



PLANNING COMMISSION MEETING
November 16 & 18, 2009
Meeting Minutes

November 16, 2009 – 6:30 p.m.

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

Staff present: McCullough, Stogsdill, Day, J. Miller, Swarts, and Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meetings of October 26, 2009.

Motioned by Commissioner Blaser, seconded by Commissioner Finkeldei, to approve the October 26, 2009 Planning Commission minutes with the changes that Commissioner Harris emailed to Ms. Denny Ewert.

Motion carried 9-0. Commissioner Hird was not present for the vote. Student Commissioner Shelton voted in favor.

COMMITTEE REPORTS

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

Commissioner Blaser said the Industrial Design Committee met and had a discussion about how to proceed and decided to change tactics. He said there will be a discussion about it at the February Planning Commission Mid-Month meeting.

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

- Ex parte:
Commissioner Hird said he had a phone conversation with Mr. Mark Buhler who is on the fundraising committee for the Lawrence Community Shelter. Mr. Buhler voiced his support for the project of the new location. Commissioner Hird also attended the Lawrence Community Shelter meeting at the Boys and Girls Club Thursday evening.

Commissioner Singleton said she also attended the Lawrence Community Shelter meeting at the Boys and Girls Club.

Commissioner Blaser said he had a phone conversation with Mary Easterday regarding the shelter.

Commissioner Dominguez said he attended the meeting at the Boys and Girls Club regarding the shelter. He also spoke with Shirley Martin Smith, Dave Johnson with Bert Nash, and had a conversation with Pat Slimmer.

Commissioner Harris said she talked to Pat Slimmer about the shelter.

- Abstentions:
Commissioner Singleton said she would abstain from Item 4.

PC Minutes 11/16/09

ITEM NO. 1A FINAL PLAT FOR BAUER FARM; 1.19 ACRES; 4700 OVERLAND DR (SLD)

PF-9-7-09: Consider a one lot Final Plat for Bauer Farm, Phase 3, containing approximately 1.19 acres, located at 4700 Block #2, Overland Drive. Submitted by Landplan Engineering for Free State Group, LLC, property owner of record.

ITEM NO. 1B FINAL DEVELOPMENT PLAN FOR BAUER FARM; 1.19 ACRES; 4700 OVERLAND DR (SLD)

FDP-9-8-09: Consider a Final Development Plan for Bauer Farm Phase 3, for a carwash, approximately 1.19 acres, located at 4700 Block #2 Overland Drive. Submitted by Landplan Engineering for Free State Group, LLC, property owner of record.

ACTION TAKEN ON ITEM 1A

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve a Final Plat for Bauer Farm based upon the certification in the body of this report and subject to the following conditions:

1. Submittal of a mylar notarized for and signed by the owners, engineer, surveyor and County Surveyor to be recorded at the Douglas County Register of Deeds.
2. Submittal of recording fees, made payable to the Douglas County Register of Deeds.
3. Submittal of a Master Street Tree Plan to be recorded with the Final Plat.
4. Submittal of the necessary guarantee for completion of public improvements.
5. Submittal of a revised drawing that amends the Legend to rename A/E Access Easement to A/E Public Access Easement.

Unanimously approved 10-0, as part of the Consent Agenda. Student Commissioner Shelton voted in favor.

ACTION TAKEN ON ITEM 1B

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve a Final Development Plan for Bauer Farm based on the findings presented in the staff report and 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. Provision of a stormwater pollution prevention plan prior to release of the Final Development Plan for issuance of building permits.
3. Provision of a mylar and recording fees.

Unanimously approved 10-0, as part of the Consent Agenda. Student Commissioner Shelton voted in favor.

PC Minutes 11/16/09

ITEM NO. 2A CS, COUNTY A, & COUNTY I-1 TO IL; 2.65 ACRES; 2176 E 23RD ST (SLD)

Z-10-18-09: Consider a request to rezone approximately 2.65 acres from CS (Strip Commercial), County A (Agricultural), and County I-1 (Limited Industrial) to IL (Limited Industrial) for Lawrence Community Shelter, located at 2176 E 23rd Street. *Initiated by City Commission on 9/15/09.*

ITEM NO. 2B SPECIAL USE PERMIT FOR LAWRENCE COMMUNITY SHELTER; 2176 E 23RD ST (SLD)

SUP-9-9-09: Consider Special Use Permit for Lawrence Community Shelter, approximately 2.65 acres, located at 2176 E 23rd Street and a portion of former Farmland Industries property. Submitted by Grob Engineering Services, for Gary L. Bartz Trust, property owner of record. *Initiated by City Commission on 9/15/09.*

STAFF PRESENTATION

Ms. Sandra Day presented items 2A and 2B together.

Commissioner Harris asked if commercial gateway is a defined term and if this property is considered part of the commercial gateway.

Ms. Day said there is language in Horizon 2020. She said the property would generally be considered part of the overall gateway.

Commissioner Dominguez asked staff to address the communication from attorney Mr. Ron Schneider regarding the projecting being rushed.

Mr. McCullough said staff has reviewed all points made regarding the process and believe it is within the framework that staff tries to adhere to.

Commissioner Dominguez inquired about the rezoning of the property to IL and asked if it would be a problem if Mr. Slimmer wanted to purchase the adjacent property.

Ms. Day said that if Mr. Slimmer wanted to purchase the property he could. Split zoning sometimes can be problematic as you try to move through a design piece. There are many pieces that are still compatible. There are limitations and restrictions on how much you can expand the CS district so that may be more of a limiting factor than the property going to IL. She said it would make better sense for Mr. Slimmer to rezone his property from CS to IL than to try and expand CS. CS district was created to denote and document the existing strip commercial, it's not a design type of district that should be perpetuated.

