



PLANNING COMMISSION MEETING
October 25 & 27, 2010
Meeting Minutes

October 25, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis

Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of August 23 and 25, 2010.

Commissioner Harris said she did not have a chance to read the minutes and would abstain from voting on both August and September.

Commissioner Hird said he was not present for the September Planning Commission meeting so he would abstain from voting.

Motioned by Commission Finkeldei, seconded by Commissioner Hird, to approve the August 23 and 25, 2010 Planning Commission minutes.

Approved 7-0-1, with Commissioner Harris abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of September 20, 2010.

Motioned by Commission Finkeldei, seconded by Commissioner Singleton, to approve the September 20, 2010 Planning Commission minutes.

Approved 6-0-2, with Commissioners Harris and Hird abstaining.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism Committee continues to meet monthly and received good input and continue to look at rules and regulations that affect agri-tourism in Douglas County. He said if anyone was interested in participating or getting more information to let him know.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date. He stated that Commissioner Dominguez would not be present this evening. He also reminded the Commission that the November Mid-Month meeting would be early, November 3rd.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Liese said he received a telephone call from Ms. Cindy Treester, resident of Lecompton, who had questions about the process but did not discuss anything specific.

Commissioner Burger said she received quite a few emails regarding issues discussed tonight and Wednesday.

Mr. McCullough encouraged the Lecompton Planning Commissioners to declare any ex parte. They did not have any ex parte.

- No abstentions.

PC Minutes 10/25/10

ITEM NO. 1 COUNTY A TO COUNTY I-2; 120 ACRES; E 700 RD & N 1800 RD (MKM)

Z-9-14-10: Consider a request to rezone approximately 120 acres from County A (Agricultural) to County I-2 (Light Industrial), located west of E 700 Road and north of N 1800 Road (Farmer's Turnpike). Submitted by Paul Werner Architects for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Lecompton Planning Commissioners Jeff Robertson (Chair), Mary Jane Hoffer (Vice-Chair), Kathy Paslay, Brenda Hastert, and Elsie Middleton were present.

Commissioner Harris asked for more detail about competitive sites not available within the city.

Ms. Miller said the applicant could probably explain it better but the criteria she was aware of was it needed to be located along the I-70 corridor, close proximity to the existing site, and enough land area to accommodate their building and future proposed expansion. She said when they looked at sites within the city of Lawrence one was identified but there was not adequate access.

Commissioner Harris asked if police and fire services would be provided by the City of Lawrence.

Ms. Miller said the applicant asked for fire protection.

Mr. McCullough said the applicant asked for an agreement with the City Fire Department which was currently in the works and would go through City Commission. He said Staff anticipates an agreement will be reached. He said the Sheriff Department would respond to any calls.

Commissioner Harris asked if annexation was required when city services are provided.

Mr. McCullough said no, the fire department agreement could be done through a type of mutual aide/ first responder type agreement. He said it was common to do that for an unincorporated site that is in need of that service.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, thanked staff for their work. He said the Preliminary Plat would be heard next month if the rezoning was approved. He said a Site Plan would be submitted this week and would go on to the Board of County Commissioners. He thanked city and county staff for their helpful work.

Mr. Ross Freese, Berry Plastics, gave the history of Berry Plastics. He said the company had been in community for 43 years and during most of that time they had been in the injection molding business. He said approximately four years ago they started a new thermoform process. At that time they converted existing warehouse space to manufacturing and hired additional employees. He said they were proud of their growth and excited about this project. He said in order to accommodate their warehousing needs they currently lease storage space in southeast Lawrence and south Topeka. In addition to those two leased locations they also have several hundred trailers that they use as flexible warehousing. He stated future plans would be to consolidate the existing leased warehouses into a single site location. He said they plan include in the new facility some of the existing injection printing presses. He said they did evaluate a number of different sites and after an

exhaustive analysis this location was their preference for a number of different reasons. He estimated there would be about 55 warehouse employees and 150 printing employees. He stated the number one benefit of the project was the competitive advantage because Berry Plastics has about 65 other plants across the United States and they compete with those other plants when it comes time to determine where new business will be located. He said they currently incur a lot of additional cost with the movement of product from location to location and as new business opportunities present themselves the total operating costs are compared against those other Berry Plastic sites. He stated another benefit would be that moving the printing would free up approximately 35,000 square feet of existing space at the main plant on Packer Road and that would allow headroom to create additional room for additional manufacturing equipment on site.

Mr. Werner displayed the plan on the overhead. He stated it would not be a manufacturing facility and that it was not even a possibility. He said it would only be a warehouse and small printing area. He stated it was a relatively flat site so there would be minimal dirt moving costs compared with other sites. He pointed out that it would have a 1,000' setback from the road and that the grade would help shield the building. He said the building would be centered between tree lines. He said the class II soils were not contiguous with anything else and that there was not enough of it. He also felt the class II soil was outweighed by keeping existing trees for buffering. He advised the Traffic Impact Study consultant was present for questioning, as well as Mr. Keith Browning, County Public Works Director. He said currently Farmer's Turnpike runs 4,300-4,500 vehicles per day but was designed for 10,000-11,000 cars a day. He stated even though they would be adding traffic the road would still only be working at about 50% of its capacity. He recommended putting a warning sign to the west of the property noting that an intersection was coming to warn drivers. He said they would be extending the westbound right turn deceleration lane by 25' but would not get into the existing berm. He said they would provide an eastbound left turn center lane into the site even though it was not required. He said it would also help for when something happens with The Woods and would provide another entrance into the site. He said there would also be two existing lanes from the site onto Farmer's Turnpike. He discussed sewer and said they were looking at two different systems; either a lagoon or a drip irrigation system. He said Rural Water District #6 would provide another meter for the site and have plenty of water. He said regarding fire they would not be using the Rural Water Districts line at all and that they would use a similar system to what exists at the current plant; a cistern and an Early Suppression Fast Response (ESFR). He said the fire suppression system was a specific sprinkler made to put fires out quickly by flooding the fire with a massive amount of water immediately. He said instead of using a cistern they would build a new pond and use the first pond to the east of the building as the water source. He said the fire pump would run on a generator. He said they would not be using the Rural Water District lines for fire response. He also said that the pond could be used for fire response for others in the area. He stated that an ambulance or Hazmat call would be responded by the City of Lawrence. He said stormwater detention would be through the ponds to the east on The Woods site and that water to the west side would work its way to the north toward the river. He said they met with several neighbors and the Rural Water District. He stated they mailed 52 letters notifying property owners and held a meeting at the Oread Hotel. He said traffic was the main concern of neighbors and they requested a warning sign be posted to warn drivers. He said regarding the League of Women Voters letter about whether or not it complies with Horizon 2020, he felt it did because it was not an industrial park, it was an industrial site.

Commissioner Harris asked if the fire suppression pond area was on the same property or adjacent property.

Mr. Werner said it was on the adjacent property but that the property owner owns both properties and there would be an agreement. He said the same system would be used for The Woods on the lower pond.

Commissioner Harris asked what would happen if the property was not owned by the same person.

Mr. Werner said there would be an agreement.

Commissioner Harris asked if it was possible to develop the front vacant portion of the property.

Mr. Werner said there was an existing shed building with water and gas. He said it was possible but that there would be some grade changes and that was not what they were thinking of doing.

Commissioner Rasmussen asked Mr. Werner to show on the map the anticipated route for trucks entering and exiting the site.

Mr. Werner pointed on the map and said all trucks would come from the east. He said there were two different types of trucks, shuttle trucks and over the road trucks. He said the shuttle trucks would go back and forth from Berry Plastics and would exit the site on the west side.

Commissioner Rasmussen asked when the over the road trucks leave the site and head back east was there a lane for them to turn into or would they turn into main traffic.

Mr. Werner said that was analyzed and they looked into an acceleration lane. He said there was excellent visibility in both directions. He said there was some concern about an acceleration lane causing truckers to be more willing to turn left into the center lane and not worry about oncoming traffic because they might see it as a 'safe' lane. He also pointed out that the trucks would be light because they would be carrying plastic cups so they would be able to speed up more quickly than normal semi trucks.

Commissioner Liese asked how many community members attended the meeting at the Oread Hotel.

Mr. Werner said 11 people attended the meeting he held at the Oread Hotel.

Commissioner Liese asked where he thought the opposition came from in the letters.

Mr. Werner said people were worried about a domino effect with what would happen after this. He said there was also concern about traffic but that one or two shuttle trucks an hour was not that much. He said one of the letters had comments about damage to the road but these would be light semi trucks. He said a semi truck would have better visibility since it sits up higher and would be able to see cars and be able to slow down better with their lighter loads.

Commissioner Liese asked if Mr. Werner knew what kind of opposition or support he would receive tonight.

Mr. Werner said they had a positive meeting in the City of Lecompton.

Commissioner Liese asked Mr. Werner if Lecompton Planning Commission was in favor of the rezoning.

Mr. Werner said if he had to guess he would say they were in favor of it.

Commissioner Liese asked what kinds of concessions have been made so far and what else could be done to address concerns.

Mr. Werner said they have done everything they have been asked to do but he wanted to hear concerns this evening and try to address them. He said so far the main concern has been traffic.

Questions from Lecompton Planning Commission

Lecompton Commissioner Kathy Paslay said adding 25' to the off ramp was not even the length of a truck. She also wondered about the water to the west and where it would go on its path to the river.

Mr. Werner said the right turn deceleration lane was already partially constructed, 620' long, so the recommendation was to extend it an additional 25'. He showed the basin and discharge map on the overhead and discussed stormwater. He said rainwater going to the west would go through creek channels and discharge into 328 acres. He said because it is such a large area it would be a 3-4% increase for a 100 year storm. He said the property was all owned by this owner before leaving the site.

Lecompton Commissioner Paslay inquired about the distance to the river.

Mr. Werner said he would have to find another map.

