



PLANNING COMMISSION MEETING
December 16 & 18, 2013
Meeting Minutes

December 16, 2013 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Struckhoff, von Achen

Staff present: McCullough, Stogsdill, Crick, Halm, Larkin, M. Miller, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 18, 2013.

Commissioner Struckhoff said in his ex parte from last month he initiated contact with the Douglas County Zoning & Codes officer.

Motioned by Commissioner von Achen, seconded by Commissioner Kelley, to approve as amended

Motion carried 8-0. Commissioner Britton was not present for the vote.

COMMITTEE REPORTS

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

Mr. Scott McCullough said the Oread Design Committee continued to meet about every two weeks to keep working on the Oread Design Guidelines.

Commissioner Culver said the Metropolitan Planning Organization (MPO) met in November and had a small revision to a few items to reconcile the actual cost compared to the projected cost. He said they would not reconvene until after the first of the year.

COMMUNICATIONS

Mr. McCullough said that general public communications and general staff communications were included in the packet for their review.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

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**ITEM NO. 1 PRELIMINARY PLAT FOR WAKARUSA WASTEWATER TREATMENT PLANT
ADDITION; 4380 O'CONNELL RD (MKM)**

PP-13-00444: Consider a one-lot Preliminary Plat for Wakarusa Wastewater Treatment Plant Addition on approximately 537 acres located at 4380 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Melinda Harger and Mr. Dave Wagner, City Utility Department, were present for questioning.

PUBLIC COMMENT

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Preliminary Plat for the Wakarusa Wastewater Treatment Plant Addition subject to the following conditions:

- 1) Submittal of a revised preliminary plat with the following changes:
 - a. A note added to the plat which states that "Sidewalks on N 1175 and E 1600 Roads are not required at this time; however, 5 ft wide sidewalks shall be installed along these street frontages when connecting sidewalks are installed."
 - b. Note 1 on Sheet 3 revised to provide the State Historical Preservation Office's determination on the eligibility of the cultural, historical, and archeological sites on the property to be registered on the National Historic Registry.
 - c. Label the existing Baldwin City waterline north and west of the metering station as 'abandoned'.
 - d. Revise the 20 ft wide general utility easements along the roadways as follows:
Provide a 10 ft wide waterline and a 10 ft wide general utility easement on the north side of N 1175 Road.
Provide a 10 ft wide general utility easement and a 20 ft wide waterline easement on the east side of E 1600 Road.
- 2) Public improvement plans for the extension of utilities shall be submitted and approved prior to the recording of the final plat.
- 3) The Minimum Maintenance Designation for North 1175 Road between E 1550 and E 1600 Roads and for E 1600 Road between N 1100 and N 1175 Roads shall be reversed to provide access to the site prior to the recording of the Final Plat.
- 4) The City shall participate in future improvements to N 1175 and E 1600 Roads adjacent to the property when necessary as the area urbanizes.

Commissioner von Achen asked staff about the historical or archeological site on the area.

Ms. Miller said there were some archeological, historical, or cultural sites noted, such as WPA culverts. She said they were discovered with a survey done earlier on. She said staff was not aware when writing the staff report that it had already been reported to the State Historical Preservation office so that was one of the conditions. She said a letter was given to her today from the State Historical Preservation office showing that it was reported to them back in 2007. She said they concurred that these sites were not significant and could go ahead and be developed but that if

anything archeological was unearthed it would need to be reported to the State Historical Preservation office.

Unanimously approved 9-0.

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ITEM NO. 2A RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD (MKM)

Z-13-00440: Consider a request to rezone approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

ITEM NO. 2B PRELIMINARY DEVELOPMENT PLAN FOR ASSISTED LIVING BY AMERICARE; 3901 PETERSON RD (MKM)

PDP-13-00441: Consider a Preliminary Development Plan for Assisted Living by Americare, located at 3901 Peterson Rd with a variance request from right-of-way requirements in Section 20-810(e)(5)(i) of the Subdivision Regulations and a modification request from the off-street parking requirements in Section 20-902 of the Development Code. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A and 2B together.