Commissioner Dominguez inquired about law enforcement being involved.

Ms. Day said law enforcement had general questions early on in the process and she believed their questions were addressed.

Commissioner Dominguez asked if the rezoning was approved and the Special Use Permit was not would the rezoning still happen.

Ms. Day said the rezoning could be approved and conditioned not to have the ordinance published unless the Special Use Permit was also approved.

Commissioner Rasmussen asked for clarification on what property was proposed to be rezoned to IL. He also asked if it was typical for a request for rezoning and Special Use Permit before the property is owned.

Ms. Day said the property being rezoned is the entire two acres, which includes the existing restaurant building and farmland property. She also said it was typical that the sale of ground is not final and contingent on different land use approvals.

Mr. McCullough said that staff did not have an owner authorization form for the Farmland Industries property. He said the applicant is acting on behalf of the owner. He stated that this is an exercise that is a bit unique, because while state statute gives City Commission the authority to initiate rezoning, which could include a Special Use Permit, the farmland industries property is owned by a trust and the City is attempting to acquire that property.

Commissioner Rasmussen inquired about the staff report requirement of 15 parking spaces with 32 parking spaces proposed.

Ms. Day said as proposed there are plenty of parking spaces.

Commissioner Dominguez inquired about the Housing Vision Chart and asked about the shelter number that City Commission approved.

Mr. McCullough said the chart was included in the agenda packet and showed it on the overhead. All the numbers are the same as adopted except for the shelter which the number 75 shows up with an asterisk and that says that the number of units needed to meet the housing needs based on the 2007 point in time count numbers and service provider estimates. 75 was the number that City Commission saw when they adopted the Housing Vision Chart. Since then the Community Commission on Homelessness has been participating in the homeless census and they believe that there is a need for the 125 bed shelter at this time given the economic conditions we're in.

Commissioner Dominguez asked if City Commission approved 75. He asked if 125 had been approved by City Commission

Mr. McCullough said yes, 75 was approved. He said the 125 was not approved for the Housing Vision Chart.

Commissioner Dominguez asked what the time frame was for the Special Use Permit at the current location.

Mr. McCullough said 3 years.

Commissioner Dominguez asked if a retail market study was required.

Ms. Day said no. She said the commission has the right to add it as a condition.

Mr. McCullough said the retail market study noted is a study on retail conditions of the city, not one particular uses impact on the retail market. It has more to do with comparing vacancy rates, and other indicators about the health of the retail market, not a study on land use impact on retail corridor or node.

Commissioner Dominguez asked if the shelter has met their management plan at the current location.

Ms. Day said she did not know where they stood with their compliance.

Commissioner Dominguez inquired about how many police calls are made to shelter.

Ms. Day said that information was included in the Planning Commission packet.

Ex parte:

Commissioner Harris said she called the Topeka Rescue and inquired about the amount of police calls. She said they get a call every few weeks and is often a medical emergency.

Mr. John Miller said beyond what commissioner Harris just stated all the ex parte is the same as previously stated.

APPLICANT PRESENTATION

Mr. Loring Henderson, Director of the Lawrence Community Shelter, introduced all of the following speakers.

Mr. Dan Sabatini, Sabatini Architects, went over the interior plans.

Ms. Michelle Mueller, Sabatini Architects, discussed current limitations of space. She also discussed control and separation.

Commissioner Dominguez inquired about the layout and the percentage of transitional area.

Ms. Mueller said the emergency space is about 750 square feet. She pointed to where the beds and restrooms would be for each area. She said currently a family is a single individual with children.

Commissioner Carter asked if the shelter currently has three separate areas.

Ms. Mueller said no, Mr. Henderson can speak to that.

Mr. Henderson said every year the Community Commission on Homelessness oversees a project to get the number of homeless. It is estimated somewhere in the 300's and about half of the number are families and half are individuals. All of the school districts have a homeless child in them. Until June 1, 2009 LCS did not take families with children, when the Salvation Army closed, they started. He said they try to separate the families from individuals. He said the number of 125 that has come up for the design of the building because last winter Lawrence Community Shelter and Salvation Army were sleeping that amount of people. He stated currently LCS is sleeping 76 people and uses every bit of space. He said the 125 number was approved by the Community Commission on Homelessness. He said they have a program at the shelter to help people get out of the shelter but that they do not have a lot of supportive permanent housing for the mentally challenged. He emphasized their job program that is interactive work with other agencies. He said they have about 100 volunteers.

Commissioner Moore inquired about admittance of intoxicated people during the day/night.

Mr. Henderson said that they will not take intoxicated persons during the day, only at night.

Mr. Henderson said the good neighborhood agreement came about with the Oread neighborhood a few years ago but it can be worked out with the new neighbors and make it as appropriate as possible. He went over the new proposed management plan that was included in the packet. He said the new site was chosen because of its feasibility, on the bus route, tremendous space, and it was not more expensive than other sites looked at. He said they are in agreement with the staff recommendation with the exception of the 15 year Special Use Permit term because funders are apprehensive that 15 years would not be enough time to pay it off. He said it will affect the capital campaign. He clarified that Lawrence Community Shelter is not a 'wet shelter.' Patrons are not allowed to have liquor on the property, however they are an 'open shelter' that will house those who have been drinking at night.

Commissioner Carter inquired about performance measures and asked if he saw the new location assisting with improvement.

Mr. Henderson said yes, there would be more room for related service providers and jobs program.

Commissioner Finkeldei inquired about tracking how long people have been there.

Mr. Henderson said they track daily who stays at the shelter. The 120 days starts from when they first sign in.

Commissioner Finkeldei inquired about guests leaving during the night.

Mr. Henderson said there is a clear list of who is banned from the shelter and for what time period.

