



PLANNING COMMISSION MEETING
May 18 & 20, 2009
Meeting Minutes

May 18, 2009 – 6:30 p.m.

Commissioners present: Blaser, Chaney, Dominguez, Finkeldei, Harris, Hird, Rasmussen, and Singleton

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

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 20 & 22, 2009.

Motioned by Commissioner Rasmussen, seconded by Commissioner Blaser, to approve the April 20 & 22, 2009 Planning Commission minutes.

Motion carried 7-0-1, with Commissioner Harris abstaining.

COMMITTEE REPORTS

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

There were no committee reports.

COMMUNICATIONS

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

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:
Commissioner Chaney said he would abstain from Item 1 – Preliminary Plat; Fifth Street Bluff Subdivision.

PC Minutes 5/18/09

ITEM NO. 1 PRELIMINARY PLAT; FIFTH STREET BLUFF SUBDIVISION; .29 ACRES; 427 COUNTRY CLUB CT (MKM)

PP-04-01-08: Consider the 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.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Dominguez asked if the City Engineer gave any indication that safety would improve for all the properties located within the curve.

Ms. Miller said the City Engineer reviewed the applicant's consultant study by Taylor Design Group and determined that a driveway could be safely located but recommended the vegetation be removed.

Commissioner Finkeldei inquired about the 40' frontage that was mentioned in a few letters.

Ms. Miller said originally the applicant asked for a waiver for the 40' frontage. When staff reviewed the plat, the additional 5' of ROW that is required to be dedicated showed the arc farther back which gave more than 40' of frontage so the waiver was not necessary.

APPLICANT PRESENTATION

Mr. John Chaney was present for questioning.

PUBLIC COMMENTS TAKEN (*the item was not a public hearing item*)

Mr. Chris Caldwell, said the City has no additional plans for the ROW and there was no foreseeable use for the ROW. He felt the shape of the arc was problematic. He wondered about the policy and practice of acceptance of additional ROW. He inquired about the definition of frontage. He appreciated the courtesy of the public comments.

Mr. McCullough said the Code requires an exaction of ROW when property is platted and sometimes that is not always square lines but it is important for future road projects. In terms of the frontage staff are complying with the Subdivision Regulation definition on how frontage is measured.

COMMISSION DISCUSSION

Commissioner Dominguez inquired about the site study.

Mr. Shoeb Uddin, City Engineer, said the removal of the vegetation within the site triangle was his recommendation because it would obstruct the view.

Commissioner Dominguez asked if the speed limit is 10 mph.

Mr. Uddin said that was correct, posted speed limit is 10 mph for both directions. The study showed the sight distance is adequate for 15 mph. Generally speaking the posted speed is 5 miles below the design speed, so in this case it is in compliance.

Commissioner Dominguez inquired if the removal of the vegetation increased the safety of the street.

Mr. Uddin said he could not state that it improved the overall safety of the whole segment but by removing the vegetation it improved the safety of the driveway in question.

Commissioner Dominguez asked about accidents or injuries.

Mr. Uddin said staff did not look into the accident report but the city recently did a citywide study of high accident prone locations and compiled a list of top 20 and this site is not within that top 20.

APPLICANT CLOSING COMMENTS

None.

Commissioner Harris inquired if they could require adding speed humps to the development plan.

Mr. McCullough said not in a specific property request, but could within a bigger development plan with higher traffic impacts.

Mr. Uddin said typically, with the procedure in place today, the neighborhood would make a request and then it would go to the Traffic Safety Commission and City Commission. He stated that 70% of the residents would have to sign off on the measure.

Commissioner Dominguez inquired about lighting on the corner.

Mr. Uddin said that lighting was not addressed. He said typically it would be requested by the residents and the request would go to Westar through the City.

Commissioner Finkeldei said he drove the site and did not see any lights.

Mr. Tom Boxberger said that the street may not fall into the top 20 sites of accidents that Mr. Uddin referred to, but neighbors are constantly helping people out of the ditch and these accidents never get reported. He asked if removal of vegetation meant that it could be removed as far back as possible to allow safer side lines even on private property. He said he thought there was one street light.

Mr. Uddin said the City has no way of keeping track of unreported accidents. He stated the site distance study done by Taylor Design Group shows that most of the vegetation within the site triangle are within the city ROW. He said his recommendation would be that if there is vegetation or other obstructions within the site triangle but not in the city ROW he would still recommend to remove them.

Commissioner Finkeldei asked if some of the vegetation is in the City ROW but in front of someone else's property.

Mr. Uddin said the City has the right to remove the vegetation within the ROW.

Commissioner Finkeldei asked if discussions would take place with the neighbors before vegetation is cut.

Mr. McCullough said there is no ability for the applicant to remove vegetation from neighboring property. The applicant will have to satisfy any site distance issues from their property and public ROW.

Mr. Uddin said the City has a procedure in place where the applicant can obtain a permit to remove trees from the City ROW. He said the neighbors could talk to the City first if they are concerned about certain

trees being removed. They can stake the ROW in the field by hiring a land surveyor to verify if a certain tree is in the public ROW.

Commissioner Dominguez inquired about the amount of traffic on this road.

Mr. Uddin said it is a local road so traffic volume data was not collected.

Commissioner Hird said it seems like the street is a lightly traveled street and he did not think the addition of one driveway which goes to a single family residence would increase traffic substantially. He felt that Mr. Caldwell's questions about the use of ROW and frontage definition were well taken. He understood the confusion about someone using a dictionary definition. The definitions in the Code are very specific and have specific meanings. He said he hoped Mr. Boxberger's questions about vegetation were answered. He said he would support the Preliminary Plat.

Commissioner Blaser said speed bumps might be more dangerous than good because someone would come over the hill and hit a speed bump. He inquired about drainage issues.

Mr. McCullough said the permitting of a single family home will be taken up at the building permit stage. There is no trigger such as size and use for a stormwater drainage study to be done for this particular subdivision.

Mr. Uddin said a certain level of development triggers a traffic impact study and this development does not meet the criteria for a traffic impact study to be required.

Commissioner Harris asked if it was possible to get to the site planning stage and find that they cannot build a structure because of drainage.

