



PLANNING COMMISSION MEETING
November 12 & 14, 2018
Meeting Action Summary

November 12, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Crick, Ewert, A. Miller

GENERAL BUSINESS
PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of September 26, 2018.

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the September 26, 2018 Planning Commission action summary minutes.

Motion carried 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

COMMITTEE REPORTS

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

Commissioner Paden said the Downtown Master Plan Steering Committee met and identified the most pressing issues for downtown. She said they discussed the balance of progress and keeping the feel of downtown. She said they discussed transportation, retaining businesses, and several other things.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Willey said she spoke with the following groups about rural issues: Clint Hornberger the Willow Springs Township Clerk, Willow Springs Fire Department, American Farmland Trust, Helen Schnose with the Douglas County Sustainability Office, Tonya Voigt with the Douglas County Zoning & Codes. She said she spoke with the following groups about environmental issues: Frank Norman with Kansas Alliance for Wetlands and Streams and Upper Wakarusa WRAPS, Kim Bellemere with the Grassland Heritage Foundation, Jennifer Delisle and Kelly Kindscher with the Kansas Biological Survey, Pennie von Achen who was a former Planning Commissioner, Thad Holcombe with the Water Action Committee, Dawn Buehler with Friends of the Kaw.
- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 1 COMPREHENSIVE PLAN 2040

Discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence.

STAFF PRESENTATION

Scott McCullough and Jeff Crick presented the item.

PUBLIC COMMENT

Thad Holcombe, Lawrence Ecology Teams United in Solidarity, supported amending Plan 2040. He felt Chapter 16-Environment of Horizon 2020 should be included in Plan 2040. He referenced his letter that was included in the agenda packet.

Pennie von Achen, 1346 E 2350 Rd, Eudora, commented on Chapter 6-Natural Resources in Plan 2040. She wanted clarity, substance, utility, and direction in the comprehensive plan. She expressed concern that Chapter 16-Environment from Horizon 2020 was condensed from 30 pages to 4 ½ pages in Plan 2040. She felt the clarity, direction, substance, and utility, had been lost in doing so. She felt specific environmental language should be incorporated in Plan 2040.

Hugh Carter, Lawrence Chamber of Commerce, felt there was still work to be done on the plan. He asked Planning Commission to take their time and allow time for feedback.

Teresa Wilke, 3221 Yellowstone Drive, read the overview from Chapter 16, Horizon 2020. She felt an overarching statement should be added to Plan 2040 recognizing the importance of sustaining the environment and protecting people from future effects of waste and pollution. She felt language should be added to Plan 2040 regarding STAR certification, fracking, and ways to protect the environment. She felt Plan 2040 was too general.

Cathy Dwigans, Heritage Conservation Council, said they wanted the opportunity to be able to participate in the implementation of the plan to preserve natural and cultural heritage of the county.

COMMISSION DISCUSSION

Commissioner Kelly said the introduction was a crucial part of the comprehensive plan document. He said the current Development Code looked different than it did when Horizon 2020 was written. He said it was not fair to look at Horizon 2020 without understanding all the other things happening such as the Transportation 2040 documents, which did not exist when Horizon 2020 was created. He said Chapter 16 was not in the first plan. He encouraged everyone to look at the appendix and the action plan. He agreed with public comments about them not being specific enough or measurable enough. He said some were not as measurable as he would like. He said it provided a way moving forward to possibly have better measurables and better specifics and that the plan could be amended based on that. He said he was not sure there would ever be enough community input. He said the steering committee went chapter by chapter after receiving the draft plan. He said the committee received a lot of feedback from the community during that stage. He said there was some fatigue on the steering committee to hand it over to the next body to keep it going.

Willey said during the first pass of looking at the document she wanted to look at is as a whole and gage community interest and concerns to gage the work plan from there. She said the overarching concern with environmental groups was the lack of detail and if not included in the comprehensive

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plan, then where would it be and who would be responsible for it. She felt it would provide a level of comfort to the community to know nothing would be lost from the old plan. She said in terms of recommendations, to bring in large sections of Chapter 16 into 6, was not appropriate in trying to make a full readable document.

