



**PLANNING COMMISSION MEETING**  
**July 23, 2012**  
**Meeting Minutes**

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July 23, 2012 – 6:30 p.m.

Commissioners present: Blaser, Britton, Burger, Culver, Hird, Lamer, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, Leininger, M. Miller, Ewert

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**MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of May 21, 2012.

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the May 21, 2012 Planning Commission minutes.

Motion carried 7-0-1 with Commissioner Lamer abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of June 25, 2012.

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the June 25, 2012 Planning Commission minutes.

Motion carried 7-0-1 with Commissioner Lamer abstaining.

**COMMITTEE REPORTS**

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

Commissioner Hird said the Agritourism Text Amendment would be going back to County Commission. He said if the changes were not unanimously approved by County Commission it would come back to Planning Commission.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

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**ITEM NO. 1      PRD TO RM15; 6 ACRES; 525 CONGRESSIONAL (SLD)**

**Z-7-20-11:** Consider a request to rezone approximately 6 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.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Ms. Joy Rhea, Paul Werner Architects, agreed with the staff report.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen inquired about the advantages of changing the zoning.

Ms. Day said it would put it in the position of being a conventional zoning and subject to site plan review. She said it made it cleaner for the applicant to move through the development process.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the request to rezone approximately 6 acres, from PRD [Village Meadows] Planned Residential Development District to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Hird said he would vote in favor of the rezoning because of the density and that it was an infill project.

Commissioner Blaser said he seconded the motion for the same reasons as stated by Commissioner Hird.

Unanimously approved 8-0.

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**ITEM NO. 2 SPECIAL USE PERMIT FOR 12<sup>TH</sup> & HASKELL RECYCLE CENTER; 1000 E 11<sup>TH</sup> ST (SLD)**

**SUP-5-4-12:** Consider a Special Use Permit for 12<sup>th</sup> & Haskell Recycle Center, located at 1000 E 11<sup>th</sup> Street. Submitted by Bartlett & West, Inc., for Robert B. Killough, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Brad Finkeldei, attorney for the applicant, agreed with the staff report. He said the City of Lawrence would abut the property on several sides. He said for any sounds that extended past the boundary line there would be conditions on the hours of operation, which did not exist at the current location.

**PUBLIC HEARING**

Mr. John McClure said he owns property next to this location. He did not want to be excluded from the final planning stage.

Mr. Michael Almon, Sustainability Action Network, considered this a watershed event. He appreciated the owner taking the legal route. He said this was a much better location but expressed concern about the environmental impacts. He said this location would still be close to residential neighborhoods. He felt the facility should be 100% enclosed within a building.

Ms. Melinda Henderson said she lives within 200' of the current location. She expressed concern about noise associated with crushing of cars and other metal objects and would like the applicant to look at noise barriers. She inquired about the location on the site plan where the crushing would take place.

Ms. Linda Klinker, Cans for the Community, supported the 12<sup>th</sup> & Haskell Recycle Center.

**APPLICANT CLOSING COMMENTS**

Mr. Finkeldei pointed on the map where the crushing would occur. He said a sound wall was discussed for the current location but the new location would have a massive stand of trees. He did not agree that all activities should occur inside and the Code does not require that.

**STAFF CLOSING COMMENTS**

Mr. McCullough said there were two primary uses on the property. He said a collection facility, by definition, was indoors and a permitted use. He said the secondary primary use was scrap and salvage operation, which was an exterior use. He said there were some use standards associated with scrap and salvage operations in terms of screening and pile height, but only when it was adjacent to a collector or arterial road. He said the new property would not have any direct road frontage and had plenty of natural landscaping. He said the Code did not require scrap and salvage to be contained within a building so the site plan was Code compliant at this point.

**COMMISSION DISCUSSION**

Commissioner Hird asked what Mr. McClure's building was currently used for.

Mr. McClure said mostly it was just used to store equipment. He said his concern was primarily the future property value. He said he was not concerned about the operation.

Commissioner Hird inquired about who monitored industrial sites for ecological impacts.

Mr. McCullough said scrap and salvage operations require a license from the Kansas Department of Transportation (KDOT). He said the Kansas Department of Health and Environment (KDHE) responds to complaints about different ecological concerns.