Mr. McCullough said the ability to construct a single family home and any accessory structures is the same process, so it would be reviewed similar to a 2-3 car garage on an existing lot would be reviewed. It is incumbent upon the owner to make sure that the drainage substantially leaves the site before it did before the construction of the structure. He said there is nothing unique about this plat that would make staff look at it differently than any other neighboring property.

Commissioner Harris asked if it was possible for the applicant find out they cannot build there because of drainage issues. She asked if there were ways to make it happen that will protect the property and the properties around it from drainage issues.

Mr. Uddin said he has not looked at the drainage pattern of this site in great detail, but generally speaking, measures could be taken to address the drainage issues to not increase the runoff that is happening today.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Fifth Street Bluff Subdivision and referring it to the City Commission for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

- 1) The preliminary plat shall be revised with the following changes:
 - a. The following note shall be added to the preliminary plat and included on the final plat: "The driveway shall be located as far to the northeast as possible and the property owner shall remove all obstructions within the sight triangle of the driveway."
 - b. The plat shall be revised to show the sight distance triangle for the driveway.

Commissioner Harris said she would vote in favor of the motion but felt the neighbors brought up good concerns. She believed the traffic issues could be addressed by vegetation clearing and perhaps traffic calming if necessary. She said the regulations allow this development and there is not a reason to say no.

Motion carried 7-0-1, with Commissioner Chaney abstaining.

PC Minutes 5/18/09

**ITEM NO. 2 FINAL DEVELOPMENT PLAN; BAUER FARM; 16.44 ACRES; NW CORNER
FOLKS RD & 6TH ST (MKM)**

FDP-1-2-09: Consider the Final Development Plan for Bauer Farm-Residential Phase 2, a 16.44 acre mixed residential development with 221 dwelling units, located at the NW Corner of Folks Road & 6th Street and waiver from Section 20-1006 of the pre-2006 Zoning Regulations to permit lots which have access only on alleys. Submitted by Treanor Architects, for Bauer Farm Residential, LLC, property owner of record.

Commissioner Dominguez disclosed that he does business with Treanor Architects but nothing on this project so there is no conflict.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Blaser inquired about city standards for alleys.

Ms. Miller said she thought it was a pavement standard because when this was adopted there were no alleys permitted in the city and that was one of the waivers they had to request.

Commissioner Harris inquired about the change from row houses to duplexes and asked if the structures face in the same direction.

Ms. Miller said on the plan it appears they face the same direction.

Commissioner Hird inquired about the green space with the change from row houses to duplexes.

Ms. Miller said yes there will be a little bit of space between the houses.

APPLICANT PRESENTATION

Mr. Micah Kimball, Treanor Architects, said the alleys were designed to SmartCode standards, 20' width and was cleared with the Fire Department. He said they used the City pavement standards since it will be a public alley.

Commissioner Blaser asked if the pavement thickness design and strength design were the same as a street standard.

Mr. Kimball said yes, that was his understanding.

Mr. Uddin said the City Code addresses the alley pavement issue and if it is asphalt or concrete it has to be at least 6" thick.

Commissioner Blaser asked if it was the same standard as a city street would be built.

Mr. Uddin said the thickness and width would probably be different since they are not high traffic roads.

Commissioner Blaser said that in this case they seem to be the same as streets and will have the same amount of traffic as a street in this area. He was concerned about future maintenance.

Mr. Kimball said everything in the project faces toward the street or outward. He showed a visual and went over the project. He presented pictures on the overhead.

Commissioner Harris inquired about new leased spaces. She asked if the other communities that were successful had leased spaces as well.

Mr. Kimball replied, yes. That creates a variety of housing types. This variety helps make those communities successful.

Commissioner Harris asked if any were in college towns.

Mr. Kimball replied, yes, for instance Stapleton, Boulder, and Fort Collins.

Commissioner Harris asked about the larger longer style structures behind the new row houses.

Mr. Kimball said they were similar in design to row houses.

Commissioner Singleton inquired about the anticipated prices.

Mr. Kimball said the rental units will be fair market and the houses will be entry level prices, \$100-150,000.

Commissioner Singleton asked how many bedrooms the row houses will have.

Mr. Kimball said it will vary.

Commissioner Rasmussen asked if Mr. Kimball reviewed the staff report and recommendations.

Mr. Kimball said yes, and he agrees with all recommendations and conditions.

PUBLIC HEARING ON WAIVER REQUEST ONLY

Ms. Betty Lichtwardt, League of Women Voters, did not want the waiver be extended to the remainder of the development. The waiver should be defined to limit the waiver to the subject area.

Commissioner Finkeldei said staff agrees with that recommendation and it will be included in the motion.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to approve the waiver request from Section 20-1106(b) to permit 8 residential lots with access to a public alley constructed to City standards rather than to a public or private street with the condition that the plan specify which lots the waiver applies to.

Unanimously approved 8-0.

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. A Final Plat must be approved and recorded with the Register of Deeds prior to the issuance of building permits.

2. The utility representatives and the City Horticulture Manager will review the utility layout. The layout will be revised as recommended to provide the required separation, and adequate area for the planting of landscaping. The utility layout shall be approved prior to the recordation of the Final Development Plan.
3. The following revisions shall be made to the Final Development Plan:
 - a. The ADA ramps at the corners with roll back curbs must be redesigned per City Traffic Engineer approval.
 - b. A note shall be added to the Final Development Plan which states that, "If necessary, the Homeowners Association will coordinate snow removal on the public streets with the City Public Works Department".
 - c. The walkway connections through the parking area in the multi-dwelling portion shall be marked with pavement treatment or markings.
 - d. General Note 3 shall be revised to read, "Public Improvements will be constructed using one or more of the following methods: (a) private funding; (b) special benefit district; (c) transportation development district; or (d) community improvement district."
 - e. General Note 27 shall be revised to state that all property owners waive their right to approve or disapprove alterations to the *final* development plan rather than *preliminary*.
 - f. Note 40 shall be revised with the new Book and Page Number of the revised Maintenance Agreement.
 - g. Note 48 shall be revised to include 'Folks Drive' as a street with limited types of fences which are allowed to permit Fire Access. Note needs to be added that the off-site detention basin to the NW will be built and used for this development. The Drainage Easement for this pond will need to be dedicated with the final plat for this development.
 - h. A landscape plan which has been stamped by a landscape architect will be provided when the utility/landscape issues have been resolved.
 - i. The landscape plan shall show the parking islands located within the multi-family parking area landscaped with shrubs and trees in addition to turf.
 - j. Entrances shall be shown for the wine bar, fitness center and club house.
 - k. Note needs to be added that the off-site detention basin to the NW will be built and used for this development. The Drainage Easement for this pond will need to be dedicated with the final plat.

