



PLANNING COMMISSION MEETING

February 22, 2010 *(no meeting on February 24, 2010)*

Meeting Minutes

February 22, 2010 – 6:30 p.m.

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

Staff present: Stogsdill, Girdler, Leininger, J. Miller, M. Miller, Rudolph, and Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of January 25 and 27, 2010.

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the January 25 and 27, 2010 Planning Commission minutes.

Motion carried 6-0-2, with Commissioners Chaney and Harris abstaining. Student Commissioner Shelton voted in favor.

COMMITTEE REPORTS

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

Commissioner Harris stated that the Comprehensive Plans Committee will meet Friday at 7:30am.

COMMUNICATIONS

Ms. Sheila Stogsdill 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.
- No abstentions.

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ITEM NO. 1 A TO RS7; .99 ACRES; 1764 E 1300 RD (MJL)

Z-12-29-09: Consider a request to rezone approximately .99 acres from A (Agricultural) to RS7 (Single-Dwelling Residential), located at 1764 E 1300 Rd. Submitted by Terry Bearden, for Nate Anthony, property owner of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

APPLICANT PRESENTATION

Mr. Terry Bearden was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the request to rezone approximately .99 acres, from A (Agricultural) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 8-0. Commissioner Dominguez was not present for the vote. Student Commissioner Shelton voted in favor.

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ITEM NO. 2 HORIZON 2020; CHAPTER 8 (MJL/RTG)

Consider initiation of a Comprehensive Plan Amendment to Horizon 2020 for an update to Chapter 8
– Transportation to reflect goals & policies in T2030, the Long-Range Transportation Plan.

STAFF PRESENTATION

Mr. Todd Girdler, Senior Transportation Planner, presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to initiate the text amendments necessary to update Chapter 8 of the Comprehensive Plan to provide improved coordination between the land use and transportation planning documents covering the region.

Unanimously approved 8-0. Commissioner Dominguez was not present for the vote. Student Commissioner Shelton voted in favor.

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ITEM NO. 3 MINIMUM MAINTENANCE; E 1800 RD (BHR/RTG)

MM-1-1-10: Request to rescind the minimum maintenance designation for E 1800 Road between 774 N & 791 N, within Palmyra Township. Submitted by Douglas County Public Works for the Palmyra Township Board.

STAFF PRESENTATION

Mr. Bart Rudolph, Transportation Planner, presented the item.

Commissioner Dominguez arrived at the meeting at 6:40pm.

PUBLIC HEARING

Mr. Dan Wilcox stated he lives in the minimum maintenance area and wondered who would be liable for maintaining the road.

Mr. Rudolph said Palmyra Township will provide the maintenance with no additional cost to homeowners on that road.

Mr. Wilcox said he was in favor of the road being designated as a full maintenance road.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Chaney, to approve the request to rescind the Minimum Maintenance Road designation for the portion of E 1800 Road between 774 N and 791 N in Palmyra Township and forwarding this recommendation to the Board of County Commissioners of Douglas County, Kansas.

Motion carried 8-0-1, with Commissioner Dominguez abstaining. Student Commissioner Shelton voted in favor.

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ITEM NO. 4 CONDITIONAL USE PERMIT; ENRIGHT GARDENS; 2351 N 400 RD (MKM)

CUP-12-10-09: Consider an amended Conditional Use Permit for Enright Gardens to add a Reception Hall to the previously approved uses, located at 2351 N 400 Rd, Edgerton. Submitted by Robert Enright, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Finkeldei asked if the midnight ending time is consistent with previous Conditional Use Permits that they have seen.

Ms. Miller said she believed it was consistent with previously approved Conditional Use Permits.

Commissioner Carter inquired about dust treatment to the roads and asked if that would be before each event.

Ms. Miller said it would depend. The applicant could do a dust palliative which is a chemical that is put on the road once a season. She said the applicant suggested spraying the road with water prior to the events to keep the dust down.

Commissioner Carter asked if spraying the roads with water was adequate for dust treatment.

