November 26, 2007 - 6:30 p.m.
Commissioners present: Blaser, Chaney, Eichhorn, Finkeldei, Harkins, Harris, Hird, Lawson, Moore, and Student Commissioner Robb
Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Morgan, and Brown

MINUTES
Discussion regarding October 22 & 24, 2007 draft minutes -
Commissioner Lawson stated that the votes recorded for October 24th should reflect Commissioner Chaney’s name where his name was because he was not present at that meeting.

Commissioner Harris suggested a change on page 17 to clarify what she said about the Oread project. She wanted her concerns regarding the parking to read “she was concerned that patrons eating at the restaurant might not use valet parking and felt it might put a burden on the neighborhood.”

Commissioner Blaser said that on page 10 the word “grating” should be “grading” in Commissioner Finkeldei’s comments.

Motioned by Commissioner Lawson, seconded by Commissioner Harris, to approve the minutes of the October 22 & 24, 2007 meeting.

Unanimously approved 9-0 with student Commissioner Robb also voting in favor.

COMMITTEE REPORTS
Commissioner Harris stated that Transportation 2030 would meet this week to look at revised scenarios and review chapters of the new plan.

Commissioner Eichhorn stated that the Rural Zoning Committee met at the Board of County Commission and the issue between Bob Johnson and Linda Finger was resolved.

COMMUNICATIONS
Item 2B & 2C – Rezoning & Preliminary Plat for The Exchange; 31st & Ousdahl
  • Letter from the League of Women Voters

Items 9B – TA-04-05-07
  • Letter from League of Women Voters

Item 15 – CPA-2004-02
  • Letter from the League of Women Voters
  • Letter from James Grauerholz

Misc.
  • Memo from City Manager regarding online Planning Commission Agendas

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- No ex parte.
- No abstentions.
- Items 3A, 3B, 3C, 4, 6, 16, and 17 were deferred

Commissioner Eichhorn advised the Planning Commission to talk about the Golden Issues from the Staff Reports when discussing an item.
ITEM NO. 1:   A to GPI; 9.656 ACRES; PUMP STATION 48; 851 N FOLKS RD (MKM)

Z-09-19-07: A request to rezone a tract of land approximately 9.656 acres for Pump Station 48, from A (Agriculture) to GPI (General Public and Institutional Use). The property is located at 851 N Folks Rd. Initiated by Planning Commission on 8/29/07.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

Commissioner Harris asked if there was a pump station already on the site.
Ms. Miller replied, yes.

APPLICANT PRESENTATION
City owned property.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner Harris, seconded by Commissioner Chaney, to approve the rezoning of approximately 9.656 acres from A (Agricultural) District to GPI (General Public and Institutional Use) 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 9-0, with student Commissioner Robb also voting in favor.
ITEM NO. 2A:  A TO OS; 6.673 ACRES; 31ST & OUSDAHL (MKM)

Z-10-24A-07: A request to rezone a tract of land approximately 6.673 acres, County A (Agriculture) to OS (Open Space). The property is located at 31st & Ousdahl. Submitted by Michael Berry, P.E. Professional Engineering Consultants, for RA & JG Limited Company property owner of record.

ITEM NO. 2B:  RS10 & A TO RM15; 56.44 ACRES; 31ST & OUSDAHL (MKM)

Z-10-24B-07: A request to rezone a tract of land approximately 56.44 acres, from RS10 (Single-Dwelling Residential) and County A (Agriculture) to RM15 (Multi-Dwelling Residential). The property is located at 31st & Ousdahl. Submitted by Michael Berry, P.E. Professional Engineering Consultants, for RA & JG Limited Company property owner of record.

ITEM NO. 2C:  PRELIMINARY PLAT FOR THE EXCHANGE; 31ST & OUSDAHL (MKM)

PP-05-06-07: Revised Preliminary Plat for The Exchange addition, approximately 63.111 acres containing 3 lots and 1 tract. The property is located at 31st & Ousdahl. Submitted by Michael Berry, P.E. Professional Engineering Consultants, for RA & JG Limited Company property owner of record.

STAFF PRESENTATION
Mary Miller presented items 2A, 2B, and 2C together. She gave the history of the previous requests.

APPLICANT PRESENTATION
Steve Stamos, complimented Staff for their work on the project. Regarding the Open Space issue, at one time they wanted to install a strip that would separate the phases. The project evolved to include a larger area, from 2 acres to 6 acres. He went on to say that by expanding the site over 6 acres that it will give east-west connectivity in the future. He stated that they would not disturb the corridor. He hoped in the future to sell the small lot west of Ousdahl Road to “square up” the existing land.

Commissioner Harkins asked how much attention was given to connectivity for pedestrians to the retail area to the west and if sidewalks were included.

Ms. Miller replied yes, there would be sidewalks on both sides of 33rd Street.

Commissioner Harkins asked if a bus could get through the cul-de-sac.

Ms. Miller answered that the cul-de-sac must be large enough to accommodate fire trucks.

Commissioner Finkeldei asked if the driveway would line up with the development across Ousdahl.

Ms. Miller said that projects are offset as to not create conflict.

Commissioner Harris inquired about the reasons for the cul-de-sac length.

Ms. Miller said the length of the cul-de-sac was restricted to provide connectivity options through the site. For the cul-de-sac to extend to the property line it would be much longer than permitted. It is not required to extend to the property line. Given the unlikelihood of future development to the south, the cul-de-sac would be shorter than shown on the plan, but may need to be up to 1000’ to provide access to the various lots.
Commissioner Harris inquired about fire safety.

Ms. Stogsdill said that the fire code has specific requirements for the size of a cul-de-sac paved area to accommodate their trucks. The old Code allowed 1000’ cul-de-sacs. With the new regulations they were trying to reduce that block length for more connectivity.

Ms. Miller stated that the cul-de-sac would still need to be extended.

Commissioner Harkins asked if the sewer study included all lots during Phase II.

Ms. Miller replied, yes.

Commissioner Harris inquired about the traffic with Phase II.

Ms. Miller said that the traffic impact study included both phases and was approved by City standards.

Commissioner Harris inquired about the number of beds.

Mr. Stamos stated there would be 880 beds in Phase I and about 880 beds in Phase II.

Commissioner Eichhorn asked if it was typical that the City would allow a cap on a benefit district.

