



PLANNING COMMISSION MEETING

August 22, 2016

Meeting Action Summary

August 22, 2016 – 6:30 p.m.

Commissioners present: Britton, Carpenter, Kelly, Struckhoff, von Achen, Willey

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

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

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

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the July 25, 2016 Planning Commission action summary minutes.

Unanimously approved 6-0.

COMMITTEE REPORTS

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

Commissioner Britton said the Horizon 2020 Steering Committee met two weeks ago to discuss growth policies.

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. 1 RM12D TO RM12; 4.81 ACRES; STEEPLE CHASE CT & RENAISSANCE DR (SLD)

Z-16-00259: Consider a request to rezone approximately 4.81 acres from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 6304, 6305, 6310, 6311, 6316, & 6317 Steeple Chase Court and 905, 911, 917, 923, 929, & 935 Renaissance Drive. Submitted by Wallace Engineering on behalf of NKR Properties LLC and Langston Heights Development LLC, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon, Wallace Engineering, agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Britton said there may come a point when it's not so easy to downzone to accommodate growth in Lawrence.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Carpenter, to approve the request to rezone, Z-16-00259, approximately 4.81 acres, from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Kelly said when the development was originally approved it included different levels of housing, including a buffer with multi-family closer to the highway.

Ms. Day said the lots were deep and there was an overlay district for K-10 Highway that was applicable to the project. She said it was originally zoned RM12, then subdivided with the intent to move to duplex development. She said the desirability for single family in the area was strong enough that the location next to the highway was not a deterrent for people.

Commissioner Carpenter agreed with Britton that future development would increase density.

Unanimously approved 6-0.

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ITEM NO. 2A PRELIMINARY PLAT FOR JOHNSTON ADDITION; 706 E 23RD ST (MKM)

PP-16-00261: Consider a Preliminary Plat for Johnston Addition, a one lot commercial subdivision containing approximately 1.5 acres, located at 706 E 23rd St. Submitted by Johnston Investments Company, LLC, for Lawrence Brothers, LLC, property owner of record.

ITEM NO. 2B SPECIAL USE PERMIT; MICROBREWERY; 706 E 23RD ST (MKM)

SUP-16-00262: Consider a Special Use Permit for a *Manufacturing and Production, Limited* use to accommodate a microbrewery, located at 706 E 23rd St. Submitted by Johnston Investments Company, LLC, for Lawrence Brothers, LLC, property owner of record.

STAFF PRESENTATION

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

APPLICANT PRESENTATION

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

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked if this was the owner's first microbrewery.

Mr. Cory Johnston said yes, it was his first microbrewery. He said he would require his staff to be experienced in their roll.

ACTION TAKEN on Item 2A

Motioned by Commissioner Britton, seconded by Commissioner Carpenter, to approve the Preliminary Plat, PP-16-00261, of Johnston Addition subject to the following conditions:

1. Applicant shall provide a revised preliminary plat with the following changes:
 - a. Addition of the following note: *"With the dedication of additional right-of-way for E 22nd Street the existing building encroaches into the required rear setback; however the structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code."*
 - b. Add leader line between portion of open-sided building to be removed and label.

Commissioner Kelly said he was excited about this project and that he liked to see infill.

Unanimously approved 6-0.

ACTION TAKEN on Item 2B

Motioned by Commissioner Britton, seconded by Commissioner Willey, to approve the Special Use Permit, SUP-16-00262, for a *Manufacturing and Production, Limited* use to be located at 706 E 23rd Street and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. The following items shall be provided prior to the release of the site plan for processing of a building permit:
 - a. Executed site plan performance agreement.
 - b. Erosion control plan for the City Stormwater Engineer's approval.
 - c. Lighting spec sheets to insure building mounted fixtures are the lumen equivalent of lights less than 150 watt incandescent or that full cut-off fixtures are used.
2. Prior to the release of the Special Use Permit site plan, the applicant shall provide a revised drawing with the following changes:
 - a. Application of additional architectural treatment to the main entry to achieve visual prominence.
 - b. Revision of the access drive on E 23rd Street, if necessary, based on KDOT's review of the additional Traffic Information.
 - c. Addition of the following note, " Special Events on the property require approval of a Special Event Permit."
 - d. Addition of recording information (Book and Page Number) for the dedicated shared access easement.
 - e. Addition of the following note: *" The future building addition is shown for information purposes. A site plan will be submitted for approval prior to the construction of this addition. "*

Unanimously approved 6-0.

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ITEM NO. 3 TEXT AMENDMENT TO DEVELOPMENT CODE; PUBLIC NOTICE PROCEDURES

TA-16-00180: Text Amendment to the City of Lawrence Land Development Code, Article 13, regarding Public Notice Procedures.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

Mr. Jon Josserand said the issue of notice was something he was concerned about. He felt the current scenario has failed on a couple of occasions. He felt like the development process should encourage applicants to meet with the neighborhood. He suggested a more formalized requirement for larger projects. He felt more notice should be given to those that occupy the property, not just the property owner.