Ms. Miller said yes, she believed so.

Commissioner Moore inquired about the 1000' notification to neighbors and if that extended into another county.

Ms. Miller said the 1000' was within Douglas County.

Commissioner Rasmussen asked why staff suggested a curfew and then also suggested all night events.

Ms. Miller said none of the other receptions had suggested an all night event. She gave the examples of a Boy Scout troop wanting to spend the night or a school after prom party. She said Planning staff would not be comfortable recommending a blanket approval for all night permits. She thought that if an event went to County Commission and had public notice so the neighbors could be involved that some events may be appropriate for approval.

Commissioner Rasmussen inquired about the timeframe for all night events to be heard by County Commission.

Ms. Miller said the County Commission meets every week and that it would probably take less than a month for an event to be approved since the neighbors would need advance notice.

APPLICANT PRESENTATION

Mr. Steve Enright thanked staff for their work. He said regarding the dust control he did not want to get tied up with spraying the calcium chloride because that can be thousands of dollars. He suggested putting water on the roads before each event instead. He said they will work with the fire

department on another entrance. He said they have a 20,000 gallon tank that the fire department can use if needed.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if the condition needed to specifically state that water was okay to use for dust control.

Ms. Miller said no, the condition does not need to specifically state water.

All the Commissioners were under the assumption that applying water to the roads would be an appropriate form of dust control.

Commissioner Harris said she liked the creative solution of having overnight activities being heard by the Board of County Commissioners.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Carter, to approve the amended Conditional Use Permit for the addition of a reception hall to Enright Gardens, located at 2351 N 400 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. The applicant shall work with the Palmyra Fire Chief to determine if an additional access onto N 400 Road is needed. If the Fire Chief determines an additional access is needed, the CUP site plan shall be revised to show the additional access on N 400 Road in a location acceptable to the Fire Chief and the Douglas County Engineer.
2. Applicant shall provide a revised site plan with the following changes:
 - a. Show minimum required ADA accessible parking spaces (3) with two of them being near the entry to the reception facility.
 - b. Provision of the following notes on the face of the plan:
 - i. *"Events, excluding clean-up, shall conclude at midnight. Requests for all-night events must be provided to the Board of County Commissioners for consideration following mailed notification of property owners within 1000 ft."*
 - ii. *"The property owner shall apply dust-preventative measures on N 400 Road between E 2300 and E 2400 Roads, as needed to minimize dust from event traffic."*
 - iii. *"The on-site sewage management system must be approved by the County Health Department prior to operation of the facility."*
 - iv. *"Use of building is subject to building code and occupancy permits as applicable per the County Building Code".*
 - v. *"All parking shall occur on the subject property. In no event shall parking be permitted on N 400 Road."*

Unanimously approved 9-0. Student Commissioner Shelton voted in favor.

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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. A report on possible incentives was presented to Planning Commission at their 11/18/09 meeting.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris asked why staff was recommending using one tool or the other and not any combination.

Ms. Miller said with the one tool for density bonus would be used to reduce the lot area or lot width. If that is done and the amount of building coverage is increased the amount of green space needed would not be on those lots.

Commissioner Harris said she was envisioning a smaller lot with less impervious surface and more height.

Ms. Miller said in single family districts more height would not help increase the number of units. If the size is reduced from 7,000 square feet to 5,000 square feet lots and then also increase the amount of lot, she did not know if the character of the RS7 district would be changed dramatically. She said they could look into combining the two density bonuses.

Commissioner Finkeldei asked if they could get examples from the communities that staffed looked at where someone has used this density to see what it looks like.

Ms. Miller said she found three communities using this; two were just noted in a law report and then one had an ordinance. She said she would attempt to get examples for the Commission to see.

Commissioner Rasmussen asked why Horizon 2020 would have to be amended.

Ms. Miller gave the example of neighborhood plans that designate areas for low density and medium density. If it is low density and zoned RS10 and with the bonus it goes to RS7 then it would still be low density. But if it is zoned RS7 and can be developed at the maximum density and the bonus increases it to medium density then it would not be compliant with the Comprehensive Plan.