APPLICANT PRESENTATION

Mr. Neal Slattery, Americare, gave a Powerpoint presentation showing renderings of the project and described what assisted living, memory care, and independent living meant. He also provided the history of Americare. He stated they were aiming to break ground on construction in the Spring of 2014.

PUBLIC HEARING

Mr. Aaron Jones expressed concern about losing trees in the area and the noise generated from emergency vehicles dispatched to the site. He stated the roundabout was tough to navigate, especially for emergency vehicles.

APPLICANT CLOSING COMMENTS

Mr. Slattery said all the interior roadways would be built 27' wide, the same as a local street. He said the projected traffic generation would be 75 trips per day. He said there were three entrances and that the northern entrance had a projected 40 trips per day distributed over a 24 hour period. He said the amount of traffic going through the roundabout would be minimal. He said the design would allow emergency vehicles to get through.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to comment about the League of Women Voters concerns about adequate parking and the "what if" scenario.

Ms. Miller said the applicant could probably better answer the comments submitted by the League of Women Voters. She said there would be more parking provided than required by the Code because the plan included employee parking. She said extra parking typically required mitigation. She said the use was limited by the Preliminary Development Plan to assisted living so if the site was sold and a different project was proposed a new Preliminary Development Plan would need to be submitted for review. She said Planning Commission would have the opportunity to approve or deny it.

Mr. Slattery said Americare used actual case studies for the parking requirements. He said the number of parking spaces was based on case studies, not speculation. He felt the amount of parking

was adequate but that more parking could be added later if needed. He said Americare had been in business for 30 years and have not sold any of the facilities.

Commissioner Josserand inquired about independent living and if transportation would be provided for those without vehicles.

Ms. Jean Summers, Americare, said many residents do not drive and prefer not to so there would be some type of bus or vehicle to provide periodic transportation. She said they would also utilize community transportation services for the residents.

Commissioner Josserand asked what other services were available in independent living.

Ms. Summers said there would be a clubhouse to keep residents connected with activities. She said they would have a full kitchen in their cottage. She said each unit would have an emergency cord so they would be connected to assistance when needed.

Commissioner Josserand inquired about the PD Overlay for the undeveloped portion. He asked if it would have the same restrictions.

Mr. McCullough said that was correct, the entire property would be zoned RM12-PD. He said Americare would bring any future phase or change forward through the public hearing process.

Commissioner Josserand asked if it would go through Planning Commission.

Mr. McCullough said yes.

ACTION TAKEN on Item 2A

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Development 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 9-0.

ACTION TAKEN on Item 2B

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve the variance to allow the right-of-way for Peterson Road to remain at 100 ft in this location based on the findings of fact presented in the staff report and to approve the Assisted Living By Americare Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised Downstream Sanitary Sewer Analysis with minor technical revisions per the City Utilities Engineer's approval.
2. Southern Star and Black Hills Energy approval of the proposed changes in their easements along Monterey Way.
3. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Include the same uses in the 'proposed' and 'permitted' use sections on Sheet 2.
 - b. Addition of the following note: "The density of this development shall not exceed 4.6 dwelling units per acre."
 - c. Remove Note 5 if there are no covenants, easements or other restrictions proposed for the use of the land.

- d. Revise Note 11 regarding ADA compliance to read: "The site has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR Part 36."
- e. Provide a pedestrian walkway to connect the Independent Living units in the southwest corner of the property with the club house north of the drive.
- f. Show a 6 ft wide sidewalk along Peterson Road to be installed with this development; or, if the existing sidewalk is in good condition, a note may be added to the plan which states that 'When the sidewalk along Peterson Road deteriorates or is damaged to the degree that the City Engineer determines replacement is necessary, a 6 ft wide sidewalk will be installed at the property owner's expense.'
- g. Label the RWD No 1 Easement as 'To be vacated with this plat' and label the waterline along the east side of the property as abandoned.
- h. Revise utility layout per the City Utility Engineer's approval.
- i. Note the height and slope of the perimeter parking lot landscaping berm.
- j. Delineate and dimension the Common Open Space and Common Open Recreational Space areas on the plan to insure that the area requirements are met.
- k. Extend the right-of-way for Spring Hill Drive across Lot 2 to connect with Monterey Way. The plan may note that the location is conceptual and the exact alignment will be determined with the Final Plat of Lot 2.
- l. Provide an easement or tract for the protection of Environmentally Sensitive Lands if the trees in the southern portion of Lot 2 are found to meet the definition of 'stands of mature trees' provided in Section 20-1701 of the Development Code.
- m. Show street trees along Monterey Way west of the easements at a ratio of 1 tree per 40 ft of street frontage.
- n. Bufferyard landscaping, including the request for Alternative Compliance, will be reviewed and determined with the Final Development Plan.