Commissioner Harris said she would vote in favor of the motion but was not enthused by the design of the row houses and felt they looked more like the multi-family units seen all over town with the single roof line.

Unanimously approved 8-0.

PC Minutes 5/18/09

ITEM NO. 3 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-12-27-07: Consider Text Amendment for revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 (PC Item 18; approved 7-1-1 on 7/23/08). TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code. (PC Item 9; approved 7-0 on 9/24/08) *City Commission sent back to Planning Commission on 2/10/09.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen asked about the wooded area.

Ms. Miller said the wooded area included within the stream corridor would be protected.

Commissioner Rasmussen had questions about the staff report. In section 20-1109(d)(4) it says '*...thinning of trees in a way to not damage the micro environment of the woodland,...*' He asked if 'micro' should have been 'macro.'

Ms. Miller said it was language recommended by the City Horticulture Manager and it could be revised. She may have been trying to refer to the micro environment.

Commissioner Rasmussen inquired about section 20-1109(d)(4) where it says '*...replanting of quality trees...*' He asked how quality trees are determined.

Ms. Miller said they would be native trees or northeast Kansas. She said that could be revised to include that language.

Commissioner Rasmussen said in section 20-1109(e)(1), at the very end it refers to the exemptions and says 20-1109(d) instead of 20-1109(e). He asked if that was a typo.

Ms. Miller said that was correct, it was a typo and should be 20-1109(d).

Commissioner Rasmussen asked for clarification regarding the table in section 20-1109(e)(3). He asked if an environmental site plan was needed for the 1,000 square feet of woodland areas.

Ms. Miller said if property has any woodland area on it you then a sensitive area site plan would be done and that would determine how much is there. If there is less than 1,000 square feet then it would not be required to be protected.

Commissioner Rasmussen said in the next section 20-1109(f)(1)(d) it defines woodland areas as a tract of land containing one (1) acre or more of contiguous area.

Ms. Miller said an acre of woodland could be located on several parcels so if there is an acre of contiguous woodlands and a property owner has 1500 square feet on their property then the protection standards would apply. The entire woodland does not have to be on one property because most woodlands extend beyond. She said the language could be clarified more if needed.

Commissioner Rasmussen inquired about one acre versus 1,000 square feet of prairie remnant and woodland areas.

Ms. Miller said if there is a 3,000 square foot prairie remnant divided between three parcels, without this requirement it could be removed because each parcel would not have enough to require it based on its definition. She said it could be changed to say that it should meet the applicability threshold.

Commissioner Rasmussen inquired about section 20-1109(h)(2) and how three year activity will be tracked.

Ms. Miller said if a property owner cut down all their trees and lived in the UGA and wanted to put in a horse meadow and then use it for three years prior to annexation then it would be a non development activity. GIS aerial maps are done every three years so it would provide some degree of certainty. The NAI (National Agricultural Imaging) program does aeriels every year.

Commissioner Finkeldei asked if agriculture is a separate exemption.

Ms. Miller said no, but that the language could be clarified more.

Commissioner Rasmussen inquired about subsection 20-1109(j) and asked Ms. Miller to explain the priority scheme. He asked if it was just critical versus important.

Ms. Miller said that was correct. Critical features all need to be preserved but important features have some degree of selection depending on the site.

Commissioner Rasmussen inquired about section 20-1109(2)(a) and said that maybe the word 'and' should be 'or.' He asked about section 20-1109(2)(b) where it talks about 'regulatory floodway fringe.'

Ms. Miller said the term is used consistently because a floodplain included regulatory floodway and regulatory floodway fringe because the floodplain is both.

Commissioner Harris inquired about priority and how it is treated when discussing the project.

Ms. Miller said when looking at a sensitive area site plan and trying to decide what areas need to be protected, if there is an area that has a woodland and an area that has a woodland and floodplain, that would be the one that is recommended to be protected.

Commissioner Rasmussen asked for consistency in the definitions. He inquired about the City Stream Ordinance. He also inquired about the definition of woodland and asked where the 2" diameter breast height came from.

Ms. Miller said the City Stream Ordinance is being drafted and when complete it will override these requirements but a waiver can be granted until the ordinance is adopted. She said the 2" diameter breast height came from research staff did on other communities and also through the Kansas Forestry Service.

Commissioner Harris asked about contiguous woodlands. She asked if the intent is to preserve corridors and expressed concern about maintaining contiguity with adjacent properties.

Ms. Miller said contiguous woodlands for wildlife corridors is one of the reasons to preserve the trees. In section 20-1109(j)(2)(e) the wording was added '*Woodland areas that are contiguous with other*

woodland areas off-site are of higher priority than isolated woodland areas as they may provide a larger area for wildlife habitat or corridors.'

Ms. Miller showed on GIS the environmentally sensitive lands.

Mr. McCullough said the City Code currently has protection standards in place. Staff was charged with two direct things, one was providing additional options for landowners to use to protect sensitive lands, and the other was to look for ways to try to get the issue of destroying sensitive lands to make development easier as it is annexed into the city.

Commissioner Hird asked if this was in response to developers scraping and burning.

Mr. McCullough said it happened somewhat simultaneous there was one event that happened that was per City Code where the property was being scraped and trees removed and the City Commission was looking for a way to address it.

Commissioner Harris inquired about the City Commission concern about limiting development. She asked if it was for the city as a whole or were they talking about limiting options on a particular site.

Mr. McCullough said it was both.

Commissioner Hird asked if there has been any analysis about what this would cost.

