



PLANNING COMMISSION MEETING
November 15, 2010
Meeting Minutes

November 15, 2010 – 6:30 p.m.

Commissioners present: Burger, Dominguez, Finkeldei, Harris, Hird, Liese, 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 October 25 & 27, 2010.

Commissioner Liese requested a word be corrected on page 30.

Motioned by Commissioner Singleton, seconded by Commissioner Finkeldei, to approve the October 25 & 27, 2010 Planning Commission minutes with the correction suggested by Commissioner Liese.

Approved 7-0. Student Commissioner Davis voted in favor.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism committee met with representatives of three Townships to discuss the road system and what the effect of agri-tourism might have on the road system. He said it was a helpful exchange between the committee and Townships. He invited anyone who was interested in agri-tourism to let him know and that they were welcome at the committee meetings.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date. He stated that the Planning Commission Mid-Month meeting would be on December 1st at 8:00am and the topic would be about legal non-conforming issues.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

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ITEM NO. 1 PRELIMINARY PLAT; CAMPBELL ADDITION; 1.003 ACRES; 204 LONDON CT (SLD)

PP-9-7-10: Consider a Preliminary Plat for Campbell Addition, a 1 lot subdivision containing approximately 1.003 acres, located at 204 Landon Court. Submitted by Landplan Engineering, P.A., for Jeff and Christy Campbell, property owner of record.

CONSENT AGENDA ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the Preliminary Plat (PP-9-7-10) of the Campbell Addition and forward it to the City Commission for consideration of vacation of easement.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

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**ITEM NO. 2 PRELIMINARY PLAT; HELM SUBDIVISION; .253 ACRES; ADJACENT TO
761 ELM ST (SLD)**

PP-9-8-10: Consider a Preliminary Plat for Helm Subdivision, a 2 lot subdivision containing approximately .253 acres, located adjacent to 761 Elm Street. Submitted by Landplan Engineering, P.A., for Glen and Carla Helm, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING on Variance only

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the variance requested from Section 20-810(a)(42(i) to permit lots that do not meet the minimum lot area requirements.

Unanimously approved 7-0. Student Commission Davis voted in favor.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the Preliminary Plat (PP-9-8-10) of the Helm Subdivision and forwarding it to the City Commission for consideration of acceptance of easements.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

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ITEM NO. 3 PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES; N 1800 RD & E 700 RD (MKM)

PP-9-9-10: Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. 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 Commissioner Elsie Middleton asked if the Lecompton Fire Department was satisfied with the fire arrangement.

Ms. Miller said yes.

Commissioner Harris asked if Lecompton would respond to fires instead of Lawrence.

Ms. Miller said they would both respond as automatic aid.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, suggested condition 5 be reworded to *'Off-site drainage easements or other mechanism acceptable to the County Engineer and County Counselor shall be recorded by separate instrument with Book and Page Number noted on the final plat.'*

He requested condition 6 be removed since the zoning was already done. He also said everyone has agreed to the fire system.

Commissioner Finkeldei said he thought the idea of using lagoon was a good idea and he wondered why that was not being used.

Mr. Werner said he thought it was still a good idea but they were asked to put in an in-ground tank, similar to the system Berry Plastics has in the City.

Commissioner Harris asked staff to respond to condition 5 being reworded.

Mr. McCullough said he wanted to respond to Commissioner Finkeldei's question regarding the fire system. He said there were technical reasons why the Fire Department did not want to use the lagoon. He said the Fire Department was concerned about silt and sediment getting in the equipment and the reliability of a system like that. He said they were also concerned about the icing up of the surface water body and pipes distributing the water from the pond to the sprinkler system. He said they had practical concerns when a viable alternative existed. He said regarding condition 5, the Code requires easements and staff would accept a revision.

Mr. Werner said that would work.

Commissioner Finkeldei asked if staff was fine with condition 6 being removed.

Mr. McCullough said yes.