Lecompton Commissioner Jeff Robertson said a few miles.

Lecompton Commissioner Elsie Middleton asked how many trucks a day would be generated.

Mr. Werner said there are two different types of trucks, shuttle trucks and over the road trucks. The shuttle trucks would run about 20 a day with 30 as the maximum. Over the road trucks would run 30 per day but during peak seasons, about 3-4 times a year, there would be 100 a day. He said the average day would be 50 trucks in and out.

Commissioner Liese inquired about a letter from Mr. John Lewis regarding his comments about the daily truck numbers.

Mr. Werner said when the Traffic Impact Study was started they used the worst case scenario and then realized shuttle trucks do not run as often as they were guessing. He said after they threw out those numbers they went and verified them.

Commissioner Liese asked what would happen if the community approves this based on one truck an hour and Berry Plastics figures out they can run 20 trucks an hour.

Mr. McCullough said change was inevitable. He said there had been revisions to the Traffic Impact Study. He stated if there was need to make improvements on the arterial roadway system then the governing bodies and staff would go about making those changes.

Mr. Werner said part of Traffic Impact Study looks at what will happen in the year 2030.

Commissioner Liese said that the letter from Mr. Lewis mentioned the project only creating 11 new jobs. Commissioner Liese asked if that was based on data from Berry Plastics.

Mr. Werner said he would let Mr. Freese answer that. He said it was a big building that would create construction jobs for a year and would free up more space at the existing manufacturing plant in the city. He said he would venture to say that the comment from Mr. Lewis was vastly underrated.

Mr. Keith Browning, Douglas County Public Works Director, agreed with the three recommendations in the Traffic Impact Study addendum. He stated it was a county road, not state or federal highway so it was designed for 55 miles per hour not 65 miles per hour.

Commissioner Burger asked if any of the changes would impact the fact that right now the bicycle route was a green route.

Mr. Browning said there are 8' paved shoulders.

Commissioner Burger asked if there were adequate setbacks in the event that 20 years from now the road was utilized as a divided highway.

Mr. Browning said no, there was not adequate right of way and that they could not afford to acquire enough right of way to do that. He said the analysis shows that in 2030 the road will be $\frac{3}{4}$ of its capacity.

Commissioner Harris asked if the road was designed to handle this much truck traffic and more in the future.

Mr. Browning said yes it was. He said the trucks they were using were very light and that was a significant part of the damage from trucks. He stated the reconstructed roads portions have 10" full depth asphalt so they are pretty stout for a county road.

PUBLIC HEARING

Mr. John Lewis, thanked Mr. Werner for inviting more people than necessary to the public meetings and said he appreciated the applicants honesty and forthrightness. He said he realized the trucks may not be heavy but that they are still about 20,000 pounds. He said the typical car was 3,000 pounds and that more wear and tear on the road would add up to taxpayers to maintain. He said none of their decisions were in a vacuum and their decision was not based on that one parcel, it was based on the entire area. He said Commissioner Harris brought up good point about the ponds being on adjacent property. He did not think that the pond would be an issue because there was a lot of property owned by Rockwall Farms, roughly 1,000 acres, in that area. He said he didn't believe someone would want to build a house in that area which lead him to believe that another industrial site would be on its way.

Commissioner Liese asked if there was any kind of development he would support other than residential.

Mr. Lewis said he was aware of The Woods project and thought it was an excellent project and did not have a problem with that type of development but was concerned about the entire corner turning into an industrial park.

Ms. Marguerite Ermeling thanked Mr. Werner for talking to the community. She said this was a multi-use road and that it should include safety for all those entities to be there. She wondered about the possibility of conditioning the rezoning with approval of the Site Plan so that it could only be Berry Plastics. She expressed concern about drainage to the west and if the pond would be large enough for fire protection during drought.

Commissioner Liese asked if she supported the rezoning only if it was for Berry Plastics.

Ms. Ermeling said if this was the final site settlement for Berry Plastics that she would be the last one to stand in the way of that, but that if it opens the site up to be anything with I-2 zoning that would be problematic for her.

Mr. McCullough said conditional zoning was an option. Printing and storage warehouse are allowed uses in the I-2 district and could be conditioned to those two uses. He said if Berry Plastics would want to do any kind of manufacturing at the facility they would need to come back and rezone to add that use to the table. He said it was his understanding that Berry Plastics did not want to do any type of manufacturing. He said in part this was about retaining the largest manufacturer in the county and help them grow. He said they recognize that Berry Plastics has put their name to this project and request and the two uses, printing and storage, would be too specific for someone else to use. He stated Berry Plastics has been looking at different sites and this was the one they have brought forth.

Commissioner Rasmussen asked Ms. Ermeling what aspects of this proposal would change the road from being a multi use road.

Ms. Ermeling said nothing except for the significance of additional truck traffic at a fast speed. She said there was a lot of bike traffic there.

Mr. Martin Hirder inquired about the pond drying up. He also wondered about the safety issue associated with more traffic during peak hours of morning and evening.

Mr. Browning said peak hours were looked at as well as the hours of operation and the hours trucks would be traveling on the road.

Commissioner Liese asked if it was possible to get traffic lights or turning lanes that are off limits at certain times of the day.

Mr. Browning said a traffic signal was possible but he did not think it was a good idea or safe since the speed on the road was 55 miles per hour. He said the gaps in traffic should be such that traffic should not be an issue.

Mr. Werner said regarding filling the pond, there might be two pumps. He said about 1" of rain would fill the first pond so as long as it rains 1" every two months it should be okay.

Mr. Greg Burger expressed concerns about traffic and sight distance. He was concerned about an industrial park and said the area just annexed 155 acres. He was shocked the deceleration lane was already in place like it was a done deal. He said there was no shoulder on the deceleration lane for bikers.

Ms. Charlene Winter thanked Berry Plastics and the applicant for their consideration of the neighbors. She was opposed to the serving of alcohol and shooting guns at The Woods which Berry Plastics would not have. She said it would be a safer route for trucks to exit at E 700 Road, farther from the high spot on the road. She felt that Berry Plastics was a benefit to the community.

Mr. Paul Bahnmaier said he was thrilled about Berry Plastics being within 3 miles of Lecompton and would greet visitors positively. He felt they should encourage local companies to expand and stay in Douglas County. He said Berry Plastics had been very informative about their plans.

Ms. Kim Ens expressed concerns about traffic. She said at the neighborhood meeting at The Oread Hotel it was stated that there would be about 130 trucks a day. She was also concerned about the domino effect and what would happen next with development in the area.

Mr. Tom Kern, President of Lawrence Chamber of Commerce, gave strong support for Berry Plastics. He stated that 80% of all job growth in Douglas County and Lawrence would come from existing employers.

Ms. Beth Johnson, Lawrence Chamber of Commerce, said one of the things discussed during the annexation of 155 acres was the fact that there were a limited number of industrial sites along I-70 and in Lawrence in general. She stated that still remains a fact. She said when a prospective business looks for a piece of property they are looking for a willing land owner, access, and infrastructure.

APPLICANT CLOSING COMMENTS

Mr. Freese said he gave some bad numbers when they had the meeting at the Oread Hotel. He said he gave the maximum figures and that the truck numbers Mr. Werner referred to earlier were the average numbers.

Commissioner Finkeldei asked where the current trucks travel.

Mr. Freese said it was a mix. He said anything that goes to Topeka travels down Farmer's Turnpike and gets on I-70 so some of the traffic they were talking about was already in play. He said many trucks also go directly through town from Packer Road to the intersection of 29th and Haskell Ave.

Mr. Werner said traffic in the year 2030 would be at 75% capacity. He said regarding Ms. Winter's comments about the exit point, they analyzed both entrances and both would work for inbound and outbound traffic. He said there was a desire to separate car and truck traffic and that the other access may be used for The Woods in the future. He said there was already a deceleration lane in place. He said he understood Ms. Ermeling's comment about conditional zoning.

Commissioner Finkeldei inquired about future plans for the Rockwall Farm property.

Mr. Werner said there's a Southern Star gas line with a 100' wide easement that makes it tough to do anything on one side. He said E 700 Road was vacated a few years ago. He said The Woods was the only project he was aware of. He said he could never say never but that he did not know of any immediate plans.

Commissioner Harris asked for more information about the other site that was considered and what the exact issue was with not having Berry Plastics there.

Mr. Freese said it was difficult to respond to without getting into all the various factors that were taken into consideration when evaluating the sites. He said Berry Plastics was essentially landlocked at 2330 Packer Road with no ability to go beyond what they have at that location. One of the big factors taken into account was the ability for the site to accommodate a 675,000 square foot building and still have the ability to expand. He said there were certain economies they looked at

and there has to be two people that are willing to participate in the process and they encountered some challenges with the other site referenced.

Commissioner Harris asked if he was referring to money or logistical concerns.

Mr. Freese said it was the cost of the site and the cost to develop the site. He said they were excited about this project because it creates the opportunity to free up 35,000 square feet at the main plant.

Commissioner Singleton said there had been comments about conditional zoning. She asked Mr. Freese how committed Berry Plastics was to this location and site.

Mr. Freese said he would not be present tonight if they were not committed to this project and site.

Commissioner Harris inquired about them not seeking a conservation easement.

Mr. Werner said it applied more toward The Woods. He said the Site Plan would include buffer areas and the owners are committed to not developing. He said it was not off the table but not what they were thinking about right now.

Commissioner Harris said she hated to lose any high quality soil and asked if it was possible to design the site to save the soil so it could be farmed.

Mr. Werner said no it really was not possible. He said about 18% of the class II soils would be encroached upon.

Commissioner Burger asked for clarification on an earlier comment about no eastbound paved bike lane.

Mr. Browning said that comment was correct. He did not remember that earlier when he spoke. He said the right turn lane only had a 2-4' shoulder.

