

PLANNING COMMISSION MEETING June 23, 2014 Meeting Minutes

June 23, 2014 – 6:30 p.m.

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

Struckhoff, von Achen

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 21 and 23, 2014.

Motioned by Commissioner Kelly, seconded by Commissioner Denney, to approve the April 21 and 23, 2014 Planning Commission minutes.

Unanimously approved 10-0.

Receive and amend or approve the minutes from the Planning Commission meeting of May 19 and 21, 2014.

Motioned by Commissioner Kelly, seconded by Commission Denney, to approve the May 19 and 21, 2014 Planning Commission minutes.

Unanimously approved 10-0.

COMMITTEE REPORTS

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

Commissioner Britton said the Horizon 2020 committee met on June 9th. He said they heard two presentations, one from Matt Bond regarding stormwater, and another presentation on sustainability. He said they also discussed vision and mission statement issues. He said the committee will be meeting twice a month.

Commissioner Rasmussen said the next Horizon 2020 committee meeting was July 14.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- Abstentions:

Commissioner Britton said Western Resources/Westar had been an opposing party in a few cases within his lawfirm but had nothing to do with the proposal on tonight's agenda and he has never worked on a case with Westar.

ELECTION OF OFFICERS FOR 2013-2014

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Commissioner Culver nominated Commissioner Liese for Chair. Motion carried 9-0-1, with Commissioner Liese abstaining.

Commissioner Liese nominated Commissioner Britton for Vice-Chair. Motion carried 9-0-1, with Commissioner Britton abstaining.

MISC NO. 1 MINOR SUBDIVISION VARIANCES FOR ELSE ADDITION; 708-712 RHODE ISLAND (TLH)

MS-14-00231: Consider Minor Subdivision variances for Else Addition, located at 708-712 Rhode Island. Variances requested include reducing minimum lot size and minimum lot width. Submitted by Grob Engineering Services, LLC., for Aileen P. Else, Trustee and Sarah Norman, property owners of record.

STAFF PRESENTATION

Mr. Travis Halm presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN on variance 1

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve variance associated with Minor Subdivision for Else Addition, MS-14-00231, located at 708 & 712 Rhode Island Street:

Create lots with less than 6,000 square feet.

Unanimously approved 10-0.

ACTION TAKEN on variance 2

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve variance associated with Minor Subdivision for Else Addition, MS-14-00231, located at 708 & 712 Rhode Island Street:

Create lots narrower than 50 feet wide in an RM24-zoned district.

ITEM NO. 5 EXTENSION REQUEST FOR MERCATO PRELIMINARY PLAT; NE CORNER W 6TH ST & K-10 (MKM)

Extension request for a revised Preliminary Plat, PP-10-5-09, for lots 7, 8 and 9, Block Four and Lots 2, 3, and 4, Block Seven, Mercato Preliminary Plat dated 4/26/06. Property is located in the northeast corner of the intersection of W 6th Street/Hwy 40 and K10.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Culver, to grant the extension request for a revised Preliminary Plat, PP-10-5-09, for lots 7, 8 and 9 Block Four and Lots 2, 3, and 4, Block Seven as shown on the approved Preliminary Plat for Mercato dated 4/26/06.

ITEM NO. 1A RM32 & MU-PD to MU-PD; 1101 & 1115 INDIANA ST (SLD)

Z-14-00170: Consider a request to rezone approximately 2.52 acres from RM32 (Multi-Family Residential) District and MU-PD (Mixed Use-Planned Development) District to MU-PD (Mixed Use-Planned Development) District, located at 1101 and 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

ITEM NO. 1B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101 & 1115 INDIANA ST (SLD)

PDP-14-00183: Consider a Preliminary Development Plan for HERE @ Kansas, located at 1101 & 1115 Indiana St. Submitted by Hartshorne Plunkard Architects on behalf of HERE Kansas LLC, Contract purchaser. Berkley Flats Apartments, LLC and Georgia Bell, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 1A and 1B together.