COMMISSION DISCUSSION

Commissioner Britton asked Randy Larkin, staff attorney, to comment on amending the Development Code to expand the notice range or to give the Planning Director discretion to do courtesy notice. He was worried about additional lawsuits if the Planning Director made the decision to expand the notice for some projects but not for others.

Mr. Randy Larkin, City Attorney, said it would depend on the wording in the Code but that it could be worded in a way that would not create rights to others.

Commissioner von Achen inquired about sign posting.

Ms. Stogsdill said the County Code did not require sign posting. She said typically the City Code required a sign for each street frontage and that depending on the size of the property that additional signs might need to be provided. For example, Bauer Farm would have had a minimum of four signs.

Mr. McCullough said the intent of posting signs was to provide notice to those that might live outside the mailed notice range.

Commissioner Willey felt the current notice practices were quite robust. She said there was information available online as well as through the email subscriptions. She felt that having a little bit of discretion to expand if needed was adequate.

Commissioner Carpenter did not feel adequate notice was being given. He said they see it over and over again where people say they didn't know about an issue. He felt that mailing notice to an expanded area could get more people involved. He felt that protest petitions were made to be impossible so he was okay with keeping it small. He wanted mailed notice to go to the physical address so that tenants would receive notice. He said he had no problem passing that cost on to the applicant.

Commissioner Britton said he did not want to make it harder to file a protest petition.

Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>

Commissioner Britton felt they should leave the protest petition at 200'.

Commissioner Kelly said he did not mind passing off the increased cost to the developer but did have concerns about passing on that cost to the typical homeowner. He asked staff to respond to Wichita's model of providing more notice with larger projects.

Ms. Stogsdill expressed concern about six Planners advising people about what their process would be. She said if one project gets 200' and another gets 1000' it increases the chances of mistakes.

Commissioner Britton said if the cost was passed on to the developer they would probably see it as a drop in the bucket.

Mr. McCullough said large developers would see it that way but non-profit organizations also submit projects.

Commissioner Britton felt that expanding the notice area was something they ought to do but in a way that wasn't burdensome to staff or applicant. He felt anything over 500' was overkill. He hoped to get a fair cross section of people with interest. He said he would support 300' or 400' but over that might complicate the process. He felt there were some situations that should allow the Planning Director the authority to give extended notice. He said he would support some provision for discretion to provide additional notice if the situation called for it.

Commissioner Willey said she was in favor of allowing discretion for the Planning Director to extend the notification area.

Commissioner Struckhoff felt protest petitions should remain 200'. He was not comfortable expanding the notice area beyond 400'. He felt the Planning Director should be allowed discretion to expand the notice as needed. He also felt the tenants of the address really should be noticed. He was concerned about the cost to applicants for smaller projects.

Commissioner Kelly expressed concern about courtesy notice being sent at staff discretion. He felt anything beyond 500' was too much notice. He was not comfortable giving discretion to staff because it was hard to know when projects could blow up.

Mr. McCullough said it was most helpful to staff to have a consistent process.

Commissioner Britton said his concern with the Wichita approach was that it was not the size of the project, but the impact that mattered.

Commissioner Willey felt keeping it simple and consistent was important. She suggested increasing the mailed notice to 300' and including tenants.

Mr. McCullough said he needed to do some further research about the impacts to staff resources regarding mailed notice to tenants. He said a tenant list would not come from the County Clerk's office.

Commissioner Struckhoff said he was comfortable with a 300'-400' mailed notice area and that he would still like to see tenants notified.

Commissioner Britton said it would be nice if there was an easy way to notify tenants and that there were other avenues that could get to those tenants. He said he would be okay with just expanding the mailed notice to 300'-400'. He felt there was something to be said for the decision to be made by Planning Commission as opposed to putting that on the Planning Director.

Mr. McCullough said if the notice area was expanded it could pull people into the notice area.

Commissioner von Achen felt county development should have posted signs.

Ms. Stogsdill said there would have to be an amendment to the County Zoning Regulations to include it as a requirement.

Commissioner von Achen said the roll of Planning Commission was to protect neighbors from undesirable development so she was in favor of expanding the notification area.

Commissioner Britton said it seemed like county items had brought out the interested parties.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Willey, to direct staff to maintain the protest petition area of 200' and research the impacts of increasing the notice area to 350', applying it uniformly across all application types, and reviewing whether the costs should be passed on to the applicant.

Motion carried 6-0.

Commissioner Britton said a future meeting would include more Planning Commissioners who would have additional perspectives.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 8:32pm