Commissioner Burger asked if the eastbound road had a paved shoulder.

Mr. Browning said the eastbound shoulder was 8'.

Commissioner Harris inquired about the impact to the City for fire service and if they would be paid for that service.

Mr. McCullough said that would be part of the agreement negotiated with the City Manager and Fire Chief.

Commissioner Harris asked if City Commission would approve that.

Mr. McCullough said he was not sure.

Commissioner Liese asked Ms. Johnson to repeat the three factors she said perspective businesses look at.

Ms. Johnson said there are many factors that businesses look at but that access, infrastructure, and a willing property owner were the ones she mentioned earlier.

Mr. McCullough addressed Mr. Burger's earlier comment about a deceleration lane already in place now. He said the timing was correct when the County did the improvements to Farmer's Turnpike and when The Woods was going through their development process they saw an opportunity to put the turn lane in for The Woods project. He said the reason it was shorter than it needed to be for trucks was because it was designed for vehicles not semi trucks, so the recommendation to extend it an additional 25' was because this project was coming forward now and there was no predetermined idea of a warehouse at this location.

Commissioner Harris asked if there was anything to prevent or encourage more industrial development in that area to create an industrial park as suggested.

Mr. McCullough said staff analyzes requests to the Comprehensive Plan which could include Sector Plans. He said this was a county request so staff looked at Chapter 7 in terms of industrial projects in the unincorporated area. He said there was nothing preventing any request from coming in. He said this request was for a specific user and staff was confident that it was too big of a project for the owner to build and then hope to get a tenant.

JOINT COMMISSION DISCUSSION

Lecompton Commissioner Robertson said at their meeting there were about 20 people present and none were opposed to the project.

Commissioner Harris said it was still not clear about what could happen out there. She said it sounded like if there was access, flat land, and a willing land owner there could be more industrial development out there.

Mr. McCullough said there was always the possibility of a request to do more industrial out there and that it would be analyzed based on need in the community. He said the City was working toward creating large scale industrial areas, either in the southeast part of Lawrence with Farmland acquisition, Farmer's Turnpike, or Airport Industrial uses. The City is trying to get more baskets of eggs to land industrial projects in the community for primary jobs. He said this request would not be on the table if Berry Plastics did not exhaust the inventory they had to work and their timeline. He said he did not know what the future holds and that three months ago this site was not being looked at or even presented. He said Berry Plastics had very special needs in terms of where they need to locate, how large a parcel, and access to I-70, which created the opportunity to look at this site.

Commissioner Rasmussen said based on the staff report and what he has heard tonight he did not think this was inconsistent with the existing character of the area and it conforms with Horizon 2020. He said while it was not in the K-10 and Farmer's Turnpike Plan Sector Plan, it was near that and was generally what was anticipated in that plan. He said regarding the traffic safety the Traffic Impact Study says it would be a minimal addition to traffic counts. He stated given the proximity to I-70 access they should not be surprised about development in the area along the Farmer's Turnpike and K-10 corridor and that they should be expecting it. He suggested staff consider expanding the Sector Plan for that area. He felt it was the natural evolution of the area and that it was going to be great potential for this type of development. He said he would support the application because it was good for the county and community.

Commissioner Singleton agreed with Commission Rasmussen's comments. She felt this was an excellent plan for this location and this development and for as close as it was to I-70 it would be great for getting trucks in and out. She felt that for Douglas County it was better for truck traffic to be out there instead of going through town. She understood the concept of conditional zoning but did not think it was appropriate at this location with this use. She said the only concern she had

originally was whether or not it would fit in the neighborhood but after hearing the presentations this evening she felt it was a great location for this plan and a good benefit to the community. She said she would vote in favor of the project.

Commissioner Hird agreed with Commissioner Rasmussen and Singleton's comments. He said two issues that seemed to be of concern by the neighbors were the traffic and the domino effect of development. He said Planning Commission relies on experts to provide good information, such as staff reports and traffic studies, and he felt confident in that. He said their role as professionals was to make sure they have safe development. He said as far as the domino effect he felt they were getting ahead of themselves. He said it was likely that there would be more applications in the future. He said part of what bothered him about the domino effect was that it presumes that Planning Commission was not capable of making good decisions in the future and he did not think that was fair. He said every application was judged on its own merits. He said there may be more applications for the area but that does not mean Planning Commission and the governing bodies cannot protect the citizens in the area. He said he would support the project. He said Berry Plastics went above and beyond to reach out to the neighbors and that was exactly the kind of outreach Planning Commission liked to see.

Commissioner Liese said he would support the item.

Commissioner Blaser said he would support the item and that Berry Plastics did an excellent job of presenting their project to everyone. He did have concerns initially about traffic but after reading the studies and hearing from the experts he did not feel it was an issue.

Commissioner Harris had concerns initially about traffic so she was glad they discussed it. She said she would vote in favor of the item and that her concerns had been addressed. She thanked Mr. Werner and Berry Plastics working with the neighbors. She said she was concerned about losing class II soils.

Commissioner Burger said she would support this item. She said staff did a wonderful job on providing a lot of information. She was excited about the blending of industrial with a rural retreat (The Woods). She said they had done a wonderful job of ensuring green space. She was still hesitant about traffic and would like to see the speed limit reduced.

Commissioner Finkeldei said he would support the project. He said they need to remember the issue of expansion or encroachment when they have their discussion on Wednesday night because one of the issues was having available land to choose from. He said he does trust the traffic studies and the County Staff. The County has control over the speed limit and signage and they can watch those concerns. He agreed with Commissioner Singleton and said although there would be some negative impact along this stretch of road, taking those trucks out of the city would benefit the community so that offsets the cost. He thanked Lecompton Planning Commission for being present tonight. He said Ms. Winter was the closest neighbor and her support was beneficial.

Action taken by Lecompton Planning Commission

Motioned by Lecompton Commissioner Hoffer, seconded by Lecompton Commissioner Middleton, to approve the rezoning of approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District.

Unanimously approved 5-0.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Hird, to approve the rezoning of approximately 96 acres from A (Agricultural) to I-2 (Light Industrial) District and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Harris asked if that included the three additional recommendations in the Traffic Impact Study addendum.

Mr. McCullough said as this was just the rezoning request those would be with Site Plan and Platting process.

Unanimously approved 8-0. Student Commission Davis voted in the affirmative.

PC Minutes 10/25/10

**ITEM NO. 2 TEXT AMENDMENT TO SUBDIVISION REGULATIONS;
ENVIRONMENTALLY SENSITIVE AREAS (MKM)**

TA-06-12-08: Reconsider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08. Previous draft approved by Planning Commission on 8/25/08.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about the definition of mature stand of trees and wondered if the 8" caliper should be diameter at breast height.

An area of ½ acre (21,780 sq ft) or more located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties covered by densely wooded growth of mature containing trees having a minimum height of that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aeriels; and field surveys.)

Ms. Miller said she checked with the City Horticultural Manager because it was a common term in the Development Code and also looked on an arborist website where they refer to diameter at breast height instead of caliper. She said they classify caliper as the instrument used to measure it. She said she could include the height in the definition.

Commissioner Rasmussen said in his experience with tree measurements there needs to be a reference point to where the measurement is taken and typically it's diameter at breast height. He said if this Text Amendment was approved he would recommend the definition be modified. He also asked if the triggering requirement for a sensitive area site plan was 500' square feet of environmentally sensitive land on a parcel of property. He thought that seemed too small.

Ms. Miller said that was in the original Development Code. She said in the first drafts of the Text Amendment it was recommended that any sensitive lands and the discussion was to go back to that original trigger of 500' square feet. She said a stand of mature trees was not considered a stand of mature trees unless it was a certain size. If it was only a 500' square feet area of trees it would not meet the definition of a stand of mature trees. A clump of trees would not put it into the requirement to do a sensitive area site plan, unless there were trees off site that would bring it to that threshold.

Commissioner Hird inquired if a tract of 501' square feet of mature trees and the contiguous tract had several acres would it meet the definition of a stand of mature trees. He asked if the 20% preservation would apply to that 501' square feet.

Ms. Miller said they would have to protect a maximum of 20% of the site but only if there was 500' square foot of trees. The 20% was the maximum required to protect if completely covered with trees.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, and forward to the Board of County Commissioners and the City Commission, with the inclusion of Commissioner Rasmussen's comments about the definition of mature stand of trees that the caliper be correlated to diameter at breast height or some other measurement location on the tree.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

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**ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &
DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)**

TA-3-3-10: Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

Item No. 3 was deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Letter received from the City of Eudora regarding a proposed sand pit near the Wakarusa River.

Mr. McCullough explained the letter received by the City of Eudora and said at the time the communications was received there was no active application, but a Conditional Use Permit had now been received and would be heard by the Planning Commission at a future date.

Commissioner Rasmussen asked if the letter would become part of application and added to the future packet of communications.

Mr. McCullough said yes.

Commissioner Blaser inquired about how fast it would go through the process.

Mr. McCullough said it was hard to say because they are technical in nature.

Consideration of any other business to come before the Commission.

Recess at 9:27pm until 6:30pm on October 27, 2010.

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Reconvene October 27, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis

Staff present: Corliss, McCullough, Stogsdill, Day, Leininger, J. Miller, Zollner, and Ewert

BEGIN PUBLIC HEARING (OCTOBER 27, 2010):

COMMUNICATIONS

Mr. Scott McCullough said there were PowerPoint presentations added to the packet.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Finkeldei said all the Commissioners received many emails for item 5. Commissioner Finkeldei said he received a call from Mr. Ron Schneider, attorney representing Mr. Haines, regarding Items 6A and 6B and asked that Commissioner Finkeldei recuse himself because several years ago he represented some tangentially involved parties. Commissioner Finkeldei said he discussed with City and County counselors and did not find any actual conflict that would cause him to recuse himself.
- No abstentions.

