



**PLANNING COMMISSION MEETING**  
**October 24 & 26, 2011**  
**Meeting Minutes**

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October 24, 2011 – 6:30 p.m.

Commissioners present: Blaser, Britton, Burger, Finkeldei, Hird, Liese, Singleton, von Achen, and Student Commissioner Cory Davis

Staff present: McCullough, Stogsdill, Larkin, Leininger, Ewert

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**MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of September 26, 2011.

Commissioner von Achen asked for clarification regarding the action taken for the Fraternal Order of Police Conditional Use Permit.

Mr. McCullough said staff would review the audio.

Motioned by Commissioner Singleton, seconded by Commissioner Finkeldei, to defer the minutes.

Motion carried 7-0-1, with Commissioner Burger abstaining.

**COMMITTEE REPORTS**

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

Commissioner Blaser said the Metropolitan Planning Organization (MPO) met but were still missing a City Commission member which he encouraged that be fulfilled. He stated they discussed several topics; the TIGER funding request, approved the TIP, approved Unified Work Program. He said the advisory committee for T2040 meets November 1<sup>st</sup>.

Commissioner Hird said the Agritourism Committee continued to meet and work on draft language. He said he and Ms. Mary Miller met with County commissioner Nancy Thellman last week to discuss the language for consideration by the commission. He said they were getting close to having it before Planning Commission.

**COMMUNICATIONS**

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Burger said she received numerous emails regarding Remington Square Apartments.

Commissioner Liese said County Commissioner Mike Gaugham asked him how Planning Commission made their decision on the Inverness Park District Plan and why the vote was so close.

- No abstentions.

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**ITEM NO. 1      ANNEXATION; 45.4 ACRES; W 6<sup>TH</sup> ST & SOUTH LAWRENCE TRAFFICWAY  
(MJL)**

**A-9-5-11:** Consider annexation of approximately 45.4 acres of a city owned future park, located north and east of the intersection of W. 6<sup>th</sup> Street and the South Lawrence Trafficway. Submitted by the City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

**PUBLIC HEARING**

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said she talked to the President of the West Lawrence Neighborhood Association and they supported parks and would like to see more in the neighborhoods. She stated she also supported the protection of Baldwin Creek.

**COMMISSION DISCUSSION**

Commissioner Liese said that was his regular running trail and he was excited about the project.

**ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the annexation of approximately 45.5 acres located north and east of the intersection of W. 6<sup>th</sup> Street and the South Lawrence Trafficway, and to initiate rezoning from A (Agriculture) District to OS (Open Space) District and A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District.

Commissioner von Achen asked if the park would be groomed or left somewhat in a natural state.

Ms. Leininger said if any grooming was done it would be minimal. She said there was potential for a clearing to be made for parking in the future.

Commissioner Liese said there were already a bunch of little parking areas for the trail. He said it was pretty naturally groomed and not overgrown at all.

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

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**ITEM NO. 2      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20;  
DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)**

**TA-8-12-11:** Consider amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, regarding revisions to the district criteria and development standards for development adjacent to R (Residential) Districts, clarify other density and dimensional standards, Section 20-1701 to clarify or add terms used in the density and dimensional standards table, and Sections 20-211 and 20-212 to make consistent with potential changes in Article 6. *Initiated by City Commission on 7/12/11.*

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

Commissioner Hird inquired about the interior 25' setback. He asked if the height of the building would dictate the setback.

Ms. Leininger said that section would be taken out. The proposal was to get rid of the textual section buried back in the standards of Article 6 and put the standards in the table so it was upfront what the setbacks were.

Commissioner Liese asked if RM12D was new.

Ms. Leininger said no, RM12 and RM12D had the same standards but were proposed to be broken apart and have their own standards to accommodate the side interior adjacent to RS addition. She said RM12D allowed duplexes, but did not allow multi-family structures, which RM12 did.