Commissioner Finkeldei asked about transportation plans and how that will change at the new site.

Mr. Henderson said the shelter has a van that takes people to appointments. He said there have been discussions with the bus system and it might be possible to get a bus stop.

Commissioner Finkeldei asked what would happen if someone was on the ban list and they show up.

Mr. Henderson said the person may be taken somewhere else like a friend's house.

Commissioner Finkeldei asked if there was a LINK type service near the new location.

Mr. Henderson said three meals will be served a day at the new shelter so guests would not have to go to LINK.

Commissioner Finkeldei asked if someone does not meet with a case manager within 72 hours does that put them on a ban list.

Mr. Henderson said no, he could not imagine someone not meeting with a case manager.

Commissioner Finkeldei inquired about the fenced in area for outdoor activities and what purpose it served.

Mr. Henderson said it just defines the space and keeps balls from rolling away. He said at night it will be locked.

Commissioner Finkeldei inquired about loitering on shelter property.

Mr. Henderson said guests could sit on the property but the idea is to have a recreational area for people to be. He said one of the things he would like to do with the additional property is have a garden. There is an organization that would like to oversee a garden/recycle program in the future.

Commissioner Finkeldei asked if there any major changes from the current management plan and the revised version.

Mr. Henderson said it was pretty much the same but that they are developing a family program.

Commissioner Dominguez inquired about the number of families.

Mr. Henderson said LCS currently has 3-4 families.

Commissioner Dominguez inquired about how late in the evening guests can be admitted.

Mr. Henderson said they would like for guests to be in by dinner time and not leave after that but the shelter will admit people at any time and then the intake process would be done the next morning.

Commissioner Dominguez asked about how the shelter verifies that people are Douglas county residents.

Mr. Henderson said it is verified in many ways; drivers license, other types of identification, local family members, if they went to school locally, local job, etc.

Commissioner Dominguez asked if Mr. Henderson is on the board of the Community Commission on Homelessness.

Mr. Henderson said yes.

Commissioner Dominguez asked about the shelter's definition of mental illness.

Mr. Henderson said in large it's someone who has a designation from Bert Nash.

Commissioner Dominguez inquired about verification of veterans.

Mr. Henderson said the Veteran Affairs hospital usually has records.

Commissioner Dominguez inquired about matrix numbers/statistics.

Mr. Henderson said he submits an annual report to City Commission with numbers.

Commissioner Dominguez asked how many people were in the jobs program.

Mr. Henderson said five people.

Commissioner Dominguez inquired about the number of children.

Mr. Henderson said there were currently about five children at the shelter.

Commissioner Dominguez said he serves on the housing authority board. He asked why some of these families aren't being rotated into the rapid rehousing program.

Mr. Henderson said it's just getting started. Some of these families might have felony convictions or some sort of drug history so they are prohibited in participating in that type of program, but that anyone who is eligible will certainly be entered into that program. He said they also work with Family Promise.

Commissioner Dominguez asked why the public forum occurred Thursday night instead of sooner.

Mr. Henderson said there were not floor plans or anything to show the neighbors prior to that. He said he had intended to have the meeting a week earlier but had a personal issue to attend to.

Commissioner Dominguez said he was just trying to make sure everyone's views are heard.

Mr. Henderson said he has tried to be in touch with Pat Slimmer and other concerned neighbors. The management plan is a living document and it will be 18 months before LCS can get into the building, if approved. He said he wants to be a good neighbor and is willing to talk and work to get this thing going.

Commissioner Harris asked if there will be three meals a day served at site.

Mr. Henderson replied yes.

Commissioner Harris asked how often a typical person would leave the facility to access other services during the day.

Mr. Henderson said that all guests will be required to do four hours of service for the shelter, meeting with case managers, sometimes they will need to go to SRS or other places. He said the bus stop is nearby. He also stated there is no entrance on the front of the building.

Commissioner Harris inquired about bus passes.

Mr. Henderson said the city donates money to fund bus passes.

Commissioner Harris asked what services are most used by people at the shelter.

Mr. Henderson said numerically it is medical. He said they just started a new program with Baker University where nurses come in. He said dental care is rare to find can that it is an issue as well.

Commissioner Harris inquired about police calls and asked if Mr. Henderson could describe the nature of the police calls.

Mr. Henderson said that Mr. Don Huggins would make a presentation about that.

Commissioner Harris asked what the consequences were if a guest of the shelter trespassed on private property near the shelter.

Mr. Henderson said there would most likely be a warning first and then possible banishment from shelter.

Commissioner Harris asked if Mr. Henderson would be willing to put that in the management plan.

Mr. Henderson said yes.

Commissioner Harris inquired about the animal kennel.

Mr. Henderson said that some guests have a pet or service animal and that there is a need for a kennel.

Commissioner Hird inquired about the bus service being extended to the shelter.

Mr. McCullough said he had a conversation with Bob Nugent, Transit Director, and it will ultimately be up to City Commission but that it is feasible.

Mr. Don Huggins, president of Lawrence Community Shelter board, said the police department looks at statistics based on neighborhood map units. He showed a map on the overhead. He showed charts on police calls per month. He said the highest number of calls is regarding trespassing. He said LCS tries to police their own property which means calling the police to report people that have been banned from the LCS property.

Commissioner Dominguez inquired about services and asked if guests can fill out paperwork for funding.

Mr. Huggins replied yes.

Commissioner Dominguez gave the scenario of transient people filling out paperwork to get funding and then leaving.

Mr. Huggins said they can apply for funding in any other place so he did not imagine 300 new people coming here and waiting months for possible funding.