APPLICANT PRESENTATION

Mr. Jim Heffernan, HERE Kansas LLC, provided a project overview.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Denney asked if the parking would be city parking, university parking, private parking, or a combination of all.

Mr. McCullough said agreements were being made with all parties to create win-wins for everyone but that it would be public parking.

Commissioner Josserand asked if the Greek Housing on the east side was contacted.

Mr. McCullough said several mailed notices were sent but that there had not been any response.

Commissioner Josserand felt staff should attempt to contact the Greek Housing by phone.

Commissioner von Achen asked about the lane width of Indiana Street.

Mr. McCullough said there would be an 11' lane on Mississippi Street and probably something similar on Indiana Street.

Commissioner Kelly inquired about the realignment of Fambrough Drive.

Ms. Day said the alignment of Fambrough Drive was shown in the KU master plan. She said there was currently no technical design or drawing for that alignment.

Commissioner Josserand said the applicant was seeking significant abatements and financial assistance from the City. He asked the applicant how much actual property tax the project would contribute if the City fully supported the application.

Mr. Heffernan said the contribution of the project extended from property taxes and sales taxes. He said the estimate on sales tax was eight times more than the current property taxes.

Commissioner Josserand said the applicant applied for an exemption on construction goods.

Mr. Heffernan said the sales tax component of the analysis was multifaceted. He said the most important and significant source of revenue generation would be the sales tax associated with the three retail uses. He said this project would the most significant private development project ever in the community. He said it would be a 70 million dollar project and provide many jobs.

Commissioner Culver inquired about the floor plans and the 2,700 sq ft of office use.

Mr. Heffernan said the office space would contain the leasing office with administrative staff and a bicycle room.

Commissioner Struckhoff said he would like the Bicycle Advisory Committee to look at the angled parking on Mississippi Street when the project reached the Site Planning stage. He said Mississippi Street was the number one bike route on the north side of campus because of the grade.

Mr. McCullough said that had been the number one issue through the process. He said he was not sure the Site Plan could be taken to the Bicycle Advisory Committee because it was an administrative function. He said the best and brightest from KU and the City would work on the issue to make it compatible.

Commissioner Denney asked what would happen at 9th & Mississippi due to the increased traffic from the project.

Mr. McCullough said he was not sure if the traffic study went that far. He said City Traffic Engineers had been looking at the project for a long time and he did not believe they recommended any improvements for 9th & Mississippi.

Commissioner von Achen asked staff to address the parking outside of the district on the east side.

Mr. McCullough said the mixed-use district was the only zoning district that allowed on-street parking to accommodate a use.

ACTION TAKEN on Item 1A

Motioned by Commissioner Rasmussen, seconded by Commissioner Denney, to approve the rezoning of approximately 2.52 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed-Use with PD 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 10-0.

ACTION TAKEN on Item 1B

Motioned by Commissioner Rasmussen, seconded by Commissioner Denney, to approve Here @ Kansas Preliminary Development Plan – Preliminary Plat based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of a subdivision plat variance for the reduced right-of-way for 11th Street from 80' to 40' of right-of-way.

- 2. Approval of increased density by the City Commission.
- 3. Submission of revised data for the Downstream Sanitary Sewer Analysis per the approval of the City Utility Engineer prior to the submission of a Final Development Plan.
- 4. Submission of a revised Drainage Study to reflect the updated area and bed count indicated in the cover letter per the approval of the City Stormwater Engineer.
- 5. Submission of a revised landscape plan to correspond to the development plan with property dimensions, building setback, sidewalk shown on the south side of the building, summary of a landscape schedule to include the quantity, size and symbol of proposed landscape materials
- 6. Revise Sheet PDP-01 to note property owners of record and indicate Here Kansas, LLC as developer.
- 7. Revise drawing set to include the angled parking exhibit. The on-street parking design is conceptual with the Preliminary Development Plan approval and may require modification with the Final Development Plan pre review comments of staff and the University of Kansas.
- 8. Revise the Project Data Summary on sheet PDP-01 to show 172 units on face of plan not 173.
- 9. Revise the Project Data Summary on sheet PDP-01 to show required parking consistent with the MU-PD Development Bonus Utilization Summary.
- 10. Revise the development plan to show a 14' setback required to meet to meet the standard of section 20-701 (g).
- 11. Revise the development plan to and to show that the building height complies with the maximum 80' allowed per the MU District and proposed redemption of development bonus points.