Mr. McCullough stated there was a lengthy discussion between the applicant, Planning Staff, several City Commissioners and the City Manager related to improving the eastern boundary road. Some of those issues were regarding the unknown alignment of the SLT, the topography of the road, and all of the boundary roads that would be needed for the project.

Commissioner Eichhorn asked if the City would be shooting themselves in the foot by setting a cap at this time.

Mr. McCullough stated that the east side would be asked to contribute.

Commissioner Finkeldei asked if the SLT was built on 32nd Street would the future arterial be built.

Ms. Stogsdlill said that the future arterial was recommended to be located here with the 32nd Street, SLT alignment.

Commissioner Hird asked how the $600,000 cap was arrived at.

Mr. McCullough replied that was an amount that was figured by the City Managers Office based on estimates of public improvements.

Commissioner Eichhorn asked how a potential commercial development on the lot west of Ousdahl would mesh with the revised Southern Development Plan.

Ms. Miller stated that the Southern Development Plan recommended office uses along Ousdahl.

Commissioner Harris inquired about annexation.
Ms. Miller stated that the annexation had been recommended for approval by Planning Commission, in June of 2007 but had not been considered by City Commission. The new proposal was waiting for the Planning Commission to consider it.

Commissioner Eichhorn asked who would pay for the electricity for the Pump Station.

Mr. McCullough said that the Pump Station would become the City's pump station so the City would maintain it.

Mr. Stamos stated that there were options such as converting it to a gravity line. He went on to say that the City may decide to continue to run that lift station and City would then take over the costs of it. The applicant would pay to bring it up to a gravity line.

PUBLIC HEARING
Mr. Eddie Davalos, President of Park Hill Neighborhood Association, stated that the neighborhood is landlocked by Haskell, schools, and 23rd Street. He was concerned about increased traffic on Louisiana and pedestrian safety.

Carol Bowen, lives in Park Hill neighborhood, was concerned about traffic on Louisiana Street. She stated that the City had poor credibility regarding traffic impact studies. She said that Louisiana Street needed a plan and that traffic would be worse once the development was built. She asked who would be responsible for financing the traffic improvements.

Bob Suderman, was also concerned about traffic and said that the 31st Street corridor study had unanswered questions. He was not concerned about the apartments, but rather the area plan. He said that the Southern Development showed more area as medium-density residential. He did not feel that the traffic study considered full buildout. He said these numbers in the project underestimate traffic in the area. He went on to say that the 31st Street Study included a recommendation of widening Louisiana Street between 19th Street and 31st Street. He asked the State when US-59 would be taken off of Iowa and the estimate was 2015. He felt that traffic at 31st Street and Iowa was a critical issue. He wanted to know where the applicant came up with the numbers that 30% of traffic would go south and 70% would go to the north.

APPLICANT CLOSING COMMENTS
Mr. Stamos stated that the assumptions on trip distribution were based on the existing travel patterns and land use. He stated that Trans Systems did the Traffic Impact Analysis and that they had also done the 31st Street Corridor Study for the City in 2003. He went on to say that Commissioner Harris had asked last year about traffic delays at 31st and Louisiana due to the project. He did not feel he answered her question adequately at that time. Currently during the AM there is a 31 second delay which would increase by 3 seconds. During the PM hours the current 78.6 second delay would increase by 10.7 seconds to 88.6 seconds.

COMMISSION DISCUSSION
Commissioner Eichhorn asked if the CIP projects on Louisiana Street could be given to the neighborhood association so that they could see what was going on.

Mr. McCullough stated that the CIP was on the City website.
Commissioner Finkeldei stated that 6 acres of Open Space was a nice improvement over the original plan. He also stated that the traffic was a big issue for that entire area. He believed the SLT would reduce traffic in the area.

Commissioner Moore asked if the million dollars that was earmarked for the SLT was available for traffic and engineering studies by the City which might be used for this area. He wondered if the City had looked at benefit districts for improvements.

Mr. McCullough said he did not know the answer to that but to his knowledge there were no current discussions on a benefit district.

Commissioner Hird said that the lack of resolution to traffic congestion for the area was a concern.

Commissioner Eichhorn said that the bus service that runs from Lawrence to Johnson County was normally full and that they may look at adding routes. He hoped people would utilize the bus system more and that nice bus facilities should be added to encourage students to use it.

Mr. Stamos said that the development would have covered bus shelters. He was coordinating the location of the shelter with the City Transit Administration.

Commissioner Blaser asked Mr. Stamos if there was any thought about a captive bus system that would run from the development to the campus. He gave the example of The Legends apartment providing their residents a bus that runs from the complex to the university.

Mr. Stamos said that they have previously provided that in communities that did not have a campus or city bus system. He said that a captive bus system might be a possibility, but they would prefer to use the existing transit.

Commissioner Harkins agreed that traffic was a problem but he did not know how much serious effort was really being done to address it. He said that CPC looked at two options to relieve traffic issues, extending Massachusetts thru Haskell or extension of Naismith, but neither were realistic options. He did not think that there were any serious discussions to improve Louisiana Street. He said that at some point they may have to say no more development should be built that will increase traffic in this area.

Commissioner Eichhorn said that T2030 proposed a 31st Street improvement and a Louisiana improvement.

Commissioner Harris agreed with Commissioner Harkins. She was not against the project itself, but rather the impact on traffic. She felt that one of the Planning Commissions roles was to make sure a plan was in place for impacts. Adequate traffic infrastructure was a requirement for her to vote for the development.

Commissioner Harkins said he would vote for the project because he was optimistic about improvements and that he thought the bus system would be used more and more in the future.

**ACTION TAKEN ON ITEM NO. 2A**
Motioned by Commissioner Finkeldei, seconded by Commissioner Harkins, to approve the rezoning request [Z-10-24A-07] for 6.673 acres from County A (Agricultural) District to OS (Open Space) 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 9-0, with student Commissioner Robb voting in opposition.

**ACTION TAKEN ON ITEM NO. 2B**
Motioned by Commissioner Finkeldei, seconded by Commissioner Harkins, to approve the rezoning request [Z-10-24B-07] for 56.44 acres from RS10 (Single-dwelling Residential) District and County A (Agricultural) District to RM15 (Multi-dwelling Residential) 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.

Motion carried 8-1, with Commissioner Harris voting in opposition. Student Commissioner Robb also voted in opposition.