Mr. Doug Brown said this site was picked after a lot of time and effort. This is the only property that met the criteria, the facility can fit on the ground, it was for sale, the price was affordable, no residential neighborhoods adjacent, city sewer and water was available onsite. He discussed the timeline and other sites considered.

Commissioner Dominguez inquired about the site visits.

Mr. Brown said the board made visits to 4 or more properties but that over 30 properties were looked at.

Commissioner Moore asked if any consideration was given to E 25th Street, by the jail.

Mr. Brown said yes, the area next to the jail was considered but that the sheriff said he needed that for further expansion.

Commissioner Singleton inquired about the petition with the broad statement that the three primary causes of homelessness are alcohol, drug abuse, and mental illness.

Mr. Henderson said it is due to lack of housing, education, health care, and family support. He said mental illness is included under lack of health care.

Commissioner Singleton discussed the assumption that all of the people in the shelter are career transients.

Mr. Henderson said no, in the last best survey the number the chronic homeless was about 38. He said he believed they are chronic for a reason that has not been resolved.

Commissioner Dominguez asked if it was true that those living with family or in a mobile home are counted as homeless.

Mr. Henderson said 'couch surfing' is consider homeless. A mobile home is a home and is not considered homeless.

PUBLIC HEARING

Ms. Katherine Dinsdale, Community Commission on Homelessness (CCH), expressed her support of the Special Use Permit. She gave the background of CCH of how it was created. CCH considered the Special Use Permit and approved it. She said this is not a transplant of the existing shelter, it is a new shelter so she expects to see something very different on 23rd Street. She said it is limited to 125 people and that are all that can be served.

Commissioner Harris asked about the criteria.

Ms. Dinsdale said text amendment criteria, appropriate zoning, transportation, and meets the need. She said it would be foolish to build a shelter that is too small.

Commissioner Dominguez asked why CCH did not go back to City Commission to get 125 people approved, instead of 75 people.

Ms. Dinsdale said when the Salvation Army closed they were serving 120 people in conjunction with LCS. When CCH approved the Special Use Permit and recommended City Commission go forward with it that was when the number was changed.

Commissioner Dominguez inquired about overflow and the idea for a detoxification center.

Ms. Dinsdale said there are finite resources in the community, the idea is to not keep those people in the shelter, the goal is to get them in and out as quickly as possible. She said they have become educated by looking at shelters around the country.

Commissioner Dominguez discussed networking within the homeless population. He gave the example of a homeless person using the internet at the library to tell others in Los Angeles about the services offered in Lawrence.

Ms. Dinsdale did not think that was a likely scenario.

Mr. Mark Gwaltney, owner of Diamond Everley Roofing next door, said he has not met Mr. Loring yet. He wondered if the management plan would be followed through with. He read most of the pertinent parts of Horizon 2020 that discuss the 23rd Street corridor which talks a lot about employment, commercial, and industrial uses. He felt that 23rd Street was a highly visible artery to the city and the gateway to the community. He expressed concern for property values.

Ms. Charlotte Hastings, lives in Deerfield Woods, expressed opposition to the homeless shelter being expanded in any neighborhood. She felt there were too many schools, residential areas, 4-H fairgrounds, mobile home park, and businesses in that area. She said she no longer feels comfortable walking downtown at night due to the transient population. She signed the petition against the shelter and does not want to invite more career transient people to the city. She felt that making the shelter larger would only make the problem larger. She did not think a shelter should be at a gateway of the city.

Ms. CJ Brune said there were far fewer incidents from LCS guests than from new KU students each year. She urged them to approve the new homeless shelter.

Ms. Toni Dudley was baffled by the Farmland Land being part of the request.

Mr. McCullough asked Mr. Wood put up a timeline of the past few years of the process of pursuing a site. Mr. McCullough said the city is still attempting to acquire the Farmland property and that the City Commission initiated the rezoning request.

Ms. Dudley asked if they would buy it.

Mr. McCullough said the city would likely hold the property and lease it but that is unknown at this time.

Ms. Dudley said the land use is a big issue.

Ms. Boo Tyson, neighbor across K-10, said she was in favor of the shelter being near her house. She thought it was one of the best sites in town for the shelter. She said they are not all that different than other communities and that most cities have a shelter of some kind because having people freeze under bridges doesn't make a city very compassionate.

Mr. Pat Slimmer showed a letter to clarify police calls. 411 calls between September 2008 – September 2009. He did not think Planning Commission guidelines were followed correctly and it denied neighbors time to look at the issues. He said that LCS, with the city's help, has tried to acquire the land. He said it was not consistent with the surrounding land uses. He also stated that LCS has the potential to cause financial hardship to the area.

Mr. Brad Cook, social worker at LCS, was in favor of the relocation because it is the best location so far. He said choosing this site is not an act of desperation, no location will ever be fully accepted. He said that many think it would be deplorable to see a shelter at the entrance of a city but he felt it will show strength that Lawrence cares for its citizens. He said they cannot generalize and categorize the homeless population. He encouraged people to look at the daily police log because the percentage of people with homes is greater than transient people.

Ms. Missi Pfeifer said she was apprehensive of the expansion of LCS. She expressed opposition to the relocation. She felt that criminal activity would increase and that it would just be moving the problem from downtown to east Lawrence.

Ms. Kim Bartalos, Block Real Estate, represents Ten Marketplace, said she appreciates what homeless shelters do for the public. She expressed concern about neighbors needing to have surveillance and where will the homeless folks go during the day. She said retail growth is based on peoples apprehension of security and that businesses are adversely affected by a homeless shelter being located near it, they have higher costs for cleanup, insurance, etc,

Ms. Lindsey McCaig, lives in Prairie Park area, concerned with the shelter overall, not just the fact that it's moving to her area. She was concerned with the management plan and did not think overflow issues had been addressed. She was also uncomfortable with how the city was handling this because it felt like it was being pushed through. She did not think this was working toward fixing the problem, it is just putting a big bandaid on it. She felt these are people who are choosing to be in this situation so the cost needs to be taken into consideration.