Mr. McCullough replied, no.

Commissioner Hird asked if cost is something that should be considered. He said it is very difficult to be critical of something like this without sounding like he is against the environment. He was concerned about adding a layer of complexity that would cost in terms of the administration by the city and enforcing it. He wondered what the cost would be to the city in creating undevelopable land.

Mr. McCullough said one of the reasons cost has not been looked at is because standards already exist in the Code currently. He said that this attempts to put much more objective standards to it and mapping where people know if they have sensitive lands and triggers so how much land is known. He said that this is trying to help the situation and that it is no more cost than what is in the current code, in terms of going through the process.

Commissioner Finkeldei asked what section of the current Code it is in.

Ms. Miller said section 20-1101.

Commissioner Finkeldei asked about the notification process for people who have environmentally sensitive lands.

Ms. Miller said staff would want to over notify people then to leave anyone out.

Mr. McCullough said that staff do not typically provide that type of notification to a city wide development code amendment. It would be done this time because CC believed it would touch a lot of parcels that need to know about this kind of amendment.

Commissioner Harris asked about the percentage of land in the city that is environmentally sensitive. She also inquired how much is above and beyond what would be required to be protected by existing regulations, like floodways.

Commissioner Harris asked if the public has seen the map.

Ms. Miller said not yet because it was just recently finished but it should be available soon via the city website.

Commissioner Rasmussen asked if someone could build a house over a stream, similar to Falling Water.

Mr. McCullough said the progression for something like falling water would be to annex into the city, plat, note sensitive areas, and protect all of the critical features. Floodplain regulations would probably restrict that type of building but there are ways to seek waivers but they are not typically granted for single family residences.

PUBLIC HEARING

Ms. Betty Lichtwardt, League of Women Voters, expressed concern about not protecting the integrated environment, such as streams, slopes, and woodlands. She did not feel it could be determined on the percentage of individual property ownership. She said they need to base it on what is most important. She suggested a requirement for a development permit, like floodplain, before development occurs. She felt they should take steps to keep land from being devastated before the Environmental Chapter is effective.

Mr. Tom Kern, Chamber of Commerce, requested any decision by Planning Commission be postponed until the chamber has more time to look at. He said he was concerned that the issue was being discussed without the inclusion of the Environmental Chapter 16. He felt that to do this before the chapter is complete was putting the cart before the horse. He said this could potentially conflict with the chapter and then it will have to be modified. He recommended that the debate be postponed until the issue is resolved.

Ms. Betty Lichtwardt, said she owns six acres of land that provides a vegetative screen to her neighborhood and they are trying to preserve that area but will have to sell a portion of that to a developer. She said they want to be able to rely on a zoning code that will prevent a developer from removing everything but a 1/3 of the sensitive areas.

Mr. Mark Anderson, Barber Emerson, requested more time to put his questions into writing and submit to staff. He felt that this kind of thing would only encourage sprawl. He asked if the City was going to restore trees. He felt there was much more debate that needed to happen before proceeding.

Commissioner Finkeldei asked if Westar had an easement across the property and cleared trees would the land owner be responsible or the city.

Mr. McCullough said there is language about exceptions for utility and infrastructure.

COMMISSION DISCUSSION

Mr. McCullough said that it would be most helpful for staff to get a sense of where the amendment stands and have the Planning Commission give staff direction.

Commissioner Hird asked how long the revised version has been available to the public.

Mr. McCullough said the revised version has been available since last week to the public. He said the previous version has been out for many months. The GIS mapping is not available to the public yet.

Commissioner Finkeldei said he thought some notification would be good in a way that seeks positive comments. He felt that Chapter 16 is supposed to provide framework and balance.

Commissioner Hird said there is a dollar cost and also a cost of not doing anything. He felt there needed to be a balance. He was concerned about this going in the opposite direction of making it simple for people to use. He said if it was difficult for Planning Commission then it would be difficult for the public. He felt they should take more time to consider the implementation of this before taking action.

Commissioner Harris agreed that this is getting complicated and difficult to understand. She said her overall goal is to come up with a simple way to preserve the most precious sites. She said the city and county need to articulate why they are preserving the various environmental features. She said that, for example, they should protect along streams and wildlife corridors because they provide habitat and can bring economic gain to communities because of higher property values that occur along such corridors. She said she would be in favor of holding off doing too much with this until Chapter 16 is in place. She hoped the Chamber would articulate what they want to save in the community and why.

Commissioner Rasmussen agreed with Commissioner Harris and felt the Environmental Chapter would have been nice if it had been adopted prior to the Development Code in 2006. He said the development of the chapter would lay the foundation of what the community values and how to prioritize those values, as well as establishing goals of what to protect, preserve, and enhance. He said he was in favor of postponing this until after the Environmental Chapter is complete but felt they should still look at 20-1101 and make minor changes to allow staff and developers to continue.

Commissioner Harris felt that the amendment went too far. She felt the features that were taken out should not have been taken out.

Commissioner Singleton said she was not comfortable tabling this completely and felt they should proceed to try and simplify it. She said that public comment was important and that it needed to be delayed to allow more public comment.

Commissioner Rasmussen was concerned about arbitrary numbers. He said the three year time frame invites destruction, it does not incentivize protection.

Commissioner Hird said that the Code needs to make conservation attractive to developers; incentives instead of punishing.

Commissioner Finkeldei said he was in favor of putting some of this off for now but would like to attack problem areas since City Commission sent it back to Planning Commission.

Mr. McCullough recommended tabling it for no longer than two months so that staff could address issues and see if there is an alternative amendment.

Commissioner Harris asked if two months would be enough time.

Mr. McCullough said that would be enough time to bring an update back to Planning Commission.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Chaney, to table the item for a period of two months as recommended by staff.

Commissioner Rasmussen said he was not in favor of tabling it and did not think there would be a substantial change. He did not think it would allow enough time for people to look at.

Mr. McCullough said that in two months staff can come back with more direction about where City Commission would like this to go and then look at the options again. Staff can provide Planning Commission an update in two months but do not expect an action at that time.