Commissioner Blaser inquired about the owner being responsible for maintaining the property.

Mr. McCullough said these were some of the issues that exist at the current location that had received complaints. He said they wanted to make it clear there was a higher level of enforcement with the Special Use Permit if it was highlighted in the conditions. He said the permit could be rescinded in the future if needed.

Commissioner von Achen inquired about the sanitary sewer analysis.

Mr. McCullough said they did not anticipate any issues with the sanitary sewer system but that it was required to make sure there was capacity in the City system.

#### **ACTION TAKEN**

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve Special Use Permit, SUP-05-04-12, for a Scrap and Salvage Operation, in conjunction with a Recycling, Collection and Processing Center, located at 1000 E 11<sup>th</sup> Street Road, based upon the findings presented in the body of the staff report and with a recommendation for approval to be forwarded to the City Commission subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Provision of a photometric plan per 20-1103 of the Development Code for review and approval prior to the release of the site plan for issuance of a building permit.
3. Provision of a revised site plan to show the location and deed book and page reference for any easement dedicated to cover the private services lines that access the public infrastructure crossing separate parcels of land.
4. Provision of a DSSA for the proposed build-out condition of the property per the specifications of the City Utility Department in the form of a fixture count analysis.
5. A site plan note shall be added: "No open burning of junked, salvaged, or discarded materials shall be permitted."
6. The site plan shall be revised to reflect the required amount of 440 sq. ft. of interior landscaping.
7. The site plan shall note that the owner is responsible for maintaining the property, especially the perimeter fencing, in a litter-free manner.
8. The site plan shall note that the operation shall comply with all state and local solid and hazardous waste laws and standards, particularly as they relate to the removal of vehicular fluids.
9. The site plan shall note a restriction on the hours of operation for the outdoor crushing of vehicles and loading of bulk materials into semi-trucks as follows:

Monday through Friday: 8:00 a.m. to 6:00 p.m.

Saturday: 8:00 a.m. to 4:00 p.m.

Sunday: prohibited

Unanimously approved 8-0.

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**ITEM NO. 3A ANNEXATION OF 15,960 SF; 240 N MICHIGAN ST (MKM)**

**A-5-3-12:** Consider annexation of approximately 15,960 SF, located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

**ITEM NO. 3B A & V-C TO OS-FP; 15,960 SF; 240 N MICHIGAN ST (MKM)**

**Z-5-8-12:** Consider a request to rezone approximately 15,960 SF from County A (Agriculture) and County V-C (Valley Channel) to OS-FP (Open Space-Floodplain Overlay), located at 240 N. Michigan Street, to accommodate development of Pump Station No. 15, a *minor utility*. Submitted by The City of Lawrence, property owner of record.

**ITEM NO. 3C PRELIMINARY PLAT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)**

**PP-5-5-12:** Consider a Preliminary Plat for Pump Station No. 15, a .3 acre, one-lot subdivision located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

**ITEM NO. 3D SPECIAL USE PERMIT FOR PUMP STATION NO. 15; 240 N MICHIGAN ST (MKM)**

**SUP-5-6-12:** Consider a Special Use Permit for construction of Pump Station No. 15, a *minor utility*, located at 240 N. Michigan Street. Submitted by The City of Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 3A-3D together.

**APPLICANT PRESENTATION**

Mr. David Lee agreed with the staff report.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Burger inquired about ways other pump stations have prevented access to children.

Mr. Lee said the panels were locked and the manhole cover could not just be lifted. He said they were secure as they could be in an open space.

Commissioner Burger asked if the platform was blocked.

Mr. Lee said there was no gate that would prevent someone from walking into the area.

**ACTION TAKEN on Item 3A**

Motioned by Commissioner Hird, seconded by Commissioner von Achen, to approve the requested annexation of approximately 15,960 sq ft and adjacent right-of-way and forwarding the request to the City Commission with a recommendation for approval.

Commissioner Burger said she would vote in favor of the motion but was somewhat concerned about the safety of the design and hoped it could be addressed if needed.

Mr. McCullough said he had not heard of any safety issues at any other pump stations. He said if there were they would certainly be addressed and made secure.

Mr. Lee said it was a fairly common design with the above ground pump station.

Commissioner Burger said she wouldn't be concerned if there was a fence around it.