McCullough encouraged them to look at the appendix. He said the appendix was meant to lay out future action items that would be prioritized and provide a benchmark on how successful the plan was over time. He said the Natural Resources category had the largest list of policies. He said it starts outlying how to go from policy, goal, and aspiration in the Comprehensive Plan to the Code, which is where it was most valuable. He said staff and the steering committee tried to sift out the topics and policies in Horizon 2020 that weren't directly helpful to Planning Commission from a land use perspective.

Commissioner Sands said the Comprehensive Plan was the originating document for all other plans so it was probably not appropriate to have a finite level of specificity. He said the highest document shouldn't have specifics. He said he would like to see a few sentences to explain that concept.

McCullough said Planning Commission's role was to identify issues in the plan. He said, for example, Planning Commission could go back to Chapter 16 of Horizon 2020 and look at some of the policies to incorporate in the plan. He said Planning Commission could also ask for more information on how much public input there was. He said staff was looking for issues Planning Commission would need to spend time with and educated on. He said maybe the discussion should turn to if Planning Commission was comfortable with what came out of the steering committee and if Planning Commission saw conflicts that need to be looked at.

Commissioner Sands said he liked the document overall. He said it was written better than similar examples he found. He said it was a good originating document to direct other plans.

Commissioner Kelly said it may be beneficial to receive public input in looking at each individual chapter.

Sands said he was fine with going through the document a few chapters at a time.

Commissioner Struckhoff said the steering committee went through the document chapter by chapter.

McCullough said Planning Commission has to work with this plan after it's approved and they need to know it inside and out. He said it would take around three months to get through if they take a few chapters at a time.

Commissioner Willey said she hoped they could identify areas of concern by Planning Commission. She felt doing the bulk of the work now could eliminate the document from being kicked back by City Commission and County Commission. She said a concern she had was that the document did not mention home business.

Commissioner Kelly felt they should talk about the second sentence of the introduction and talk about what is policy and what isn't policy. He said the plan did not feel like a policy document but rather a vision document. He felt a policy should be very specific and the plan was not.

Commissioner Sands said one of his concerns was if the plan would be a legal document and the consequences of not following it. He said policies usually have an enforcement arm. He wondered how it would be enforced using words such as 'encouraged' or 'support.'

Commissioner Butler said under the authority section it talked about the Comprehensive Plan as implemented by the Land Development Code.

McCullough said the Development Code states that a project has to meet the Comprehensive Plan or the plan needs to be amended. He said when talking about a binding document for development purposes it needs to meet the policies or sector plan being developed in.

Commissioner Willey asked what documents would cover environmental specifics.

McCullough said the Climate Protection Plan had not been developed yet. He said the Sustainability Division was working through the STAR program. He said the Development Code and joint Subdivision Regulations would carry out the floodplain and sensitive land areas. He said agriculture had the highest protection of all and was exempt from regulations by State Statute. He said Planning Commission could talk about how to make agriculture work better but they did not have a lot of authority over it. He said an aspirational statement could be added.

Commissioner Carttar wondered about the process for a developer or land owner who makes a proposal that conforms to the existing Code but conflicts with elements of the new plan.

McCullough said the Code is what staff uses for development proposals because that was the law. He said once Plan 2040 was approved it would be implemented in the Code. He said if there are conflicts identified then a development may meet the Code but conflict with Plan 2040 policy until the Code can be changed to align those policies.

Commissioner Carttar expressed concern about discussions in the coming years that could involve a development allowed by Code but in conflict of the Comprehensive Plan.

McCullough said he did not believe there would be that many issues. He said there may be conflicts in the sector plans and what the Comprehensive Plan says since the sector plans were built on the Horizon 2020 policy. He said some of the sector plans may need to be tweaked to align better with Plan 2040.