Unanimously approved 9-0.

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**ITEM NO. 3 TEXT AMENDMENT TO THE ZONING REGULATIONS; AGRITOURISM
(MKM)**

TA-13-00451: Consider a Text Amendment to Section 12-319-7 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas to establish criteria and review process for Agritourism uses which may have significant off-site impacts. *(Amendment was initiated by the Board of County Commissioners at their October 16, 2013 meeting.)*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Mr. Jim Hendershot expressed concern about the Kansas City Pumpkin Patch. He said at a stakeholder meeting in November one of the items that came up was looking at tiers of classification for different types of events. He said County Commissioner Flory was concerned about the arbitrary number of 100 people. He stated 20 people could be just as disruptive to a neighborhood as 100 people. He felt the County Commission was struggling with their ability or authority to impose conditions upon an application. He felt the Conditional Use Permit process worked and allowed everyone the flexibility of imposing conditions or looking at conditions that may be important for one application but not another. He felt it was important to distinguish between agritourism and a commercial business operating under the guise of an agritourism business.

Ms. Michelle Kooz felt the guidelines were vague and would allow people to have a 24/7 party house. She said the Kansas City Pumpkin Patch was allowed to have paintball on the property under the current guidelines and regulations. She did not feel that paintball had anything to do with agriculture.

Mr. Rick Hird said he was involved in forming the agritourism committee about four years ago. He said for the majority of agritourism businesses it has worked perfectly. He said there had only been one applicant that had caused a problem, the Kansas City Pumpkin Patch. He said it was his understanding that the Kansas City Pumpkin Patch was denied by the County Commission and paintball was not approved. He named some agritourism businesses that had registered in Douglas County; Pinwheel Farm, Washington Creek Lavender Farm, Pendleton's Farm & County Market, Schaake's Pumpkin Patch, Prairie Elf Christmas Tree Farm, and Strawberry Hill Christmas Tree Farm. He said he had not heard of any complaints about any of these agritourism businesses. He said the only agritourism that had complaints was Kansas City Pumpkin Patch. He said the Kansas City Pumpkin Patch was denied by the County Commission and the process worked perfectly in that case. He said when the agritourism committee was formed all stakeholders were included in the process; state, local, operators, and townships. He said the current text amendment protects the neighbors in several ways. He said if it was an activity of more than 100 people it required notice to neighbors within a 1000', required notice to all neighbors on a gravel road up to an improved road, and required adherence to noise ordinances, parking ordinances, and sanitation rules. He said the goal of the agritourism text amendment was to foster and encourage agritourism, not to include additional layers. He stated if a tiered approach was used they should keep in mind that the average wedding was probably around 100 people. He said the agritourism committee discussed a much higher number than 100 people. He said the committee rejected the idea of a Conditional Use Permit for agritourism uses. He said when considering further amendments they should ask themselves whether the actions would be making agritourism easier and fostering it or adding more layers of rules.

COMMISSION DISCUSSION

Commissioner Josserand asked Mr. Hird about any benefits that a Conditional Use Permit may provide.

Mr. Hird discussed the issue of the Conditional Use Permit and why the agritourism committee felt it was not appropriate. He said he owned a vineyard south of town and would like to build a winery and be an agritourism operator someday. He said while studying that and talking to other wineries he discovered that the winery and tasting room were allowed by right and did not require a permit. Although the minute a wine glass was sold it would require a Conditional Use Permit, which he did not feel made sense. He said in dealing with the stakeholders in the agritourism committee meetings they felt the worst part would be the Conditional Use Permit process, which would be a 4-6 month process to get through. He said agritourism was meant to be a simple process and the time, expense, and trouble could be avoided.