**PUBLIC HEARING**

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, showed a picture on the overhead of a single story house a good distance away from a large apartment complex and how it loomed over the house. She said she visited several single-family neighborhoods next to RM developments where there had been problems. She said they all had concerns about balconies looking into the bedrooms of single-family homes. She said she went back to the same street, Joseph Street, to talk to them again and the single-family homes were now all rental properties. She said the single-family home owners were concerned about privacy and safety. She expressed concern about the height. She said the biggest concern was removing 20-602(h) without putting anything in its place that it was mandatory to protect single-family homes. She did not want to continue to lose affordable single-family homes. She felt they needed to find a way to incorporate new things that had been added and make sure something mandatory states single-family homes need to be taken care of. She said on Joseph Street the apartments were put directly on the setback, which forced single-family home owners to purchase fences and trees for privacy.

**COMMISSION DISCUSSION**

Commissioner Finkeldei asked why 20-601 was not mandatory.

Mr. McCullough said 20-1101 included protection standards for residential districts:

*As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any multi-Family use or nonresidential use located within 500 feet of any less intensive residential district, the City Commission, Planning Director, Planning Commission or other review body may impose conditions that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to*

*reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:*

- *location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;*
- *placement and buffering of trash receptacles;*
- *location of loading and delivery areas;*
- *lighting location, intensity, and hours of illumination;*
- *placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;*
- *additional Landscaping and buffering;*
- *Height restrictions to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;*
- *preservation of natural lighting and solar Access;*
- *ventilation and control of odors and fumes; and*
- *paving or other surface treatment for dust control.*

Mr. McCullough said if an issue was brought forth by a neighbor or identified by staff the Code gives the authority to make the requirements. He felt there were several ways to address the section.

Commissioner von Achen asked what the maximum height of a building next to an RS district would be.

Ms. Leininger said with section 602(2) it would be whatever the height of the adjacent structure was of the RS district or the maximum height of that district. It would have to have a setback equal to the height, 45' in RM districts, up to 90' in downtown commercial districts, and 60' & 75' in industrial districts.

Commissioner von Achen asked if the change would make a 25' setback standard.

Mr. McCullough said in the RM districts the difference in height between RS and RM was 10'. He said they were proposing instead of a 5' setback to make that a 25' setback. He said they would have the opportunity to go up to 45' tall. He said some of the public concern was that some of the older neighborhoods were not building 35' tall single-family homes. He mentioned the original proposal did not look necessarily at setback issues. The original concern was that it talked about matching structures, not zoning district maximums. He said if there were multiple structures it posed challenges for staff. He said staff was trying to make it more objective in terms of matching a zoning district standard versus a specific structure.

Commissioner von Achen asked for clarification. She asked if RM exceeded the 35' zoning max then the setback would have to be the height of that structure.

Mr. McCullough said yes.

Commissioner von Achen asked if they did not exceed it and were 35' then what would the setback be.

Mr. McCullough said under the current Code if the changes were made in this section and the current setbacks were kept the setback would be 5'.

Commissioner Britton asked if this was an earlier proposal.

Mr. McCullough said it was on the books today.

Commissioner Liese thanked Ms. Klingenberg for her comments. He said no matter how far away a large structure was it could still feel imposing. He said the number for the height of the building was arbitrary because there could be a building 100' away and could still feel imposing. He said 25' was arbitrary but it made sense to have it be a constant number versus a variable number.

Commissioner Hird made comments regarding footnote 5 where it uses the including but not limited to language. He said he knew the intent was to draw attention to the sections listed but when the words 'including but not limited to' were used it reduced the reader to search the Code. He felt it would be helpful to have a reference to the sections in the Code. He felt it was a fairly well supported text amendment and that one of the major points of contention was whether section 20-1101 should be mandatory or not. He said his general inclination was that they should allow staff the flexibility to impose additional requirements. He said in the past few years Planning Commission has shown as a policy that protecting single-family residences was important. He stated Planning Commission has shown an inclination to be sensitive to preserving neighborhoods and single-family ownership because they are an important part of the mix. He said he would support the text amendment. He said he would probably disagree a little bit with the League of Women Voters letter about whether or not section 20-1101 should be mandatory and did not see it as a crisis.

Commissioner Finkeldei asked if the use table and 25' was mandatory.

Mr. McCullough said yes.