Crick said the sector plans would be a stepping stone to make some things come down to that level.

Commissioner Struckhoff expressed concern about specificity of the language in the new plan. He was worried about removing language that provided guidance, institutional memory, and intent of previous commissions. He said he took comfort in the fact that the language could be found in other documents.

Commissioner Kelly said drilling down all the specific items would take many discussions and many hard decisions. He said he was not sure they would be able to get there to approve it. He said he wanted measurable specifics but they wouldn't have time to get to all of them and by the time they did there would be new ones they never thought of. He said the Comprehensive Plan was a flexible document.

Commissioner Carttar felt it would be helpful to know how the old plan was different from the new plan. He wanted to be able to map the document to the old one.

Butler said she understood the need for more information but that was a huge task for staff. She did not feel specific details was the way to go when they want the public to participate in the development process. She said specificity would add thousands of pages to the document. She felt having specifics in other documents was more appropriate.

McCullough said staff would not be able to compare and contrast by December. He suggested the topic of environment be part of the third meeting. He said taking the document in smaller bites may be easier. He suggested Planning Commission discuss growth management and vision in December.

Commissioner Carpenter said the timeframe for Horizon 2020 was expansive. He did not want the carryover between the two plans to drop out or disappear that are of value to the community as expressed in Horizon 2020.

Commissioner Struckhoff said he wasn't proposing adding specific language into the document. He was hoping the language would reside elsewhere. He said he was comfortable with the more visionary approach of Plan 2040.

Commissioner Willey said Planning Commission would table the discussion until the December 17 meeting.

Commissioner Weaver said he liked the general nature of the plan. He said he did not like all of the individual plans at the back. He said he would prefer a more consistent format.

McCullough said that may be difficult.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Motioned by Commissioner Carpenter, seconded by Commissioner Struckhoff, to recess until 6:30pm on November 14, 2018.

Motion carried 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

Recess at 8:58pm until 6:30pm on November 14, 2018

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Reconvene November 14, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Day, Ewert, Kobe, Larkin, M. Miller, Pepper

BEGIN PUBLIC HEARING (NOVEMBER 14, 2018):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No Abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 2 PRELIMINARY PLAT FOR HERITAGE TRACTOR; 1110 E 23RD ST (MKM)

PP-18-00440: Consider a Preliminary Plat for Heritage Tractor, a one-lot commercial subdivision of approximately 3.58 acres located at 1110 E 23rd St. Submitted by Davidson Architecture & Engineering on behalf of Muth Properties LLC, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Tom Clemmons, Surveyor, agreed with staff report and was present for questions.

PUBLIC COMMENT

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Carttar, to approve the Preliminary Plat, PP-18-00440, for Heritage Tractor Subdivision subject to the following condition:

1. Applicant shall provide a revised preliminary plat with the following change:
 - a. Show the waterline within the 15 foot wide utility easement being provided along the east side of the lot.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

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**ITEM NO. 3 TEXT AMENDMENT TO CITY OF LAWRENCE CODE; SYNTHETIC TURF
(BJP)**

TA-18-00466: Consider a Text Amendment to the City of Lawrence Code, Chapter 18 & 20, regarding the use of synthetic turf. *Initiated by City Commission on 10/16/18.*

STAFF PRESENTATION

Becky Pepper presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Willey asked about the maximum square footage.

McCullough said it was at the discretion of the Planning Director. He said they were trying to avoid the wide scale use of it in place of living plant material. He said an applicant could appeal a denial decision from the Planning Director.

Commissioner Willey asked if synthetic turf was permeable.

McCullough said yes. He said it was appropriate in small scale projects.

Commissioner Willey wondered if it was possible to put a size description on 'small scale' or limit it to instances where the grass or other surface would not be appropriate.

