic Resources Committee discussed the height restriction of five stories and felt it should be based on the surrounding buildings.

Commissioner Finkeldei inquired about the Eldredge Extended sign.

Ms. Braddock Zollner said the Eldredge Extended sign was not perfect but it still fit the general guidelines.

Commissioner Moore inquired about the five day waiting period on appeals.

Ms. Braddock Zollner said that State Preservation Law requires that time period for the state to comment.

Commissioner Rasmussen asked if the guidelines only focus on historic properties, not the contributing structures.

Ms. Braddock Zollner said the guidelines are for the overall character of the downtown. She gave the infill example of Hobbs Taylor Loft.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Chaney, to approve the revised Downtown Design Guidelines and forward to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff memo.

Unanimously approved 8-0.

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**Recess at 10:00pm, until 6:30pm on October 22, 2008.**

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Reconvene October 22, 2008 – 6:30 p.m.

Commissioners present: Chaney, Dominguez, Finkeldei, Hird, Moore, and Singleton

Staff present: McCullough, Stogsdill, J. Miller, M. Miller, Rexwinkle, and Ewert

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**BEGIN PUBLIC HEARING (OCTOBER 22, 2008):**

**COMMUNICATIONS**

Mr. Scott McCullough said there were no additional communications received since Monday's meeting.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

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**ITEM NO. 7      PRELIMINARY PLAT FOR DANIELS BALDWIN JUNCTION; HWY 59 & HWY 56  
(JCR)**

**PP-08-11-08:** Preliminary Plat for Daniels Baldwin Junction, a 4-lot nonresidential subdivision comprising 18.36 acres, located approximately .2 miles SE of the intersection of Hwy 59 and Hwy 56. Submitted by Ed Dannewitz of McAfee Henderson Solutions, Inc. for Joseph Daniels Jr., Trustee of Joseph Daniels Sr. Trust, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

*Item 7 was deferred prior to the meeting.*

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**ITEM NO. 8      CONDITIONAL USE PERMIT; 2142 N 300 ROAD (MKM)**

**CUP-09-06-08:** Conditional Use Permit for an Aircraft Landing Area, located at 2142 N 300 Road. Submitted by Justin & Penny Johnson, property owners of record. *Joint meeting with Baldwin City Planning Commission.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Mr. Matt Kirby, member of Baldwin City Planning Commission, was present.

Commissioner Hird asked how far the two residencies extended into the transitional surface.

Ms. Miller said she did not know how far they extended. She said she knew the height of the houses so she could figure that out.

**APPLICANT PRESENTATION**

Mr. Justin Johnson, said the FAA involvement in airstrips that are private is very minimal. He said the airports that are private Conditional Use Permits in the county do not meet the FAA standards and that FAA is more involved with air space safety rather than ground safety. He said the plane starts at mid-line of the driveway and that existing homes sit lower than the airstrip by 8'. He said that the last time Planning Commission heard this item they unanimously approved it but the Conditional Use Permit was denied by the County Commission. He showed pictures on the overhead of other area airstrips. He said that his airstrip was built prior to the houses around it and that all of the neighbors knew about the airstrip. He said one of the neighbors now is concerned about the safety of their children and he offered to build a fence in order to make the neighbors feel safer.

Commissioner Hird asked if Mr. Johnson flew his plane this summer without a Conditional Use Permit.

Mr. Johnson said yes, he did fly his plane without a Conditional Use Permit.

**PUBLIC HEARING**

Ms. Caridad Flowers, 2146 N 300 Road, said they were never informed there would be an airstrip next to their house. She said that the airstrip was not constructed prior the building of their house. She said they signed the petition because he presented it to them saying it regarded the fence. They thought he had the permit for the airstrip at that time. She said he sometimes flies 1-2 times a day. She said they found out July 1<sup>st</sup> that he did not have a Conditional Use Permit. She said he has irresponsible flight activity which she deemed dangerous. She said her house is about 100' from his property line. She said she saw a film where he had people jump out of his helicopter into the lake that is in his subdivision. She was concerned about the noise and potential safety issues. She said his runway also serves as a driveway in a residential area and expressed concern about the joint traffic – airplane and automobile – on the driveway.

Mr. Kurt Flowers, 2146 N 300 Road, felt that the main issue was safety because his airstrip is a driveway. He said it is a blind driveway and that someone who pulls into the drive could pull in right as Mr. Johnson is using the drive to take off or land his plane. He said that pictures rattle on their walls because of Mr. Johnson flying over their house. The helicopter also flies in over their house and lands the helicopter in various locations in the area.

Mr. Ron Keplinger, 2140 N 300 Road, property to the west, said his home was one of the first houses built in the area and he did know about the runway from the beginning. He said Mr. Johnson is a very competent pilot and he has never seen him do anything reckless.