Commissioner Finkeldei said section 20-1101 being mandatory was really a question about whether or not it was mandatory it might increase what was in the table. He asked if it was Ms. Klingenberg's point to have that be mandatory so it would be reviewed each time.

Ms. Klingenberg felt it should at least be looked at and not accept what was being submitted by the applicant.

Mr. McCullough said the footnote also includes buffer standards and things that might increase a setback because the buffer yard needs to be accounted for. He said if there was a compelling neighborhood issue that was brought to staff that made staff identify that as an issue and then identify the resolution to be a greater setback staff would be authorized to do so. Staff makes sure applications are compliant with the Development Code.

Commissioner Finkeldei inquired about buildings being set a certain way so windows were not facing a certain direction.

Mr. McCullough said there were other standards for balconies on multi-dwelling unit buildings; it needs to double the required minimum setback and have enhanced landscaping. He said neighborhood input was important as well and that neighbors receive notice for site plans.

Commissioner Singleton said she supported the text amendment as presented by staff. She appreciated the comments made by the public but felt that the flexibility the changes offer to the Planning Commission would be more beneficial. She stated there was a shift in culture about housing within communities. She said it was expensive to buy single-family homes because of new regulations on financing and that the community needed to start looking at apartment buildings as part of neighborhoods since a lot of people could not afford a 30% down payment on a house. She said they offer as much to the neighborhoods as the people who can afford to buy a home in

Lawrence. She said she could look into her neighbors windows just as easily as an apartment building could. She liked the text amendment as written and thought the premise about single-family housing being the only thing that needed to be stabilized was not the right premise in the community.

Commissioner von Achen asked Ms. Klingenberg to clarify what she was requesting for section 20-602.

Ms. Klingenberg said with section 20-602 the changes in the table would require some changes. They would make a good difference but do not necessarily make a strong difference. She said home ownership was important. She thought section 20-602 could be downgraded to keep somewhat mandatory but limit the mandatory. She said she did not have the answer but did not feel the text amendment was ready. She said it was a great start. She suggested maybe changing 20-602 to acknowledge the tables.

Commissioner Hird inquired about including a provision that if there was RM next to RS that staff shall review the provision of section 20-1101 to make a determination.

Mr. McCullough said staff does review it as part of the review process and the way staff uses 20-1101 was contextual. He said they could consider making any non-RS zoning district, when adjacent to an RS district, have a setback equal to its maximum height. He said that would presume that every applicant would try to get the maximum height which wasn't always the case.

Commissioner Liese asked if there was any science to the arbitrary numbers.

Mr. McCullough said they were standard and typical to other communities nationwide.

Commissioner Finkeldei said he would support what staff was proposing. He understood LANs position on knowing that in certain situations this wouldn't work. He still thought there could be times in which 20-1101 that the 25' was not enough. He said they either needed to trust staff to handle these issues or come up with a pretty complex way to impose that. He said given those two choices he would side with trusting staff to use 20-1101 with the use tables that set the 25' minimum. He said under the current standards an average one story house was closer to 21' setback so this would put a minimum of 25'. He felt separating out 12D was helpful to make that a transitional zone.

#### **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the proposed amendments, TA-8-12-11, to the Land Development Code, Sections 20-211, 20-212, 20-601, 20-602, and 20-1701, and forwarding to the City Commission.

Commissioner Britton said he shared Ms. Klingenberg's concerns about homeowners expectations about their neighborhood. He said they could try and make as many rules as they want to accommodate as many situations as they could possibly envision but they would never accomplish and anticipate all of them. He felt the process was a good one and said he would support the text amendment.

Commissioner Blaser said he would support the motion. He said they couldn't write something to cover everything. He felt the planners had done a good job.

Commissioner Burger appreciated the staff presentation and comments from LAN and LOWV. She said it was a lot clearer to her now. She said the culture was changing and residential real estate was changing. She said there was some evidence that cultural desires were changing and that home ownership may not be as desirous as it was at one time. She felt this was a really good start to preserve and maintain as best as possible, as well as being sensitive to culture changes. She said she would support the motion.