Commissioner Rasmussen asked if the Horizon 2020 Comprehensive Plan are requirements or guidelines.

Ms. Miller said they are only guidelines unless they are adopted into the regulations. She stated Horizon 2020 is a guideline and the Development Code is a regulation.

Commissioner Rasmussen said if they are just guidelines then why revise them.

Ms. Miller said it is based on things such as how long the environmental chapter will take to be adopted and it strengthens the Planning Commission recommendations and guidelines if they are more compliant with what the regulations are.

Ms. Stogsdill said Planning are not the people using Horizon 2020. Property owners looking to purchase property may look at it to see if they will be living in a low density area. If there is the potential for there to be higher density in some circumstances then they won't be given the full breath of that information if the plan is not amended. She said that staff also use it every time with rezoning requests and use that recommendation to help make a recommendation to Planning Commission in terms of whether what is being requested is consistent with that. There may be some places where it is not reasonable to have that additional density, but the Comprehensive Plan should at least identify that as potential so property owners are aware.

Commissioner Finkeldei said it could also be looked at by developers looking to build.

Commissioner Rasmussen asked for further explanation of the Applicability paragraph on page 2 of the staff memo where it states '*Regulatory Floodways and Historical Sites are not included in the density bonus program as their protection is required through other State and Federal regulations.*'

Ms. Miller gave the example of property that is 50% regulatory floodway. She stated the Floodplain regulations prohibit building in the floodway to begin with and in the environmentally protected standards they require 20% to be protected and the floodway will still be kept as a protected property. She said to give the density bonus for protecting something that is required to be protected outside of the regulations does not seem like a wise use of the incentive. She said if floodway was 20% of the property and another 20% was trees and all 40% was protected then the density bonus would apply to the 20% tree protection, not the required protected area of 20% floodway.

Student Commissioner Shelton asked if the preserved area had to be consecutive to get the density bonuses.

Ms. Miller said there could be a scenario where there would be a stream corridor on one corner and mature stands of trees on the other corner. She thought if both were protected then they would qualify for the bonus.

Commissioner Moore asked what this will look like.

Ms. Miller said it could be identified in some way on the zoning map as a density bonus area.

Commissioner Moore liked Commissioner Finkeldei's request of seeing an example of how other communities have handled it.

Commissioner Harris said she liked the concept in general, but the first example that Ms. Miller gave felt like a little much to have that many more units allowed for saving the land. She said she was closer to the League's position on that that. She was concerned about very dense development being put next to sensitive features and the quality of those features being compromised. She said she would be in favor of something that provides a modest bonus. She said she would also like to see prairies on the list.

Ms. Miller said prairies could be added back on the list. She also said she would like to show Planning Commission plans that show what density developments normally develop at. For example, if there is an RS7 development it would show what density it would actually develop at so they could see how it should be adjusted to be more reasonable.

Commissioner Carter agreed that prairies should be added to the list.

Commissioner Rasmussen asked if there has been any feedback from developers in town.

Ms. Miller said no.

Commissioner Rasmussen said it would be helpful to get feedback from developers to see if it is something that would be useful to them.

Commissioner Blaser said he would agree about putting prairies back on the list.

NO ACTION TAKEN

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**ITEM NO. 6 RSO & PRD TO RM12; 6.5 ACRES; 2451 CROSSGATE & 3901 W 24TH PL
(SLD)**

Z-11-19-09: Consider a request to rezone approximately 6.5 acres from RSO (Single-Dwelling Residential-Office) & PRD (Planned Residential Development) to RM12 (Multi-Dwelling Residential) located at 2451 Crossgate Drive and 3901 West 24th Place. Submitted by BG Consultants, for Inverness Park, L.P., property owner of record.

Item No. 6 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Commissioner Finkeldei inquired about consent agenda items.

Ms. Stogsdill said consent agenda items are non public hearing items such as Preliminary Plats.

PUBLIC COMMENT SECTION

ADJOURN 7:30pm