**ACTION TAKEN ON ITEM NO. 2C**
Motioned by Commissioner Finkeldei, seconded by Commissioner Harkins, to approve the variance request from Section 20-810(d)(7) which restricts the length of a cul-de-sac to 10 times the required minimum lot width in the required base district or 1000 feet, whichever is less, to permit Ousdahl Road to terminate in a cul-de-sac of up to 1000 feet in length.

Unanimously approved 9-0, with student Commissioner Robb also voting in favor.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harkins, to approve the revised Preliminary Plat of Exchange at Lawrence subject to the following revised conditions:

1. Agreements not to protest the formation of benefit districts for future improvements must be executed by the applicant and provided to the Planning Office at the final plat stage. The following agreements will be required at that time:
   a. Agreement not to protest the formation of a benefit district for construction of future minor arterial road on the east border;
   b. Execution of an agreement not to protest the formation of a benefit district for future signalization and intersection improvements at the intersection of the future minor arterial road and W. 31st Streets.
   c. Execution of an agreement not to protest the formation of a benefit district for future street improvements to the future arterial on the east property line; with a $600,000 liability limit for the property owner.
   d. Execution of an agreement not to protest the formation of a benefit district for the future construction of Ousdahl Road to the southern property line, if development occurs to the south.

2. The applicant must contact the U.S. Army Corps of Engineers for any necessary permit for development of the wetland shown on the plat and provide the Planning Office with a copy of the permit, or with documentation showing that a permit is not needed.

3. Approval of the Downstream Sanitary Sewer Analysis by the City's Utility Engineer. If the City Utility Engineer determines that capacity is not available for the entire development, the development must be phased in accordance with availability of sanitary sewer capacity, per City Utility Engineer's approval.

4. If the requested variance is approved, the right-of-way for Ousdahl must be dedicated to the southern property line.

5. Provision of a revised Preliminary Plat with the following changes:
   a. Note added stating that a Transfer of Ownership for the property where the proposed pump station will be located will be executed before building permits may be obtained.
b. Note 10 must be revised to state that “funds must be placed in escrow for the future decommissioning of the pump station and modifications required to establish gravity sewer service for the development.”

c. Easements provided for access to waterlines, per Utilities Department’s approval.

d. Sanitary sewer line along the southeast corner of the property must be shown and a 20’ easement dedicated to accommodate it. If the sewer line is not within this location, please provide documentation to that effect for the City Utility Engineer’s approval.

e. Note added that Lot 3 will require 2 access points if more than 35 dwelling units are proposed.

f. General Note 13 must be revised with the following wording “Natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, and walls) will not be installed within the drainage easement. The drainage easement will be privately-owned and maintained.”

g. The plat shall indicate the required minimum habitable floor elevations for structures on lots, or the minimum elevation for a foundation opening(s), which shall be certified by a licensed land surveyor or engineer, on lots adjacent to all drainage easements.

h. Note added stating that construction activity including soil disturbance or removal of vegetation shall not commence and this project will not be released for building permits until a stormwater pollution prevention plan (SWP3) has been provided and approved by the City Stormwater Engineer.

Commissioner Eichhorn wanted language included to say “in today’s dollars” so that the number would not go down due to inflation.

Commissioner Finkeldei said he assumed the $600,000 would be a future value.

Commissioner Moore said typically the amount would be prorated.

Commissioner Harkins suggested they approve it as it stands and recommend the City Commission modify the language.

Motion carried 8-1, with Commissioner Harris voting in opposition. Student Commissioner Robb also voted in opposition.
ITEM NO. 3A:  UR TO RM15; 27.90 ACRES; S OF OVERLAND DR BETWEEN STONERIDGE DR & QUEENS RD (MKM)

Z-10-25A-07: A request to rezone a tract of land approximately 27.90 acres from UR (Urban Reserve) to RM15 (Multi-Dwelling Residential). The property is located south of Overland Dr between Stoneridge Dr & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village LC, property owner of record.

Item No. 3A was deferred.
ITEM NO. 3B: UR TO CN2; 12.89 ACRES; N OF 6TH ST TO OVERLAND DR (MKM)

Z-10-25B-07: A request to rezone a tract of land approximately 12.89 acres from UR (Urban Reserve) to CN2 (Neighborhood Shopping Center). The property is located north of 6th St between Stoneridge Dr & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village LC, property owner of record.

Item No. 3B was deferred.
ITEM NO. 3C: PRELIMINARY PLAT FOR CREEKSTONE; STONERIDGE DR TO QUEENS RD & 6TH ST TO OVERLAND DR (MKM)

PP-10-09-07: Preliminary Plat for Creekstone, Stoneridge Dr to Queens Rd & 6th St to Overland Dr, a 7 lot subdivision containing 34.864 acres. Submitted by Landplan Engineering, for Pear Tree Village LC, property owner of record.

Item No. 3C was deferred.
ITEM NO. 4:  RMG TO CN1; .483 ACRES; 1420 CRESCEINT RD (SLD)

Z-07-15-07: A request to rezone a tract of land approximately .483 acres, from RMG (Multi-Dwelling Residential-Greek Housing) to CN1 (Inner Neighborhood Commercial). The property is located at 1420 Crescent Road. Submitted by Barber Emerson, LC, for William Muggy, property owner of record. PC Minutes 10/22/07

*Item No. 4 was deferred.*
ITEM NO. 5: CONDITIONAL USE PERMIT; SE CORNER OF HWY 40 & COUNTY ROAD 1023 (SLD)

CUP-10-09-07: A request for construction of an elevated water tower located at the Southeast corner of the Intersection of Highway 40 & County Rd 1023. Submitted by Rural Water Dist. #3; Leroy & Jeanne Boucher, property owners of record.

STAFF PRESENTATION
Sandra Day presented the item.

APPLICANT PRESENTATION
Mr. John Ruckman, Engineer for Rural Water District (RWD) #3, stated it would be a ½ million gallon tank and that the top of the tank would be about 139 feet high. He showed profile views of the tank. He addressed some of the setback issues that Staff discussed and he is looking to approach the land owner with an easement instead of purchasing property. Originally they looked at retaining 5 acres for home, but because of road classifications they need 10 acres. The RWD #3 will lease now until the Code is modified to address non-conforming issues. RWD #3 has an existing 50,000 gallon tank near Big Springs. That site is not large enough to accommodate the new tank and is not on a major transmission line.

Commissioner Lawson asked how many people the district served.

Mr. Ruckman said about 1,500 people.

Commissioner Harkins asked if there was another district between this and the City.