Motioned by Commissioner Hird, seconded by Commissioner Chaney, to indefinitely table the item with an update from staff in two months.

Commissioner Blaser felt that they should be careful that this does not keep getting put off. He felt that they should keep the issue moving on the front burner.

Commissioner Harris agreed with Commissioner Blaser.

Motion carried 8-0.

PC Minutes 5/18/09

ITEM NO. 4 CPA-3-2-09; AMENDMENT TO HORIZON 2020, CHAPTERS 4 & 6 (DDW)

CPA-3-2-09: Comprehensive Plan Amendment for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. Initiated by the Planning Commission on April 20, 2009. Requested by Rockwall Farms, LC.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Hird inquired about direct access to arterial roads. He asked how this would work for agri-tourism that are on farms, not on arterials.

Mr. Warner said driveways accessing the road.

Commissioner Hird said his neighbors have a vegetable stand in the country that is rural natured and more tied to agriculture than commercial activity. He wondered how the two can be differentiated.

Mr. Warner said it is a scale issue and this amendment talks about large facilities. The differentiation could come with different definitions.

Mr. McCullough said he was not sure the language in the Comprehensive Plan was speaking to the agricultural side of the equation in terms of land use. Staff was trying to build on the heritage area. When staff reviewed the language, commercial areas are very limiting in the county and tend to take advantage of the lakes but not the other elements of the rural setting.

Commissioner Hird said by adopting this he wanted to be sure that agri-tourism would not be precluded.

Mr. McCullough said that is one of the scale issues that has been discussed and maybe needs to be clarified in the language.

Commissioner Harris asked if this could be used by other types of development such as an amusement park. She asked if it would be considered commercial or recreational.

Mr. McCullough said it depends on how the Planning Commission and County Commission judge these policies in the comprehensive plan to know when a project comes in whether or not it meets the spirit and intent of this. Staff tried not to get into the list of uses in the comprehensive plan but it needs to show integration with the natural resources in the rural environment.

Commissioner Rasmussen asked if this would affect uses like a pumpkin patch. He asked if it would need to be on an arterial road now.

Mr. McCullough said he did not think that was the intent of it but the language can be clarified if needed.

Commissioner Rasmussen asked why there was a separation recommendation of 3 miles.

Mr. Warner said that concern was raised and the 3 miles was an attempt to limit it in some manner. Chapter 6 already provides separation for commercial uses in the City.

Commissioner Harris asked if there is acreage in mind with the projects.

Mr. Warner said no.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, gave examples of how the buffer grows the site. He gave the example of a proposed 10 acre site with a 200' buffer would grow to almost 25 acres which would provide adequate protection for area residents. Small Conditional Use Permits would not be part of the 3 mile criteria, only projects with larger scale required loans. He stated that the Conditional Use Permit recently approved for a wedding event site would not be applicable.

Commissioner Rasmussen asked why he thought the wedding site would not be applicable.

Mr. Werner said the 3 mile radius is not the applicable part, the facility falls into a smaller category that they are willing and able to function under a Conditional Use Permit.

Commissioner Harris asked if one of the reasons he was seeking this is to protect the investment of a new building.

Mr. Werner said that was correct.

PUBLIC HEARING

Ms. Kim Richter, Lecompton, said she did not think the 3 mile radius buffer was good because it would prevent similar businesses from locating together.

Ms. Betty Lichtwardt, League of Women Voters, said they support the idea presented but have objected to the process because of consequences. She urged caution with the language and recommended the Planning Commission choose a different zoning ordinance than those available now.

Commissioner Dominguez asked Ms. Lichtwardt to give an example of detriment she mentioned.

Ms. Lichtwardt gave the example of Nieder Acres that was changed from residential to commercial.

Mr. Matt Gough, Barber Emerson on behalf of the applicant, said the Comprehensive Plan Amendment is a solution to a long dilemma. A Conditional Use Permit does not work for large investments.

Commissioner Rasmussen asked what language prevents it from applying to smaller recreation, agri-business activities.

Mr. Gough said Chapter 6 references to commercial zoning requests. Conditional Use Permits are allowed in agricultural zoning.

Commissioner Rasmussen expressed concern about a broad amendment that applies to everything.

COMMISSION DISCUSSION

Commissioner Harris inquired about noise. She asked if a facility with motorcycles or ATV's could be placed at such sites as a recreational facility.

Mr. McCullough said the language does not address every type of land use impact.

Commissioner Rasmussen said he was uncomfortable with vague language subject to staff interpretation.

Commissioner Finkeldei said they are not writing a code here, it is the comprehensive plan and we want to set out what the principles are.

Mr. McCullough gave example of automobile race track in a different jurisdiction that was located where the comprehensive plan said a large scale recreational area should locate but after several studies on noise it was found to be detrimental to the community.

Commissioner Finkeldei said he did not like the 3 mile separation because it was too much like a code.

Commissioner Hird felt the 3 mile limit was arbitrary.

Commissioner Finkeldei suggested in Chapter 4 adding the word 'significant' and changing the period at the end of the sentence to a comma, *'There are a few locations, however, in the Rural Area which may be expected to receive some **significant** level of urban development consistent with the Plan, these include...'* He also suggested switching section D to A to highlight it. He suggested eliminating the 3 mile buffer and just state *'appropriate separation should be determined by the Board of County Commissioners.'* He suggested in the new section of Chapter 6 that it state *'Conference recreational tourism uses located in the rural area, and which included some **significant** level of urban development, shall satisfy the criteria listed in Chapter 4.'*

Commission Harris said she could not support what Commissioner Finkeldei said because there is no criteria to base it on. She would support including language that gets at staffs concern and wish to have some kind of separation of these significant developments but without having an arbitrary number associated with it. She felt they needed to articulate why having a separation requirement was important.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Dominguez, to approve CPA-3-2-09 amending Horizon 2020 Chapter 4, Growth Management and Chapter 6, Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of 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 Rasmussen said he would vote against the motion but would be willing to vote for something that included the suggested language by Commissioner Finkeldei.