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ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; IBP DISTRICT (MJL)

TA-4-4-10: Reconsider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Section 20-403, and potentially other sections of the Code, to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10. Approved 6-4 by Planning Commission on 6/23/10. City Commission returned to Planning Commission on 8/3/10. Deferred by Planning Commission on 9/20/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Rasmussen asked if a hotel, motel, or extended stay in the IBP district could have an accessory bar but not a separate bar, lounge, or nightclub.

Ms. Leininger said yes, they could have an accessory bar. She said currently an accessory bar was allowed in the IBP district, it just could not be accessory to the hotel but it could be accessory to a restaurant.

Commissioner Blaser asked if a hotel or motel that had a happy hour would not be considered a problem since it would only be during a certain time frame.

Mr. McCullough said the intent of the use standards was to reduce the activity that they talked about at the last Planning Commission meeting on this issue, which was the stand alone bar or lounge in the nightclub use. He stated the Code as proposed would allow a hotel with 50 or more rooms to have a restaurant and that the restaurant could have an accessory bar. A hotel could not have just a bar as an accessory use in the IBP district.

Commissioner Blaser gave the example of a Drury Inn that has happy hours.

Mr. McCullough said staff would review those when submitted but the intent was not to have a stand alone or nightclub in the IBP district. He said there are other districts available to those uses that are better suited to that type of use.

PUBLIC HEARING

Ms. Gwen Klingenberg, President of Lawrence Association of Neighborhoods, thanked staff and City Commission for looking at the issue again. She said the surrounding neighborhood already existed and the neighborhood was opposed to a hotel use in the IBP district because they fought for the use to be removed a few years ago. She expressed concern about balconies that might intrude on residential homes. She referenced Article 7 and Article 11 standards that applied to adjacent residential zoning.

Mr. Alan Cowles felt that no alteration was needed to the IBP definition. He said there had been discussion of putting a hotel or motel on McDonald Drive and that there was already a mechanism in place to do that. He said there are several categories already in existence that could handle it. He expressed concern about decreased residential property values. He asked them to deny the Text Amendment and that the entire neighborhood was not in favor.

COMMISSION DISCUSSION

Commissioner Finkeldei did not feel this was a necessary change and did not feel they should change it and at this point as it only affects one area and affects them negatively. He said he would not support the Text Amendment.

Commissioner Rasmussen asked what happened if they didn't move forward with this.

Mr. McCullough said if the Planning Commission failed to respond then it would be taken to City Commission with that as the response. He stated deferral was also an option if they wanted staff to work on various things.

Commissioner Liese inquired about the history.

Mr. McCullough said there was a request to amend the Code to permit hotel, motel, extended stay use in the IL district and a subsequent Site Plan application was submitted for south of Hallmark. When staff did research for that Text Amendment staff was of the opinion that the use was complementary of uses in IL and IBP, but not IG, so it was not a proposed use in the IG district. Staff brought forth the Text Amendment as a product of the IL Text Amendment and then they were separated and the IL went forward and was approved.

Commissioner Liese asked if it was staff's proposal to make it consistent and not a request from an outside party.

Mr. McCullough said that was correct. He said the largest area of IBP zoning today was in West Lawrence and that was where the discussion has focused. There are other areas for potential IBP zoning but staff was of the opinion that it was an appropriate use in that district. He stated there was no pending development today that would benefit by the Text Amendment. He said Mr. Cowles was right; one option for a potential development was to come in and request rezoning to commercial district. He said there were some impediments to that in the commercial districts that carry the hotel use, in terms of their size and designation in the Comprehensive Plan. In staff's opinion it was an appropriate use in the IBP district and would seek to remove any impediment to get the use established, if deemed to be appropriate, to support business uses.

Commissioner Finkeldei stated for the record, he voted against the Text Amendment with no use standards last time. He stated City Commission sent the item back to Planning Commission to look at the use standards. He said if this passes tonight he would like to keep the use standards but not think the Text Amendment was necessary.

Commissioner Burger asked if the Text Amendment did not pass would it be possible for a corporate entity to build an extended stay facility and would they have the means for going through the process to do so and work with the community and neighbors.

Mr. McCullough said yes, a probable avenue would be to apply for an IL rezoning request.

Commissioner Singleton agreed with the staff recommendation that this was an appropriate use in the IBP district. She said if it was built in an area like this it would be geared toward business travelers who need to be close to the facilities they are visiting. She did not think that making a motel, hotel, or extended stay facility go through a special application process was necessary in a situation like this. She did not see a motel, hotel, or extended stay facility designed to be built in a neighborhood like this having a huge detriment to the neighborhood. She felt it would be good for the business traveler to have access, good for the industry, and good for the community.

Commissioner Rasmussen agreed with Commissioner Singleton. He said having a hotel, motel, extended stay built in an IBP area around Bob Billings and Wakarusa would do nothing but benefit the area, such as a Marriott Extended or Drury Inn. He stated that City Commission sent this back to Planning Commission because they were concerned there were no restrictions on bars and clubs. Without those restrictions there could be a separate bar and could advertise just for that business. He said with the incorporated staff suggestions it would allow for an accessory bar that would be part of the restaurant but not a standalone type business. He stated that the types of investors that would build a hotel, motel, extended stay in that area are targeting to business travelers and would not be real tall structures with loud guests. He pointed out that manufacturing was a permitted use already in that area and he did not see a hotel as being as onerous as a manufacturing facility. He said he would support the Text Amendment.

Commissioner Liese said he was leaning toward supporting the Text Amendment. He felt it was safer for guests to be able to eat and drink at the hotel they are staying at instead of getting in their rental car and driving through town. He stated regarding the balcony issue, homes are built so close to each other that people see into each other's homes when their curtains are open so he did not think a hotel would be that different. He said it was not uncommon even in a residential setting.

Commissioner Hird agreed with some of the comments about the usefulness of having some sort of facility in the IBP district and felt it could be done in a non-offensive way. He said he was somewhat concerned about the comments that Ms. Klingenberg made about balconies and said he could see where that might be an issue to consider during the site planning process. He said he supported the concept to allow the use in the district.

Commissioner Harris said she would vote against the Text Amendment and felt that hotels had a different kind of impact on adjacent neighbors than manufacturing. She said hotels have a lot of activity in the parking lot, food service trucks, and different kinds of disruptions. She agreed with Commissioner Finkeldei's statement that it was not really needed at this time.

Commissioner Burger agreed with comments from Commissioners Finkeldei and Harris because of the West Lawrence location of IBP. She said she would prefer a process that encourages more of a community consensus. She said she would vote in opposition.

Commissioner Liese asked what happened if the vote resulted in a tie.

Mr. McCullough said the motion would fail.

Commissioner Liese said he was pleased by the atmosphere on Monday and felt that community collaboration was important.

Commissioner Hird said when talking about community collaboration he sensed what this grew out of was the comment that they could require people to go seek rezoning and that would allow this process to start all over again. He said a change in rezoning was not a given, it was a difficult and sometimes lengthy process. He said they have spent hours talking about economic development and making it easier to do business in Lawrence. If they were going to require someone wanting to build a hotel to seek zoning in an IBP district it would put an impediment which is what they were trying to avoid. He said the Text Amendment was initiated to provide this as a permitted use in all IBP districts.

Commissioner Rasmussen asked Commissioner Finkeldei to clarify his comments about restrictions not being necessary. Commissioner Rasmussen stated that Planning Commission previously

approved the use of hotel, motel, extended stays in IBP areas and then City Commission came back and asked Planning Commission to look at restrictions.

Commissioner Finkeldei said he voted against the Text Amendment last time with no restrictions. He still did not think it was a necessary change to make at this time. He said Commissioner Rasmussen made a good point stating that City Commission sent it back for Planning Commission to consider the use restrictions. City Commission did not send it back for Planning Commission to reconsider the whole thing, they sent it back to consider use restrictions.

Mr. McCullough said that was fair, it was certainly open to expand that through the minutes and convey messages about the whole Text Amendment. Typically when City Commission sends back an item it was to talk about specific issues and the specific issue with this one was should there be use restrictions associated with the permitted use of hotel, motel, extended use in the IBP district.

Commissioner Finkeldei said if that was the case then he would vote to support the use restrictions

Commissioner Rasmussen said to him that was all they were considering. He did not feel they were being asked to consider if hotel, motel, extended stay were permitted uses in IBP.

Commissioner Liese read the motion from the City Commission minutes:

Moved by Dever, seconded by Cromwell, to send this item back to the Planning Commission Text Amendment (TA-4-4-10), regarding the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District, to discuss and consider the use standards for compatibility of the accessory uses. Motion carried unanimously.

Commissioner Finkeldei said if that was what they were being asked to consider then he would vote yes on the use standards but he noted that he still did not think the Text Amendment was a good idea.

Commissioner Burger said she would vote in favor of the changes that have been made but she still did not feel the use was necessarily correct for that area.

Commissioner Blaser said he would support the use standards as well as no balconies.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Liese, to approve standards regarding accessory uses to hotel, motel, extended stay and the revision of language for wording consistency for Text Amendment TA-4-4-10 to amend the Land Development Code, Chapter 20, Sections 20-403, 20-509 and 20-1724 in accordance with the staff report and for the reasons set forth in the staff report.

Commissioner Harris said she had been in some hotels that had an interior courtyard with balconies but no balconies on the outer areas and she said that was a concept she could support.

Commissioner Blaser said he would not want to see balconies facing private homes.

Commissioner Finkeldei said the balconies would be a Site Plan issue.

Commissioner Rasmussen said it also works that way for the patrons of the hotel because there could be people looking in the hotel as well.

Motion carried 7-1, with Commissioner Harris voting in opposition. Student Commissioner Davis voted in favor.