McCullough said in practice the language had served well. He said when plants are required or necessary there should be live plants or landscape material used such as rock or mulch. He said the uses approved so far had not been for landscaping use but rather for a dog run or playground field area for children.

Commissioner Carttar asked about the appeal going to the Board of Zoning Appeals instead of Planning Commission.

McCullough said it was part of the site plan process. He said many standards go through the Board of Zoning Appeals before an administrative determination on a site plan so it would align with current practices.

Commissioner Kelly said he would vote in favor of the text amendment.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sinclair, to approve the proposed Text Amendment, TA-18-00466, to the City of Lawrence Code, Chapters 18 & 20, regarding the use of synthetic turf and forwarding to the Lawrence City Commission with a recommendation for approval.

Approved 9-1, with Commissioner Sands voting in opposition. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

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ITEM NO. 4 CONDITIONAL USE PERMIT FOR TOP SOIL REMOVAL & LANDFILL; NE CORNER OF E 1600 RD & N 1250 RD (MKM)

CUP-18-00432: Consider a Conditional Use Permit for *Top Soil Removal* and *Landfill* (clean rubble) on approximately 44.88 acres located at the NE Corner of E 1600 Rd & N 1250 Rd. Submitted by RD Johnson Excavating Company LLC, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Jason Dahl, RD Johnson, said the Conditional Use Permit was important to continue their business.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Paden said the staff report included the statement "High quality soils are not identified for protection in the zoning regulations and are not considered one of the environmentally sensitive lands that requires protection when land divisions occur.....The property is within the City of Lawrence's Urban Growth Area and is planned to be annexed into the city and developed with urban land uses at some point." She inquired about floodplain regulations.

Miller said the county had floodplain regulations. She said the county allowed minimal adverse. She said the Zoning Regulations were being revised so there were no current plans to change the floodplain. She said the floodplain manager for the county would evaluate it. She said the county floodplain manager felt that keeping the elevation the same would not impact to floodplain.

McCullough said the city of Lawrence exceeds state and national model ordinances. He said they participate in the community rating system, which through different program elements, helps to get reduced insurance rates for those that need it in the city.

Commissioner Willey inquired about protections for prime agricultural soils, class one and two.

Miller said Horizon 2020 was adopted after the Zoning Regulations and that part was included in the industrial chapter after 2006. She said the Zoning Regulations had not been updated to reflect that. She said environmentally sensitive land protections were created but that high quality agricultural soils were not added at that time. She said they would probably be added with the revised regulations. She said there were no current protection standards or requirements for high quality soils.

McCullough said with the development of the Northeast Sector Plan discussions evolved into where class I and II soil type amounts were significant and contiguous in their value to the agricultural industry. He said the Northeast Sector Plan is the one sector plan that doesn't call for urban density. He said the other areas of significance were along the Wakarusa River area where it's not likely to urbanize because of the floodplain and floodway. He said periodically there are parcels with small amounts of class I and II soils that staff review for its merit but don't necessarily hold it to the same level as the Northeast Area Plan, for example.

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Commissioner Willey said the Wakarusa Floodplain was another area of contiguous high value agriculturally significant class I and II soils. She said there was not equal value in the land before and after for agriculture from mining a high quality soil and replacing it with rubble.

Commissioner Carpenter asked how deep the top soil was.

Miller said staff uses the term top soil but that she doubted everything being removed would be top soil. She said it was the term used for a borrow pit in removing soil.

Carpenter said there was a big difference between soil and dirt. He inquired about possible future development.

Miller said development would be limited due to the floodway and floodplain.

McCullough said they wouldn't necessarily be having this discussion if it weren't for the need for the borrow pit with the highway project.

Commissioner Sinclair asked what could be done with agricultural land that had been reclaimed.

Willey said it could be used for grazing land. She wondered how deep the extraction was.

Dahl said the topsoil was about 8 inches to 1 foot. He said they can save the top soil or use good sources of top soil to replace it. He said after the topsoil is gone they dig down about 12 feet. He said fescue or rye could be planted, or any other kind of agricultural vegetables. He said part of the property was being used to grow beans.