Commissioner Singleton revised her motion to add the language to Chapter 4 and 6 suggested by Commissioner Finkeldei:

Chapter 4 – *'There are a few locations, however, in the Rural Area which may be expected to receive some **significant** level of urban development consistent with the Plan, these include...'*
New section of Chapter 6 – *'Conference recreational tourism uses located in the rural area, and which included some **significant** level of urban development, shall satisfy the criteria listed in Chapter 4.'*

Seconded by Commissioner Dominguez.

Commissioner Hird said it was better than nothing but he was afraid it was excluding that there is an implication that only significant development is to ever be allowed. He said he would support the language.

Commissioner Harris said she would like to support the motion but felt language should be added about why it is important to have a separation requirement.

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

Motioned by Commissioner Singleton, seconded by Commissioner Dominguez, to approve and sign Planning Commission Resolution 5-3-09.

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

PC Minutes 5/18/09

ITEM NO. 5 A TO B-2; 58.99 ACRES; N 1800 RD & E 700 RD (MKM)

Z-11-19-08: Consider a request to rezone 58.99 acres located northeast of the intersection of N 1800 Road & E 700 Road, S of Lecompton from A (Agricultural) to B-2 (General Business District). Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.* Deferred from the March 2009 Planning Commission meeting.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Dominguez asked why the buffer was requested to be reduced.

Ms. Miller said the applicant would have to answer that.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said the shape was intentionally designed as a flag lot with the access off of Farmers Turnpike. He said originally he offered a 500' buffer but reduced it to 300' when staff suggested 200'. He said the 300' buffer was reasonable.

PUBLIC HEARING

Ms. Betty Lichtwardt, League of Women Voters, said that the outcome cannot always be predicted and that nothing in the ordinance prevents changes in the future. She recommended that a special zoning district be created for these types of uses.

Mr. Jeff Robertson, Lecompton Planning Commission Chair, said the Lecompton Planning Commission support the rezoning.

APPLICANT CLOSING COMMENTS

Mr. Matt Gough, Barber Emerson, said the access road is not a county road, it is private as E 700 Road has been vacated in this location. It is a flag lot, which cannot be split because of its shape. He said it was about 2 miles from KTA and the proposed location of the improvements is in a ravine and surrounded by woodland areas and is not visible from the Farmers Turnpike.

COMMISSION DISCUSSION

Commissioner Harris asked for staff to address the League of Women Voters comment about having a special designation for these types of facilities.

Mr. McCullough said that staff has recognized all along the lack of ability to do conditional zoning and the practical lack of Conditional Use Permit for a facility that wants to serve alcohol. It has presented some practical barriers.

Commissioner Hird thanked Lecompton Planning Commission members for being present. He said because of their positive recommendation and the project's location and inherent limitations he would vote to support the rezoning request.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to forward the rezoning request to the Board of County Commissioners with a recommendation for approval, subject to the following conditions as revised in the staff memo:

1. The rezoning resolution shall be published after the Board of County Commissioners have approved and signed the resolution for the Comprehensive Plan Amendment [CPA-3-2-09].
2. The rezoning resolution shall be published after the recordation of a final plat.
3. The rezoning resolution shall be published after the approval of a site plan. The following required features will be included on any site plan submitted for this property:
 - a. The buffer area shown on the concept plan.
 - b. Use restrictions and maintenance responsibility for the buffer area shall be listed.
4. If a 300 ft buffer width is approved, a revised concept plan showing the approved buffer area shall be provided to the Planning Office to be filed with the rezoning application.

Commissioner Harris said she would vote in favor of the motion but encouraged staff to consider the League of Women Voters points and try to address their concerns.

Unanimously approved 8-0.

PC Minutes 5/18/09

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Letter from Candice Davis on behalf of Oread Neighborhood Association.

Mr. McCullough said it is on the City Commission consent agenda for tomorrow and staff will be given direction.

Consideration of any other business to come before the Commission.

Commissioner Rasmussen asked about Item 10 on Wednesdays agenda. He asked if staff wants the Planning Commission to prioritize them.

Mr. McCullough said staff would like them prioritized in a group for the future.

Recess at 10:57pm until 6:30 P.M. on May 20, 2009.

PC Minutes 5/20/09

Reconvene May 20, 2009 – 6:30 p.m.

Commissioners present: Blaser, Carter, Dominguez, Finkeldei, Harris, Hird, Rasmussen, Singleton, and Student Commissioner Shelton

Staff present: McCullough, Stogsdill, J. Miller, T. Wheeler, and Ewert

BEGIN PUBLIC HEARING (MAY 20, 2009):

COMMUNICATIONS

No communications.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No parte.
- No abstentions.

PC Minutes 5/20/09

ITEM NO. 6 FARMLAND ANNEXATION PLAN (JJM)

Farmland Industries annexation compatibility determination – Determination of the compatibility of the City's proposed K.S.A. 12-521 annexation with the Comprehensive Plan, Horizon 2020, or other adopted land use plans, applicable to the area proposed to be annexed.

STAFF PRESENTATION

Ms. Toni Wheeler, Legal Services Director, and Mr. John Miller, staff attorney, presented the item.

Mr. Miller presented an easel with a view of the property. He went over the memo and petition and gave background of the item.

Commissioner Harris asked why the City wants to annex the land.

Mr. Miller said the land is bounded on three sides by the City. If the property is to be redeveloped the Planning Commission and County Commission would determine that they felt it would be better to have the property included in the City. He stated it is consistent with the comprehensive plan. With the natural growth and process of the City that property would be requested to be annexed.

Commissioner Harris asked if annexing the property without the owner authorization posed a legal issue.

Mr. Miller said it does not. There are three types of annexations under Kansas statute. There is property/owner consent annexation, unilateral annexations, and county approved annexations. County approved annexations may require the city to follow different processes in order to be able to annex the property.

Commissioner Hird asked if this has impact on the clean up of Farmland Industries and shifting the cost to the city. He also asked if that should be part of the Planning Commission consideration.

Mr. Miller said it does not have an impact and should not be part of the Planning Commission consideration. He stated Planning Commissions role in the process is to determine if it is compatible with Horizon 2020.

Commissioner Hird asked if they are supposed to look at existing zoning when they consider the compatibility.