Commissioner von Achen wanted to be sure the Greek Houses would be contacted.

Mr. McCullough said staff would continue attempts to contact them. He said there were still several more steps in the development process and that this was just the Preliminary Development Plan.

ITEM NO. 2 COMPREHENSIVE PLAN AMENDMENT TO CHP 14; K-10 & FARMERS 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. *Deferred by Planning Commission on 3/24/14.*

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, said the area was in the Perry/Lecompton school district which was one of the considerations the owner had to keep in mind when looking at the demographics for the development. He said houses would be harder to sell to families due to it being in the Perry/Lecompton school district. He said the reason for the RS5 request was to aim for retirees. He showed a picture of an existing self-storage unit on 6th Street to provide an example of buffering.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Graham inquired about buffering for the storage site.

Mr. Hamby said the concept plan showed a mix of evergreen and indigenous trees. He said there would be some limit to the trees that could be planted.

Commissioner Graham asked if the storage unit would have more buffering than the 6th Street storage unit he showed on the overhead.

Mr. Hamby said yes. He said lower shrubs could also be mixed with trees to help with buffering.

Commissioner Rasmussen asked what the abbreviation was for Office Research on the land use table.

Mr. McCullough said Office Research was a Comprehensive Plan designation, not a zoning designation.

Commissioner Denney inquired about the zoning of the area south of the Westar Substation.

Mr. McCullough said it was zoned Office/Residential.

Commissioner von Achen said even though it was zoned Office/Residential it could end up being all residential.

Mr. McCullough said not under the current plan. He said the current plan sought for a mix of uses. He said a residential only project would not be compliant with the Comprehensive Plan.

Commissioner von Achen asked how much IL zoning would be left after the Westar Substation and mini-storage project.

Mr. McCullough said those were the only uses that could be accommodated on the property.

Commissioner Rasmussen asked if staff was recommending any restrictions on the IL zoning.

Mr. McCullough said yes.

Commissioner Rasmussen said they were being asked to amend the Comprehensive Plan to recommend a use designation that would allow the property to be zoned IL.

Planning Commission asked to hear Items 3A-3F before voting on Item 2.

ITEM NO. 3A ANNEX 99.7 ACRES; S OF N 1750 RD & E 902 RD (MKM)

A-14-00161: Consider a request to annex approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended). Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 3B ANNEX 15 ACRES; ADJACENT TO N SIDE OF ROCK CHALK PARK (MKM)

A-14-00163: Consider a request to annex approximately 15 acres located adjacent to the north side of Rock Chalk Park. Submitted by BG Consultants Inc on behalf of Robert and Jan Maxwell Trust, property owner of record.

ITEM NO. 3C A TO RS5; 25.2 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00162: Consider a request to rezone approximately 25.2 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SW of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 3D A TO RS7; 75.4 ACRES; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00164: Consider a request to rezone approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

ITEM NO. 3E A TO IL; 13.3 ACRES; SW OF N 1750 RD & E 902 RD (MKM)

Z-14-00165: Consider a request to rezone approximately 13.3 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM NO. 3F A TO RS7-FP; .8 ACRE; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00204: Consider a request to rezone approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 3A-3F together.

COMMISSION DISCUSSION

Commissioner Josserand asked staff to respond to the letter that the League of Women Voters sent.

Mr. McCullough said none of the primary uses set forth in the plan would be compatible uses given a growing Westar Substation and easements. He said staff agreed with the League of Women Voters comment about not watering down residential office or changing it to the point it's not mixed use. He said one of the things that had changed since the Northwest Plan was adopted was a more stringent code when it came to protecting environmentally sensitive lands. He said it could be a little more dense to protect the sensitive lands. He said when the Northwest Area Plan was created one of the methods for preserving sensitive lands was employing larger lots.