Dean Grob, Grob Engineering Services, said RD Johnson was responsible for the reclamation of the Ames construction site on 59 Highway. He said the Soil Conservation Service came up with maps when the city and county looked at class I and II soils. He said there was no delineated line for where crops grew better than others.

Commissioner Willey agreed there was no hard and fast line between soil types. She said there were 8 classifications for soil suitability types and class I and II were limited. She said it was the only protection there was for agricultural land and soils.

Commissioner Kelly asked the applicant what he saw for the space going forward if the Conditional Use Permit was not approved.

Dahl said a pond, which is what was there now. He said the material was used to build K-10.

Commissioner Carttar said the application was for two uses; to fill with clean rubble and continue to excavate. He wondered about the economic feasibility of half of the application, to fill, without the continued excavation.

Dahl said he needs the area to be able to get rid of clean rubble. He said the borrow source of material was good and he wants to be able to utilize the site. He said it would be detrimental if he was not able to open up the rest of the property.

Commissioner Sinclair said they were talking about 7 acres that were bounded.

Commissioner Butler asked how much area had been used and what was left.

Dahl said the area total was 44 acres.

Grob said there were areas not part of this site. He said there were about 35 acres in the Conditional Use Permit. He said the pond was probably 22-25 acres and 10 acres to borrow.

Commissioner Willey said the fill has been ongoing but wondered if the borrowing was current as well.

Grob said there was borrowing from the existing pond and some borrowing in the south area.

Commissioner Sands inquired about the estimated end date.

Grob said it was a 10 year Conditional Use Permit with 5 year renewal. He said it would depend on construction so it was hard to predict.

Commissioner Willey asked if RD Johnson owned any other active borrow pits at this time.

Dahl said no.

Commissioner Kelly inquired about the permit issued originally for the borrow pit.

Miller said there was no limit to the amount they could borrow.

Commissioner Sands said he was generally comfortable with this.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the Conditional Use Permit, CUP-18-00432, subject to the following conditions:

1. The plan shall be revised with the following changes:
 - a. Deadlines for the reclamation phases listed: May 31, 2019 for the 1st phase and November 30, 2019 for the 2nd phase and the area in each phase noted.
 - b. Note regarding the burning of trees and brush and the area shown for this activity removed from the plan.
2. The following conditions apply to the use. Note these on the plan:
 - a. Only materials that are included in the KDHE definition of Clean Rubble may be disposed of in the landfill. These materials are: *"...the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."* Materials which do not meet this definition, including trees and brush, shall not be brought to the site.
 - b. The current drainage pattern with drainage flowing through a culvert under N. 1250 Road, northward across the subject property and under K-10 Highway, shall be maintained.

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- c. When filled, the borrow pit shall be graded to no more than 6 inches of the final elevation shown on the reclamation plan. When grading is complete, 6 inches of top soil shall be applied and the property shall be seeded. Reclamation is considered complete when vegetation has been established.
 - d. The Conditional Use Permit is subject to a 5 year administrative review and will expire 10 years after the date of the Commission's approval, unless an extension request, submitted before the deadline, is approved by the Board of County Commissioners.
3. A reclamation / closure plan shall be submitted to the Zoning and Codes Office by December 31st of each year, beginning in 2019. The plan shall show the following:
- a. The portion that has been reclaimed (graded and final seeded and vegetation has been established) and reclamation has been approved by the Zoning and Codes Office; the portion that has been filled and graded (and seeded, if seeding has occurred but vegetation hasn't been established); the portion that is open and soil is being removed from, and the portion that has not yet been disturbed.
 - b. The area of each section shall be noted on the plan.
 - c. The plan shall note the estimated timeframe for the completion of reclamation of any phases where borrowing is complete.
 - d. As reclamation occurs, the plan shall include the surveyed elevation points of the areas that have been final graded and seeded to insure that the finished elevation is less than or equal to that which existing prior to borrowing, as shown on the approved CUP plan.