Mr. Ron Schneider, attorney to three opposed property owners, expressed concerns with the application process and felt this is being moved forward at breakneck speed. He questioned the deadlines not being followed. He also questioned the city's involvement in the process. He said the downtown merchants have not been happy with the activity and some of that is due to LCS. He said Special Use Permits should not have adverse impacts to nearby property owners. He said it was not clearly addressed how the project would work without the Farmland property.

Ms. Hilda Enoch said she feels like there will never be an ideal place where there won't be someone to oppose this, she urged them to approve.

Ms. Deborah Bridson urged Planning Commission not to approve. She did not think this did anything to prevent homelessness and felt that money should be directed to other programs. She said she would prefer that public transportation was not given to homeless because her child rides the bus. She felt betrayed by the neighborhood meeting last week and didn't feel like her concerns were heard.

Mr. Price Banks, attorney representing the shelter, said staff did answer the procedural question. He encouraged Planning Commission to approve the item and said that deferral would be costly and harmful to the shelter.

Mr. Roy Clough, lives in Anderson Acres, said it is unsettling to have homeless people wandering near where he lives and concerned about them hanging out at the 4-H Fairgrounds. He expressed opposition to the shelter moving to this location.

Ms. Mary Wharf, newly elected as the Barker Neighborhood President, agreed that the neighbors have not had enough time. She would like to see addressed in the management plan foot traffic, emergency contact, an ongoing committee regarding neighborhood concerns, and that the renewal of the Special Use Permit should be much more often than every 15 years.

Mr. John Tacha said that a larger shelter would allow more people to be off the streets at night so it would increase safety. He said there will be much time for neighbors to have input over the next year or so.

Mr. Bob McKennan expressed concerns about security for the neighborhood.

Commissioner Rasmussen asked Mr. Price Banks to elaborate on his comment that deferral of this item would be costly and harmful.

Mr. Banks said that every day that passes the Lawrence Community Shelter can't campaign for private money they need to raise private funds and are also facing eviction by the city from their existing location by virtue of having the Special Use Permit expire. He said it has been extended but the governing body shows less and less patience each time.

Commissioner Harris asked if Ms. Bartalos with Block Real Estate if she has anything further to say since she was representing a group and had two more minutes to speak if she wanted.

Ms. Bartalos, Block Real Estate, gave percentages and statistics on how a homeless shelter could affect nearby businesses.

APPLICANT CLOSING COMMENTS

No closing comments.

COMMISSION DISCUSSION

Commissioner Carter felt that the 'if you build it they will come' characterization oversimplifies it and tends to separate people into two camps. He did not think it was that simple. He felt that a maximum of 125 people in the shelter within a town the size of Lawrence puts it in perspective. He felt that the cramped conditions at the current facility contribute to the current issues, assuming proper management, he would expect that police would deal with any issues that will arise. He suggested putting a condition on the rezoning so it would not be published without the Special Use Permit approval. He also suggested adding trespassing language to the management plan. He felt that a bus stop should be near the site as well. He said he would expect to see improved performance measures. He said he would support the rezoning and Special Use Permit.

Commissioner Dominguez said the homeless industry is growing in this community. He was not convinced a bigger shelter was needed and felt that if it were a dry shelter that a bigger one may not be necessary. He felt they needed to do what was best for the community. He said they need to be honest about what is expected and City Commission approved a facility for 75 people. He felt it was fishy the way this is being pushed through. He felt it was moving too fast and that it is too important of an issue to move so fast. He said the city did this before with an annexation and are still in a lawsuit over it.

Commissioner Singleton said this is not the first time Planning Commission has talked about homelessness since she has been on the commission, so none of this is new other than the framework of the conversation. The issue of 'if we build it they will come' the statistics show that's not accurate. If someone who goes to LCS and is asked if they are a resident they are not denied services and there is no incentive for them to lie. Homelessness is not what we see every day on Massachusetts Street. She felt this model fit perfectly and the location fit perfectly. The site is designed to look nice and provide programs. Homelessness has always been a part of society and it will not be created because of a bigger facility. She said this is something the city should be proud of and shows that this community is compassionate.

Commissioner Finkeldei said he has served on Planning Commission for five years and this debate reminds him the most of the Wal-Mart debate because they both have the component of 'should we have it at all.' He felt the city should have a shelter and that there is a place in the community for a shelter. He said his children went to the child care center located in the church that LINK is located in. He said it would not be the perfect scenario regardless of where the shelter is located but he did not think having a shelter would hurt the community. He said that industrial zoning was appropriate for this location. He also said that this could be a decent location for the shelter. He did not believe that if the current shelter was picked up and moved to the new location that it would work but with the new design it should be better. He would like for there to be more time to have a management plan that addresses the unique features of this location. He said there needs to be a transportation plan, foot traffic plan, bus plan, and he liked the idea of a neighborhood committee. He said he did not know if he could support a 15 year Special Use Permit and would suggest less years. He suggested deferring the item.

Commissioner Harris said there is a need for a shelter in Lawrence but did not think industrial zoning was a good fit and should stay commercial. She expressed concerns about the zoning, the highway, the neighborhood, and the impact on the commercial area nearby. She felt that more time was needed to talk to neighbors and look at other possible locations.