Commissioner Liese asked Ms. Cille King from the League of Women Voters to respond.

Ms. Cille King, League of Women Voters, said annexing and rezoning would destroy the original intent of the Northwest Plan. She asked Planning Commission to consider what the change would mean to land use planning and that area of Lawrence.

Commissioner von Achen asked Ms. King about her comment that it would destroy the intent of the Northwest Plan.

Ms. King said this was a prime area for employment and rezoning it to mini-storage and more residential would take away the possibility for employment in the area.

Commissioner Struckhoff asked the applicant about recommending approval with residential office.

Mr. Hamby said the property owner wanted all or nothing and that if the RS5 zoning wasn't approved then he did not want to proceed with the rest of the request.

Commissioner Struckhoff inquired about access.

Mr. McCullough said the access was a driveway on an easement, not a public street.

Mr. Hamby said the agreement was set up as a driveway.

Commissioner Josserand asked the applicant about the significance of the storage facility relative to the whole plan.

Mr. Hamby said the RS5 zoning was for the retiree demographic. He said the homes would be smaller and the mini-storage would provide additional storage.

Commissioner Denney asked about the two buildings south of Westar.

Mr. McCullough said they were agricultural buildings.

Commissioner von Achen said Planning Commission had discussion in March about what a gateway should look like.

Mr. McCullough said it was a function of many variables, such as aesthetics, buildings, lighting, and signage. He said specific to the warehouse the applicant brought photos that showed it could be done in a reasonable manner and didn't have to look like metal sheds.

Commissioner Rasmussen inquired about other permitted uses in the IL district, such as mobile homes.

Mr. McCullough said mobile homes in the IL district could be used for non-residential purposes, such as office or utility purposes.

Commissioner Josserand said his biggest heartburn was storage facilities and how this gateway would look.

Commissioner Liese asked what they envisioned for that gateway.

Commissioner Britton said long range planning had already been done with what was envisioned for the area and expressed in the sector plans. He said the plans currently called for residential office except for the portion to the east. He said the consensus seemed to be that they did not want it to look like more single-family neighborhoods or even a nice looking utility storage facility. He said if they were going to change the Comprehensive Plan because of a specific development proposal it should be a really interesting and exciting opportunity for the community and he was not getting that feeling from this project. He felt that by approving the requests they would be giving up on good opportunities that they would not have anywhere else in Lawrence. He did not feel this project was exciting enough to merit that.

Commissioner Rasmussen said when the K-10 Farmer's Turnpike Plan was originally approved the idea was that drivers shouldn't drive through the industrial area to get into town. He said the IL zoning along the corridor made him uncomfortable. He felt they needed to be looking at the big picture and how they envision the area looking.

Commissioner Graham agreed with Commissioners Britton and Rasmussen. She said there would be people coming from all over Kansas to visit Rock Chalk Park and they needed to think about what they wanted the area to look like.

Commissioner Kelly said they needed to look at the large umbrella picture. He said the applicant indicated they wanted RS5 zoning or nothing at all. He said if the area was switched to residential it may be difficult for the people who live there to get to amenities.

Commissioner Liese said it sounded like Planning Commissioners were not comfortable amending the Comprehensive Plan. He asked staff if they would still vote on the rezonings if they denied the amendment to the Comprehensive Plan.

Mr. McCullough said yes, that their vote was a recommendation to City Commission.

Commissioner Denney asked if there were any Comprehensive Plan changes to allow Rock Chalk Park.

Mr. McCullough said not at its current location. He said there was a Comprehensive Plan change for the West of K-10 Plan when Rock Chalk Park was proposed at that section of the node. He said a CC600 was created at the node and Rock Chalk Park moved to the east side so a Special Use Permit was created. He said there was a retail component to the plan when Rock Chalk Park was proposed on the west side of K-10 which triggered an amendment to the Comprehensive Plan.

Commissioner von Achen said if the Comprehensive Plan was changed it should be for something that was an improvement for the community and she did not feel this was an improvement.