Commissioner von Achen said 20-1101 should not be mandatory and would not serve anyone and she felt they needed the flexibility. She was concerned about protecting the character of existing neighborhoods and she wished she knew how to accommodate that and give more protection. She said she would support the text amendment only because she did not know of a better answer.

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



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**ITEM NO. 3      COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 6 & 14;  
INTERSECTION AREA OF W 6<sup>TH</sup> ST & WAKARUSA DR (AAM)**

**CPA-8-7-11:** Consider Comprehensive Plan Amendment to Chapter 6 and Chapter 14 of Horizon 2020 to consider creating a CC600 commercial category in the Comprehensive Plan and revising the Area Plan for the Intersection Area of West 6<sup>th</sup> Street & Wakarusa Drive to designate it as a CC600 commercial node.

*Item 3 was deferred prior to the meeting.*

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**ITEM NO. 4      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CC600  
ZONING DISTRICT (AAM)**

**TA-8-14-11:** Consider a Text Amendment to the City of Lawrence Land Development Code to create a CC600 zoning district. Submitted by Paul Werner Architects.

*Item 4 was deferred prior to the meeting.*

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**ITEM NO. 5A     REZONING PRD & CO TO CC600; 12.9 ACRES; 525 CONGRESSIONAL DR  
(AAM)**

**Z-7-19-11:** Consider a request to rezone approximately 12.9 acres from PRD (Planned Residential Development) & CO (Office Commercial) to CC600 (Community Commercial), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

*Item 5A was deferred prior to the meeting.*

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**ITEM NO. 5B REZONING PRD TO RM15; 5 ACRES; 525 CONGRESSIONAL DR (AAM)**

**Z-7-20-11:** Consider a request to rezone approximately 5 acres from PRD (Planned Residential Development) to RM15 (Multi-Dwelling Residential), located at 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties, LLC, property owner of record.

*Item 5B was deferred prior to the meeting.*

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**MISCELLANEOUS NEW OR OLD BUSINESS**

**MISC NO. 1      REQUEST PLANNING COMMISSION LETTER OF SUPPORT**

TIGER Grant Application for The Research Gateway; proposed Diamond Interchange at K-10 Highway and Bob Billings Parkway.

**STAFF PRESENTATION**

Mr. McCullough said the City was trying to drum up support for getting federal dollars for this infrastructure project.

**ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to:

1. Authorize staff to partner with KDOT as the lead applicant for the TIGER application for the interchange at K-10 and BBP.
2. Approve city participation of \$100,000.00 for the construction of the interchange at K-10 and BBP.

Commissioner Finkeldei asked if it would be an overpass or underpass.

Ms. Leininger said overpass.

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

Consideration of any other business to come before the Commission.

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**Recess at 8:07pm until 6:30pm on October 26, 2011.**

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Reconvene October 26, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Finkeldei, Hird, Liese, Singleton, von Achen,  
and Student Commissioner Cory Davis

Staff present: McCullough, Stogsdill, Day, Larkin, Ewert

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## **BEGIN PUBLIC HEARING (OCTOBER 26, 2011):**

### **PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of September 26, 2011.

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the September 26, 2011 Planning Commission minutes.

Motion carried 8-0-1, with Commissioner Burger abstaining. Student Commissioner Davis abstained.

### **COMMUNICATIONS**

Mr. McCullough said there would be no Planning Commission Mid-Month meeting on November 2, 2011.

### **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

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**ITEM NO. 6A REZONING RM15 TO RM24; 15 ACRES; 4100 W 24<sup>TH</sup> 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 24<sup>th</sup> Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

**ITEM NO. 6B SITE PLAN; REMINGTON SQUARE APARTMENTS; 4100 W 24<sup>TH</sup> PL (SLD)**

**SP-9-56-11:** Consider a Site Plan for Remington Square Apartments, located at 4100 West 24<sup>th</sup> Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

**STAFF PRESENTATION**

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

**APPLICANT PRESENTATION**

Mr. Matt Gough, Barber Emerson, said under the Kansas Rezoning Statute if a request for rezoning was consistent with the land use plan or land use element of the comprehensive plan the request was deemed to be reasonable. He gave the brief history of the project. He said it conformed to the Comprehensive Plan and the RM24 request met all Golden Factors. He said Remington Square was 100% occupied and there was a waiting list. He said the interior landscaping in the plan was 46% higher than what the Code required. He said denial of the request would be inconsistent with Horizon 2020 and the Inverness Park District Plan that was just approved.