Mr. Miller said staff provide a variety of information to the County with a service area plan, which includes what the zoning is. That is different than what the Planning Commission considers as part of their determination of compatibility or incompatibility.

Commissioner Hird asked when Planning Commission considers compatibility would they consider what it is proposed for.

Mr. Miller said Planning Commission would have to consider whether the property being annexed is compatible with Horizon 2020. Once it goes through the annexation hearing process, depending on the result, the City would then annex and rezone the property. The annexation would not come back to Planning Commission but the rezoning would. The plan talks about what the use of the property will be and the general policy so if and when it comes back to Planning Commission they will look at the redevelopment plan again about what types of changes in zoning would occur.

Commissioner Rasmussen asked what it is currently zoned.

Mr. Miller said it is currently zoned I4, I1, and Agricultural.

Commissioner Rasmussen inquired about the future land use map. He asked how the east open space would be accessed.

Mr. Miller said the service area plan is different than what the comprehensive development plan may be.

Commissioner Finkeldei said 19th Street is expected to extend in the future to go all the way through to the open space.

Mr. McCullough said the Farmland redevelopment plan has provided some conceptual road alignments which could be varied substantially upon actual development.

COMMISSION DISCUSSION

Commissioner Dominguez asked why this is being done when the Farmers Turnpike area was just rezoned.

Commissioner Finkeldei said this is an annexation, not a rezoning. The next possible step would be for the owner to ask for the property to be rezoned and the City or County could initiate the rezoning.

Commissioner Dominguez asked if additional zoning was being taken away or being added to the County.

Commissioner Finkeldei said no, it is just an annexation.

Commissioner Dominguez asked if \$55,000 was the only additional annual cost to the city per year.

Mr. McCullough said the service plan addresses some of those issues.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Carter, to:

1. Acknowledge receiving a copy of the petition for annexation submitted to the Board of County Commissioners of Douglas County, Kansas.
2. Find the proposed annexation compatible with *Horizon 2020* and the Farmland Industries Redevelopment Plan, the adopted comprehensive land use plan applicable to the area to be annexed and the City of Lawrence, Kansas.
3. Adopt a resolution with the Lawrence-Douglas County Metropolitan Planning Commission's findings.

Unanimously approved 8-0, with Student Commissioner Shelton voting in the affirmative.

PC Minutes 5/20/09

ITEM NO. 7 2010-2015 CAPITAL IMPROVEMENT PLAN (CASEY TOOMAY)

Approve projects to be included in the 2010-2015 Capital Improvement Plan (CIP) for the City of Lawrence.

Item No. 7 was deferred prior to the meeting.

PC Minutes 5/20/09

ITEM NO. 8A AMENDMENTS TO DEVELOPMENT CODE; PARKING STANDARDS (SMS)

TA-4-4-09: Consider Text Amendments to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Standards.

Item No. 8A was deferred prior to the meeting.

PC Minutes 5/20/09

ITEM NO. 8B AMENDMENTS TO DEVELOPMENT CODE; PARKING LOT LANDSCAPING REQUIREMENTS (SDM)

TA-5-5-09: Consider Text Amendments to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Lot Landscaping Requirements.

STAFF PRESENTATION

Mr. Scott McCullough stated that the League of Women Voters requested the item be deferred. He said that it would be appropriate since there is not hurry for the text amendment. He presented the item.

COMMISSION DISCUSSION

Commissioner Finkeldei said it could be deferred to June Planning Commission.

Commissioner Carter asked if there has been any feedback on the 45 square feet.

Mr. McCullough said alternative compliance issues are still likely, especially for infill.

Commissioner Harris said that if the requirement for landscaping in alleys is eliminated for boarding houses then they could end up with an alley with no landscaping. She felt five cars was too many for a lot that narrow.

Commissioner Rasmussen appreciated the additional sentence added to section 20-1003(3)(c), *'Curbing may be reduced to account for landscape areas that are used as bio-swales or other alternative systems of storm water management where curbing would impede the flow of water.'* He asked if it was standard to delay a text amendment if requested.

Commissioner Finkeldei said typically a deferral request can come from an applicant but staff is the applicant for this item and does not have any issues with it being deferred.

Commissioner Rasmussen asked if there any projects in the pipeline that would benefit from this.

Mr. McCullough said no, not that staff are aware of.

Commissioner Blaser said heavy industrial buffer yards may be expensive on large lots.

Mr. McCullough said yes, substantial lot sizes would be required to provide landscaping.

Commissioner Blaser asked if the buffer would have to be around the entire property.

Mr. McCullough said the Code gives different options on how to treat the buffer yard for different zoning categories.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Harris, to defer the item for one month.

Motion carried 8-0, with Student Commissioner Shelton voting in the affirmative.

PC Minutes 5/20/09

**ITEM NO. 8C AMENDMENTS TO DEVELOPMENT CODE; PLAN APPROVALS/EXTENSIONS
(SMS)**

TA-5-6-09: Consider Text Amendments to various sections of Chapter 20 of the Development Code to address implementation issues regarding Plan Approvals/Extensions.

**ITEM NO. 8D AMENDMENTS TO DEVELOPMENT CODE; SITE PLAN NOTICE PROVISIONS
(SMS)**

TA-5-7-09: Consider Text Amendments to various sections of Chapter 20 of the Development Code to address implementation issues regarding Site Plan Notice provisions.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented items 8C and 8D together.

Commissioner Rasmussen asked where the 200' notice came from.

Ms. Stogsdill said the Kansas State Statute requires 200' notice for all Planning Commission public hearing items and Board of Zoning Appeals.

Commissioner Hird felt the change in the notice provision was a good step forward. He asked if there had been any public comment received.

Ms. Stogsdill said Paul Werner sent an email today and specifically commented on the phrase regarding 'good cause shown' in section 20-1306(k)(i). He wondered why an applicant would need to provide justification for an extension. She said there needs to be some sort of limit on the approval so it is not indefinite.

Commissioner Finkeldei asked how long it takes to obtain a building permit.

Mr. McCullough said 90% of the time it takes 15 days for a non-residential building permits but they can take longer if Code requirements are not met.