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ITEM NO. 5 RM15 TO RM24; 15 ACRES; 4100 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF PRESENTATION

Mr. Scott McCullough presented the item. He said staff received direction last week from the mayor through another City Commissioner to bring forth a memo tentatively scheduled for the November 9th City Commission meeting that would put forth a plan for the area. He said the memo would go to City Commission on November 9th that would give them the option to initiate a district plan that could be used in this type of situation to basically master plan these undeveloped parcels.

Mr. McCullough said the applicant would like to have the hearing tonight.

Commissioner Harris asked if they defer the item and send to City Commission to talk about a new plan for the area would it result in a less continuous process for further development of the area.

Mr. McCullough said staff would hope that the product would be policy guidance about how the undeveloped parcels should be developed so that it sets the expectation to surrounding neighbors, owners of those undeveloped parcels, staff, and the governing bodies.

Commissioner Finkeldei asked if it was City Commission, not Planning staff, that was requesting this.

Mr. McCullough said yes.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, Inc., said he spoke with Planning staff this morning. His concern was that if it was delayed it will be at least a month. He stated if City Commission decided to study the property it would cause a 4-6 months delay. He would like to keep going in the process.

Commissioner Liese said he would probably be permanently influenced by how well the Monday Planning Commission meeting went with how well the developer worked with the community.

Mr. Hamby said on another Casitas project they did spend a lot of time with the neighborhood and it was approved by Planning Commission twice. He said it was sometimes tough to get everybody on the same page sometimes. He did try and work with the neighborhood as part of the process and the City sent out an extended mailed notice to the neighborhood.

Commissioner Liese asked if Mr. Hamby saw potential value in taking the time to look at the master plan as a way of meeting everyone's needs

Mr. Hamby said he did not have an answer for that other than he has tried to work with some of the land owners and property owners. He said it was a tough balance to strike when talking with developers and residents about where to meet in the middle. He said 4-6 months was a long time to wait in the development world and would push back construction to 2012.

Commissioner Harris asked if Mr. Hamby held neighborhood meetings.

Mr. Hamby said on the rezoning process, no.

Commissioner Rasmussen said he used to live next to Crossgate and it has changed a lot. He said he could understand the frustration of the neighbors in the area. He also said he understood there was an evolution to properties. He said City Commission came forward and expressed an interest in doing a more comprehensive look at the property and he would like to see that done. He said he would prefer to defer the item to allow time for that.

Commissioner Finkeldei agreed with Commissioner Rasmussen. He said Planning Commission's job was to give recommendations to City Commission and if they want to look at issues more comprehensively then they should listen to them and defer this tonight.

Commissioner Singleton said she was comfortable with the deferral since it would only be three weeks.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer the item to the November 15, 2010 Planning Commission meeting.

Mr. McCullough clarified that City Commission did not ask for a deferral, it was staff's process interpretation of what the options are.

Commissioner Burger said she would support the deferral because they received a lot of input from the community on the issue but the applicant did not. She felt the deferral would allow time for the applicant to review the objections.

Motion carried 8-0. Student Commission Davis voted in the affirmative.

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ITEM NO. 6A 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

A-9-3-10: Consider an Annexation request of approximately 51.13 acres, located at the southwest corner of N 1800 Rd (Farmer's Turnpike) and E 1000 Rd (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

ITEM NO. 6B COUNTY A-1 TO CITY IG; 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

Z-9-13-10: Consider a request to rezone approximately 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial), located on the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A and 6B together.

Commissioner Harris asked why staff was recommending annexation for this item but not for the Berry Plastics rezoning they heard on Monday.

Ms. Day said this was a voluntary annexation by the property owner and it was within the Urban Growth Area. City plans talk about seeking and encouraging voluntary annexation over the City annexing it. She said the Berry Plastics site was further out and was not within any identified areas at this time.

Mr. McCullough said this was an area currently being studied for water and wastewater master planning and the Berry Plastics site was outside of that.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson said both this site and the Berry Plastics site were not contiguous to the City limits so an annexation could only be done with consent or at the request of the property owner. She showed pictures of the area on the overhead. She also showed on the overhead different sector plans that were considered during the sector plan process. She said this annexation and rezoning request were the poster child of long range planning. She said the principals and goals in Horizon 2020 identify this area of the city as one that would be helpful in assisting job growth. She said the Sector Plan for the area was not uniformly loved by all but that it was a compromise that was the result of a lot of hard work in trying to keep the community goals in mind as well as the residents. She stated one of the reasons annexation was required along this corridor was to bring into play the much more rigorous city standards that would apply to landscaping, parking, stormwater, sewer, buffering, and setbacks. All of those things are required under city codes but not county codes. She also said it would bring it within the ambience of the city industrial zoning as opposed to the county industrial zoning. She said the property owners have had prospects looking at the site.

PUBLIC HEARING

Mr. Tom Kern, President of Lawrence Chamber of Commerce, said the site was within the Horizon 2020 and Farmer's Turnpike Plan as industrial and follows the logical process of planning already done. He said there exists a significant need for additional industrial sites in Lawrence and Douglas County, especially larger tract sites of 45-50 acres or larger. He said the land was relatively flat and had excellent road access. He said the Chamber, the City, and others have done significant investigations looking at the economic feasibility of providing water and sewer to the sites so that

eventually a benefit district could be created. He said the Chamber supported the annexation and rezoning and felt it was in the best interest of the community.

Ms. Beth Johnson, Chamber of Commerce, discussed the limited availability of properties for industrial use. She said some of the properties that show up on the map as being available industrial land are not willing land owners so they are not available. She mentioned several businesses that looked at coming to Lawrence. She displayed on the overhead the economic development prospect overview from 2006-September of 2010:

Economic Development Prospect Overview from 2006-2010 (Sept.)

	2006	2007	2008	2009	2010
Number of Inquiries - Total	66	63	47	46	30
Number of Inquiries - Land	16	18	10	18	7
I70 Specific Request				3	4
% Eliminated due to lack of site	35%	51%	55%	35%	71%
Requests for up to 5 Acres	12%	6%	0%	0%	0%
Requests for 6-10 Acres	19%	17%	0%	6%	0%
Requests for 11-30 Acres	31%	11%	0%	6%	0%
Requests for 31-50 Acres	0%	17%	30%	17%	29%
Requests for 51-99 Acres	12%	33%	20%	11%	29%
Requests for 100+ Acres	26%	17%	50%	28%	43%

Number of Inquiries - Buildings	33	31	24	35	21
% Eliminated due to lack of building				43%	33%
Requests for 1-25,999 Square Feet	18%	13%	38%	20%	29%
Requests for 26,000-44,999 SF	24%	23%	13%	23%	14%
Requests for 45,000-75,999 SF	18%	13%	4%	9%	19%
Requests for 76,000-99,999 SF	6%	16%	13%	6%	14%
Requests for 100,000-149,999 SF	9%	10%	8%	14%	5%
Requests for 150,000-199,999 SF	9%	10%	13%	20%	10%
Requests for 200,000-399,999 SF	6%	13%	13%	11%	19%
Requests for 400,000+ SF	9%	3%	0%	3%	5%

Mr. Dan Brogren, The Trust Company of Kansas, agent and attorney-in-fact for an individual who owns property to the west of the subject-tract, on N 1800 Road. He said the owner had no objection whatsoever to the requested annexation/zoning request referenced under Items 6a and 6b.

Mr. Greg Burger, lives at 1847 E 800 Road, expressed opposition to the rezoning and annexation. He felt it was too soon for this to take place. He did not want an industrial park in his neighborhood. He expressed concern about the bike path not being wide enough. He said currently the bike lane is 2' between Kasold and the Farmer's Turnpike/K-10 by-pass. He was concerned about decreased property values. He said it was farmland and he moved to the country to get away from the city. He was disappointed in the process in general.

Commissioner Liese asked how far Mr. Burger lived from the proposed site.

Mr. Burger said about two miles in driving distance.

Commissioner Liese asked how likely it would be that he would see the property from his house.

Mr. Burger said it was not likely he would see the property from his house but he was concerned about a domino effect.

Commissioner Liese asked if his main concern was aesthetics.

Mr. Burger said yes and increased traffic as well.

Ms. Marguerite Ermeling, lives north of the area about ½ mile on 950 Road, said she wanted to point out several things she felt needed to have the curtain pulled back on. She appreciated the comments by the Commission in expressing interest in public participation with Berry Plastics and how it moved along well. She said that did not happen with the Sector Plan process for this area as suggested earlier. She said this particular Commission gave a 9-0 vote to go explore Ms. Bonnie Johnson's presentation in work meetings. She said the one big public announcement meeting had about 75 people in attendance and that they met at the Lawrence Aquatic Center. She said the Planning Staff was nearly tarred and feathered out of there because the people were presented with a 'done deal' type plan of what staff had come up with and what they expected it to be. She felt the process did not start out well and was not at all what happened with the Northeast Sector Planning process. She said they were offered three work sessions and they offered 13 names on a list to the Planning Department. She said they were only allowed 5 people to be present and that they were told by Mr. McCullough that he had been instructed that they were only allowed to stay in the toolbox and not allowed to pursue any investigation into Ms. Bonnie Johnson's presentation. She said they ended up with a plan that did not register the neighbors and did not register the larger group of the area at all. She stated the plan that her group presented was not considered on any level. She said the plan that was adopted was the one that was pushed upon the group and not what the neighborhood would like to see. She also said this annexation and rezoning was brought to the Planning Commission falsely with the suggestion that there was any real participation of the neighborhood or other stakeholders. She felt this was not a well done study or sector plan, upon which was now going to base another opportunity for annexation. She recommended that the Sector Plan needed to come back and done correctly.

Commissioner Burger asked Ms. Ermeling what she would change about the Sector Plan.