Commissioner Belt inquired about the need for this type of development in the community and if there was data to support that.

Mr. Gough said there was a waiting list for Remington Square Apartments. He said he did not have knowledge of other apartments but that there was a need for one bedroom low intensity apartments.

**PUBLIC HEARING**

Mr. Larry Northrop, said he spoke with City Commissioner Mike Amyx about why the land was not built on with the approval of RM15 zoning. He wondered how many properties would be coming back for increased zoning. He felt that in twenty years these would become low income housing that would affect the neighborhood significantly.

Ms. Marci Leuschen said she did not realize the Inverness Park District Plan had been approved. She said many neighbors did not want more apartments in the area and that if the applicant wanted RM24 zoning they should have asked for that in the first place. She pointed out on the overhead map where her house was. She expressed concern about increased traffic and lower property values.

Ms. Jamie Hulse, Sunflower Park Neighborhood Association, expressed concern about increased density. She said there was no neighborhood support for the high density zoning of RM24 in the Inverness Park District Plan. She said City Commission directed staff one year ago to work with the neighbors to come up with a plan that the neighborhood could support. She said there was a consensus among the neighbors that multi-family was not wanted. She said maxing out the density and then asking to build more units did not meet the definition of infill. She said the entire development between Clinton Parkway and the Park Creek area was more intense than planned. The neighborhood supported the Hy-Vee commercial development to eliminate the possibility of more

multi-family at that location and should not be penalized now for that support. She felt zoning should be predictable and people should be able to buy a home or build an apartment complex, such as The Legends, and not be worried neighboring properties could double in density. She felt it would set a dangerous precedent for other apartment complex owners who will see it as an opportunity to increase density on their properties as well. She stated trash, traffic, and noise have increased with additional apartments. She went over the number of police calls for the apartments in the area. She said that tenants and renters were not invested in the neighborhood.

Mr. Davis Loupe said the neighborhood was worn out of coming to meetings over the past few years. He said the neighborhood did not want more multi-family. He said the site was already developed and that nothing had been done with the open space. He said most people in the neighborhood supported the commercial rezoning but not at the expense of having more multi-family. He said special assessments were replaced when the site was bought and rezoned RM15. He said there were other places in town that people could rent. He felt the property should be left the way it was.

Mr. Scott Myers said he worked on the Inverness Park District Plan and did not support additional rezoning. He asked the Commission to deny the rezoning and leave original plan alone. He asked that better site planning approvals be adopted to prevent other builders from doing the same thing in the future.

#### **APPLICANT CLOSING COMMENTS**

Mr. Gough displayed a map on the overhead of the home locations of all the people who wrote letters. He also displayed property values on the overhead which showed an overall 1% decrease in the valuation, which was consistent with county averages. He stated RM24 zoning was not requested back in 2007-2008 because there was no way to know how popular the apartment would be.

Commissioner Hird inquired about comment made by the public about RM24 density being built on 7 acres.

Mr. Gough said that was not correct under the Code. He said the property size was 15 acres. He stated the Code measures the number of dwelling units on the property and that was how the density was measured.

Commissioner Liese said in the packet there were disturbing photos of deteriorated sidewalks and abandoned construction materials.

Mr. Gough said he did not know when the pictures were taken but the good news was that if the project moved forward there would be a site plan with conditions of maintenance. He said the City had the ability to enforce site plans.

#### **COMMISSION DISCUSSION**

Commissioner Finkeldei asked staff to respond to issue of RM15 zoning in 2008 and building on part of the site.

Mr. McCullough said staff reviews site plans per Code and the site plan maximized the density in terms of the dwelling units per acre. He said it was the applicant's decision and choice to design this and it was Code compliant. He stated it could have been four times as intense with the same number of units with up to four bedrooms.

