

ITEM NO. 4 SPECIAL USE PERMIT FOR ACTIVE RECREATION; 940 E 28TH ST (SLD)

SUP-2-1-11: Consider a Special Use Permit for the use of Active Recreation, located at 940 E 28th Street. Submitted by Barber Emerson, L.C., for JDS Kansas, L.C., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Liese asked if condition d. from the staff report was unusual: *'Provision of a note on the face of the plan to state the date of approval and that approval is granted for a period of three years from the date of the City Commission approval. Any extension of the Special Use would require a new public hearing by the Planning Commission.'*

Ms. Day said Special Use Permits typically have a time frame. She said this was a proposal suggested by the applicant and staff felt it was valuable and allowed a revisit in the future for the appropriateness of a non-industrial use for the property.

APPLICANT PRESENTATION

Mr. Matthew Gough, Barber Emerson, introduced the applicant, Mr. Matthew Downing.

Mr. Matthew Downing said he provides personal basketball training and that finding a facility in Lawrence with high enough ceilings and wide enough floors has been a task.

Commissioner Rasmussen asked if Mr. Downing anticipated renting the facility out for basketball games.

Mr. Downing said it would probably not be suitable for a big basketball game and would be used primarily as a practice facility. He said it was possible to rent it out for a birthday party but not for a large high school game due to the space.

Commissioner Rasmussen asked if there would be a full size court.

Mr. Downing said yes.

Commissioner Liese asked how high the ceiling was.

Mr. Downing said about 25 feet.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Rasmussen, to approve the Special Use Permit for an Active Recreation Use at 940 E. 28th Street and forwarding the request to the City Commission with a recommendation of approval and the ordinance for adoption on first reading, subject to the following conditions:

1. Installation of landscape plantings per the approved landscape plan prior to release of the Special Use Permit for issuance of occupancy permits for the proposed use.
2. Approval and publication of a text amendment TA-2-2-11; An amendment to Chapter 20, Article 4, Section 20-403 to allow Active Recreation as a Special Use in the IG (General Industrial) District.
3. Provision of a revised site plan to show the following changes and notes:
 - a. Provision of a landscape plan per section 20-1001 of the Development Code to include a total of 6 street trees along Haskell Avenue and 5 trees along E. 28th Street.

- b. Provision of a note on the face of the plan that states all required landscaping shall be installed prior to release of the Special Use Permit for occupancy of the building.
 - c. Provision of a note on the face of the plan that states changes to exterior site lighting shall require submission and approval of a photometric plan per Section 20-1103 of the Development Code.
 - d. Provision of a note on the face of the plan to state the date of approval and that approval is granted for a period of three years from the date of the City Commission approval. Any extension of the Special Use would require a new public hearing by the Planning Commission.
- 4. Execution of a new Site Plan Performance Agreement.
 - 5. Publication of an ordinance per Section 20-1306(j).

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