PUBLIC HEARING

No public comment

Action taken by Lecompton Planning Commission

Motioned by Lecompton Commissioner Middleton, seconded by Lecompton Commissioner Leigh Ann Woody, to approve the Preliminary Plat of Rockwall Farms Addition, with the suggested amendments listed below.

Unanimously approved 4-0 by Lecompton Planning Commission.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the Preliminary Plat (PP-9-9-10) of Rockwall Farms Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval. Deleted text is shown as ~~struckthrough~~ and additional text shown in **bold**.

1. Per Section 20-811(e)(3)(ii) of the Subdivision Regulations, evidence shall be submitted to the Planning Office showing that the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs prior to the recording of the final plat.
2. Per Section 20-811(d)(4), the final plat may not be recorded until the subdivider has presented evidence that the proposed method of sewage disposal has been approved by the Douglas County Health Department.
3. Temporary set-aside agreements for Lots 1 and 2 shall be executed and recorded prior to the recordation of the final plat. The Book and Page Numbers for the agreements shall be noted on the face of the final plat.
4. The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) has been provided prior to recording of the final plat.
5. Off-site drainage easements **or other mechanism acceptable to the County Engineer and County Counselor** shall be recorded by separate instrument with Book and Page Number noted on the final plat.
6. ~~The rezoning resolution to the I-2 District (Lot 2) must be approved by the Board of County Commissioners prior to the recording of the final plat.~~
7. The plat shall be revised with the following changes:
 - a. Note 10 revised to read: "An access easement providing off-site public access to N 1800 Road shall be dedicated by separate instrument and the Book and Page Number noted on the final plat."
 - b. If an off-site sewage management system is proposed for Lot 2, Note 11 should be revised to read: "Easements containing any off-site sewage management system and its connection to the platted lot(s) shall be dedicated by separate instrument. The Book and Page Number of the recorded easement shall be noted on the face of the final plat."
 - c. N 1800 Road shall be labeled.
 - d. The distances from the 80 ft wide Access Easement to the south property line of Lot 2 shall be dimensioned on the east and west side of the easement and the overall length of the easement shall be noted.
 - e. Location map shall be updated to clearly include both lots.

- f. If the Board of County Commissioners votes to participate in the financing of the off-site street/infrastructure improvements necessary for this development, the preliminary plat shall include a note to that effect.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

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ITEM NO. 4 CONDITIONAL USE PERMIT; 1879 E 1700 RD (SLD)

CUP-9-3-10: Consider a Conditional Use Permit for a wedding venue for Shoshanna's Garden, located at 1879 East 1700 Road. Submitted by Susan Rendall, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Finkeldei asked if the Conditional Use Permit would be limited to weddings or if other types of events would be allowed.

Ms. Day said the condition was worded as 'outdoor events.' She said the expectation was that there could be some other outdoor event such as photo session or vowel renewal. There may be music associated with a ceremony but it was not expected to go late into the evenings.

Commissioner Harris said she wasn't able to visit the site, and wondered if there was a fence around the site.

Ms. Day said the applicant intends to fence in the garden area.

Commissioner Harris asked if the fence was a requirement.

Ms. Day said no.

Commissioner Harris asked what would happen if there were more cars than spaces.

Ms. Day said the applicant has a large lawn so there would be ample room to park, and that the activity was capped at no more than 150 people.

Commissioner Harris asked if there was space for another row of cars on the lawn.

Ms. Day said yes.

Commissioner Burger inquired about provisions for what to do with 150 people in the event of a tornado warning.

Ms. Day said staff did not have that discussion with the applicant but that maybe the applicant could respond to that question.

APPLICANT PRESENTATION

Ms. Susan Rendall said her intent was to use her garden for outdoor events such as weddings. She showed pictures on the overhead projector of the garden.

Commissioner Singleton asked if she talked to any of the neighbors.