Mr. Ruckman said that District # 6 was to the east.

Commissioner Hird asked if this representation of the tower was the best option for aesthetics.

Mr. Ruckman said it was their best economical effort.

Commissioner Harris asked if ownership of the property vs. leasing would affect Staff’s findings of fact.

Ms. Day replied, that it did not.

Commissioner Harris asked if an antenna was co-located on that site, would that require a public hearing.

Ms. Day said that co-location of an antenna would be a Site Plan that would be administratively approved or would go to County Commission.

Commissioner Harris asked if the neighbors were notified that there could be a co-location.

Ms. Day replied, no but that notification letters could be sent to neighbors for a County Commission meeting.

Commissioner Eichhorn asked if the driveway could be made shorter.
Ms. Day said that it was located through the County Public Works Department and that they were trying to maintain adequate distance from the intersection.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Hird stated he would feel better if the neighbors were notified of the possible co-location of an antenna.

ACTION TAKEN
Motioned by Commissioner Lawson, seconded by Commissioner Hird, to approve the Conditional Use Permit CUP-10-09-07 for a water tower and forwarding it to the County Commission with a recommendation for approval based on the findings of fact stated in the body of the staff report, subject to the following conditions:

1. Provision of a revised site plan to include the following:
   a. Landscape plan that includes evergreen trees planted along the fence line, adjacent to the public roads, to screen the tower base and any future ground mounted equipment. Plantings should include evergreen trees planted a minimum of 50’ on center.
   b. Show Base Setback Line for measurement of minimum setback requirement of 40’ from center line of road per section 5-1.01.02 of the County Zoning Regulations.
   c. Move tower to the east to increase the setback from the front property line to the minimum required 100’ from base Setback Line established per section 5-1.01.02 of the County Zoning Regulations along N 200 Road. (Total setback shall be 115’ from current west property line).
   d. Show rear setback from east property line of 30’.
   e. Note maximum tower height on page two of the site plan.
   f. Provision of a note that states: Future lighting proposed for the base of the tower will require approval by the County Zoning Administrator prior to installation.

Unanimously approved 9-0, with student Commissioner Robb voting in favor.
ITEM NO. 6:  MINIMUM MAINTENANCE; E 700 ROAD (DCM)

MM-09-01-07: Request to designate minimum maintenance road status for a portion of E 700 Road within Lecompton Township.

*Item No. 6 was deferred.*
ITEM NO. 7: MINIMUM MAINTENANCE; E 1600 ROAD & N 1175 ROAD (DCM)

MM-10-02-07: Request to discontinue the minimum maintenance designation for E 1600 Road & N 1175 Road, within Wakarusa Township.

STAFF PRESENTATION
Ms. Davonna Morgan presented the item.

Commissioner Eichhorn asked if the language of “issuance of building permits” was for the water reclamation facility.

Ms. Morgan replied that was correct.

ACTION TAKEN
Motioned by Commissioner Harris, seconded by Commissioner Moore, to approve the request to rescind Minimum Maintenance Road status for portions of E 1600 and N 1175 Roads in Wakarusa Township and forwarding this recommendation to the Douglas County Commission.

Unanimously approved 9-0, with student Commissioner Robb voting in favor.
PC Minutes 11/26/07

ITEM NO. 8:  2008 PC MEETING DATES

Establish 2008 Planning Commission Meeting Dates calendar.

Mr. McCullough explained how adding more time for the review process would mean less deferrals. He also said that it was beneficial to hear from outside sources about planning views to get a different angle on issues.

Commissioner Moore requested a training session on using GIS.

Mr. McCullough said that a training session could be added to the January 9, 2008 Mid-Month agenda.

Commissioner Finkeldei said he follows the City Commission agenda online and would like the Planning Commission agenda to be similar. He asked if Staff Review meetings were currently held.

Mr. McCullough replied, yes. The idea was to have the applicant and reviewers meet and discuss projects.

Commissioner Harris wanted to add future topics, such as transportation, watershed and the Urban Growth area.

Commissioner Finkeldei said City Commission had the ability to reconstitute the MPO. The plan was to have TAC come forward with a proposal, recommended by the MPO, and have the County Commission and City Commission approve it.

ACTION TAKEN
Motioned by Commissioner Lawson, seconded by Commissioner Chaney, to approve the 2008 Planning Commission meeting dates and submittal deadlines.

Unanimously approved 9-0, with student Commissioner Robb voting in favor.
PC Minutes 11/26/07

MISCELLANEOUS NEW OR OLD BUSINESS

MISC. ITEM NO. 1:
Consider initiation of text amendment to Section 20-806(b)(3) of the Subdivision Regulations, definition of a Residential Development Parcel.  (MKM)

Motioned by Commissioner Hird, seconded by Commissioner Moore, to initiate the proposed amendment to the Section 20-806(b)(c) of the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS.

Unanimously approved 9-0, with student Commissioner Robb voting in favor.

MISC. ITEM NO. 2:
Mr. McCullough said that City Commission was invited to the December 5th Planning Commission mid-month meeting to discuss comprehensive planning.

Mr. John Miller said that the City Clerk received a request for copies of Statements of Substantial Interest. He stated that it was not required but that it might be a good idea to fill out a statement.

Commissioner Moore asked for the definition of substantial interest.

Commissioner Finkeldei said that it was a substantial interest of $5,000 or 5% owner interest.

Mr. Miller said that a spouse would also be included.

Commissioner Finkeldei said that Planning Commissioners would only have to file a substantial interest only if they were voting on the issue. If Commissioners abstained from voting then they did not need to fill out a statement.

Commissioner Harkins said the practice had been abstaining from discussion and he felt that they should continue that.

Consideration of any other business to come before the Commission.

Recess at 9:00pm until 6:30pm on November 28, 2007.
Reconvene November 28, 2007 – 6:30 p.m.