Ms. Ermeling said her groups plan included the 150 acres of heavy industrial IG and looked at the rest of the area as relatively agricultural. She said Ms. Bonnie Johnson brought awareness to the Commissions that there were possibilities of how integrating different levels of industrial into a rural space and brought forward the kinds of zoning changes or additions of zoning brackets that could be created creatively. She said that was not considered at all. She said regarding the solar company that Ms. Beth Johnson mentioned that looked into Mr. Schwada's 155 acres, her group came forward to meet with the City and Berry Plastics and offered to drop all cases for the purpose of them getting that area to use. She said they offered to drop it all on the basis of two things; a lower industrial rating instead of IG, and a review of the discussion about the Sector Plan. She said their offer was declined.

Commissioner Liese asked Ms. Ermeling to comment on the annexation and zoning separately.

Ms. Ermeling said if the sector plan was different this piece of property would probably not be coming forward right now for annexation. She was concerned about island annexation with no intent of what would go there out on the perimeter of an urban grown area which she felt was massive for this city. She said even if the floodplain and all the protected lands were taken out there was still a massive amount of urban growth area to grow into. She was concerned about the cost of extending infrastructure out there and felt it was premature to annex the property. She said this was not a unique piece of land and was just near an interchange. She said the Commission might want more industrial zoning but that there should be a more coordinated effort than just surrounding the entire community with it.

Commissioner Liese inquired about her compromise of lighter zoning.

Ms. Ermeling said that related to the 155 acres at the intersection of K-10 and Farmer's Turnpike. She said her group sent the letter to the City and requested the meeting to occur, which it did. She said on Monday Berry Plastics told her that they did not have a problem with the condition. She said to her knowledge it was the property owner that did not want lighter zoning. She said she did not know how the City felt about it.

Commissioner Burger asked what percentage of the Sector Plan she objected to.

Ms. Ermeling said she did not have that off the top of her head.

Mr. Jim Haines said he lives directly across the turnpike from the 51 acres being discussed tonight. He said he was with Ms. Marguerite Ermeling during the sector planning process and everything she said was accurate from his perspective. He said there was a tremendous amount of process but he was not able to cite one substantive element that was suggested by the residential neighbors that ended up in the final plan. He said Ms. Jane Eldridge used the word 'compromise' but that it was not an appropriate word to use to describe the sector planning process. He said his preference would be that the property remain agricultural, but he was realistic and a landowner should be able to direct the use of his/her land, within limits. He felt that when a change in use was requested that the requested change should, within limits, be consistent with the established uses in the immediate neighborhood. He said there were residential houses directly in view of this land. He said it was not realistic for him to always expect to see corn growing there and knew at some point the land would be developed, but did not agree with it going from a corn field to the highest level of intensive industrial use when there are residences immediately adjacent.

Commissioner Liese inquired about Mr. Haines statement "that nothing proposed by residents was followed."

Mr. Haines said that was his recollection. He said he was part of the meeting at which they attempted to make a compromise with Berry Plastics and he supported the Berry Plastics proposal of 155 acres.

Mr. Darrel Ward, 922 N 1800 Road, urged them to deny the annexation and rezoning of the property. He discussed the size of the property and timing of the annexation and rezoning. He said regarding the size it was a long narrow site and typically industrial sites would not be a good fit for long narrow sites. He said regarding the timing there was no rush to annex and rezone the property because the developer had no client lined up for this site. He said in the K-10 & Farmer's Turnpike Sector Plan there were a lot of references to large sites and large scale industrial uses. He said he is an industrial designer with Black & Veatch and the site was not big enough for proper industrial use. He stated this was the first rezoning in the K-10 & Farmer's Turnpike Sector Plan and would set a

precedent or create a domino effect for rezoning and development in the area. He read a quote from Benjamin Franklin "one fact will ruin a good argument." Mr. Ward gave one fact that there was no rush to rezone or annex the property.

Commissioner Liese said he was interested in Mr. Ward's thoughts as a neighbor since he too lives in the area. He said he was not convinced that timing was an issue given what Ms. Beth Johnson shared about businesses interested in space on I-70. He said he was not comfortable judging how a developer or industry decide to design their space. He asked how it would affect Mr. Ward as a property owner in the area.

Mr. Ward said he would have to look at it every day and drive past it every day. He spoke about Ms. Beth Johnson's figures on 4 inquiries out of 30 inquires requested I-70 sites which was only 11% so he was concerned about catering to the minority. He said if half or a third of the applicants asked for I-70 access that would be a different matter. He said he had 47 years invested in the area and did not think this intensive of industrial was a right fit.

Mr. David Corliss, City Manager, told a story about his daughter looking for a prom dress and how she wanted multiple choices not just one dress to choose from. He related the story to businesses also wanting choices for sites. He stated that industries need multiple locations to choose from and the community needs to provide choices. He said some businesses are going to want to locate along the I-70 corridor. He said there have been discussions this evening about the validity of the adopted K-10 & Farmer's Turnpike Sector Plan. He said it was approved by County Commission, City Commission, and a lawsuit against it was dismissed. He asked Planning Commission to use planning documents already in place. He said they have looked at infrastructure extensions at the location. He said this site was active during Berry Plastics discussions until Berry Plastics decided to relocate. He said he wanted to make sure that when the next industry comes to town they have additional sites to try and locate companies within the community. He stated that if the community does not expand its tax base it will either have to increase taxes or decrease services. He stated he was also in some of the meetings regarding the 155 acres for Berry Plastics. He said he had a different recollection as to the number of conditions the plaintiffs proposed in order to dismiss the lawsuit, which he said continued to this day. He emphasized the need for choices in the community and that developers want a selection of sites to choose from.

Commissioner Harris asked Mr. Corliss to elaborate on infrastructure plans.

Mr. Corliss displayed a sewer and water line map on the overhead. He stated the City has Comprehensive Water and Wastewater Master Plans and that one of the ways to determine where lines go was through the Comprehensive Master Plan process. He said the Development Policy indicates that if a property owner consents to annexation within the city they can extend, at their cost, city water and city sewer facilities to their property. He stated those were the two primary guides for getting infrastructure to a site. He said water was a little problematic and the best way to get water to the site was to cut through Rural Water District #6, which they have had discussions with. He said the City treats the water that Rural Water District #6 uses. He said they have also had discussions with Rural Water District #1 which serves the area south of I-70.

Commissioner Harris inquired about what they needed to do to determine whether an annexation and rezoning would not hinder or prevent proper growth of the area. She wondered about getting infrastructure to a property and said it sounded like the line would follow gravity and then go back to the property, not just going the shortest distance.

Mr. Corliss said that was correct. He said the infrastructure installations would make sense for the long term urbanization of the property.

Commissioner Liese said he was trying to keep the annexation and rezoning separate. He inquired about the City's involvement about discussions regarding annexation with community members and if it would be normal.

Mr. Corliss said it would not be normal in this situation or probably in most situations. He said it would usually be the responsibility of the applicant when they have more definitiveness on the project. He said he has not had any conversations with adjacent property owners.

Mr. McCullough said there was an extra process built into the City's policy to send annexation requests over 10 acres to Planning Commission, which was not required by statute, but was a practice to get public input of the community.

Commissioner Liese asked if this was the process.

Mr. McCullough said yes.

Mr. Corliss said there was no statutory requirement for annexation requests made by the applicant to go before Planning Commission. It was a City decision to have annexations of more than 10 acres be reviewed through Planning Commission.

Mr. Dave Ross, President of Scenic Riverview Community Association, said Mr. Dave Corliss was correct, there were actually three things the group asked for in the Berry Plastics meeting Mr. Corliss referenced. He said they saw an article in the Lawrence Journal World in December that Berry Plastics was considering moving out to that area so the group initiated through their attorney a letter to the City Manager requesting a meeting with the City Manager and Berry Plastics. He said after seeing the plan of Berry Plastics and what they were wanting the group had a side meeting for 15 minutes and came back with three suggestions; downzoning to either IBP or IL, incorporate design guidelines with things such as berming and screening, and that the Sector Plan would be looked at again. He thought Berry Plastics and the City Manager thought the requests were reasonable. He said the developer agreed to only downzone the 60 acres that Berry Plastics wanted. He said one thing that had not been pointed out was that he asked Ms. Beth Johnson if there was anything that could be built in East Hills Business Park that could not be built with IL zoning. He said the answer he was given was no. He wondered why the property had to have IG zoning because he said there would be very little resistance to IL zoning. He said the answer he got from the developer was that the developer wants to keep his options open. He said that sort of language scares the neighbors. He requested that if Planning Commission proceeds with the annexation they at least consider a lesser zoning on the property. He said another thing that hasn't been discussed is the quality of life issue. He said he spends a lot of time in Boulder, Colorado and that they have a green zone around the city that no one can build upon. He said he read a recent newspaper about American Planning Association designating Massachusetts Street as a 'great street.' He said in 1986 a developer wanted to knock down the 600 Massachusetts Street and put in a downtown mall. He said the lead developer of record was Mr. Duane Schwada and that the apple hasn't fallen far from the tree.

Commissioner Hird inquired about his comments about a green zone and asked where IG zoning would go.

Mr. Ross said he had not thought about it. He said the offer to the City still stands to drop the litigation. He felt that IL would be more appropriate zoning.

Commissioner Hird asked where he would want IG zoning.

Mr. Ross said the Farmland piece of property and more pieces on the east side of town. He wondered if an IG zoning type of business would really take them to the dance. He felt that IL or IBP zoning could give them what they need in terms of employment, quality of employment, and the type of wages they want. He said he was in favor of helping the Chamber get what they need to attract jobs to the community but felt IG zoning was too intense and was concerned it would create a domino effect. He said one of the comments Commissioner Chestnut made during the Lowe's rejection was that he felt like it was a breach of promise to the neighborhood. Mr. Ross said his group feels that way about this project.

Commissioner Hird asked if Mr. Ross participated in the sector plan process.

Mr. Ross said yes, he was present at every single meeting.