Ms. Rendall said she spoke with Ms. Sally McGee who was concerned about having to look at a permanent porta potty. Ms. Rendall agreed that it would be inappropriate for her to place a porta potty out there and destroy the ambience of the garden. She said she hoped to put a shed snuggled into the trees and shrubbery that could be used for changing, bathroom facilities, and possibly storage. She said she did talk to some other neighbors along the road about the dust and they

weren't particularly concerned about the dust. She said one of the neighbors was concerned about her dogs getting loose and into the traffic.

Commissioner Burger asked if she had any provisions for a tornado alert.

Ms. Rendall said she had not taken that into consideration. She said she has a tri-level home and part of the lower level was underground. She said she also has a garage.

Commissioner Hird said the condition that she would be responsible for dust control basically says if there was one complaint she would have to treat the road or do some sort of dust control.

Ms. Rendall said the dust palliative application was a \$1 a running foot in Grant Township and that 2,640' (½ mile) was beyond her ability to pay at this point. She said if she has one or two events a weekend that would be a different situation. She said she checked with Rich Bireta, Grant Township Trustee, and he talked with Keith Browning, County Public Works Director, and he said they do have water trucks that would water the road with appropriate forewarning at no charge.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve Conditional Use Permit (CUP-9-3-10) for outdoor events at 1879 East 1700 Road subject to the following conditions:

- 1) The provision of a revised site plan with the following changes and notes:
 - a) "Chemical or compost toilets may be used only if approved by the County Health Official."
 - b) "The applicant is responsible for dust control dependant on a complaint basis and to be coordinated with the County Public Works Department prior to events."
 - c) "Maximum number of events limited to not more than 3 events in one week period."
 - d) "Tents used for events shall be erected no more than 24 hours in advance of an event and shall be removed within 24 hours concluding an event."
 - e) "Applicant shall provide a lighting plan per staff approval if lighting is be used for events. Lighting shall be low to the ground, shielded and directed downward."

Motion carried 6-1, with Commissioner Burger voting in opposition. Student Commissioner Davis voted in favor.

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ITEM NO. 5 RM15 TO RM24; 15 ACRES; 4100 W 24TH PL (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. *Deferred by Planning Commission on 10/27/10.*

Item No. 5 was deferred prior to the meeting.

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ITEM NO. 6 PRELIMINARY DEVELOPMENT PLAN; CROSSGATE DRIVE CASITAS; 2451 CROSSGATE DR (SLD)

PDP-9-3-10: Consider a Preliminary Development Plan for Crossgate Drive Casitas, approximately 4.6 acres, located at 2451 Crossgate Drive. Submitted by BG Consultants, Inc., for Corporate Holdings II, L.L.C., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Dominguez asked if this was the same area, about 2-3 months ago, that tried to come up with apartments and the neighborhood went to City Commission and got it denied.

Ms. Day said there was an application for this but that this particular project did not proceed. There was a proposed Casitas request at the corner of Inverness and Clinton Parkway that was turned down because it also requested a zoning change. She said this particular request complies with zoning that was approved.

Commissioner Dominguez inquired about parking.

Ms. Day said this complies with today's design standards for parking.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Dominguez asked how many notices went out to neighbors.

Ms. Day said for this request the standard 200' notice was sent out. She said for the rezoning of Remington Square around a 2000' notice was sent out. She said there has been much more public input on the Inverness side than the Crossgate side. She said staff has been in contact with neighborhood representatives and they are aware of the projects. She said the number of notices that sent out was 20.

Mr. Hamby said he held a public meeting in March and sent the standard 200' notice and nobody attended the meeting. He said he did field two phone calls, one from Windham Place Apartments which was supportive of the project, and another neighbor asking questions about the project.

Commissioner Liese asked for clarification of the staff recommendation because he read conflicting recommendations on page 104 and page 115 of the agenda packet.