Commissioners present: Blaser, Chaney, Eichhorn, Finkeldei, Harkins, Harris, Hird, Lawson, and Moore
Staff present: McCullough, Stogsdill, Leininger, A. Miller, J. Miller, Rexwinkle, Warner, Brown

BEGIN PUBLIC HEARING (NOVEMBER 28, 2007):

COMMUNICATIONS

- Mr. McCullough referenced an email that Amy Miller forwarded to the Planning Commission from Carey Maynard-Moody regarding comments on Item 15, Horizon 2020, Chapter 7.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
  Commissioner Hird had a phone conversation with Jane Eldredge regarding general discussion on item 15.
  Commissioner Harkins had a similar conversation with Ms. Eldredge.
- No Abstentions
ITEM NO. 9A: CPA-2007-2 (DDW)

CPA-2007-2: Consider amending Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

ITEM NO. 9B: AMENDMENTS TO CHAPTER 20, DEVELOPMENT CODE (JCR)


STAFF PRESENTATION

Mr. Dan Warner presented item 9A.
Staff recommended discussion and feedback on the proposed amendments to Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

Mr. Joe Rexwinkle presented item 9B.
Staff recommended discussion and feedback on the proposed amendments to Chapter 20, Development Code to create a Mixed Use zoning district and associated development standards.

Mr. Warner and Mr. Rexwinkle gave an overview of the basis for why a new district was needed. They presented graphic views of various frontages to show types of uses within the Mixed Use District to achieve compatibility with adjacent uses. They also showed types of Vertical Mixed Use Structures and introduced the concept of Development Bonuses.

Mr. Rexwinkle discussed communication received from the League of Women Voters and said the letter was mostly concerned about frontage issues and compatibility with existing development. Mr. Rexwinkle then presented the proposed Development Bonus table.

Commissioner Finkeldei asked about the difference between assisted living and independent living.

Mr. McCullough read the definition of assisted living from the Development Code.

Commissioner Harris asked if the bottom level was supposed to be commercial and assisted living on an upper floor would it have to have an elevator.

Mr. Rexwinkle said that there could be an elevator.

Commissioner Harkins asked if points could be earned for assisted living.

Mr. Rexwinkle replied that points may be earned for any of the 5 housing types listed. Assisted living units are listed as being eligible for points because such residential uses are desirable because tenants could go downstairs to shops since residents of such facilities may have mobility limits.

Commissioner Lawson asked if the location of transit stops was a decision made by the transit department and if there are typically conversations between the developer and the transit department.

Mr. Rexwinkle said that if the developer was asking for a transit stop bonus they would want to work with the transit department for a bus stop from the beginning.
Commissioner Lawson asked if the developer wanted a new bus stop would the transit department likely support that.

Mr. Rexwinkle said it would probably depend on the bus route and if it would work with the current system.

Commissioner Finkeldei said that timing of when a transit stop is designated to get points might be an issue. He wondered if the points would be given the day the development was approved or after the bus stop is moved.

Mr. Rexwinkle said that the possibility had not been considered, but that the applicant must identify points earned and how they request to redeem them at the time of application.

Commissioner Finkeldei felt that the points earned for the moderately priced dwelling units should be higher.

Mr. Rexwinkle continued and said that the method of redeeming points may be linked with how they are earned.

Commissioner Harkins congratulated Staff for adding bonuses for energy efficiency. He was concerned that LEED standards might be difficult to achieve and that Energy Star might be more obtainable. He suggested graduated levels of points to encourage energy efficiency.

Commissioner Lawson agreed with Commissioner Harkins, but felt the balance between affordable housing and energy efficiency might be difficult.

Commissioner Harkins said that the more energy efficient a home was the lower the monthly bills would be. He felt this was a great opportunity.

Commissioner Eichhorn suggested that Staff might want to talk to Bobbie Flory about energy efficient ideas.

Commissioner Moore was concerned about no access on primary frontages.

Mr. Rexwinkle said that the rear or side of a property would serve as a secondary frontage, which allows vehicular access to parking areas or for service delivery.

Commissioner Moore asked if a commercial development of 50,000 sq. ft. would invoke a retail study. He said that that part of the document needed to be looked at because it says commercial in one part and retail in another and there has been discussion in the community about what is being talked about because different numbers are being brought to the table.

Mr. Rexwinkle asked if he was referring to the actual requirement in the Code that requires a retail market study.

Commissioner Moore said that the document says for commercial development over 50,000 sq. ft. and then the next paragraph down it talks about retail. According to recent surveys there is 5.5 million sq. ft. of retail and 50,000 sq. ft. was less then 1% so he thought that maybe it needed to be something more substantial then that.
Commissioner Finkeldei liked the bonus incentives and suggested trying to incorporate it into other districts.

Mr. McCullough said that in some ways the redemption of the bonus might conflict with neighborhood compatibility where secondary or tertiary frontages are necessary.

Commissioner Finkeldei said there needs to be another avenue to redeem points. He gave the example of someone wanting to redevelop the old Food 4 Less building and wondered how they could encourage that.

In response to Mr. McCullough’s suggestion, Mr. Rexwinkle suggested that points earned across the Mixed Use development could possibly be transferred to Primary Zones to ease compatibility concerns.

Commissioner Finkeldei thought that another nice feature might include points for being on a bike route or recreational path.

Commissioner Harris said for big projects this was a good idea but for smaller infill projects she was not as comfortable with it. She felt that Mixed Use in a primarily residential district may be difficult. She thought that there should be different rules for infill areas because some of the uses allowed in Mixed Use areas might not be compatible in residential areas. She gave the example of a coffee shop versus a bar that might have outside activity in the evening. She asked about definition of “near” and inquired about the meaning of “transitions thru alleyways.”

Mr. Rexwinkle said that it meant that alleyways were allowed in Mixed Use districts, and that in urban design, alleyways are often considered a transitional space, as opposed to streets.

Mr. Warner showed the possible transition of development intensity (scale, height, mass).

Mr. Rexwinkle referred to the aerial view that he had shown the Commission where an alley exists between the primary and tertiary frontage and in conventional urban design when alleyways were common that was a common transition, opposed to a street.

Commissioner Harris asked if they were just talking about a space between buildings or a designated space between scales of buildings.

Mr. Rexwinkle said it would be a transition in size, scale, and mass of the structure.

Commissioner Harris said that in the Comprehensive Plan language it says that the Mixed Use district shall include 5 uses.

Mr. Rexwinkle said that that was one of the points that the LOWV letter pointed out. There were discussions about changing the Horizon 2020 language to be more broad and to be consistent with the proposed Development Code language.

Commissioner Harris asked what a “gathering place” meant in reference to the proposed amendment to Horizon 2020.

Mr. Rexwinkle said that Horizon 2020 language might refer to that but he was not aware of that language in the Development Code. The Development Code does require outdoor space if a site was not
adjacent to a park. He stated that a central gathering area might be best accomplished through a
development bonus.