Commissioner Burger asked if the applicant could have built 3-4 story apartment buildings.



Mr. McCullough said there was a 45' height limit.

Commissioner Liese inquired about the police reports.

Ms. Day said the police report numbers provided were raw numbers. She said the police officer who provided the information recognized the apartment complex had only been there a year but that it could be the tenant mix or smaller units. The police officer stated there were less calls there than the other two.

Commissioner Liese inquired about the traffic study.

Ms. Day said traffic circles were added as part of the original infrastructure improvements. She said the traffic circles slow traffic and help make that transition into less intense residential areas. She said the traffic study was provided with the initial development and that the second traffic study addendum was provided with this project. She said another traffic study was done with Hy-Vee and there were specific improvements for that traffic that would benefit Crossgate.

Commissioner Liese asked if the police officer she spoke with about the crime calls was less concerned with these apartment units.

Ms. Day said yes.

Commissioner Britton asked if the developer could renovate the buildings later to three and four bedroom apartments.

Ms. Day said there would have to be a revised zoning. She said the applicant would have to go back through the full public hearing process to remove the conditions.

Commissioner Britton asked if that was also true for the existing one bedroom apartments.

Ms. Day they could renovate the current apartments but that it was unlikely.

Commissioner Burger asked audience members to raise their hand if they were present when the Inverness Park District Plan was approved. *(One person raised their hand.)* Several others said they wrote letters.

Commissioner Singleton said this was a difficult issue and she did understand the position of the neighborhood. She said she appreciated the comments but did support the rezoning and site plan. She stated the applicant could have built three to four bedroom apartments and the developer chose not to do that. She said the project was consistent with Horizon 2020 and the Inverness Park District Plan. She said it serves as a distinct buffer between the larger apartments in the area and single-family homes. She said when she looks at the area she could not imagine what else would go there. She said Parks & Recreation does not want to make it a park. She felt the community needed housing for young professionals. She said she would vote in favor of the rezoning and site plan.

Commissioner Britton said this was a tough issue. He said the applicant discussed a Kansas Statute taking about a rezoning request complying with the Inverness Park District Plan was presumed to be reasonable. He said the kind of vocal opposition heard from the neighborhood overcomes that presumption. He said it seemed like the neighborhood had been very vocal about their opinions. He had concerns about the proliferation of apartments in Lawrence. He felt there was good reason to

limit the things they consider sometimes and that it was not easy to undo what was done. He said the Inverness Park District Plan talked about limiting additional multi-family uses in the area, which he felt was inconsistent. He said plans were good but were not the law and he would oppose the rezoning and hoped something better could go there that better respects the neighbors. He felt they needed to respect the public process and be responsive to that.

Commissioner Blaser said density was an interesting discussion and meant a lot of things. He said the units would not be seen from Inverness. He agreed that the sidewalk should be repaired. He said he could not find any reason to deny the application. He said Planning Commission function was land use and he believed this was the best thing that could happen in that area for land use.

Commissioner Burger thanked the public for attending and writing letters. She said there was an approved district plan in light of those comments and wishes. She said in her mind one bedroom units were not multi-family. She said she could support it because the plan put those restrictions on that area and because she did not consider one bedroom development as strictly multi-family. She said the developer could have built three to four stories and did not. She said as far as the broken sidewalk she could understand the developers hesitation knowing that there was a desire to develop the area. She felt the construction debris should have been removed from the site. She said as far as she could tell this would be the end of the expansion within the neighborhood of apartment zoning. She said when she drove around the neighborhood she felt there was adequate buffering with Inverness and Crossgate. She stated the way the neighborhood was designed people living in the apartments would not have a reason to be driving through the neighborhood. She said she would have the same concern about it becoming low income housing in the future but not because of the rezoning, because of the site plan. She said the site plan was the bare minimum and did not do anything to endear itself to the neighborhood. She said aesthetically it lacked a lot.

Commissioner Belt said there have been discussions in the past year of changing market conditions. He said the significant neighborhood opposition to the project resonated with him. He felt there were inconsistencies in the Inverness Park District Plan. He said he voted against the Inverness Park District Plan and felt he should be consistent and vote in opposition of this project.