Commissioner Rasmussen said that Planning Commission has a responsibility to try and look into future and think about the ramifications of their actions. He said the rezoning complies with the Comprehensive Plan. The Farmland property will probably be used for industrial type uses and given the current land uses around there this type of use would fit. Future plans for the area will probably be some sort of limited industrial so it satisfies being compatible with that requirement. Regarding the Special Use Permit, he said he may need more convincing that the operational impacts are compatible. He said he likes the good neighbor policy and the covenant that guests sign up for. He felt that the rules for the guests could be expanded based on input from the neighbors and would make for a better covenant. He was not convinced that there would be substantial diminishment in property value and that it might be good to hear more evidence on that. He would like assurance of maintenance. He expressed concern about the 15 year time limit. He said he commuted on K-10 for years and he thought Farmland Industry was an eyesore for the community gateway. He did not think a homeless shelter being there would create a negative impression but loitering and panhandling of the guests might. He thought those concerns could be addressed by spending more time with the neighbors. He said he takes a dim view of any developer who hasn't taken the time to talk to the neighbors and said it was discouraging that Diamond Roofing hasn't heard from the applicant. He said would support a deferral to take the time to work with neighbors and enhance guest covenant and good neighbor policy.

Commissioner Hird said it is difficult because Planning Commission members are not elected officials and policy issues are thrown at them. He said Lawrence is a town of passionate people and elected officials are the better persons to tackle these issues. He felt that a homeless shelter needed to be built and the city needs to provide shelter to homeless people and that not many people would disagree with that. He said based on what he has learned to identify an appropriate site, he thinks the staff finding is right on point and that it is going to be difficult to find a site better than this. He believes LCS has done an exhaustive extensive study in trying to find a site. He felt that a better facility that can keep people inside will help with some of the issues. The real success of this project depends on LCS response to issues. He stated that Ms. Brune's comments about KU students was well taking. The Oread Neighborhood has issues with boarding houses and college students. He said if he were to support the Special Use Permit he would want it linked to have bus service to the front door because if some of the foot traffic could be eliminated through the area it would eliminate some of the problems. He felt that a foot traffic study was a wise thing to think about and how to minimize the impact to the neighbors. He said if the consensus of the commission is to defer he would not be opposed to it. His support of the item would be conditioned by extension of bus route.

Commissioner Moore felt the management plan should be more outcome based. He would support deferring this item. He thought 15 years for the Special Use Permit was way too long and said he would be more in favor of 5 years.

Commissioner Blaser said Lawrence needs a shelter. He agreed that the zoning is probably correct. He was concerned about residents who have not met with Mr. Henderson yet. He said Mr. Slimmer made a comment about fencing and bushes but that he has not heard anything about that being taken into consideration. He thought there needed to be a plan for overflow and agreed that bus service needed to be provided to the location. He also thought 15 years was too long for the Special Use Permit and was in favor of deferring one month.

Mr. McCullough said that December Planning Commission was only a few weeks away and that January might be a better timeframe given the context.

Commissioner Carter said a 5 year Special Use Permit would be more appropriate than 15 years. He stated there is not an island to put the shelter and that it will have problems wherever it goes.

Commissioner Singleton said a deferral would allow time to work on the management plan. She felt that they could approve the rezoning and 5 year Special Use Permit and did not think it should be delayed two months.

Commissioner Moore said this is extremely important to the community and deferring it two months to get it right is important.

Commissioner Hird inquired about the right to revoke a Special Use Permit.

Mr. McCullough said 15 years was in light of future development on the Farmland site.

Commissioner Hird said he hoped the deferral did not cause the loss of fund raising. He said he did not necessarily agree with putting an arbitrary time limit on the Special Use Permit.

Commissioner Rasmussen said there does not have to be a time limit on the Special Use Permit but that staff recommended it. He said this has potential to be a good location for the shelter but that there has not been enough time spent with the neighbors.

Commissioner Dominguez inquired about the management plan.

Mr. McCullough said the management plan criteria is now in the Development Code and is binding.

Commissioner Rasmussen asked if the Special Use Permit for the current location of LCS will expire.

Mr. McCullough said yes in April 2010.

Commissioner Hird said he would vote in opposition to deferring.

A summary of the issues discussed by the Commission:

- *Condition rezoning so not published unless SUP is approved*
- *Address trespassing issues on nearby property in Management Plan*
- *Bus stop (changes to bus route to provide service to shelter)*
- *Consideration of only 'dry' shelter*
- *Consideration of Douglas County residency requirement*
- *Plan for foot traffic – can we identify expected/most frequent routes to various services? Foot traffic study*
- *Transportation Plan – how will guests be transported to various services?*
- *Should a committee be formed to work through Good Neighbor Agreement?*
- *15 year time frame may be too long/ or maybe a time frame is not required at all with revocation process in place*
- *More information on consideration of other locations – why they don't work? Why this is the best location?*
- *Safety on busy street*
- *Address off-site panhandling (on 23^d Street especially, impression as one enters Lawrence)*

- *Management Plan should address off-site expectations*
- *Need to spend more time with neighbors to address issues/comfort with ability to handle off-site behaviors*
- *Success depends on LCS response to issues*
- *SUP should be linked to bus service to front door*
- *Address setbacks/bufferyard changes requested*
- *Need to work with neighbors in larger area, beyond immediate property owners (such as residents of mobile home park, tenants in 10 Marketplace)*
- *Management Plan needs to be more outcome based – more positive language*
- *Plan needs to address what happens if shelter is full – what is done with overflow, or how do you turn people away/ transport somewhere else?*
- *Management Plan needs to be tailored to this location and this facility/operation*
- *More clarity on how guests will spend the day – what all will they be doing (service hours, counseling, appointments)*
- *How will outdoor area be used? Address loitering*
- *What are impacts/relationship with existing food programs such as Jubilee Café and LINK*

ACTION TAKEN ON ITEM 2A

Motioned by Commissioner Dominguez, seconded by Commissioner Finkeldei, to defer the Rezoning of 2176 E 23rd Street to the January Planning Commission.