ACTION TAKEN on Item 2

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny the Amendment to the Comprehensive Plan (CPA-14-00005).

Commissioner Britton said he did not want to support single-family residential sprawl and wanted to preserve agricultural areas. He said he would support the motion.

Commissioner Denney felt the Comprehensive Plan should only be changed when there was an error or something significant had changed since the plan was put into place.

Commissioner Culver said he would support the motion but would also support a staff recommendation of modifying the applicant's request. He believed there needed to be some protection for the area of residential office, specifically access to the property to the west.

Commissioner Kelly said he would support the motion. He said he was concerned about the property west of the Westar Substation and how it would be used. He said he was conflicted about ministorage. He said he was supportive of keeping their options open.

Motion unanimously carried 10-0.

Mr. Hamby said he did not want to withdraw the requests and would be open to tabling the items until after he talked to the property owner.

Mr. McCullough said he did not feel there was a reason to defer.

Commissioner Denney asked if they deny items 3 the owner could still come up with a project that fit within the existing plan.

Mr. McCullough said yes.

ACTION TAKEN on Item 3A

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny annexation (A-14-00161) of approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended).

Motion carried 10-0.

ACTION TAKEN on Item 3B

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny annexation (A-14-00163) of approximately 15 acres located adjacent to the north side of Rock Chalk Park.

Motion carried 10-0.

ACTION TAKEN on Item 3C

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny rezoning (Z-14-00162) approximately 25.2 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SW of N 1750 Rd and E 902 Rd.

Motion carried 10-0.

ACTION TAKEN on Item 3D

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny rezoning (Z-14-00164) approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd.

Motion carried 10-0.

ACTION TAKEN on Item 3E

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny rezoning (Z-14-00165) approximately 13.3 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of N 1750 Rd & E 902 Rd.

Motion carried 10-0.

ACTION TAKEN on Item 3F

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to deny rezoning (Z-14-00204) approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd.

Motion carried 10-0.

ITEM NO. 4 CONDITIONAL USE PERMIT FOR WESTAR ENERGY; 1703 E 902 RD (MKM)

CUP-14-00167: Consider a Conditional Use Permit for the expansion of Westar Energy's Baldwin Creek Substation on approximately 14.7 acres located at 1703 E 902 Rd. Submitted by Bartlett & West on behalf of Western Resources Inc, (aka Westar Energy, Inc.) property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Cindy Risch, Westar Energy, said the purpose for the expansion was that Douglas County was growing and thriving and an additional source of bulk power was needed.

Commissioner Josserand asked where Douglas County received primary power feed from.

Ms. Risch said the Lawrence Energy Center. She said they didn't plan on starting to move dirt until at least 2015. She said they wouldn't start construction of the substation until 2020.

Commissioner Culver felt it made sense to expand on this site with existing infrastructure. He asked if it would be an ideal site if not for the existing infrastructure.

Ms. Risch said yes, this was an ideal site because of the additional source of bulk power from the transmission line that runs along the north edge. She said Westar would like to tap into that.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Denney, to approve the Conditional Use Permit, CUP-14-00167, for the expansion of the Baldwin Creek Substation on approximately 14.7 acres, located at 1703 E 902 Rd subject to the following conditions:

- 1. Provision of an executed Annexation Agreement prior to release of the CUP plans.
- 2. Dedication of 40' of right-of-way for E 902 Road by separate instrument prior to release of the CUP plans

Commissioner Rasmussen said the expansion of substation was good for the community.

ITEM NO. 6 PRELIMINARY DEVELOPMENT PLAN FOR THE LINKS AT LAWRENCE; 251 QUEENS RD (MKM)

PDP-14-00171: Consider a Preliminary Development Plan for The Links at Lawrence, a 882 unit apartment complex and 9 hole golf course, on approximately 78 acres located at 251 Queens Rd. Submitted by Blew & Associates PA, for Links at Lawrence, property owner of record.

ITEM NO. 7 TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

Items 6 and 7 were deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 9:38pm