Commissioner Finkeldei said that the language was in Horizon 2020 section 3.12 (e).

Commissioner Harris said that the Development Code language talks about how the MU district zoning
classification may not be appropriate in all areas of Lawrence. She felt that it would be helpful to expand
that to say why. She felt that there might be good use for a Mixed Use development in West Lawrence
or other neighborhoods without services, and not just near downtown or campus. She asked what a zero
lot line dwelling was and how that relates to setbacks.

Mr. Rexwinkle stated that it was in the Development Code.

Commissioner Moore said with a condominium a person would not own a specific piece of land, just
inside the walls.

Commissioner Harris said that 3,000 square foot lots seemed too small.

Commissioner Eichhorn said that some areas in North Lawrence had retail below and residential above,
where the current Code would not allow that, but this might.

Commissioner Harris was concerned about having spots of uses that may or may not be appropriate.
She asked if on tertiary public frontages there was a requirement for 5’ sidewalks.

Mr. Rexwinkle replied that 5’ for the clear zone would be required for the sidewalk.

Commissioner Harris thought there was an exception to the 5’ requirement for older parts of Lawrence.

Commissioner Hird asked about outdoor lighting standards. He suggested considering light and noise
abatement in residential areas for such projects as large sized restaurants. He asked if Staff had mapped
where these Mixed Use developments would likely go.

Mr. Rexwinkle replied, no.

Commissioner Harris asked if any land owner could request a Mixed Use development if they had a
3,000 square foot lot.

Mr. Rexwinkle answered, yes.

PUBLIC HEARING
Ms. Jane Eldredge, Barber Emerson LC, was aware of Mixed Uses that were non-conforming and she
wanted to know how they would be dealt with. She suggested waivers to standards for existing
properties in order to help older parts of town come into compliance.

Mr. McCullough said that Staff had given a lot of thought to how to deal with existing structures and
trigger points when they will need to meet standards. It would not necessarily make those properties
come into compliance unless significant changes were done to the site.

NO ACTION TAKEN ON ITEMS 9A AND 9B
**ITEM NO. 10: SOUTHEAST AREA PLAN (MJL)**

Consider approval the Southeast Area Plan.

**ITEM NO. 11: CPA-2007-4 (MJL)**

**CPA-2007-4:** Consider amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Southeast Area Plan and authorize the Chair/Vice-Chair to sign PC Resolution 2007-06.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented items 10 and 11 together. She showed future land use map.

Commissioner Eichhorn asked how many acres were for industrial land uses.

Ms. Leininger said they typically do not put acres in future land uses.

Commissioner Eichhorn would rather see acreages of industrial. If we do not define something as industrial it is going to get moved to residential at some point. He said they needed to define industrial space so that they can move forward with an economic plan. He felt they should define at the best of their ability instead of a blob map.

Commissioner Harris asked if this plan conforms with the Parks Plan.

Ms. Leininger replied, yes.

Commissioner Harris asked if it had a ¼ mile radius.

Ms. Leininger did not know if the Parks Plan went into that much detail. Some of the detail would be determined at the development review stage so that Open Space could be flexible.

Mr. McCullough said those were typically Site Plan and Plat issues. He thought that the Parks & Recreation Department was heavily involved with this plan but they have not included all the goals of the Park Master Plan. He stated the map was not really a blob map and that roads identified shows where designations stop and start.

Commissioner Harris wondered why T2025 was referenced in this plan when T2030 was referenced in the Revised Southern Development Plan.

Ms. Leininger said it was in the policy section. T2025 was a reference because it was the current transportation plan.

Commissioner Moore would like to see these as concept plans. If land is designated for a park then the City should be prepared to buy it.

Commissioner Hird asked how the sizes were determined for the amount of space for Community Commercial and Neighborhood Commercial.
Ms. Leininger said that Community Commercial had things like retail and services that would be community wide, Neighborhood Commercial would be more oriented toward the surrounding neighbors. These designations were described in Horizon 2020.

Commissioner Hird asked if the Planning Department had done a comprehensive look at what was available for Industrial use in Lawrence.

Ms. Leininger replied that the Chamber of Commerce had done some studies on that.

Commissioner Blaser asked if this was the area that had always been planned for Industrial use.

Ms. Leininger said that it had previously been larger and that along K-10 had been designated as Industrial.

Commissioner Blaser felt that Industrial areas were great because they increased the City’s tax base.

PUBLIC HEARING ON ITEMS 10 AND 11
Ms. Karen Heeb, property owner south of N 1300 Road, was concerned about N 1300 Road being an arterial road. She thought that moving the road north would be viable. She was concerned about the 150’ R-O-W.

Commissioner Finkeldei asked if there were any thoughts of taking the road south of homes, closer to the SLT.

Ms. Heeb did not know since that had not been discussed. She did not know what would come of the SLT so she was not sure if it would be appropriate to have two roads so close together.

Commissioner Finkeldei said one of the plans was to have the two roads close together.

Ms. Heeb said that during the T2030 meeting it was mentioned as one alternative.

Commissioner Moore inquired about the distance from the center line of the road.

Commissioner Finkeldei said that it may not be the center R-O-W.

Mr. Steve Glass, property owner in the area since 1990, and was frustrated by the process. He wanted the governing bodies to approve something so that the neighborhood could move forward. He felt that in general there was support from the neighbors. He stated that the existing road was pretty close to existing center of R-O-W. He said that there was probably not much that would keep the road from being moved to the north. He stated that a sizeable percentage of the identified industrial area was already zoned as industrial. He went on to say that there were some terrain issues where the land abuts K-10, so he did not think there should be concern about industrial being changed to residential.

Commissioner Lawson asked if there should be additional commercial in the area.

Mr. Glass felt that the west side of Franklin would be a better potential area for commercial. He did not feel that there was a need for more commercial areas.
Mr. John Moore, 1900 Road, said he had been a victim of rezoning. He felt it was hard to live in a community where residential would be rezoned into industrial and that it did not give him confidence in government.

Commissioner Harris asked about the principal arterial and how 9 houses on 1300 Road would work with more entrances then allowed on that road.

Mr. McCullough said it was based on the adopted T2025 designations and based on assumptions of future development to urban densities. He read Transportation Policies from the Staff Report.

Commissioner Blaser felt they should consider additional industrial use east of E 1700 Road because he did not think low density housing would fit in the area.

