



PLANNING COMMISSION MEETING

May 23, 2016

Meeting Action Summary

May 23, 2016 – 6:30 p.m.

Commissioners present: Britton, Carpenter, Culver, Kelly, Liese, Sands, Struckhoff, von Achen

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

GENERAL BUSINESS

Recognize Commissioner Bruce Liese and former Commissioner Jim Denney for their years of service on Planning Commission.

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary minutes from the Planning Commission meeting of April 25, 2016.

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the April 25, 2016 Planning Commission minutes.

Unanimously approved 8-0.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- No ex parte.
- No Abstentions.

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**ITEM NO. 4 CONDITIONAL USE PERMIT; CLEAN RUBBLE FILL; 1736 E 1550 RD
(MKM)**

Clean Rubble Fill: **CUP-16-00105**: Consider a Conditional Use Permit for clean rubble landfill, on approximately 40 acres located at 1736 E 1550 Rd. Submitted by Grob Engineering Services, LLC, for Nunemaker-Ross, Inc., property owner of record.

STAFF PRESENTATION

Mr. Scott McCullough said the applicant wanted more time to review transportation routes and was seeking a deferral.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Liese, to defer the item to the June Planning Commission agenda.

Motion carried 8-0

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**ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR SIXTH & MONTEREY WAY PCD
MORGAN ADDITION (MKM)**

Morgan Addition: **FDP-16-00107**: Consider a Final Development Plan for Phase 1 of Sixth & Monterey Way PCD Morgan Addition, a one-lot development of a *Construction Sales and Service* use and an addition to the existing *Detached Dwelling*. The site, located at 800 Monterey Way, contains approximately 0.6 acres. Submitted by Allen Belot Architect, for Robert J. and Beverly G. Morgan, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the Final Development Plan, FDP-16-00107, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of an executed Site Plan Performance Agreement prior to the recording of the Final Development Plan.
2. The final plat for the subject property, Morgan Addition, shall be recorded with the Register of Deeds, prior to the recordation and release of the Final Development Plan.

Unanimously approved 8-0.

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ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR BAUER FARM; 4661 BAUER FARM (SLD)

Bauer Farm: **FDP-16-00104**: Consider a Final Development Plan for Zaxby's, a Fast Order Food with Drive-In, located at 4661 Bauer Farm Dr. Submitted by Carter Engineering Consultants, Inc., for JULI, LLC, contract purchaser, Free State Holdings Inc, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Dillon Cowing, Kaw Valley Engineering, agreed with the staff report and was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen inquired about screening.

Ms. Day said the property west of Champion had a screening wall but the lots to the east of Champion were not constructed with a wall. She said they would be required to have appropriate landscaping, just not a wall. She showed a picture on the overhead. She said there would be trees and shrubs instead of the wall. She said the wall was dropped from the Burger King final plan.

Commissioner Kelly said the lack of a screening wall troubled him. He thought there was supposed to be less vehicular movement. He was concerned about the wall being left off the final plan for Burger King and as the reason for no wall at this site.

Commissioner Carpenter felt this was going to be a cautionary tale to approving something like this in the future. He said when Bauer Farm was originally proposed there was supposed to be screening all along the front. He said this was supposed to be new urbanism but was turned into an elongated strip mall of fast food restaurants. He did not understand how the wall was dropped from the final Burger King site and used as an explanation as to why this site wouldn't have a wall.

Mr. McCullough said Planning Commission was well within their authority to require the wall as a condition of approval for this project.

Commissioner Carpenter asked how they could guarantee no more creep of additional drive-thru restaurants.

Mr. McCullough said it was almost built out but there was no guarantee that it could not be intensified in some fashion.

Commissioner von Achen asked if Burger King was so close to 6th Street that the wall was too late to require.

Ms. Day said she did not think spacing was the issue, it was not included on the final development plan for Burger King. She was not sure where it got dropped. The way it was built currently complied with the final plan.