Commissioner Liese said Planning Commission was charged with the responsibility of understanding Horizon 2020, Inverness Park District Plan, and Golden Factors, and that it was a complex and difficult process. He felt he had to vote in favor of this because it was consistent with Horizon 2020 and the Inverness Park District Plan. He felt the broken sidewalk and empty field with construction debris was a big mistake on the part of the developer. He said the developer put in one bedroom units and limited the height. He said he did not like roundabouts but it did take some care of traffic. He said typically the community that shows up to Planning Commission meetings are most likely unhappy and he wished they could hear both sides. He said in the absence of that he assumed some people would benefit and appreciate the apartments. He said he was forced to vote in favor of the proposal.

Commissioner Hird thanked the public for coming out and providing their input. He said the rezoning was compliant with Horizon 2020 and the Inverness Park District Plan. He said they do deviate from Horizon 2020 and district plans from time to time. He did not feel that vocal opposition was a fact to say a rezoning was unreasonable. He said they don't hear from the other people in the community and that it was Planning Commissions job was to look after the 100,000+ people of the community. He said he conditional zoning limiting the type of structures was a significant and major concession. He said the Inverness Park District Plan was approved recently and that was a huge factor for him. He was surprised that traffic was not an issue but that the experts have said it's capable of handling this type of traffic. He said one bedroom units had less of an impact than what they could have built

on the property. He found the concern about the area turning into low income housing to be offensive and felt that low income people should not be banished to East Lawrence. He asked the applicant to fix the sidewalk. He wished there was an alternative to not approving more apartments in Lawrence. He said to him the project was almost not an apartment project because it was single bedroom limited structures. He said if he had the means to vote against more apartments he thought he would do so.

#### **ACTION TAKEN on Rezoning Item 6A**

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the rezoning request, Z-8-12-10, for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) 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 and subject to the following conditions:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.
2. Building types shall be limited to a maximum of two (2) stories and the maximum number of bedrooms per unit shall be one (1) bedroom

Motion carried 7-2, with Commissioners Belt and Britton voting in opposition. Student Commissioner Davis voted in the affirmative.

#### **PUBLIC HEARING on Site Plan Item 6B**

Ms. Jamie Hulse encouraged the developer to install a sprinkler system for landscaping.

#### **COMMISSION DISCUSSION**

Commissioner Finkeldei inquired about landscaping.

Ms. Day said the applicant does add more landscape than what typically shows up on the site plan. She said the Code allows substitution of trees for shrubs. She said a number of developers do add significant landscaping. She said it was a development choice but it does meet Code.

Commissioner Finkeldei asked the property owner, Mr. Tim Stultz, what he thought of adding a sprinkler system.

Mr. Tim Stultz said he would consider it.

Commissioner Liese asked if they could include a condition regarding a sprinkler system.

Mr. McCullough said the Code did not require it but does encourage it. He said it could be added as a condition.

Commissioner Blaser inquired about the sidewalk repair.

Mr. McCullough said he was not sure how the sidewalk condition was created and not sure if that was after the certificate of occupancy was issued.

Commissioner Blaser felt there should be screening on the electrical meters.

Ms. Day said it was reflected in the conditions.

**ACTION TAKEN on Site Plan Item 6B**

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the Site Plan for multi-dwelling residential development at 4100 W 24<sup>th</sup> Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions completed prior to the release of the site plan for building permits:

1. Prior to the release of the Site Plan for issuance of building permits the applicant shall:
  - a. Receive approval for public improvements plans.
  - b. Receive approval for a stormwater pollution prevention plan (SWP3), Per City Code Chapter IX Article 9-903(B).
  - c. Replace any dead street trees and interior landscaping if existing.
2. Prior to the release of the Site Plan for issuance of building permits the applicant shall submit a revised site plan to include the following notes and changes:
  - a. Provision of a revised landscape plan to include additional drought tolerant species for Street Trees listed in the staff report per City Staff approval.
  - b. Provision of a note that states: *"Maintenance of street trees to include watering as needed is the responsibility of the property owner. Dead or dying street trees shall be replaced with species included in the landscape plan planting schedule."*
  - c. Provision of a revised drawing to show screening of mechanical equipment attached to the sides of buildings.
  - d. Provision of a revised General Note 11 that states: *"Construction activity, including soil disturbance or removal of vegetation, shall not commence until an approved SWP3 has been obtained."*
3. Provision of an adequate irrigation system to support high quality landscaping.