Commissioner Josserand asked if Mr. Hird felt the County Commission already had the tools to make the decisions they needed to.

Mr. Hird said he did not feel the County Commission was trying to skirt the issue. He said County Commissioner Flory was justifiably concerned about the lack of legal standards for imposing conditions and tweaking it may make sense.

Commissioner Josserand said a 25 member rock band could be more noxious than a 100 person wedding. He wondered how they should create or judge standards.

Mr. Hird said the existing noise ordinance would cover a rock band. He said he did not want to see another set of rules covering the same territory. He said noise had not been an issue with the one exception of the Kansas City Pumpkin Patch.

Commissioner von Achen asked if the agritourism committee wanted to avoid Conditional Use Permits for any level of use.

Mr. Hird said there may have been a point when the agritourism committee considered a Conditional Use Permit.

Ms. Miller said the agritourism committee had a lot of trouble figuring out the dividing line of when a Conditional Use Permit would be needed versus a Site Plan. She said since the committee was not able to find a dividing line they left it at 100 people with County Commission approval, which included a public hearing.

Mr. Hird said some members of the agritourism committee wanted the amount of people to be 250 so 100 people was a compromise.

Commissioner Denney said he wanted to avoid reinventing the wheel since the agritourism committee spent a lot of time and effort on the issue. He asked if staff was looking at text amendments that would give the County Commission some guidelines to use in making decisions or if staff was looking to open it up widely to any kind of agritourism.

Ms. Miller said the County Commission wanted parameters to set the dividing line of what activities needed additional review by the County Commission, not just 100 people. She said it could be the activity, such as a rock band, since it had the potential for noise. She said the proximity of neighbors could also be taken into account, as well as if the rock band would be in the middle of 180 acres,

which would be different than being adjacent to small lots. She said the County Commission could also benefit from general standards, such as exterior lighting late at night. She said they weren't trying to reinvent the wheel, just add to it.

Mr. McCullough said the issue started out with all permitted uses requiring a Conditional Use Permit. He said the State was advocating for encouraging agritourism and a Conditional Use Permit could be an onerous process for the applicant. He said the agritourism committee came up with the "mini Conditional Use Permit" process where it would go directly to the County Commission which was a quicker process and would require notice for over 100 people. He said if there were less than 100 people there would be no notice or process past the administrative process. He said there had been six administrative ones so far.

Commissioner Culver said he would like to see in the draft language the general nature of some of the activities and taking that a little further beyond the threshold of 100 people. He felt there should be a balance so as not to make this too much of an onerous process. He said looking at some of the impacts could be helpful for Planning Commission when looking at draft language.

Commissioner Josserand said the frequency of use was one parameter to help distinguish between them. He said for example, a wedding of 300 people could happen once or a wedding facility could have six weddings a year. He said that was different than a pumpkin patch that was really a commercial use. He said the connection to agritourism for such an ongoing facility should have a stronger case that it was agricultural. He agreed with Mr. Hird's observation that a 100 people may be too low for infrequent uses.

Commissioner von Achen inquired about the difference between seasonal sale of products raised on site and a fruit and vegetable stand.

Ms. Miller said there wasn't a whole lot of difference. She said seasonal sale of products raised on site could be done by any farmer at any time. She said a fruit and vegetable stand doesn't necessarily need to be grown on site.

Ms. Kooz said she was familiar with noise ordinances because she was a police officer. She said noise ordinances were near impossible to enforce without the proper equipment, such as decibel readers. She would like to see some sort of regulation added about products being grown on the property and not resold.

Mr. Hird said Ms. Kooz was correct, noise ordinances were hard to enforce. He said there was no requirement as an agritourism operator that anything be grown on the land. He said there were agritourism operators on the edge of the Flint Hills who provided walking trails and did not grow anything, but instead provide an experience in the country. He asked them not to confuse a requirement of growing something with agritourism. He said they may or may not have anything to do with each other.

