



PLANNING COMMISSION MEETING

March 24, 2014

Meeting Minutes

March 24, 2014 – 6:30 p.m.

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

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of January 27, 2014.

Motioned by Commissioner von Achen, seconded by Commissioner Josserand, to approve the January 27, 2014 Planning Commission minutes.

Unanimously approved 10-0.

Receive and amend or approve the minutes from the Planning Commission meeting of February 24 & 26, 2014.

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the February 24 & 26, 2014 Planning Commission minutes.

Unanimously approved 10-0.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met March 13th and were presented with final drafts of the multi-modal studies which will come to Planning Commission and governing bodies in upcoming months.

COMMUNICATIONS

Receive written communications from staff, Planning Commissioners, or other commissioners:

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Josserand said he would disclose ex parte in the future when the Family Fun Center items were heard.

- No abstentions.

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ITEM NO. 1 SPECIAL USE PERMIT; PUMP STATION; 547 MAPLE & 500 PERRY (SLD)

SUP-14-00007: Consider a Special use Permit for a Pump Station, located at 547 Maple & 500 Perry St. Submitted by Bartlett & West, for the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

Mr. Ted Boyle, North Lawrence Improvement Association, was in favor of the proposed Pump Station.

Mr. Rick Macheca inquired about the noise, landscaping, construction time frame and access.

Ms. Day said the site was generally designed to have access from 6th Street and from Maple Street.

Mr. Matt Bond, City Stormwater Engineer, said the pump would only be running when stormwater was being pumped out and that it probably could be heard by someone standing on the road immediately outside of it. He said there were existing deciduous trees along the east side of the site which would be kept and that trees would be added to the south side of the site. He said regarding access there was a gate off of Maple and a gate off of 6th Street. He said during construction they would stay as close to the truck routes as possible to get to the site.

Ms. Day said regarding landscaping there were discussions with Public Works about adding more shrubs along the public streets to provide more screening for the equipment piece of the improvement.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve Special Use Permit, SUP-14-00007, for a Pump Station located at 547 Maple Street & 500 Perry Street, a minor utility, based upon the findings presented in the body of the staff report and subject to the following conditions:

Applicant shall provide a revised site plan with the following changes:

1. Provide a note on the plan that states lighting fixtures shall be provided with a full cut-off fixture and be directed down. Applicant shall provide lighting fixture details for review and approval prior to issuance of a building permit.
2. Submission of final building elevations for review and approval prior to issuance of a building permit.
3. 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 approved.

Unanimously approved 10-0.

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**ITEM NO. 2 COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14; K-10 &
FARMER'S TURNPIKE PLAN (JSC)**

CPA-14-00005: Consider a Comprehensive Plan Amendment to Chapter 14- K-10 & Farmer's Turnpike Plan to expand the boundary and amend the future land use designations in the area southeast of I-70 and K-10.

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, thanked staff for their work on the item and was present for questioning. He requested the buffer between Office-Research and Residential-Office be reduced to a maximum of 150'. He felt the 200' buffer was excessive for the uses of substation and self-storage units.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Liese asked staff to respond to the buffer request from the applicant.

Mr. Crick said the 200' buffer came out of the recommendation for the neighboring plans, West of K-10. He said staff was concerned about having such differing intensity of land uses being directly adjacent to each other. He said given the expansion of Westar utility and other easements in place it could probably be done with landscaping to meet the requirement to make sure the intensities were mitigated.

Commissioner Liese asked if staff had a specific recommendation.

Mr. Crick said staff would probably recommend the 200' buffer because it was consistent with other items.

Mr. McCullough said the buffer reduction was worth considering given the context that the applicant pointed out. He said there was a policy about exterior storage not being allowed in the industrial area/gateway area. He said in this particular instance, given some of the concepts with the lot layout, 150' may suffice in offering protection.

Commissioner Liese said he would probably be in favor of the 150' buffer.

Commissioner Josserand agreed with the staff recommendation of eliminating mini warehouses along K-10. He wondered how much office/research space would be converted to single-family.

Mr. Crick said at least around 50-51% of the K-10 Farmer's Turnpike Plan. He said it would go down probably about 30% reduction.

Commissioner von Achen asked if the area east of 902 Road would be low density residential.

Mr. McCullough nodded yes.

Commissioner von Achen said under other considerations it states the expansion of the plan boundaries east of 902 Road would designate the land as residential office.