Commissioner Sinclair said he doesn't love the idea of borrowing the soil but it was just 7 acres left to borrow from and Planning Commission was left to balance the value of the soils with the need for development. He said it did not feel good to let class I and II soils go but that it was a good balance.

Commissioner Carttar said he agreed with Commissioner Sinclair. He said the applicant mentioned provisions could be made to save the topsoil. He asked the applicant to explain how that would work.

Dahl said the topsoil would be stripped and an area would be created to stage that material. He said there was a current pile of topsoil saved. He said the topsoil could be saved and replaced after filling. He said it was standard procedure to use the topsoil to backfill.

Commissioner Willey said they were balancing the need for resource for building development and agricultural soils. She said she would vote against the motion because she wanted the Board of County Commission to have the benefit of the Planning Commission discussion. She said soil is an active ecosystem and when it is scrapped up and put it in a pile it is no longer the same thing.

Commissioner Kelly said reclamation would happen on the borrow pit and there was value in it not being continued as a barren borrow pit.

Motion carried 7-3, with Commissioners Carpenter, Paden, and Willey voting in opposition. Commissioners Butler, Carttar, Kelly, Sands, Sinclair, Struckhoff, and Weaver voted in favor of the motion.

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**ITEM NO. 5A COMPREHENSIVE PLAN AMENDMENT TO H2020, CHAPTER 6,
COMMERCIAL LAND USE (SLD)**

CPA-18-00365: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 6, Commercial Land Use, and to Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southeast corner of the intersection of E. 23rd Street and O'Connell Road related to development located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

**ITEM NO. 5B REZONING 4.31 ACRES FROM CO TO CC200; 2110, 2120, 2130
EXCHANGE CT (SLD)**

Z-18-00364: Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District excluding and prohibiting specific uses within the CC200 District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

STAFF PRESENTATION

Sandra Day presented items 5A-5B together.

APPLICANT PRESENTATION

Bill Newsome said the ownership group purchased the property in 2003 and that there had not been one viable interest in the property. He said the current zoning was not of interest to the market. He felt the CC200 zoning was consistent with the commercial land use plan but staff did not agree with that. He said he held a neighborhood meeting and zero land owners attended. He said one of the allowed uses in CC200 is a hotel/motel use and is a viable use for the tract. He said he was disappointed with the staff recommendation and respectfully disagreed. He asked Planning Commission to approve the comprehensive plan amendment and the staff recommendation zoning. He said as the process for the new comprehensive plan takes course he would want a hotel/motel use on the site to be part of the approved uses. He said if he gets a contingent contract on the site the CN2 zoning would provide more marketing sizzle. He said if he receives a contract he would come back to request a zoning change. He felt the site was the perfect location for a hotel/motel use. He said a hotel was not necessarily a destination use. He said it would keep dollars in Lawrence.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly said they were between Horizon 2020 and Plan 2040. He asked staff for a recommendation with Plan 2040.

McCullough said that was what steered some of the staff analysis. He said there were clear differences in land use patterns on each section of the node. He said the southwest corner was developed with residential uses. He said Plan 2040 was aspiring to integrate some neighborhood commercial into residential areas. He said there was a need for commercial use to serve the area. He said staff was supportive of expanding the commercial node but wanting to be respectful of the residential area.

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Commissioner Sands said the applicant was asking for a more intense zoning with restrictions. He wondered how it was different than conditional zoning.

McCullough said if Planning Commission felt the neighborhood commercial zoning was appropriate in this context then it provided more process and analysis to look at some of the uses in the CN2 zoning district through the Special Use Permit process than just striking certain uses from the CC200 zoning. He said the applicant felt the hotel use would be viable. He said the hotel use was not permitted in the CN2 zoning district but would be permitted in CC200. He said it boiled down to what was appropriate at the intersection that would be both commercial minded and residential minded. He said there was plenty of CC200 not developed in the area.