Mr. McCullough said at last month's meeting Planning Commission deferred the Remington Place rezoning effort and that staff report was published and had recommendation for approval. In the meantime the City Commission directed staff to bring them a memo with some options if they wanted to initiate a district plan. A week after Planning Commission deferred the rezoning staff had also been working on this recommendation. Staff thought that if they were going to initiate a district plan the recommendation would be to defer action on the two active requests. That was staff's

recommendation to City Commission. Planning Commission deferred the item to let staff go have that discussion with City Commission. City Commission directed staff not to defer the two active applications and let them go through the process while going through the district plan process. Staff's recommendation under that direction was for approval of this as this equates to a site plan under the current Code. Whereas, the other request was for an intensification through rezoning. This was a recommendation to City Commission to initiate the plan and defer the two active proposals and instead City Commission directed staff to take the proposals through the process.

Commissioner Dominguez inquired about the deferral.

Mr. McCullough said when staff understood that the City Commission wanted to consider a master planning effort for this neighborhood staff looked at options for a package to them. Staff's recommendation was to defer action on the proposals but staff also included some alternative actions on page 115 of the agenda packet. One of the alternatives was not to initiate a plan and let rezonings come through their normal process or initiate a plan but permit the two active applications to move forward. That was the recommendation City Commission took up.

Commissioner Finkeldei said he would support the application but did have concerns about the area and wanted to see the master plan go forward. He said the most controversial item Planning Commission has looked at since he has been on the commission was converting the zoning of RSO on the corner of Inverness and Clinton Parkway to more apartments. He said Remington Place was a change in zoning to make it more dense. He said this particular request was within the current zoning but was asking for variances. He said when looking at the area and trying to plan it, it would not be a commercial strip or single family homes. He said he could see this being some sort of multi-family dwelling, and in this case one bedroom multi-dwelling space does fit. He stated that two of the other big concerns from neighbors when they opposed other plans dealt with traffic as it relates to the school, which was down on the other end from this project; and being able to view the property from many of the backyards and properties that look out toward Clinton Parkway, but this sits off to the side with a fairly large greenbelt. He said he would support the staff recommendation.

Commissioner Dominguez said last time Planning Commission heard the Inverness development nobody showed up to the meeting but then showed up for the City Commission meeting. He said the complaint he remembered hearing most was that there were too many apartment complexes in that area. He expressed concern about the setbacks being reduced to 5 feet. He said he would like to see the district plan first before more building takes place.

Commissioner Harris said she also would like to see the district plan before any new development was approved. She said her recommendation back to City Commission would be to defer it until the district plan was done. She said once this development was approved there was no going back if they wanted to do anything different. She said she did not have any real objection to this as it stands but it limits the options for the rest of the area if approved now. She said one change she would have wanted with this plan was for the front of the properties to face the road and not the backyards to try and change the development in the community.

Commissioner Liese asked if it was still wise to initiate a district plan regardless of how City Commission voted.

Mr. McCullough said the district plan was initiated by City Commission. He said the discussion City Commission had was if they should allow these two applications to move forward while working on the district plan. City Commission not only directed staff to move forward on the projects but also did not put a moratorium on applications above and beyond these two applications. He stated that

the City Commission recognized that these two applications were fairly far into the process and they were interested in letting them go through the process because they have the ultimate vote with or without the district plan.

Commissioner Singleton said she supported approval of this and moving it forward. She said she spends a lot of time in this neighborhood walking her dog. She felt this plan was a really good transition from the residential neighborhood on east side to the large apartment buildings on west and retirement home on south. She said she could not see putting single-family residences there or commercial. She said she liked the use of the plan and how the density has been turned inside out and the way the traffic was utilized with the plan. She said it conformed with the current Code so it was a good fit for the neighborhood for both the east and west side.

Commissioner Hird said when he came into the meeting he was prepared to vote on deferral until there was a master plan. He said learning more about the City Commission directive was very influential. He said he was less concerned about this parcel because it's far enough off Clinton Parkway. He said if the elected officials have suggested this move forward he was reluctant without a district plan but would support under those conditions.

Commissioner Dominguez said City Commission was not endorsing this plan they are just endorsing the processing moving forward.