Mr. Crick said going east of 902 Road would be low density residential.

Commissioner Britton asked if the applicant attempted to contact property owners.

Mr. Hamby said there were several property owners he did not have contact information for. He said the property owner to north of E 902 Road lives in Florida. He said he talked to Westar Energy, Mr. Garber, and Mr. Stultz.

Commissioner Jossierand asked what the buildings on the Stultz property were used for.

Mr. Hamby said agricultural equipment.

Commissioner Jossierand inquired about the buffering.

Mr. Hamby showed where the buffering would be on an overhead diagram.

Mr. McCullough said there may be other options for berming. He said the distance itself would be some sort of buffering.

Commissioner Jossierand asked who the developer was.

Mr. Hamby said Mr. Garber owns the property.

Mr. McCullough said there was a lot of potential for connection to the west.

Mr. Hamby said the parcel was landlocked to the west because of floodplain to the north. He said the only way to access that parcel was from the east through this property. He said the goal was to make that a residential development to the west.

Commissioner Denney asked how the mini warehouse would be accessed.

Mr. Hamby said it would be accessed through the south area with a driveway. He said it would be a private access road.

Commissioner Jossierand agreed with staff's observation about access to the parcel needing to be anticipated. He said he would oppose anything that would put mini warehouses on K-10. He said he was also reluctant for more residential. He said he would be reluctant to support the reduced buffer.

Commissioner von Achen asked if the mini storage would not be visible from K-10.

Mr. McCullough said it would be visible from K-10. He said staff was recommending a policy that restricts outdoor use. He said with K-10 there would be a 50' buffer area.

Commissioner Denney asked what the applicant wanted to do that was not allowed under current zoning.

Mr. McCullough said the request was for low density would allow for single dwelling, duplex and attached dwelling at six or fewer dwelling units per acre.

Commissioner Kelly said the zoning change would allow the mini warehouse.

Mr. McCullough said that was correct.

Commissioner von Achen asked why the area to the right was being taken out of the Northwest Sector Plan. She asked if the reason was because it was not incorporated into Chapter 14.

Mr. McCullough said yes. He said it was a way to formalize the designation so that when zoning was submitted there was no question about it.

Commissioner Rasmussen said IL zoning permitted uses included fast order food and drive-ins.

Mr. McCullough said one of the things looked at is the plan itself. He said the office research category was not meant to accommodate the commercial retail. He said the plan language would allow conditional zoning for that district. He said the intention was to put forth non-commercial office research.

Commissioner Rasmussen asked why staff recommended office research as opposed to residential office that was originally in the sector plan.

Mr. McCullough said the primary application was to accommodate the mini warehouse. He said the Westar Substation expansion was a changing issue that was not necessarily assumed when the K-10 and Farmer's Turnpike Plan was originally conceived. He said taking that into account and providing the buffer area, staff supported that change with the conditions about making it aesthetically pleasing for the gateway. He said the Westar Substation will be one of the primary uses in the area in terms of the land area and aesthetics.

Commissioner Josserand said he would be reluctant to support this to accommodate a mini warehouse.

Commissioner Rasmussen said he agreed with Commissioner Josserand. He said he did not like the proposed change. He said he wanted the gateway to Lawrence to look nice.

Commissioner Britton said he had similar concerns. He said this was a gateway area and he had hesitation about doing something that would be less than what they would like to see. He said he was also sympathetic to the fact that someone owned the property and Planning Commission could not just create their own development proposals.

Commissioner Liese said he has seen a lot of mini warehouses that were attractive. He said they could be done architecturally well. He said he would support the 150' buffer and was concerned about the view of Lawrence not being developer friendly.

Commissioner Denney asked if the only reason they were changing the plan was to allow a mini warehouse.

Mr. McCullough said that was a valid perspective.

Commissioner Denney said he would support the 150' easement.

Commissioner Liese asked staff to talk about the mandates regarding signage.

Mr. McCullough said pole signs and billboards would not be allowed.

Commissioner Rasmussen said a future land use map would show residential surrounding industrial.

Mr. McCullough said yes. He said there would be a buffer area. He said the east would be buffered by the Westar Substation. He said it was meant to reflect more of the Wakaursa and Bob Billing Parkway uses.

