

PC Minutes 6/23/14

**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 mini-storage. 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.