Ms. Stogsdill said the date the City issues a building permit is a trigger that is used in many other facets of development.

Mr. McCullough said it is all about at what point the projects start vesting. The Code vests projects upon issuance of the building permit.

ACTION TAKEN ON ITEM 8C

Motioned by Commissioner Harris, seconded by Commissioner Hird, to forward a recommendation for approval of the proposed amendments [TA-5-6-09] to Sections 1304, 1305, 1306, 1307 and 1309 of Chapter 20, Land Development Code to the City Commission.

Unanimously approved 8-0, with Student Commissioner Shelton voting in the affirmative.

ACTION TAKEN ON ITEM 8D

Motioned by Commissioner Harris, seconded by Commissioner Hird, to forward a recommendation for approval of the proposed amendments [TA-5-7-09] to Section 1305 of Chapter 20, Land Development Code to the City Commission.

Unanimously approved 8-0, with Student Commissioner Shelton voting in the affirmative.

PC Minutes 5/20/09

ITEM NO. 9 2008 PLANNING & DEVELOPMENT SERVICES ANNUAL REPORT (SDM)

Presentation of 2008 Planning & Development Services annual report.

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

COMMISSION DISCUSSION

Commissioner Hird asked what environmental blight was.

Mr. McCullough said it is property maintenance, such as paint peeling off or gutter hanging down.

Commissioner Harris asked what the difference was between environmental blight and structural blight.

Mr. McCullough said structural blight is an unfit dangerous building.

Commissioner Harris asked why there was a 20% increase in inquiries to the Planning Department.

Mr. McCullough said it might be in part to the Code changing in 2006 but it is hard to pinpoint because Planning does not track what types of inquiries are made. He said there was an increase in Historic Reviews so it might be in part to a shift in projects where people are doing smaller home renovation projects rather than large development.

Commissioner Harris said she found the report interesting and thanked staff for providing the information.

PC Minutes 5/20/09

ITEM NO. 10 DISCUSS TEXT AMENDMENTS FOR INITIATION (SDM)

Discuss and prioritize a list of text amendments compiled by staff for eventual initiation by the Planning Commission.

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

COMMISSION DISCUSSION

Commissioner Carter said he would not mind more time to look over the prioritization. He suggested maybe they review them at a Planning Commission Mid-Month meeting.

Mr. McCullough said he is not looking necessarily looking for a 1-10 prioritization but rather if the packet of amendments highlighted is appropriate. If those are initiated they can be worked on as resources allow. He said for example the energy related standards is one that might want to be processed first to address public requests for windmills and solar power.

Commissioner Rasmussen asked what 'C of S' stood for that was in the document.

Mr. McCullough said Certificate of Survey.

Commissioner Hird said focusing on the energy text amendment was good. He said that staff does a good job of discovering in the Code what needs to be corrected. He said that Planning Commission, as a pointed body, should be sensitive to text amendment requests from the public and that he would tend to look at those first if he were to prioritize importance.

Mr. McCullough said he did not disagree but that the energy text amendment is one that staff hears about quite a bit. Staff also hears about RM12D text amendment quite a bit.

Commissioner Singleton agreed with Commissioner Hird. She said the three text amendments she was interested in was payday loans, explosive storage uses, and boarding houses. She felt those issues were prevalent even if Planning staff was not receiving calls.

Mr. McCullough said regarding the boarding house matter, City Commission accepted a letter last night from the Oread Neighborhood and directed staff to give them a report on the moratorium issue. He went on to say that next week staff will release a draft of the Oread Neighborhood Plan update which has elements on how to treat boarding houses. There is some movement on boarding houses that may be worth while to see before initiating a text amendment.

Commissioner Harris also recommended text amendments for boarding houses. She said another text amendment of interest would be to define 'immediately adjacent.'

Commissioner Rasmussen inquired about potential text amendment 808 to 'Add language clarifying that minor subdivisions should be tied to a block corner from the previous plat (Major Subdivision) or street centerline by providing dimensions or bearings from that point.' He asked if that text amendment would take very long.

Commissioner Carter inquired about timeframes.

Mr. McCullough said probably toward the end of the year. He said that some of the text amendments are not necessarily difficult to do but staff would prefer to have the time to do good quality work. He stated that some of the text amendments in process today are the result of stakeholders.

Commissioner Finkeldei suggested that maybe at the end of each agenda or at mid-month they could be updated on the status of the text amendments.

Commissioner Hird asked about the text amendments initiation process.

Mr. McCullough said the Code has a section that says a text amendment can be initiated. He stated that if a private party wants to initiate a text amendment they typically go through City Commission by writing a letter and the request then goes on the City Commission agenda.

Commissioner Hird asked if a text amendment request could come from County Commission.

Mr. McCullough replied yes, for County Zoning Regulations and Subdivision Regulations.

Commissioner Finkeldei asked if the Code says that text amendments have to be initiated.

Mr. McCullough replied yes.

Ms. Stogsdill said they are often initiated by governing bodies more as a way to expedite since Planning Commission only meets once a month and City Commission meets every week.

Commissioner Harris agreed with Mr. McCullough in general about having a first priority group and second priority group but she would like the boarding house text amendment to be at the top of the list. She felt it was an urgent issue.

Mr. McCullough said there is movement on the boarding house issue and direction might be given from City Commission soon.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to initiate highlighted text amendments in the staff report plus the text amendment having to do with boarding houses.

Unanimously approved 8-0, with Student Commissioner Shelton voting in the affirmative.

PC Minutes 5/20/09

ITEM NO. 11 AMENDMENTS TO DEVELOPMENT CODE; CHICKENS & DUCKS (SDM)

TA-4-3-09: Consider Text Amendment to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code.

Item No. 11 was deferred prior to the meeting.

PC Minutes 5/20/09

Consideration of any other business to come before the Commission.

Commissioner Finkeldei stated that he and Commissioner Carter were reappointed to Planning Commission by City Commission on 5/19/09.

Commissioner Rasmussen asked if Planning Commission chair and vice-char elections would be held during the June Planning Commission meeting.

Mr. McCullough said yes.

PUBLIC COMMENT SECTION

ADJOURN 8:02pm