Commissioner Rasmussen said he remembered a lot of effort from City Staff to go out and engage with residents of the area and stakeholders. He said he also remembered a lot of Planning Commission meetings where they worked on the Farmer's Turnpike Sector Plan. He asked how Mr. Ross could say that that plan was adopted without the benefit and inclusion of stakeholder input.

Mr. Ross said that Ms. Ermeling and Mr. Haines already addressed that. He said the plan that the group showed of rural industrial parks in Illinois, Canada, and California seemed to peak the Planning Commission's interest and that Planning Commission instructed the group to pursue those. He said when the group attempted to do that they were told it could not be done in Lawrence. He said the plans Ms. Jane Eldredge showed on the overhead tonight almost reflected a full circle from the original plan to what ultimately happened.

Commissioner Rasmussen said he voted against the K-10 Farmers Turnpike Sector Plan because every time they got an iteration before Planning Commission the amount of industrial land shown on future land use map seemed to go down.

Mr. Ross said when his group did the numbers and showed their plan it had more industrial space with more at the east end.

Commissioner Rasmussen said the ultimate plan that Planning Commission ended up voting on was quite a bit less industrial land than what they started with. He said he voted against it because he felt the amount of industrial space along that corridor went down inappropriately.

Commissioner Blaser inquired about the comment in the Scenic Riverview Community Association letter regarding the probability of Kmart relocating its facilities away from Lawrence. He said he has not heard anything about that and asked if he had facts regarding that statement.

Mr. Ross said that was just conjecture based on some of the things the Scenic Riverview Community Association has talked about. He said it was a probability statement for them to think about.

Mr. McCullough said the Planning Commission inquired to him about the factuality of that statement because it was stated as a pretty hard statement in the letter 'it appears probable that Kmart will relocate its facilities away from Lawrence.' He said there have been recent discussions with Sears about a minor improvement at that site but there was no indication that they were ready to leave

Lawrence, and in fact it was quite the opposite indication because they have invested a lot of time, money, and effort into a state of the art warehouse facility for their needs.

Mr. Don Rothwell said he was the executive of his father's estate which was directly west of the property in question and they agree with the annexation and rezoning. He said the new road was progress and if they don't have facilities in place for these corporations to relocate they will go somewhere else. He was in favor of the proposal.

Mr. Rich Mahaley said he lives across the highway from the land proposed for annexation and rezoning. He said at neighbor meetings he felt like the sector plan was in place and did not feel like the neighbors were involved. He said he would be able to see the facility across the highway. He said he has no problem with progress but he does have a problem with the level of zoning and felt that a lower zoning would be more appropriate. He expressed concern regarding drainage and flooding issues of the property. He said the property was far from the interchange and traffic would increase. He stated Queens Road was a chip-n-seal road and expressed concern about increased traffic on it. He also expressed concern about his property value being lowered.

Ms. Ermeling said she understood the need for some level of industrial but that it seems to be a committed major move to make it really available everywhere all around this community. She said it was necessary to have some of that and some variety of choices. She wondered why the solar business didn't consider the northwest corner of Highway 40/10. She said the point was to look at the bigger scope of things and that IG zoning does not necessarily equal jobs. She said this site and area has been determined that it is going to be IG and eliminates it to be something else that still brings in jobs and taxes. She said they do need sites for IG but how much. She questioned the concept that the whole thing needed to be IG and felt they needed variety.

APPLICANT CLOSING COMMENTS

Ms. Jane Eldredge thanked the Commission for being patient.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to comment about the drainage that one of the speakers mentioned as a concern.

Mr. McCullough said development was a linear process. He said they will determine through studies where warrants will exist for making improvements for adding elements of bike lanes, sidewalks, paths, and such. He said that development starts out unimproved and as development occurs they make the necessary improvements required. The road improvements and drainage issues would be studied at the appropriate process development time and that it was not necessarily at the rezoning and annexation time. He felt the city stormwater standards were higher than the county and that they go to great lengths to retain/detain water appropriately for each development.

Commissioner Harris inquired about the sentence 'will not hinder or prevent the proper growth of that area.' She asked for examples of projects that they would conclude that it would hinder growth and development.

Mr. McCullough said if there were a utility plan that was associated with this request that may not have been thoughtfully planned out and wouldn't take the whole watershed into account. Some of those decisions have to be made as they move down the line on those projects. He said they have tried to demonstrate that if they are seeking to develop industrially there may be interim infrastructure solutions that may have to occur in the interim until urban services are required or can be extended to those development projects. He said industrial development was a little different

animal than residential and commercial development because it could be a much longer timeframe to get full occupants. He said East Hills Business Park, for example, was still not fully occupied. He said in this particular case the ground work and foundation have been laid for proper growth and development because they have done the sector planning, in the midst of utility planning, reviewing master plans, and looking at a first step in development on a couple of parcels. He said this was not the first parcel to annex and rezone in the Farmer's Turnpike Sector Plan.

Mr. Corliss said the language was taken from KSA520c, which was the island annexation statute. He said its primary purpose was to make sure cities would not annex property that would interfere with the orderly development of other cities. He gave an example of where there would be major conflict, such as if the city wanted to annex property that would be in the orderly growth pattern of another urbanizing area or incorporated city.

Commissioner Harris said on Monday they talked a lot about traffic on Farmer's Turnpike and that it was good that Berry's Plastics would have lighter truck loads. She wondered about the possible impact of heavier truck loads on the road from this project.

Mr. McCullough said if there were improvements warranted, such as turn lanes or signalization, could be paid for by a specific project or part of a benefit district that would be shared by a finite area of property owners. He said the traffic studies help determine when those things are needed. He said the Farmer's Turnpike carries a lot of truck traffic today because of the industry to the east over to the west interchange. He said typically arterial road sections were borne by the public at large.

Commissioner Harris asked if the public at large was the county or city.

Mr. McCullough said it could be either and depends on whether it's a shared or internal road.

Commissioner Liese said he was really doing his best to keep the annexation and rezoning separate. He asked each Commissioner to comment about keeping them separate. He wondered if they could really break the requests apart.

Commissioner Finkeldei said the short answer was yes because it was two separate votes. He said he would support the annexation and rezoning. He said a few months ago he voted against the Lowe's project location because it went against a lot of different sector plans in place. He said in this case he would support the annexation and rezoning because of the sector plan that was passed designating the land as IG. He said he respectfully disagreed with people who said there was no public input process. He said he personally sat through five Planning Commission meetings regarding the subject. He said it was true they did not adopt the plan everyone agreed with or liked but that there was certainly a public input process. He said Planning Commission, City Commission, and County Commission all adopted the sector plan. He said the request complies with the plan. He said annexation was consistent within the urban growth area and in an area that was planned for. He felt it was important to have IG zoned land available. He said regarding the domino effect, it depended if there was other land to be used. He felt it was important to follow plans that they pass.

Commissioner Singleton said she would support both the annexation and rezoning for a variety of reasons. She said it does go along with sector plan that went through the appropriate process. She said she voted against the sector plan and was in the minority. She said she remembered Planning Commission meetings that went till 1:00am listening to public comment and that some of the compromises went into the plan. She said there was public participation and that this was the sector plan that came out of the process. She felt as a Planning Commission they were responsible for looking to the sector plan for guidance when making decisions. She said this piece of property makes

complete sense because it abuts I-70 which is noisy and not pretty. She felt this was an appropriate use of the land and would be good for the community.

Commissioner Liese said their comments were helpful.

Commissioner Hird said the process was long and not easy. He respectfully disagreed with the comments about there not being public input. He said unfortunately sometimes when people's substantive ideas are not incorporated it becomes the fault of the process instead of the ideas. He said that intelligent honest people can disagree and that's what they had in developing this sector plan. He reminded them not to lose sight of Horizon 2020 which applies to this region identified for growth. He said he was a rural resident himself and he appreciated the comments about the change that comes to an area. He said he would probably be opposed to it as well if he lived in the area and he was glad people have been participating in the process. He said the fact of the matter is that it was consistent with the sector plan. He stated through the 14 public meetings he felt everyone had a chance to air their opinions and this was the sector plan that was adopted. He agreed with Commissioner Finkeldei that if they adopt a sector plan and then immediately turn around and say "we really didn't mean it" then they undermined the process. He said he would support the applicant and hoped that a refinery would not be what people see when they drive into town because the appearance of the community was important.

Commissioner Harris agreed that there was public input and compromises at the Planning Commission stage. She felt that some of the heartburn from the folks who live out there comes from the beginning process where a plan was presented to them. She said another area of heartburn was that the plan Ms. Bonnie Johnson presented didn't get any traction. She said the majority of Planning Commissioners did not agree with the public concerns and instead approved the sector plan, and so did the City and the County. She said although she did not vote in favor of the plan it was the tool that was in place and they must use now. She said when she discussed her thoughts about this plan she thought there should be some industry out in that area near the interchange and this property was near the interchange. She said she would be happier if it was zoned IL instead of IG, but she did not have a problem with it being industrial. She said as far as the annexation being tied with the zoning Ms. Eldredge pointed out earlier if this was in the city then the property would comply with city standards and guidelines which were more stringent than the county. She said she would prefer to annex property after the infrastructure plan was completed. She said if they deny the annexation they would have to come back with county zoning.

Commissioner Hird inquired about the difference between the public process of a sector plan versus a neighborhood plan.

Mr. McCullough said probably each one of the sector plans and neighborhood plans have started out a little bit differently. He said there was staff analysis to determine elements and issues. He said one big difference is that the neighborhood plans is typically urbanized already and sector plans are typically non-urbanized in nature. He said typically staff likes to go to meetings with a concept plan for the public to react to. He said if they don't start with something for the public to react to it doesn't go very far very quickly and can be muddled.