Commissioner Josserand said to a degree an application for agritourism was being described as crop related. He said Ms. Kooz made a good point. He said it wasn't necessarily related to a crop but if that is what the business is, such as a pumpkin patch, they should be grown on site and not trucked in.

Mr. Hird said there were wineries in Kansas that did not own a single grapevine and it was still agritourism. He said it was agriculturally exempt unless they sell an item such as a wine glass.

Commissioner Josserand said he did not feel that wineries that did not grow their own grapes were agritourism. He felt they would be wine producers.

Commissioner Denney asked if any thought was given to when something stopped being agritourism and started being an amusement park. He wondered if an amusement park with cow rides in the county would be considered agritourism.

Mr. Hird said those questions were valid and the agritourism committee struggled with those types of questions. He said the example used in the committee was that nobody wanted to see a Tractor Supply pop up in the country contending it was an agritourism use. He said a petting zoo that involved farm animals for children to visit would be an agritourism use. He said it would be a difficult call in some circumstances. He hoped that in writing guidelines for the County Commission that they would be given something to latch onto with abusive situations, while preserving agritourism in Douglas County.

NO ACTION TAKEN

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

**MISC NO. 1 UPDATE ON PROCEDURAL OPTIONS REGARDING CLARIFICATION OF
CAMPING REGULATIONS**

Receive staff memo update regarding procedural options regarding clarification of camping regulations.

Commissioner Liese reminded Planning Commission about their retreat on Friday, January 24th.

Mr. McCullough introduced new Planning staff member, Mr. Jeff Crick.

Recess at 8:13pm until 6:30pm on December 18, 2013

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Reconvene December 18, 2013 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Kelly, Josserand, Liese, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Day, Halm, Larkin, Ewert

BEGIN PUBLIC HEARING (DECEMBER 18, 2013):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No Abstentions.

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**ITEM NO. 4A A TO OS-FP; 8.68 ACRES; NW CORNER OF W 31ST ST & LOUISIANA ST
(SLD)**

Z-13-00445: Consider a request to rezone approximately 8.68 acres from County A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located on the northwest corner of 31st St & Louisiana Street. Submitted by the City of Lawrence, property owner of record.

**ITEM NO. 4B PRELIMINARY PLAT FOR PUMP STATION NO. 10; NW CORNER OF W
31ST ST & LOUISIANA ST (SLD)**

PP-13-00447: Consider a 1 lot Preliminary Plat for Pump Station No. 10 Addition, located at the northwest corner of 31st St & Louisiana St. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented Items 4A and 4B together.

APPLICANT PRESENTATION

Ms. Melinda Harger and Mr. Dave Wagner, City Utility Department, were present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the protections of the floodplain overlay.

Ms. Day said the floodplain overlay district had a requirement that flood proofing would occur 2' above the base flood elevation. She said the improvements would be flood proof to 2' additional freeboard. She said the intent was to recognize as it was built out that over time the floodplain could rise.

Commissioner Denney asked for more details about the pump station.

Mr. Dave Wagner, Utility Department, said pump station 10 was part of the Capital Improvement Program that the City Commission adopted and integrated in planning documents with the Kansas Department of Health and Environment to address some existing overload issues along the 31st Street corridor. He said it would be a critical part of the system to relieve weather overloading on the 31st Street corridor and provide extended capacity to other areas of the city. He said it would provide additional treatment capacity and relieve some of the load of the existing treatment plant. He said the facility was expected to be operational in late 2017.

Commissioner Denney asked if the pump station would have an effect on potential flooding in the area during heavy weather.

Mr. Wagner said as it was developed it would have to meet the City's requirements for not influencing additional flooding in the area. He said because of the management of that area versus what alternatively might go there it was a better situation than if something else was there.

Commissioner Denney asked if rainwater from that area would be pumped elsewhere.

Mr. Wagner said it was designed as a sanitary system, not a storm system.

Commissioner Josserand asked if there would be a structure on top.

Mr. Wagner said yes. He said there would be opportunity for comments on how it would look and function. He said it did not have to look like a traditional pump station.

ACTION TAKEN on Item 4A

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the request to rezone 8.68 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to OS-FP (Open Space-Floodplain Overlay) 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.