Ms. Penny Johnson, 2142 N 300 Road, said that her husband Justin Johnson is a safe pilot.

#### **APPLICANT CLOSING COMMENTS**

Mr. Justin Johnson, showed a picture on the overhead that showed the airstrip already built before the houses. He said he does not fly over the Flowers' home said he is a safe pilot. He said the Flowers have their house for sale and that the real estate agent called him and said a potential buyer was interested in sharing the airstrip.

#### **STAFF CLOSING COMMENTS**

Ms. Miller said the house to the west is 190' from the runway, 125' of that is primary surface which leaves 65', so about 10' up on the side of the house is where the transitional surface would be. It is almost the same for the house to the east, it is a 31' high house and about 184' from the runway so about 22' up on the side of the house is where the transition would be.

#### **COMMISSION DISCUSSION**

Commissioner Hird said there was discussion about whether the transitional surface should be measured from the center line of the airstrip.

Ms. Miller said she measured it from the primary surface.

Commissioner Hird inquired about other airports in the county with Conditional Use Permits having structures within the transitional surface.

Ms. Miller said there are two Conditional Use Permits approved in recent years and the most recent one approved had a condition that applicant needed to notify the FAA. Before the standards were developed staff did not look at the transition surface because staff did not know it even existed.

Commissioner Hird asked if the other two approved airstrips were approved without a letter from the FAA.

Ms. Miller said that was a condition of approval. With the new regulations it will require a letter from FAA prior to approval.

Commissioner Hird asked if the new regulations have been drafted but not adopted. He inquired about current regulations.

Ms. Miller said that was correct and that there are currently no standards in the current zoning regulations, it just states that airstrips are permitted with a Conditional Use Permit.

Commissioner Hird asked if shortening the airstrip to 300' would avoid the neighbors being in the transitional area.

Ms. Miller said the houses would be out of the transitional area, but the neighbors accessory structure and the applicants house are still in the primary surface. She did not calculate the approach surface with the 20 to 1 slope that the FAA recommends so if it was reduced to 300' length that would need to be looked at.

Commissioner Hird inquired about reducing it to 300'.

Ms. Miller said she was not sure how it would be possible to reduce it as it is a part of a longer paved surface.

Commissioner Dominguez asked if the Vinland Airport was one of the airports that Mr. Hird was referring to.

Ms. Miller said the Vinland airstrip was done quite a long time ago. There have been two private airstrips that have had Conditional Use Permits approved in recent years.

Commissioner Hird asked if this is better or worse in terms of safety than what exists and has been allowed.

Ms. Miller said previously staff had to go with their intuition so the previous application for this airstrip was submitted it was just staff intuition that the houses looked too close, so using the FAA regulations gives staff something more concrete to go by rather than just intuition. She said she felt it was better to use FAA regulations rather than just staff intuition. She said the FAA says they cannot control what happens on other properties, but must rely on zoning and other county regulations.

Commissioner Dominguez asked if the Conditional Use Permit includes the use of a helicopter.

Ms. Miller said currently there are no provisions in the regulations about helicopters. One of the uses for a Conditional Use Permit is airstrip and it does not differentiate. The proposed regulations will include private heliport with requirements.

Commissioner Dominguez asked if Mr. Johnson could continue to use his helicopter if the Conditional Use Permit is denied.

Mr. McCullough said that staff may have to check on that issue.

Commissioner Dominguez asked if there was a Preliminary Plat that they could look at to see if the airstrip was there prior to the houses being built.

Ms. Miller said no, the houses were subdivided prior to the 2006 Subdivision Regulations so they were just done by deed. She said that Mr. Johnson had a picture on his cell phone of Google Earth that showed the area but she did not know the date of the picture.

Mr. Johnson showed his cell phone of Google Earth on the overhead projector.

Commissioner Moore asked where the proposed guidelines were in the process.

Ms. Miller said they started in January 2007 when the County Commission asked staff to draft them. They are in the proposed regulations on the Planning website. They have not been presented to the Planning Commission in paper form.

Commissioner Dominguez asked about noise restrictions.

Ms. Miller said that staff usually look at compatibility for Conditional Use Permits, not noise decibel levels.

Commissioner Moore inquired about any FAA restrictions on shared driveway/runway access.

Ms. Miller said that she is not aware of any FAA restrictions on the shared use.

Commissioner Dominguez said he was inclined to support the staff recommendation of denial because Mr. Johnson flew while knowing his Conditional Use Permit was not valid.

Commissioner Singleton said she would vote in favor of the Conditional Use Permit with the recommended staff conditions. She was concerned about Mr. Johnson violating his Conditional Use Permit but did not feel it was proper punishment to deny his Conditional Use Permit. She was concerned that the standards were not adopted yet.