Commissioner Singleton said there were only about 10 people who spoke against the shelter.

Motion carried 6-4, with Commissioners Carter, Chaney, Hird, and Singleton voting in opposition. Student Commissioner Shelton voted in opposition.

ACTION TAKEN ON ITEM 2B

Motioned by Commissioner Dominguez, seconded by Commissioner Finkeldei, to defer the Special Use Permit for Lawrence Community Shelter at 2176 E 23rd Street to the January Planning Commission.

Motion carried 6-4, with Commissioners Carter, Chaney, Hird, and Singleton voting in opposition. Student Commissioner Shelton voted in opposition.

PC Minutes 11/16/09

**ITEM NO. 3 CONDITIONAL USE PERMIT FOR MIDLAND JUNCTION SAND FACILITY;
310.76 ACRES; E 1400 RD & N 2000 RD (SLD)**

CUP-8-8-09: Consider a Conditional Use Permit for Midland Junction Sand Facility, approximately 310.76 acres, generally located southeast of the intersection of E 1400 Rd & N 2000 Rd. Submitted by Landplan Engineering, for RCS Properties LLC, property owner of record.

Item No. 3 was deferred prior to the meeting.

PC Minutes 11/16/09
MISCELLANEOUS NEW OR OLD BUSINESS

MISC ITEM NO. 1

Adopt the 2010 Planning Commission meeting calendar.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to adopt the 2010 Planning Commission meeting calendar.

Unanimously carried 10-0.

Consideration of any other business to come before the Commission.

Recess at 11:20pm until 6:30pm on November 18, 2009.

PC Minutes 11/18/09

Reconvene November 18, 2009 – 6:30 p.m.

Commissioners present: Blaser, Carter, Finkeldei, Harris, Hird, Moore, and Rasmussen
Staff present: McCullough, Stogsdill, Leininger, J. Miller, M. Miller, and Ewert

BEGIN PUBLIC HEARING (NOVEMBER 18, 2009):

COMMUNICATIONS

No communications received.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Rasmussen spent about three hours with Ms. Marci Francisco taking a walking tour of the Oread Neighborhood.
- No abstentions.

PC Minutes 11/18/09

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14 (MJL)

CPA-2-1-09: Consider a Comprehensive Plan Amendment to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Mr. McCullough said the action requested there were good comments for PC to filter out. Some are easily implemented in the plan and others may be up for discussion. Looking for PC to filter through the comments.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance (LPA), reviewed the letter he sent for communications that was included in the packet. He asked for another month to review the plan.

Ms. Elle LeCompte talked briefly about parking and said that with a dumpster that would leaves 4 parking spaces off the alley and most boarding houses have more than 4 people. She said that most Oread neighborhoods only have parking on one side of the street. She recommended that congregate living units have 1 parking space per bedroom.

Commissioner Rasmussen asked if she had any desire for a parking permit program.

Ms. LeCompte wondered who would administer and enforce such a program. She did not think it would work all that well.

Mr. Kyle Thompson, President of Oread Neighborhood Association, said about 18 yrs ago a parking permit program was attempted to implement and they ran into a lot of objection. He said it came down to having 50% of property owners on each block to approve it and that wasn't able to happen since there are a lot of rental properties.

Commissioner Harris asked where the 50% requirement of landowners approval came from.

Mr. Thompson said it was a City Commission requirement at the time.

Commissioner Harris asked if it was a City Commission rule at the time but not part of the Code.

Mr. Thompson said yes.

Commissioner Carter inquired about Edgehill Road being eliminated from the Oread Plan.

Mr. Thompson said he was not on the board at the time so he was not sure.

Commissioner Carter asked if there is someone former from the board that could answer that,

Mr. Thompson said he was not sure.

Ms. Marci Francisco, 1101 Ohio Street, said several of the neighborhood association members met and had a few concerns and a letter was provided that was included in the Planning Commission packet. She said the bike lane on Louisiana Street is only two blocks now. She appreciated the

discussion regarding trash dumpsters. The proposed overlay districts, two boundaries are along alleys. She said the 1100 block of Ohio has no alley and is hard to provide parking.

Commissioner Harris inquired about restoring brick sidewalks and the words uncovered or covered.

Ms. Francisco said the words were just moved.

Commissioner Harris asked if the neighborhood wishes to have the brick restored.

Ms. Francisco said traffic patterns would have to be looked at because it may not be feasible to take the asphalt off of the brick on streets such as Tennessee Street.

Commissioner Rasmussen asked for Ms. Francisco's comments on the proposed overlay map.

Ms. Francisco said there are still single family residences on Ohio Street and that it doesn't make sense to indicate that would be a place for high density. High density is not appropriate with steep slopes. Kentucky & Tennessee have a lot of traffic and there are people who are uncomfortable raising a family on that busy of a street. Ohio is not nearly as busy with traffic so it is a nicer street for single families.

Ms. Candice Davis said she was interested in keeping people in the neighborhood year round. She said crime has gone up and there are less people living there year round. She said that property maintenance issues are important. She said that higher density with more parking would be a problem.

Ms. Carol von Tersch said the Oread Neighborhood is already a developed neighborhood and a majority of the structures were built as single family with few boarding houses. She said a goal was to stabilize the neighborhood and put policies in place to address demolition by neglect. She said that conversion of boarding houses does not best preserve structures. Increased density affects livability and discourages families. She discussed the economic impact of the loss of historic character to the neighborhood.

Commissioner Rasmussen asked her if she had an idea to address the zoning density RM32.

Ms. von Tersch said an overlay district may address it without down zoning.