Commissioner Kelly said there was already a plan in place and he felt comfortable sticking with that plan until there was good reason otherwise. He said he would like to know more about what the area will look like. He wanted the property owner to the east to be contacted since that property would be impacted.

Commissioner Struckhoff said the work that had gone into this made it palatable given there were aesthetic measures that could be taken to preserve the gateway. He shared the concerns about not knowing what the area would look like and felt this may be premature.

Commissioner Rasmussen said he would not vote in favor of this. He felt it was premature and that this was an important corridor to the community.

Commissioner Josserand agreed with Commissioner Rasmussen.

Commissioner Britton agreed with the concerns expressed. He felt they could do better with a fuller proposal of the area. He felt comfortable sticking with the current plan in place until they had a good reason to change it.

Commissioner Graham agreed with the previous comments expressed. She felt the gateway should look nice. She also expressed concern about the other property owners in the area not being contacted.

Commissioner von Achen said she would not support the change because she felt the gateway should look nice.

Commissioner Rasmussen inquired about options and how that would impact the applicant.

Mr. Hamby said he could provide additional information if that was their direction. He said the corridor would be limited by the topography and easements.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Denney, to defer indefinitely with the request that the applicant provide more information related to the mini-warehouse and other land uses and to contact other owners in the area that weren't able to be contacted.

Commissioner von Achen asked for input from staff on what a gateway should look like.

Commissioner Struckhoff said to imagine other cities they have visited and think about what entrances were their favorite.

Motion carried 10-0.

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ITEM NO. 3 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2 (SMS)

TA-13-00488: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for Participant Sports & Recreation, Outdoor uses with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects. *Deferred by Planning Commission on 2/24/14.*

ITEM NO. 4A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. *Deferred by Planning Commission on 2/24/14.*

ITEM NO. 4B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24TH PLACE (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. *Deferred by Planning Commission on 2/24/14.*

ITEM NO. 4C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a fast order food with drive-thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. *Deferred by Planning Commission on 2/24/14.*

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; LIGHTING STANDARDS (MKM)

TA-12-00204: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to establish lighting standards and requirements as an alternative to the photometric plan. *Initiated by City Commission on 8/21/12.*

Items 4A-4C and Item 5 were deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 VARIANCE FOR CERTIFICATE OF SURVEY; 1445 & 1433 N 300 RD/HWY 56 (MKM)

CSR-14-00051: Consider a variance associated with a Certificate of Survey for approximately 62.5 acres located at 1445 and 1433 N 300 Road (Hwy 56). The variance is requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow the creation of Residential Development Parcels without the dedication of additional right-of-way for N 300 Road/Hwy 56, which is classified as a Principal Arterial. Submitted by All Points Surveying, LLP for Michael E. Christie, Martha J. Christie, Chad M. Christie, and Ann M. Christie, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the variance requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow a land division through Certificate of Survey CSR-14-00051 to create 2 RDPs without the dedication of additional right-of-way where the property is adjacent to Hwy 56 subject to the following condition:

1. The following notes shall be added to the Certificate of Survey:
 - a. "The Planning Commission approved a variance from Section 20-810(e)(5)(ii) to allow the land division to occur without the dedication of additional right-of-way where the property is adjacent to Hwy 56"
 - b. "KDOT did not require the dedication of additional right-of-way with this land division, but indicated that additional right-of-way would be required when more intense development were proposed."

Unanimously approved 10-0.

MISC NO. 2 VARIANCE FOR CERTIFICATE OF SURVEY; 1619 E 1818 RD (MKM)

CSU-13-00432: Consider a variance associated with a Certificate of Survey requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow the creation of Residential Development Parcels on a principal arterial with less than the required right-of-way. Submitted by Berniece Garber for Doug Garber Const. Inc, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the variance requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow a land division through Certificate of Survey CSU-13-00432 to create 4 RDPs without the dedication of additional right-of-way where the property is adjacent to Hwy 40 subject to the following condition:

1. The following notes shall be added to the Certificate of Survey:

a. "The Planning Commission approved a variance from Section 20-810(e)(5)(ii) to allow the land division to occur without the dedication of additional right-of-way where the property is adjacent to Hwy 40"

b. "KDOT did not require the dedication of additional right-of-way with this land division, but indicated that additional right-of-way would be required when more intense development is proposed."

Unanimously approved 10-0.

ADJOURN 8:25pm