ACTION TAKEN on Item 4B

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Preliminary Plat of Pump Station No. 10.

Unanimously approved 8-0.

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ITEM NO. 5A ANNEXATION OF 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST (SLD)

A-13-00437: Consider a request to annex approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record. *Initiated by City Commission on 11/5/13.*

ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300 RD/W 31ST ST & LOUISIANA ST (SLD)

Z-13-00438: Consider a request to rezone approximately 14.53 acres from County A (Agricultural) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented Items 5A and 5B together.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, agreed with the staff report.

PUBLIC HEARING

Ms. Cille King, League of Women Voters, recapped the letter sent regarding flooding issues and fill on the land.

APPLICANT CLOSING COMMENTS

Mr. Sturm said the homes on the south side of W 29th Terrace were built in the late 1950's and early 1960's so a lot had changed with this part of Lawrence in the 50 years since. He said there had been significant fill brought to this portion of the Snodgrass property in the last decade, primarily between the years 2000-2010. He said the fill was done under a permit from the State. He said Landplan Engineering conducted a topographic survey and estimated the grounds were stable and was well done. He said the rezoning request conformed with the recommendations of the revised Southern Development Plan. He said the area had been vetted by a lengthy community process and it made sense for medium-density residential housing. He said, in his opinion, it was completely in line with what the community envisioned for this part of Lawrence.

COMMISSION DISCUSSION

Commissioner Kelly asked if they were just looking at a rezoning. He asked if there was a development would they be looking at a drainage study that would involve the fill.

Ms. Day said Planning Commission's action tonight was looking at the rezoning and annexation. She said in light of the League of Women Voter's letter she contacted the City Stormwater Engineer and the Codes Enforcement Administrator. She read a statement from Mr. Barry Walthall, Codes Enforcement Administrator: *"Soil testing and evaluation by a licensed engineer would be required for construction projects on this property. The evaluation report would include instructions to correct any issues within sufficient compaction or improper fill. Final acceptance report would also be required from the engineer that would confirm those corrections were completed."* She said there were adequate reviews and processes in place to be sure those things were taken care of. She said regarding flooding there had been no repetitive loses in more than twelve years for those properties

due to flooding reported. She said the South Lawrence Trafficway project would improve drainage in the area by changing the small culvert at 31st Street and Louisiana Street with a larger open span bridge to allow the flow to move more freely. She said there would still be ponding overall in the area.

Commissioner Denney said not too long ago Planning Commission approved items concerning a new detention pond in the area for Menards. He asked if that pond would drain into this system that goes through there. He wondered about any potential effect from that, positive or negative.

Ms. Day said that pond had been specifically reviewed in light of all of the improvements going on in the area.

ACTION TAKEN on Item 5A

Motioned by Commissioner Kelly, seconded by Commissioner von Achen, to approve the annexation, A-13-00437, of approximately 14.53 acres, located at the NW corner of N 1300 Rd/W 31st St and Louisiana Street, based on the findings in the body of the staff report and forwarding the request to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 5B

Motioned by Commissioner Kelly, seconded by Commissioner von Achen, to approve the request to rezone 14.53 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to RM12D (Multi-Dwelling Residential District and RM12D-FP (Multi-Dwelling Residential and Floodplain Overlay) District located at the NW corner of N 1300 Rd/W 31st St. and Louisiana St. based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Maximum density shall be restricted to 8 dwelling units per acre or less.

Unanimously approved 8-0.

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ITEM NO. 6A ANNEXATION OF 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

A-13-00443: Consider a request to annex approximately 21.17 acres located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record. *Initiated by City Commission on 11/5/13.*

ITEM NO. 6B A TO OS-FP; 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

Z-13-00449: Consider a request to rezone approximately 21.17 acres from A (Agricultural) District to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

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

PUBLIC HEARING

No public comment.