Commissioner Sands said the applicant intended to ask for rezoning for a hotel/motel use. He wondered if that was an appropriate use to border multi or single-family residential with no transition. He asked about the approximate density of the RM15 area.

Day said it would probably hit 14-15 units per acre. She showed the concept plan on the overhead. She said the landscaping would be the only buffer.

Commissioner Willey asked about the proposed building height for the multi-dwelling project.

Newsome said two-story.

Commissioner Willey said the existing CC200 zoning to the east of E 1600 Rd/O'Connell Road and south across 25th Terrace was single family with no transition.

Day said some of the uses in CC200 were fairly intensive for the site.

McCullough said the current CC200 was not built out so there were alternatives.

Commissioner Carttar said the rezoning was contingent on the comprehensive plan amendment. He asked staff to clarify the contingency.

McCullough said staff operated on the concept of nodal development for commercial uses versus stripping it out. He said part of the analysis was whether the Southeast Area Plan should be expanded to include this corner. He said the Southeast Area Plan, as proposed by staff, would expand it to a CC200 node with limitations. He said many sector and nodal plans call out the different quadrants that serve different needs.

Commissioner Carttar asked if this was an artifact of the fact that this was essentially undeveloped land when the plan was developed.

McCullough said O'Connell Road was a natural ending point to the plan because much of it had been developed residential on the west side.

Day said there were other factors. She said the city had adequate services up to O'Connell Road but jumping that road was a significant planning concern that had to incorporate how services would be extended east. She said the boundary had to be somewhere. She said that was before there was focus on nodal design concepts that have been embraced over the last 10 years. She said the plan

did not look at the node because it was focusing on what was happening on the north side of 23rd Street.

Commissioner Willey said it seemed a CN2 zoning designation was safe. She said she was not convinced that the uses allowed in CC200 would be inappropriate since it was industrial on the north side of the node and already CC200 on the east side of the node. She said there was already close proximity between CC200 and single-family in the area plan. She said it did not bother her to make that transition from RM15 to CC200 in that area.

Commissioner Carttar agreed with Commissioner Willey. He said this was a major thoroughfare and seemed appropriate.

Commissioner Kelly said if that's not the place for commercial where is the commercial neighborhood district for that area.

Commissioner Carpenter said this type of intersection does suggest a neighborhood commercial. He said it would eliminate conditional zoning. He said multi-family housing was not a buffer to single-family anymore because the new Plan 2040 would incorporate all types of housing in the same neighborhood. He said he was leaning toward the staff recommendation. He felt it met the goals of what they were discussing.

Commissioner Sinclair asked if Planning Commission approved the CC200 zoning with restrictions would another zoning request be needed in the future to undo the restrictions.

Day said yes.

Commissioner Willey asked Mr. Newsome if there were other uses allowed under CC200 but not allowed under CN2 zoning that concerned him.

Newsome said he did not have a hotel project in his pocket. He said there were other uses in CC200 that he generally liked, such as farm machinery (ex: John Deere dealership). He said the only reason he focused on a hotel/motel use was because it would be more probable. He said he met with staff and tried to take the uses off the table that were unrealistic. He said between the three lots it was about 4.5 acres and there were some uses in CC200 that could not be on the southwest corner due to the size. He said there was about ½ acre of unusable space due to the regulators on site. He said the southeast corner had sat with the current zoning for some time with no development. He said the hotel across the street was doing well.

Commissioner Carttar said Horizon 2020 identified a node for neighborhood commercial south of the Douglas County jail.

Day said that was part of the Southeast Area Plan.

Commissioner Sinclair said it looked like a lot of the uses that would be beneficial for neighborhood commercial were present in the CC200 zoning district also. He said there was the potential for a few other uses they would not want to see.

McCullough said that was true.