Commissioner Moore said he was torn on this issue and felt that Commissioner Singleton had some good points. There are no standards in the regulations right now to regulate this. He felt like goodwill had been lost between the neighbors. He said he would support the Conditional Use Permit with revisions.

Mr. Matt Kirby, Baldwin City Planning Commission member, commended staff and thanked the Planning Commission for including Baldwin City Planning Commission in the discussion. He felt that the Conditional Use Permit would benefit the community and that the airstrip was in keeping with the spirit and use of other facilities in the area.

Commissioner Dominguez asked if the number of flights could be restricted because he wanted to appease the neighbors.

Commissioner Hird said the struggle for him was the lack of standards to apply. He felt that doing this on an ad hoc basis was a slippery slope. He said he was ready to vote against the Conditional Use Permit until he saw the other airstrips that are not as safe as this one. He said he understood the neighbors concerns entirely and was in favor of putting restrictions on not flying over the neighbors house, but he wondered who would regulate that. He said one of the things that persuaded him was the number of neighbors endorsing the airstrip. He said he would probably reluctantly support the Conditional Use Permit with restrictions.

Commissioner Dominguez suggesting putting a restriction of 300' back on the driveway, not flying over the neighbors house and restricting the hours of flight.

Commissioner Hird said he did not think the Planning Commission had jurisdiction on airspace.

Mr. McCullough said his experience in citing private landing strips was that the FAA does not regulate private airstrips. Most jurisdictions try and borrow from the FAA the concepts about the transitional and safety zones to build some zoning regulations. Outside of that are typical public health and safety issues. He said this is premature because standards are not yet in place.

Commissioner Finkeldei inquired about the 300' runway.

Ms. Miller said she calculated using the 10 to 1 slope and the houses were not in the approach surface.

Commissioner Hird inquired about the condition where it says the permit would be administratively reviewed by the county after 5 years.

Ms. Stogsdill said staff would do a review of the property and prepare a report that would go to either the County Administrator or County Commission.



Commissioner Hird asked if with the administrative review process was the County Commission authorized to revoke the Conditional Use Permit.

Ms. Stogsdill said yes, Conditional Use Permits at any point can have a complaint driven investigation and then be scheduled for County Commission and a revocation proceeding could be undertaken. That is language that is in both the City and County Codes.

Commissioner Hird commended staff for the staff report and said Ms. Miller did a great job of explaining it a manner that non aviators would understand.

Commissioner Singleton asked Mr. Johnson if the Conditional Use Permit is approved would he use the airstrip for commercial use or let other people fly onto his airstrip.

Mr. Johnson said no, he does not use his airstrip for commercial use and does not allow others to fly onto his airstrip.

### **ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Moore, to recommend approval of the Conditional Use Permit with the following conditions of approval, and forward to the Douglas County Board of Commissioners:

- 1) Provision of a revised site plan to include the following notes:
  - a) "The permit will be administratively reviewed by the County in 5 years on Dec. 31<sup>st</sup>, 2013."
  - b) "The permit will expire at the end of 10 years on Dec. 31<sup>st</sup>, 2018, unless an application for renewal is approved prior to that date by the local governing body."
  - c) "The airstrip is for the private use of the property owner only and restricted to the airplane registered to the applicant and may not be used for commercial purposes."
- 2) The six conditions listed on the Federal Aviation Administration determination of approval for the airstrip must be met, per the Planning Director's approval.

Commissioner Dominguez asked if there would be restrictions on time.

Commissioner Singleton replied, no.

Commissioner Finkeldei said he would vote against the motion because he thinks there should be additional restrictions. He said although it might be hard to enforce, how could the Conditional Use Permit be revoked, if there is no standard on which to apply them. He said he would support limitations on flights and limitations on reducing the airstrip to 300'.

Commissioner Chaney asked when the last private airstrip Conditional Use Permit was approved.

Ms. Stogsdill said March 2007.

Commissioner Chaney said he was having a hard time with the new conditions because there are no guidelines.

Motion carried 4-2 with, Commissioners Dominguez and Finkeldei voting in opposition.

Commissioner Singleton asked Mr. Johnson to please be good neighbor.

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**ITEM NO. 9      PRELIMINARY PLAT FOR ALEXEIS ADDITION; 825 ILLINOIS STREET (MKM)**

**PP-08-10-08:** Preliminary Plat for Alexeis Addition, a one-lot, 0.16 acre subdivision, located at 825 Illinois Street. Submitted by Dean Grob for Paula Minetti, property owner of record. Variances are requested from Section 20-810(d)(10)(ii) to permit an alley with less than the minimum required right-of-way width of 20 feet and from Section 20-810(d)(10)(iii) to permit an alley that does not comply with the construction standards of the city.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Dean Grob, Grob Engineering Services, was present for questions. He stated that one of the issues in the staff report was the request for a Westar easement on the adjacent property which was being resolved.