ACTION TAKEN on Item 6A

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the annexation, A-13-00443, of approximately 21.17 acres, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park, based on the findings in the body of the staff report and forwarding the request to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

ACTION TAKEN on Item 6B

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the request to rezone 21.17 acres from A (Agricultural) District and FW-FW (County Floodway and Floodway Fringe Overlay) Districts to OS-FP (Open Space-Floodplain Overlay) District located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park 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. 7 FINAL PLAT FOR LANGSTON HEIGHTS ADDITION; E SIDE OF K-10 HWY
& S OF W 6TH ST, N & S OF CRYSTAL LN & PALISADES DR (SLD)**

PF-13-00084: Consider a Final Plat for Langston Heights Addition, an 80 lot subdivision that includes detached, duplex and multi-family residential lots. This Final Plat deviates from the approved preliminary plat. This application specifically subdivides the original Lot 1, Block 1 into 15 separate duplex lots. Section 20-809(m) of the Subdivision Regulations requires a Final Plat that varies from the approved Preliminary Plat to be placed on the Planning Commission agenda for consideration. The property is located along the east side of K-10 highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, said the developer wanted to change the plan by taking one lot on the very west side of the subdivision, between Renaissance Drive and the South Lawrence Trafficway, and change the use from a row home concept to a more traditional attached single family townhome style units. He said the developer felt it was prudent to remove the restriction on development of that property. He said the use likely for the lots was permitted within RM12 zoning. He said the unit count and traffic would drop with a less intense use type.

PUBLIC HEARING

Mr. Ryan Fike, thanked the development team with keeping the neighborhood up to date on the changes. He said the neighborhood understood and appreciated the changes. He said they would like the connection to the south to be made but felt the new plan was really not that much of a change. He requested a stipulation that once the higher density housing was built that the road be connected to the south.

COMMISSION DISCUSSION

Commissioner Liese inquired about the timeline of the development to the south, Langston Commons.

Mr. McCullough said the rezoning application would come before Planning Commission in February.

Mr. Tim Herndon, RSR Development, said the first phase was the 30 acre platted area they were looking at tonight. He said it would be significantly development prior to moving southward because the south piece was generally dependent upon the South Lawrence Trafficway interchange being operational. He said KDOT's timeline for the completion of that interchange was the first or second quarter of 2016. He said it was likely that several pad sites would be opened at the time of the interchange. He said that interchange to the south was the key to opening up to the property to the south.

Commissioner Liese asked Mr. Herndon about his thoughts on the access road to the south that was mentioned during public comment.

Mr. Doug Rainey, RSR Development, said Langston Way and Renaissance Drive would connect with Bob Billings Parkway to the south around the same time of the second phase/commercial phase of the project. He said a general estimate would be the first or second quarter of 2016.

Mr. McCullough said he thought the neighborhood concern was that they don't want any more of the south section to develop before it's connected to Bob Billings Parkway.

Commissioner Josserand inquired about access to the north side and if it would connect through.

Mr. Herndon showed a map on the overhead that showed an area that was supposed to be multi-family row house development. He said the developer agreed to defer construction of that piece until the connection to Bob Billings Parkway to the south was complete. He said the density of the lot had now been reduced by 50% and overall density of the neighborhood reduced by 25%.

Commissioner Britton asked if the connection of Renaissance Drive to Bob Billings Parkway would be part of a traffic study.

Mr. McCullough said it would depend on the timing and phasing of development and the applicant had indicated the north phase would occur first.

Commissioner Britton felt a condition should be included for developing of that portion.

Mr. McCullough said it was staff's understanding that anything to the south would necessitate building that road.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the Final Plat for Langston Heights Addition including the removal of Note No. 17 of the original preliminary plat that stated: *"Building Permits for structures in Lot 1, block one will not be made available until such time that Renaissance Drive is constructed and completed south to Bob Billings Parkway."*

Commissioner Britton said he would support the motion and felt it was a good compromise of decreasing the density of what would have been row housing in exchange for not requiring the connection to Bob Billings Parkway at this point. He said his support was contingent upon that when the southern development did happen there would be a requirement that the connection to Bob Billings Parkway be completed.

Commissioner Josserand agreed with Commissioner Britton. He said some of the property had a final site plan that was never filed and would have required it to be all single family. He said it caused him heartburn on behalf of the neighbors but that he would support the motion.

Unanimously approved 8-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Mr. McCullough advised Planning Commission of the 2014 American Planning Association conference.

ADJOURN 7:30pm