Commissioner Eichhorn had heard the city is looking at purchasing the old Farmland site over the years. The Parks Department already owned the identified site in the Southeast Area Plan so they did not want to relinquish that and try to repurchase land elsewhere.

Commissioner Blaser said the land certainly could be industrial but he was not sure if the Farmland site would be enough industrial.

Commissioner Eichhorn felt this was a good compromise.

Commissioner Harkins made note of the fact that it was a calm Planning Commission meeting and very few people in attendance. The public had had a lot of input over many years and they had accepted this. He was concerned the public might lose confidence in the process if they made a major change in it at this time, since this had been negotiated with them over the years. He was sympathetic of the need to designate more industrial but thought they should stick with what the neighborhood had been presented with.

Commissioner Moore agreed with the topography not being great. He also agreed with Commissioner Harkins and did not feel it was feasible to develop the eastern side of 1300 Road.

Commissioner Harris asked why low density uses were planned on a principal arterial when, in other plans, we seem to encourage higher density land uses along them.

Ms. Leininger said south of N 1300 Road they were trying to protect the existing neighborhood acreage and large lot homes as they exist. The goal was to have higher density toward the center so traffic would not have to filter south through the development. Also it would give transition to the floodplain.

**ACTION TAKEN ON ITEM NO. 10**

Motioned by Commissioner Lawson, seconded by Commissioner Hird, to approve the Southeast Area Plan and forward to City and County Commissions with a recommendation for approval.

Commissioner Moore asked if Mr. McCullough thought the policy mentioned addressed Ms. Heeb's concerns.

Mr. McCullough said there was a degree of how far they could go without getting into options of alignment. He did not think the sector plan should do that at this time and that they are not trying to box future administrations into one specific thing.
Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to initiate comprehensive plan amendments identified in the implementation section of the plan as numbers 2-4, amendments to Horizon 2020, Chapter 6, for future public hearing.

Unanimously approved 9-0.

Commissioner Harkins asked if there were any other sector plans that needed to be brought up to date.

Ms. Leininger said the Northwest Plan was on the list to be updated.

Mr. McCullough said that the Northwest Plan was not activity being updating yet but that it was on the list of things to tackle in the next year.

ACTION TAKEN ON ITEM NO. 11
Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the comprehensive plan amendment to Horizon 2020, Chapter 14, Specific Plans, adding the reference to the Southeast Area Plan and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval and authorize the Chair/Vice-Chair to sign PC Resolution 2007-07

Unanimously approved 9-0.
ITEM NO. 12:  REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

Reconsider the Revised Southern Development Plan. The draft plan was returned to the Planning Commission for further consideration by the Board of County Commissioners on October 8, 2007.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Mr. McCullough stated that the main issue was the Snodgrass property. Staff did additional analysis of the existing neighborhood and evaluated density. Staff recommended to change the Snodgrass property future land use designation to recognize additional density as development moves closer to the arterial streets, with specific policy statements about Snodgrass property. Staff felt that specific language should be added to match the character and structure type of the Indian Hills Neighborhood. The Indian Hills Neighborhood and Snodgrass family came to an agreement and that is how staff arrived at the policy to change the language noted on page 2 of the updated memo. There have been discussions with Ms. Eldredge about whether or not it would allow attached dwellings. Even though there was agreement to the structures there may be restrictions when outlining the zoning districts. Staff is comfortable not listing zoning districts.

Commissioner Harkins asked about the staff recommendation and if it was being left as medium density.

Mr. McCullough said it would be designated as medium density but customized with policy statements.

Commissioner Harkins was concerned about this type of condition being appropriate with this type of plan and thought it was out of the ordinary.

Mr. McCullough stated that it would be out of the ordinary with large parcels not developed. The parcel being discussed is adjacent to a highly developed area that was cut off by arterial and runoff.

Commissioner Chaney inquired about the 8 unit density, rather than 10.

Mr. McCullough said that it had to do with how much the property could support and also based on discussions with the Snodgrass family and neighborhood.

Commissioner Hird asked if this would create precedence.

Mr. McCullough said they were trying to align the sector plans and get continuity. The northwest plan speaks to the structure types in areas.

PUBLIC HEARING

Ms. Jane Eldredge, Barber Emerson LC, represented the Snodgrass family. She felt that medium density was consistent with Horizon 2020 and seemed appropriate. She said that the Snodgrass family had always intended to do 8 units to the acre. There was no current development plan, they were just trying to preserve their options. They disagreed with conditions 2 and 3. A duplex would be the largest building (not a triplex) that could be built. She also requested maps 3.1 and 3.2 be changed to show the medium density.

Commissioner Harkins asked how much weight this would have in a sector plan.
Ms. Eldredge said it would essentially be an infill area and they were treated differently then an area that was a clean slate because they have to be aware of what was next door.

Ms. Bonnie Johnson, President of Indian Hills Neighborhood Association and Professor of Urban Planning at KU, stated that area plans are exactly where details should be determined especially where property hooks into an existing neighborhood. She felt that details are what give the community a sense of what will go in an area. She said that perhaps residential character could be expanded to describe types of structures to include square feet, duplex, attached, tri-plex, R-O-W issues. She was confused about taking out the zoning district and attached dwellings. She said the neighborhood has been working on a neighborhood plan with multi-family homes with the look and feel of single-family homes with doors and windows on the street. The neighborhood wants them to have the look of single family homes, rather then an apartment building where there would be 1 main door leading to multiple apartments. They would have liked the compromise to have been units per acre, but 8 units was a solid compromise. She was also concerned about increased traffic on 27th Street.

Commissioner Harkins asked if there was any precedence for this type of compromise being imbedding in an area plan.

Ms. Johnson said that the Development Code says the neighborhood plan could have design guidelines but their neighborhood plan was not done yet.

Ms. Eldredge said the Northwest Plan had customized density language not used before.

Mr. Bob Suderman, resident of Indian Hills neighborhood, was concerned about traffic. In 2000 he had KDOT provide study sessions for the community regarding the 31st and Iowa intersection. He felt that traffic on 31st Street and Louisiana would be a real issue. He was not against development, but concerned about traffic. He said that when the southern areas are fully developed the roads would not be able to handle future traffic. He would like to see a cap on the total number of units. He was concerned that there would not be more diversity of housing types and that the topographical elevation had not been addressed. He went on to say that the property had been vacant because of flooding and that he was concerned about the Snodgrass property being raised and cause flooding issues around it.