Commissioner Britton said this had been a little frustrating every time there is a request to change Bauer Farm but they also wanted it to be a successful development and not vacant. He said it was tough to compromise the new urbanism concept that was originally designed. He said the wall was an aesthetic thing and he did not have a strong feeling that it must be there but also not a big deal for the developer to build it.

Commissioner Sands asked if the parcel to the east was part of the apartment complex.

Ms. Day said no, it was part of the commercial piece.

Commissioner Kelly said he did not agree the wall was an aesthetic. He said it provided a practical purpose of enclosing the drive-thru traffic.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the Final Development Plan, FDP-16-00104, based on the staff report and subject to the following conditions:

1. Execution of a site plan performance agreement.
2. Submission of a revised Final Development Plan to show the following notes and changes:
 - a. Revise sanitary sewer service line location to meet City design standards per the approval of the City Utility Engineer.
 - b. Show additional pedestrian ramps for sidewalk connections between building and Bauer Farm Drive.
 - c. Show the deed book and page of separately recorded document for shared access and cross access for this property.
3. Filing of the Minor subdivision with the Register of Deeds Office.
4. Submission of a revised Final Development Plan to include a screening wall along w. 6th Street per the approved Preliminary Development Plan.

Unanimously approved 8-0.

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**ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR WESTRIDGE WASH, LUBE, & AUTO
SALES; 3530 W 6TH ST (KES)**

Westridge Wash, Lube, & Auto Sales: **FDP-16-00103**: Consider a Final Development Plan for Westridge Wash, Lube, & Auto Sales, located at 3530 W 6th St. Submitted by Grob Engineering Services, LLC, for Westridge Lawrence LLC, property owner of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

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

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked what was in the open space.

Mr. Grob said grass and one tree. He pointed on the overhead map to show where it was located.

Commissioner Kelly asked if the cemetery property was not owned by Henry T's.

Mr. Grob, said that was correct.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the Final Development Plan, FDP-16-00103, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of an executed Site Plan Performance Agreement prior to the recording of the Final Development Plan.

Unanimously approved 8-0.

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**ITEM NO. 5 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; VALET PARKING
(SLD)**

TA-16-00128: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 17 and related sections of Article 9, for revisions related to the use and design standards for Valet Parking. *Initiated by the City Commission on 3/28/16.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Liese wondered what other municipalities did.

Ms. Day said there were not many municipal code examples. She said majority that staff looked at were from bigger cities. She said this was taking those best practices into the Code.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the proposed text amendment, TA-16-00128, amending Article 17 and sections of Article 9 of the Lawrence Land Development Code to establish *Valet Parking* as a type of parking and forward to the City Commission with a recommendation for approval.

Commissioner von Achen asked how many fewer parking spaces there would be if a parking lot was converted to self-parking.

Ms. Day said conventional parking versus valet picked was about a 30% difference.

Commissioner Carpenter wondered how lost parking would impact occupancy.

Mr. McCullough said there would be impacts to lost parking, just like any project use.

Ms. Day said one of the elements looked at would be site plan review.

Commissioner Britton felt it was a good idea to clarify where valet parking would be used and to have a public process.

Commissioner Kelly inquired about a fee for valet parking. He wondered if expensive valet parking would kick cars back out into the neighborhood.

Commissioner Carpenter said that should be part of the original discussion instead of coming out later like with the HERE project.

Commissioner Britton said any place that charges a fee to park would have that same issue.

Mr. McCullough said there were private buildings in town that charged a fee. He said City Commission would see any proposal for valet parking and could be part of the discussion at that level. He said it was a balancing act for developers too.

Commissioner Sands asked if any parking lot change involving valet parking would require a site plan.

Ms. Day said yes.

Mr. McCullough clarified that there were valet operators currently in Lawrence using self-parked designed lots. He said they could do that without an operation or business license. He gave the examples of the Oread Hotel, Eldridge Hotel, and Lawrence Memorial Hospital that had valet services that used the self-park system like a self-parker would.