Commissioner Rasmussen said they heard a lot of testimony and continuing frustration about the 155 acre parcel but that was not what was before them tonight. He said the property before them tonight fits with the sector plan. He said they took a lot of public comment for the sector plan and compromises were made on both sides. He said he voted against the sector plan because he felt that with the access to I-70 this was a natural location for more industrial development. He felt they would see more requests for industrial development and that they would probably be amending the

sector plan at some point in the future to provide for more industrial development. He said the Development Code says the purpose of IL land was to primarily intended to accommodate low impact industrial wholesale and warehouse operations that are employment intensive and compatible with commercial land uses. He said he wouldn't consider this area as commercial land area. He said the definition of IG zoning was primarily intended to accommodate moderate and high impact industrial uses, including large scale or specialized industrial operations requiring good transportation access. He said this proposal fits that definition so he would be support the annexation and rezoning.

Commissioner Burger said she would support the annexation and rezoning because it falls within the guidelines of the sector plan. She agreed that there needed to be multiple sites to choose from. She said if the city perhaps owned all the available property that could be developed that might not be an issue, but having various sites was as much about having different opportunities to deal with different developers. She said she did not like everything about this but felt that sticking with the sector plan was the best thing they could do at this point.

Commissioner Liese said his responsibility was to the larger community and that the sector plan was important. He said if he were to vote for the annexation and against the zoning it would be because he was disturbed by stories regarding the process. He said he would vote in favor of the annexation and zoning given that the sector plan was in place before he was on the Planning Commission.

Commissioner Blaser said he would vote in favor of both proposals. He felt that IG zoning was the right zoning for the area. He did not necessarily agree that the shape of the land was a big issue. He wished they did not have to do spot annexation but in this case they need industrial land and need all kinds of industrial land in different locations.

Commissioner Rasmussen said they needed to keep in perspective that the interchange added to I-70 where K-10 meets I-70 changed the dynamic and changed the character of the land radiating out from that, which was a natural occurrence.

ACTION TAKEN on Item 6A

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the annexation (A-9-3-10) and forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Recommend that the City Commission approve the requested annexation of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended) and subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Commissioner Harris said she would reluctantly vote in favor of the motion but said she would prefer it was zoned to IL not IG. She said she was not comfortable with approving annexation without

having an infrastructure plan ahead of time but said having the land annexed before it was rezoned would give the residents out there the best possible industrial project on that land.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

ACTION TAKEN on Item 6B

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning (Z-9-13-10) request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Liese said he would vote in favor of the motion because they were supposed to support the sector plan.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

PC Minutes 10/27/10

ITEM NO. 7 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; RM32 DISTRICT (MJL)

TA-6-8-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, related to the density and development standards in the RM32 (Multi-Dwelling Residential) District including potentially increasing the maximum dwelling units per acre limit in that district.
Initiated by City Commission on 7/13/10.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Harris inquired about 80% impervious surface that was mentioned in the staff report. She said that seemed high.

Ms. Leininger said that was a current regulation in the Code.

Commissioner Harris inquired about the cost of adding energy efficient elements to building.

Ms. Leininger said she did not have a specific answer but that she would lean toward yes.

Commissioner Harris asked if the returns would benefit the community.

Ms. Leininger said it would benefit the property owner by using the earth to heat/cool the structure with no chemicals or gas. She also mentioned tax rebates.

Commissioner Hird said dwelling units are counted by the number of kitchens, so this could save 32 kitchens per acre. He wondered why and how dwelling units were counted by the kitchen.

Mr. McCullough said its more than just a kitchen or bedroom, it's a living unit which has those elements in it. He said it was possible to have one dwelling unit with two kitchens.

Commissioner Harris asked for clarification on the goal of what they were trying to do. She said one goal was to target higher density to locations where it serves the community and where infrastructure can support it and another goal was to provide incentives for energy efficiency in buildings. She wondered who benefited from the energy efficiency and why provide incentives for that.

Mr. McCullough said that was the overriding public and national goal, to become energy efficient and that would be done incrementally through each building that would be approved. It could benefit both the public and the individual property owner/tenant.

Commissioner Harris said it would make sense to provide incentives if it in fact costs the builder more to provide that service to the community.

Commissioner Finkeldei said Mr. Paul Werner put together some of his own bonuses and one that struck him as interesting was the renovation of contributing structure or redevelopment of inappropriate structures in the Oread neighborhood.

Ms. Leininger said staff has not had the text for very long but that their initial thought was who says if they are appropriate or inappropriate. She said there was a process to identify what was appropriate and what was inappropriate.

Commissioner Finkeldei said the Lawrence Preservation Alliance made a good point by saying that if it doesn't support the Oread Neighborhood Plan then it should not get a density bonus.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, apologized to staff for not getting information to them earlier. He said the premise was about properties around KU that should be ripe for redevelopment in the upcoming years. He suggested possibly coming up with language to look at equivalent bedrooms or some sort of density bonus.

Commissioner Harris was concerned about density bonuses applying to the entire district.

Mr. Werner said a percentage of the Oread falls under the Historic Resources Commission. He said there could be discussions about what the appropriate structures are. He suggested maybe having something tied to the existing building that could get the bonus.

PUBLIC HEARING

Mr. Dennis Brown, President of Lawrence Preservation Alliance, said it was easy to understand the concept of adding kitchens as they move from 4 bedroom units to 1-2 bedroom units. He wondered if it would just be a reshuffle of the same number of occupants. He struggled with understanding if the proposal would add occupants and allow more occupants within the same footprint. He suggested additional considerations; the new Oread Plan does allow for the creation of urban conservation overlay districts that are named low, medium, and high density districts, as well as the two historic districts. If they increase density in the RM32 why not restrict the amendment to areas they all agree are high density. He said RM32 was found in other areas outside of the Oread Neighborhood as well. He expressed concern about incentivizing tearing down older single family homes.

Ms. Marci Francisco, 1101 Ohio, said the proposal encourages redevelopment and not necessarily targeted to those areas with inappropriate structures. She did not want to give bonuses to replace an inappropriate structure if it was not replaced with a more appropriate structure. She said there was still confusion about bonuses for distances from a school or university. She did not want to see bonuses given in the RM32 areas that are not next to a university. She felt it was important to protect some of the areas in the Oread Neighborhood that were identified as moderate density. She said there has to be some limit to redevelopment through overlay districts or looking at a much smaller area.

Mr. Stan Hernly said Mr. Werner addressed some of the issues he expressed in his letter. He was concerned about the number of occupants per apartment unit. He felt they should adopt a method to reduce the number of people allowed based on the number of bedrooms. He said it was a good idea but really hard to police. He said it was important for the community to know that zoning regulations were in place that provide a known entity of what's possible. He did not want to have something changed that would leave the door wide open because architects were creative and could create more possible density. He felt parking should increase to 1.5 parking spaces for one bedroom units. He felt that bonuses shouldn't be available for historic properties that are eligible for listing on the state or national register.

COMMISSION DISCUSSION

Mr. McCullough said staff needed time to digest the new information provided by Mr. Werner this evening.

Commissioner Singleton said this was an exciting amendment. She felt there would be a shift in the way housing was looked at in the next 20 years because nobody can afford a single family house anymore. She said they have the opportunity to address that with some of the language. She said Lawrence has an interesting housing situation because of all the college students and that there are apartment buildings all over town but that as students become more green they will prefer to be more focused around the university. She felt they needed to figure out a way to get more density to the neighborhoods around the campus but make it look good with the policy. She also felt that they needed to address low income housing, allow for density, encourage green building, and encourage public policy about the appearance and amenities available. She also felt they needed to figure out a way as a community to address enforcement issues of the housing policies.

Commissioner Harris said there were some things she liked and other things that concerned her. She did not think having density bonuses throughout the area for RM32 was a good idea. She did favor another high density zoning district and thought they should decide where they would want those higher densities to be. She liked the idea of looking at a different way to calculate density. She also liked the idea of having higher densities in a district in the Oread Neighborhood through an Overlay district. She agreed with comments about understanding the parameters of increased density. She was interested in Mr. Hernly's comments about having 1.5 parking spaces for one bedroom units. She stated she was also interested in hearing how parking has worked in apartment complexes that were already built at a higher density with that standard and if there was sufficient parking for the tenants living there.

Commissioner Liese said inquired about college communities to use as an example.

Mr. McCullough said staff did a lot of research of different programs from different cities. He said how Lawrence does it was pretty typical.

Commissioner Finkeldei suggested a two step process of a simpler way to look at density definitions and identifying properties that should be redeveloped and allow bonuses.

Mr. McCullough said that was an issue identified in the Oread Plan and the Overlay district would help get to that in that area.

NO ACTION TAKEN

PC Minutes 10/27/10

**ITEM NO. 8 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
COMMERCIAL & INDUSTRIAL DESIGN STANDARDS (MJL)**

TA-4-5-10: Consider Text Amendment to various sections of the City of Lawrence Land Development Code, Chapter 20, in relation to the Commercial Design Standards and to add reference to the proposed Industrial Design Standards. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris asked if there were any changes in the plan from the Mid-Month meeting.

Ms. Leininger said yes, on the front page of the draft under the applicability standards, some of the language was clarified and an ampersand sign was changed to the word. She said the first page had the only substantial changes.

Commissioner Rasmussen said during the process of preparing these design guidelines and standards there was a representative from the Chamber of Commerce and Grubb & Ellis that participated intimately with the development of it and by the time they were finished they were comfortable with what had been developed and there was general support.

Commissioner Hird said at the Mid-Month meeting they discussed thoroughly the differences of opinion at which this was approached and how it was resolved. He thought it was helpful to go through those discussions.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve the proposed amendments, TA-4-5-10, to Sections 20-207, 20-208, 20-209, 20-211, 20-212, 20-213, 20-1301, 20-1304, 20-1305 and 20-1701 to the Land Development Code and forward to the City Commission.

Commissioner Harris said she appreciated all the hard work the committee did.

Commissioner Rasmussen thanked Ms. Leininger for her work on the item.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN 11:38pm