**PUBLIC HEARING ON VARIANCE ONLY**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Chaney, to approve the following variances:

- 1) From Section 20-810(d)(10)(ii) which requires that alleys shall have a minimum right-of-way width of 20 feet to permit the existing right-of-way width of 16 feet, and
- 2) From Section 20-810(d)(10)(iii) which requires that alleys comply with the construction standards of the City as provided in these regulations to permit the alley surface to remain gravel in this location.

And approve the Preliminary Plat of Alexei's Addition subject to the following condition:

- 1) Provision of a note on the preliminary plat that states that an easement for the overhead power lines which encroach over a portion of the lot to the south will be dedicated by separate instrument and the Book and Page Number will be noted on the final plat.

Unanimously approved 6-0.

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**ITEM NO. 10 PRELIMINARY PLAT FOR FIFTH STREET BLUFF SUBDIVISION; 427 COUNTRY CLUB COURT (MKM)**

**PP-04-01-08:** Preliminary Plat for Fifth Street Bluff Subdivision, a 0.29 acre subdivision consisting of one lot, located at 427 Country Club Court. Submitted by JMC Construction, Inc., property owner of record.

*Item 10 was deferred prior to the meeting.*

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**ITEM NO. 11      AMENDMENTS TO DEVELOPMENT CODE (JCR)**

**TA-08-15-08:** Consider an amendment to Section 20-403 and 20-1766 of the Development Code to permit Light Equipment Sales/Rental uses, which includes car rental agencies, as a permitted use in the CN2 (Neighborhood Commercial) zoning district, and to clarify that this use includes an accessory wash bay and storage of vehicles onsite. Initiated by the Lawrence City Commission on August 26, 2008 at the request of Murl Westheffer of The Malls Retail Center/American Real Estate & Investments, Inc.

**STAFF PRESENTATION**

Mr. Joseph Rexwinkle presented the item.

Commissioner Moore inquired about other areas of town zoned CN2.

Mr. Rexwinkle said the analysis he did included the corner of 25<sup>th</sup> Street and Iowa Street where the former Food-4-Less building is zoned CN2 and that area is designated by Horizon 2020 as regional commercial. Also, near 9<sup>th</sup> Street and Iowa Street, the Hillcrest Shopping Center is zoned CN2 and that area is designated by Horizon 2020 as community commercial.

Commissioner Chaney inquired about the language 'light equipment' versus 'car rental agencies.'

Mr. Rexwinkle said that light equipment sales and rental uses include recreational vehicle sales, boat sales, a number of other equipment repair that staff did not feel was appropriate in a CN2 district, given the size of some of those vehicles and the amount of space they would take on the property. Staff limited it to just automobile sales and car rental, and also limited the number of vehicles stored on site so as to limit the impact and footprint of the use.

Commissioner Hird asked how 12 vehicles was figured and wondered how many vehicles Enterprise Rent-A-Car keeps on their site.

Mr. Rexwinkle said there was no real reason, it was just the number staff came up with.

Mr. McCullough said this particular site was looking for 6 vehicles and staff figured that these areas are typically multi-tenant areas so they will probably be governed by the lease they might have.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Singleton, to approve the proposed amendments [TA-08-15-08 to permit car rental agencies in the CN2 District with use standards] to Chapter 20, Development Code and forward to the City Commission.

Commissioner Hird said he was glad to see something going into The Malls because it needs to be revitalized.

Unanimously approved 6-0.

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**ITEM NO. 12      AMENDMENTS TO COUNTY ZONING REGULATIONS (MKM)**

**TA-08-16-08:** Consider adoption of comprehensive revisions to the Douglas County Zoning Regulations. Initiated by the Planning Commission in 2006.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked if these changes were more formatting and not changing much of the substance.

Ms. Miller said that was correct, except some of the permitted conditional uses were revised.

Commissioner Hird asked if the addition of standards of a definition for value added agricultural business was more of a substantive change.

Ms. Miller said it is but it was discussed by the Planning Commission earlier and was recommended to fold that in so it is something that has not been added yet.

Commissioner Hird said he would like to see the same thing established for agri-tourism.

Mr. McCullough said if the Commissioners have comments about the County Zoning Regulations to provide them to staff so that they can be passed along to the Board of County Commissioners this year.

**No Action Taken**

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**ITEM NO. 13      PLANNING COMMISSION BY-LAWS**

Consider changes to the Planning Commission by-laws related to Ex Parte Communications and Conflicts of Interest.

*Item 13 was deferred prior to the meeting.*

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**ITEM NO. 14      CPA-2008-7 ENVIRONMENTAL CHAPTER (AMB & MKM)**  
**Discussion Item; No Action**

**CPA-2008-7:** Receive public comment and direct staff on general strategies to be included in draft chapter.

*Item 14 was deferred prior to the meeting.*

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

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**Adjourn 8:20pm**