COMMISSION DISCUSSION

Commissioner Harris asked about the placement of trash dumpsters and if the city will need permission from the owners.

Mr. McCullough said yes, his understanding in talking to Solid Waste is that they will contact the home owner.

Commissioner Harris asked staff if there were any specific public comments the Commission should address.

Mr. McCullough said there were new comments related to the plan from the Oread Neighborhood Association, Ms. Francisco, Ms. LeCompte, and Mr. Watts included in the packet. He said Mr. Watts would like his property included in the Oread Plan. He said staff does not necessarily believe the Oread Plan needs to meet up the boundaries of the neighborhood association.

Commissioner Rasmussen said he had a general concern that there are areas in the Oread neighborhood that are becoming a student ghetto which is a real concern and should be included in the plan. He felt there should be more aggressive enforcement of existing ordinances.

Mr. McCullough said the plan attempts to address that by including neighborhood cleanup, trash pickup, and expanding rental registration. He said the Oread neighborhood gets more trash pickup than other neighborhoods for the same cost.

Commissioner Harris agreed that additional trash service is needed for that area but that it should be paid for. Suggested that yards be picked up within 24 hours of the game or a fine will be given to the property owner.

Commissioner Moore said the Oread neighborhood had good recommendations but that the one space per bedroom could be confusing. He stated that Edgehill Road could be incorporate into the Neighborhood Plan and doesn't affect the neighborhood association boundaries but that it might muddy the waters more.

Commissioner Finkeldei agreed with Moore about the recommendations being good and said they should all be incorporated except the parking one. He also liked the suggestions by Ms. Francisco. He said they could add comments about the reason for doing the plan is because of the changes/perceptions. He did think something could be added to increase trash pickup as something general. Suggested an Oread neighborhood rental program paid for by these landlords.

Commissioner Hird discussed relieving the parking problem through better use of alternate forms of transportation.

Commissioner Rasmussen said the existing zoning map shows RM32 for a large percentage. He wondered about suggestions from staff on how to rezone portions of that. He liked the suggested mixed se.

Commissioner Blaser asked about the Barber Emerson letter.

Mr. McCullough said staff responded and excluding them would leave an island. They are not in the downtown area, they are in the Oread neighborhood.

Commissioner Carter asked what would be the problem with including Edgehill Road in the plan.

Commissioner Moore discussed the tone and tenor of the conversations and that it might muddy the waters.

Commissioner Harris said if the area needs planning then it should be included in the Oread Plan.

Commissioner Rasmussen agreed.

Commissioner Finkeldei wondered if the should include that area and say something specific about the area or parking such as future land use and parking restrictions.

Ms. Francisco said the two lots in question are both single family and may fit more appropriately with University Place. The edge is drawn along the fraternity between low density and high density. The Oread Neighborhood Association helped get parking restricted in 2002 to address parking.

Commissioner Harris said it was important for that area to be part of some neighborhood plan. About the Oread Plan in general, she felt there should be more assertive language about trash enforcement, identify blocks that they want to preserve, and look at the parking change and the ramifications of it. She was not in favor of more boarding houses.

Commissioner Carter suggested inviting landlords to be on the Oread Neighborhood Association board.

NO ACTION TAKEN

PC Minutes 11/18/09

ITEM NO. 5 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-12-27-07: Consider Text Amendments to various sections of the City of Lawrence Land Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. *Deferred from 9/21/09 Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Finkeldei asked staff who they met with.

Ms. Miller said David Hamby with BG Consultants, Paul Werner with Paul Werner Architects, and Tim Herndon with Landplan.

Commissioner Harris said she would be wary of reducing ROW and that it might be a problem in the future. She could see reducing landscaping in some areas.

Commissioner Moore said density is a good option.

PUBLIC HEARING

Mr. Hank Booth, Chamber of Commerce, inquired about the possibility of someone who has 20 acres but no environmentally sensitive land, but would create environmentally sensitive lands and get incentives.

COMMISSION DISCUSSION

Commissioner Rasmussen asked if there had been any discussion about creating environmentally sensitive land to protect adjacent property.

Commissioner Moore inquired about transfer of developer rights.

McCullough said staff expanded the text amendment before and then remembered those areas would be required to protect some portion anyway.

Commissioner Carter liked the Chambers idea.

Commissioner Finkeldei supports transfer of developer rights and if the framework works then can use it in other areas. Incentives not as 'rights' but list with approval of director.

Commissioner Rasmussen said he liked the density and it creates financial incentive. He wondered if class 1 soils became environmentally sensitive lands how would that work and how would it be farmed with apartments surrounding.

Mr. McCullough said the list is not being expanded now.

NO ACTION TAKEN

PC Minutes 11/18/09

ITEM NO. 6 AMENDMENTS TO COUNTY ZONING REGULATIONS; NEW BUSINESS DISTRICT (MKM)

TA-10-22-09: Consider Text Amendment to the Zoning Regulations for the Unincorporated Territory of Douglas County to create a new Business District to support rural conference, recreational, and tourism sites. *Initiated by the Board of County Commissioners on 6/24/09.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Carter said the League of Women Voter comments don't need to add language to it.

Commissioner Harris discussed locational criteria, improved roadway, and Conditional Use Permit versus zoning.

Commissioner Hird discussed locational criteria, small start ups that would benefit with zoning since they could not get financing with Conditional Use Permits.

PUBLIC HEARING

Mr. Hank Booth, Chamber of Commerce, said the type of development, Circle S Ranch, not on an arterial.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to defer indefinitely Text Amendment TA-10-22-09 to the Zoning Regulations for the Unincorporated Territory of Douglas County to create a new Business District to support rural conference, recreational, and tourism sites.

Motion carried 7-0.

PC Minutes 11/18/09

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

Adjourn 9:20pm