Mr. Lee said there was no fence but that there was a railing that would go around the retaining wall.

Unanimously approved 8-0.

### **ACTION TAKEN on Item 3B**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the rezoning request for approximately 15,960 sq ft from A (Agricultural) District and County V-C (Valley Channel) to OS-FP (Open Space with Floodplain Management Regulations Overlay) 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

Unanimously approved 8-0.

### **ACTION TAKEN on Item 3C**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Preliminary Plat of Pump Station No. 15.

Unanimously approved 8-0.

### **ACTION TAKEN on Item 3D**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve Special Use Permit, SUP-5-6-12, for Pump Station No. 15, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Applicant shall provide a revised site plan with the following changes:
  - a Addition of a note indicating that the Board of Zoning Appeals approved the requested variance, B-5-9-12, to allow a 10 ft side yard setback on the north property line subject to one condition stipulating the approval is valid after the City's annexation and rezoning of the property.
  - b Provide dimension showing distance from control panel to north property line.
  - c Provide dimensions for the width and length of the retaining wall, and the height of the railing on the retaining wall.
  - d Correction of the impervious surface in the floodplain.
2. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit after a Floodplain Development Permit application has been submitted and approved

Unanimously approved 8-0.

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**ITEM NO. 4      IG TO IL; 1.74 ACRES; 2645 HASKELL AVE (MJL)**

**Z-5-9-12:** Consider a request to rezone approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), located at 2645 Haskell Ave, for the VFW. Submitted by Landplan Engineering, for Hedge Tree LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

**APPLICANT PRESENTATION**

Mr. C.L. Maurer, Landplan Engineering, was present for questioning.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Lamer, seconded by Commissioner Burger, to approve the request to rezone, Z-5-9-12, approximately 1.74 acres from IG (General Industrial) to IL (Limited Industrial), based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

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**ITEM NO. 5      RSO & CS TO CO; 6.87 ACRES; 2000 BLUFFS DR (MJL)**

**Z-12-00021:** Consider a request to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive. DST Realty of Lawrence Inc, property owner of record. *Initiated by City Commission on 6/12/12.*

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

**APPLICANT PRESENTATION**

Mr. Chris Lemke, DST Realty, said there were no plans to change the current call center operations.

**PUBLIC HEARING**

Mr. Bryan Engel, attorney representing the proposed purchaser of the property, said the reason for the rezoning request was that if there was damage to the building, such as a fire, they would not be allowed to rebuild without going through the rezoning or variance process.

**COMMISSION DISCUSSION**

Commissioner Hird asked if there were any plans to develop the piece of property south of the access road.

Mr. Lemke said there were no plans to change any of the buildings or to develop anything out.

Ms. Leininger said if there were any changes to the site it would go through the site planning stage which would be administratively approved.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to approve the request to rezone, Z-12-00021, approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial Office) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.



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**ITEM NO. 6      PRELIMINARY PLAT FOR GATEWAY ADDITION; 880 HWY 40 (MKM)**

**PP-5-6-12:** Consider a Preliminary Plat for Gateway Addition, located at 880 Hwy 40 (NW quadrant of the intersection of W. 6<sup>th</sup> St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Landplan Engineering, for Hanover Place, L.C. and Tanglewood, L.C., property owners of record.

*Item 6 was deferred prior to the meeting.*

## **MISCELLANEOUS NEW OR OLD BUSINESS**

### **MISC NO. 1                      VARIANCE FOR ST JOHN CATHOLIC CHURCH (MKM)**

Variance associated with Minor Subdivision for St John Catholic Church, (MS-5-8-12), from the 60 ft right-of-way requirement in Section 20-810(e)(5) for local streets to allow the right-of-way to remain at 50 ft.

#### **STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Commissioner Liese asked if the map had the old names of the streets.

Ms. Miller said yes.

#### **ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Britton, to approve the variance requested from Section 20-810(e)(5) to allow the Vermont Street right-of-way in this location to remain at 50 ft, rather than the 60 ft required by Code.

Unanimously approved 8-0.

Consideration of any other business to come before the Commission.

Commissioner Culver said the Mid-Month calendar was updated to include topics for upcoming months.

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**ADJOURN 7:53pm**