Commissioner Finkeldei asked if the language 'adequate irrigation' left flexibility.

Commissioner Liese said he meant to keep it ambiguous.

Mr. McCullough said it would go to City Commission next. He said Clinton Parkway had street trees that were high above and may be difficult to get to based on topography. He asked if that would include the parameter trees, street trees, and retrofitting the existing landscaping there.

Mr. Stultz said he would install an irrigation system in the entire area.

Commissioner Liese said a lot of the neighborhood resistance was due to how the property looked today.

Ms. Day said the street trees along Clinton Parkway were in the public right-of-way and that the trees were hand watered by the City.

Commissioner Burger expressed concern that most of the audience members opposed to the rezoning walked out after rezoning and did not stay for the site plan.

Motion carried 8-1, with Commissioner Belt voting in opposition. Student Commissioner Davis voted in the affirmative.

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**ITEM NO. 7      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &  
DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (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 process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11.*

**STAFF PRESENTATION**

Ms. Sheila Stogsdill presented the item.

Commissioner Hird asked for an example of a connector street in Lawrence.

Ms. Stogsdill said it was a local street, maybe with very few individual access points. She said she would try to find some specific examples of connector streets.

Commissioner Hird said the LOWV had a suggestion on the frontage issue.

Ms. Stogsdill said staff would be supportive of that change.

**PUBLIC HEARING**

Mr. Dean Grob, Grob Engineering, said he agreed with about 80% of the things that needed to be changed. He wanted flexibility but knew that could be difficult with a regulatory document. He thanked staff for the work and felt they were getting close.

**COMMISSION DISCUSSION**

Commissioner von Achen inquired about parks and open space.

Ms. Stogsdill said the environmentally sensitive text amendment that was adopted last December does have specific requirements for residential development in terms of preserving. She said if there were sensitive features then a percentage needed to be protected and reserved. She said the language that exists today says to encourage or require a dedication which was not enforceable. She said they had success in sitting down with folks when they have areas that are reasonable areas that will add to their development to be able to incorporate those into the subdivision design. She said there was a pretty good opportunity if there was a feature on the property that a portion would be reserved.

Commissioner von Achen asked what if there were no environmentally sensitive features.

Ms. Stogsdill said from a community standpoint it made the most sense to try and connect areas to eventually have greenbelt trails.

Commissioner von Achen said she thought it meant within each subdivision.

Ms. Stogsdill said not every subdivision had its own mini park. She said mini parks were very expensive to maintain.

Commissioner von Achen inquired about green areas.

Ms. Stogsdill said with any site planned property there was a requirement in the landscape article to have a certain amount of open space. She said those properties always end up having some amount of specific greenspace designed into them and those areas would be maintained by the individual property owner.

Commissioner Liese inquired about defining terms. He asked why a subdivision turned into cluster in Urban Growth Areas.

Ms. Stogsdill said it was called a cluster development. She said it was a consistency issue that it was named one thing in 804 and then named something else in the definition section. She said in the 2006 regulations a cluster development was a particular type of residential development that was created and that what it was named.

#### **ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to defer Text Amendment, TA-3-3-10.

Commissioner Finkeldei asked if staff had thought about sending the Chamber of Commerce a letter to get them involved.

Mr. McCullough said staff kept them involved and they were satisfied.

Commissioner Finkeldei said it would be nice to see it documented.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

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**ITEM NO. 8      COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST  
SECTOR PLAN (DDW)**

**CPA-6-5-09:** Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*

*Item 8 was deferred prior to the meeting.*

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**ITEM NO. 9 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)**

**PP-8-8-11:** Consider a 1 lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

*Item 9 was deferred prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**ADJOURN 9:12pm**