Mr. McCullough said he would agree with that statement.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the following waivers and reductions:

1. A reduction in the peripheral setback:
 - a. from 35' to 10' (north property line) and
 - b. from 35' to 5' (south property line).
2. A reduction in side yard setback from 10' to 5' along the south property line.
3. A reduction in parking stall requirements from 71 to 57.

Commissioner Harris said she would vote against the motion because she felt they should wait until the district plan was completed.

Commissioner Singleton said regarding the district plan you never know how long a district plan would take and she did not want to set forth the idea that because they were waiting for a plan that they wouldn't proceed on a development.

Commissioner Burger said she appreciated the applicant deferring the previous item and that this application did not have the same outcry from the neighborhood. She said she would have preferred to have a district plan in place already but the application does follow the current zoning so she said she would support the motion.

Motion carried 5-2, with Commissioners Dominguez and Harris voting in opposition. Student Commissioner Davis voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the Preliminary Development Plan (PDP-9-3-10) for Crossgate Casitas based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 5-2, with Commissioners Dominguez and Harris voting in opposition. Student Commissioner Davis voted in opposition.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Receive Long Range Planning 2011 Work Program. **(DDW)**

Mr. Scott McCullough presented the item and reviewed the projects.

Commissioner Harris inquired about watershed plans and asked if they were important why they never get on the list. She said they were doing sector plans without doing watershed plans.

Mr. McCullough said the different types of plan build on each other. He said the sector planning efforts the past few years have been used as input into the wastewater master plan which uses watersheds as a basic component.

Commissioner Harris asked if the watershed plan should be first and then the land uses planned after it is known how the water will run through the area.

Mr. McCullough said there were multiple things to consider to plan for development, such as stormwater running through the watersheds and infrastructure needed to be placed in the watershed. He said to understand the capacity for infrastructure we need some idea of what land uses will be served.

Commissioner Harris inquired about where in the process the Environmental Chapter was since it was passed by Planning Commission.

Mr. McCullough said it was scheduled to go to City Commission December 14th with the Northeast Sector Plan and then go to County Commission after direction from City Commission.

Commissioner Dominguez said he would like to see a market retail study at a future Mid-Month meeting.

Commissioner Finkeldei inquired about the meeting that Mr. McCullough mentioned about the Oread Neighborhood.

Mr. McCullough said staff does not know how they are going to process the overlay districts. At the neighborhoods request staff has a meeting scheduled with the Oread Neighborhood Association board and non-members to discuss the next steps.

Commissioner Harris said she was pleased to see some things, such as the parking study, with the Oread Plan moving forward so soon after the plan was approved.

MISC NO. 2 Adopt the 2011 Planning Commission meeting calendar.

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the 2011 Planning Commission meeting calendar.

Motion carried 7-0. Student Commissioner Davis voted in favor.

Consideration of any other business to come before the Commission.

Mr. McCullough said he sent the Planning Commissioners an email regarding the Planning Commission Journal and was looking for feedback on whether to renew the subscription.

Commissioner Singleton said she reads it.

Commissioner Finkeldei said he also reads it but wouldn't mind sharing a copy.

Commissioner Burger asked if the intent was to have all Mid-Month meetings to start at 8:00am or just December.

Commissioner Hird said he would be in favor of an 8:00am meeting time.

Commissioner Burger said she would encourage moving all the Mid-Month meetings to 8:00am.

Mr. McCullough said the meeting typically consists of two 45 minute sessions but that they could change it to a one hour session from 8:00am-9:00am

Commissioner Singleton felt the meetings needed to be 1 ½ hours to get all the information but suggested maybe changing the time to lunch or late afternoon.

Commissioner Liese said mornings work best for him.

Ms. Stogsdill said staff was open for suggestions and that they could discuss it more.

Commissioner Dominguez inquired about amending the Planning Commission By-Laws to have the meetings end by midnight.

Mr. McCullough said Planning Commission could choose to initiate an amendment to the By-Laws.

PUBLIC COMMENT SECTION

ADJOURN 8:08pm