Commissioner Sands asked if the option existed for a developer to go from self-park to valet.

Mr. McCullough said it could be an option. He said anyone wanting to go to a valet system would go through the site plan process to the City Commission.

Ms. Day said if an existing business had a self-park parking lot and wanted to add valet services, without changing the parking lot, it could be reviewed administratively.

Commissioner Sands asked if an existing site plan had valet parking but wanted to convert back to self-park would it still need to be reviewed under a site plan.

Ms. Day said yes.

Commissioner Struckhoff said the HERE project was way different than what they agreed to at the beginning. He said one of the issues was the continuing encroachment of private institutional parking into the public right-of-way. He said the HERE project also increased in scope and the parking was moved from the garage to the street. He said he would support the motion but felt the HERE project should be a cautionary tale for future projects.

Commissioner Kelly asked if the text amendment mentioned a fee for valet parking.

Mr. McCullough said the text amendment only addressed the physical aspects.

Unanimously approved 8-0.

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ITEM NO. 6 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to 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. Discussion will focus on Sections 20-908 & 20-915 related to Location, Driveways and Access, including parking configurations for duplex dwellings. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Ms. Candice Davis, Lawrence Association of Neighborhoods, expressed concern about duplexes and staked parking.

Ms. Marci Francisco expressed concern about trash dumpster locations.

COMMISSION DISCUSSION

Mr. McCullough said when the congregate living text amendment was created a few years ago there was a lengthy discussion about this. He said staff's understanding of how Solid Waste handled dumpsters in alleys of neighborhoods like Oread was if there wasn't a place site planned on the property they would negotiate a place for the dumpster based on their operations on how the block moved in terms of intensity. He said there was no requirement for single-family or duplex to site plan for dumpsters and that they would have conventional trash carts.

Ms. Stogsdill showed aerials on the overhead to show church locations in residential areas. She said in today's code a parking lot in a residential area was required to provide 25' of setback in order to be similar to residences.

Commissioner Carpenter asked if stormwater runoff was part of the consideration.

Ms. Stogsdill said it was probably the result of that design but wasn't necessarily the reason for that setback. She said stormwater was looked at by how much building and pavement was proposed and that would equate to some amount of detention provided. She showed diagrams on the overhead.

Commissioner Kelly felt there should be 25' setback within residential areas to be similar to houses. He felt it should match the area.

Commissioner Britton said 25' made sense. He said RM zoning was more likely to be adjacent to commercial and he could see being less concerned with the setback in those areas. He said exceptions could be made if needed.

Commissioner von Achen asked if there was an advantage to having different setbacks.

Mr. McCullough said staff was looking for direction on whether drive isles should be included with the parking spaces.

Commissioner Britton felt drive isles should be included as part of the parking area that needed to be set back 25'.

Commissioner Kelly asked if there would ever be a limit to the number of bedrooms in a duplex.

Mr. McCullough said duplexes were typically accommodated with the RM12D zoning. He said the RM district allowed four unrelated occupants in four bedroom units with eight bedroom structures.

Ms. Stogsdill said they could consider having a different standard for a one or two bedroom duplex versus a three or four bedroom.

Ms. Davis urged Planning Commissioners to drive down Overland Drive and note the congestion with stacked parking.

Ms. Francisco expressed concern about trash locations.

Mr. Steve Braswell, Pinckney Neighborhood, supported the Lawrence Association of Neighborhoods comment about duplexes needing to be looked at as multi-family.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 QUORUM EVENT

A possible quorum of the Planning Commission may convene after the meeting to socialize.

Mr. McCullough said the June Planning Commission Mid-Month meeting was canceled. He also stated that Commissioner Britton would host a Planning Commission orientation social at his house after the annual Planning Commission training session, to be determined for a future date.

ADJOURN 9:02PM