Commissioner Sinclair said he did not have a problem with a hotel but liked the idea of having services for the neighborhood. He asked if the owner of the abutting multi-family development was aware.

Newsome said the owner was the same party.

McCullough said one of the approaches is to look at context of uses and if tasked with developing a nodal plan first, how would you designate each corner of the intersection within its context if there was no zoning request. He said staff's approach was to give weight to the residential component of everything that exists west of O'Connell Road.

Commissioner Kelly said they needed to give neighborhood commercial a chance. He said they were looking forward to spaces where neighborhoods have access to services. He said a hotel was a great use but that it or heavy equipment sales was not something the residents next door would use. He said if they were expecting people to age in place there needed to be services. He said there was opportunity for larger commercial development across O'Connell Road.

Commissioner Butler said the land owner had desires for his property. She said a hotel did not give her heartburn. She said she would support the comprehensive plan amendment and rezoning.

Commissioner Willey agreed with Commissioner Kelly, that they should give the neighborhood commercial a chance.

ACTION TAKEN on 5A

Motioned by Commissioner Carttar, seconded by Commissioner Carpenter, to approve a Comprehensive Plan Amendment, CPA-18-00365, to *Horizon 2020*, Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southwest corner of the intersection of E. 23rd Street and O'Connell Road related to property located at 2110, 2120, & 2130 Exchange Court, and forwarding the recommendation to the Lawrence City Commission.

Commissioner Struckhoff said in general it was an appropriate location for a hotel but that he agreed with Commissioner Kelly's comment about giving neighborhood commercial a chance. Said he would support the motion.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve and authorize the Chair to sign Planning Commission Resolution PCR-18-00552.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

ACTION TAKEN on 5B

Commissioner Sands said he would staff the staff recommendation of CN2.

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve rezoning, Z-18-00364, approximately 4.31 acres, from CO (Office Commercial) District to an applicable commercial district based on the lesser change table set out in Section 20-1303(c), recommending approval of CN2 (Neighborhood Commercial Center) District and forwarding the recommendation to the City Commission with a recommendation for approval to CN2.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

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**ITEM NO. 6 REZONING 1.6 ACRES FROM IL TO IBP; 1314 RESEARCH PARK DR
(SLD)**

Z-18-00481: Consider rezoning approximately 1.6 acres from IL (Limited Industrial) District to IBP (Industrial/Business Park) District, located at 1314 Research Park Drive. *Initiated by City Commission on 11/6/18.*

STAFF PRESENTATION

Sandra Day presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if the Design Guidelines still applied.

Day said yes.

Commissioner Willey asked if the City made this request.

Day said yes.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone, Z-18-00481, approximately 1.685 acres from IL (Limited Industrial) District with use restrictions, to IBP (Industrial/Business Park) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

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ITEM NO. 7 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)

TA-18-00430: Consider a Text Amendment to the City of Lawrence Land Development Code, to define and clarify the use of conditional zoning. *Initiated by Planning Commission on 8/22/18.*

Item 7 was 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 2018 PLANNING COMMISSION MEETING CALENDAR

Receive revised 2018 Planning Commission meeting dates and submittal calendar.

MISC NO. 2 2019 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2019 Planning Commission meeting dates and submittal calendar.

Motioned by Commissioner Willey, seconded by Commissioner Carttar, to approve the amended 2018 calendar and new 2019 calendar.

Motion carried 9-1, with Commissioner Kelly voting in opposition.

MISC NO. 3 RESOLUTION REGARDING ETHICS POLICY

Receive Resolution No. 7269, adopted by City Commission on 11/6/18. The resolution is an updated ethics policy which applies to City employees, elected officials, and appointed officials, including advisory board members.

Randy Larkin discussed the resolution regarding the City's updated ethics policy.

Commissioner Sinclair inquired about solicitation of gifts. He asked if the policy would prohibit soliciting donations for charitable causes.

Larkin said as long as it was not done in the name of the City.

ADJOURN 9:19pm