**COMMISSION DISCUSSION**

Commissioner Finkeldei inquired about the compromise that was reached between the neighborhood and the Snodgrass family.

Mr. McCullough said the Development Code defined attached dwelling as being different than multi-dwelling. He went on to say that the horizontal types were important in keeping with the compatibility of the neighborhood. He was comfortable integrating condition number 4 into 3 and leaving 1. The listing of districts was consistent with what they were trying to do with the designations. He felt it reflected the concept with what they had talked about.

Commissioner Harris felt the specificity of the plan was irregular but a good idea for the plan. It would give developers and neighbors an idea of what would happen in the area and development would probably happen faster and without more trouble this way.

Commissioner Lawson appreciated staff efforts for a compromise. He did not think they should tweak something that the neighborhood and applicant agreed to. He would be hard pressed to make changes that have been recommended since there are two sides that are relatively satisfied.
Commissioner Moore agreed with Commissioner Lawson. He said it was a parcel with 2 streets that stub right into it. It was a mature neighborhood so he did not think it would be fair to change it since a compromise had been met. He trusted staff.

Commissioner Chaney agreed this was a good plan but was concerned that the development plan was in such detail. He thought they needed to start being consistent with development plans when transitioning with neighborhoods.

**ACTION TAKEN**
Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve the *Revised Southern Development Plan* with the changes set forth in the staff memo and below, and by removing bullet points 2 & 3 in the recommended residential land use policies number 5 and changing bullet point 4 to state “develop with similar residential character to the neighborhood to the north including such structures as single-family, duplex, tri-plex, and row houses.” Also changing maps 3.1 and 3.2 to show the northwest corner of 31st and Louisiana as medium-density residential, as suggested by Ms. Eldredge, and forwarding a recommendation to the City and County Commissions for approval:

- Add a reference to T2030 and subsequent transportation plans.
- Change low-density residential land use description the following ways:
  - Remove under applicable areas: Property to the north and west of the intersection of Louisiana Street and W. 31st Street.
  - Add to the Zoning Districts: RM12D
  - Add to the Primary Uses: attached dwellings and duplexes
- Change medium-density residential land use description to add:
  - Add to the Applicable Areas: Property to the north and west of the intersection of Louisiana Street and W. 31st Street.
  - Add to the Primary Uses: attached dwellings
- Change the Policies under residential to add:
  - 5. Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:
    - have a gross density of no more than 8 dwelling units per acre,
    - be restricted to the following zoning districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay), RM12D (Multi-Dwelling Duplex Residential),
    - develop with any of the following uses: single-family dwellings, attached dwellings, duplex, and
    - develop with similar residential character to the neighborhood to the north.
- Change the Policies under Commercial to state:
  - 2. Planned development overlay zonings shall be self-contained with consideration given to: independent traffic networks; land use buffers; and/or a gradation of land uses, as well as, landscaped buffer(s) along the perimeter of the planned commercial development.
  - 3. Future commercial development and/or redevelopments of existing commercial areas shall be in the form of planned development overlays.
- Change the Policies under Open Space/Floodplain to state:
  - 3. Areas within the regulatory floodplain shall not be counted as contributing more than 50% of the open space used in the computation of density for planned development overlays e.g., areas designated as open space/floodplain cannot be used to justify increased residential development densities.

Unanimously approved 9-0.
**ITEM NO. 13:**   FARMLAND INDUSTRIES REDEVELOPMENT PLAN (DDW)

Consider approval of the Farmland Industries Redevelopment Plan.

**ITEM NO. 14:**   CPA-2007-5 (DDW)

**CPA-2007-5:** Consider amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Farmland Industries Redevelopment Plan and authorize the Chair/Vice-Chair to sign PC Resolution 2007-07.

**STAFF PRESENTATION**
Mr. Dan Warner presented items 13 and 14 together.

Commissioner Lawson inquired about the term Employment Center on the map.

Mr. Warner said it was changed to reflect the Chapter 7 text.

Commissioner Eichhorn said that a possible future By-Pass should be identified.

Mr. Warner said he talked to the City Senior Transportation Planner who was not concerned about any future By-Pass going through the path.

**PUBLIC HEARING ON ITEMS 13 AND 14**
Ms. Jane Eldredge, Barber Emerson LLC, asked what a Redevelopment Plan was.

Mr. Warner stated that in the hierarchy of plans amending into Horizon 2020, it would be a special issue plan.

Commissioner Harris asked where it fell in comparison to an area plan.

Mr. Warner said that in the hierarchy of plans it is not less important than an area plan, it is just a special issue plan.

Commissioner Eichhorn inquired about commercial use.

Mr. Warner said the plan did not say that there could not be commercial on the site but it does limit it to what is appropriate to serve the site.

Ms. Beth Johnson, Chamber of Commerce, gave overview of the market. She stated that there have been about 62 recruitment companies that have come to Lawrence in the past year. One of the main problems was lack of suitable land space. Lack of available land or buildings have been why companies decide not to come to Lawrence. She stated that they only had three sites in their inventory and one of them was along the retail corridor so they would not put industrial along there. Another site was south of Hwy 59 and the SLT, but access was not great at this point. That leaves only one site, by East Hills Business Center. That site would need to be 5 feet higher to get out of the 500 year floodplain so the site was not ready. She stated that in order to have a great site, there needed to be redundancy of utilities. She also stated that they needed sites of varying sizes. She felt that the Farmland site was a great location because of its access to K-10, but it did not have I-70 access. She said the completion of
the SLT was important to the site as well. She also felt it was important to pay attention to the entrance of the park because East Hills Business Park and Farmland might become one someday.

Commissioner Eichhorn asked how many large acre sites could fit.

Mr. Warner said that roughly 300 acres was dedicated to employment uses. He said that that probably just two sites could fit, but possibly three sites in combination with the East Hills Business Park.

Commissioner Eichhorn asked how important access to I-70 was.

Ms. Johnson replied that it was important for distribution uses.

Commissioner Blaser asked about the intermodal impacts.

Ms. Johnson said that railroad needs increasing because most demands were for the railroad, not truck access.

Commissioner Eichhorn asked if the 87 acre site near East Hills Business Park was above the 2’ freeboard.

Ms. Stogsdill said that they were going to look into raising it 4’ across the entire 87 acres.

Ms. Johnson said that she would just like to raise the pad site, not the entire acreage, so that the water would not drain to the neighbors.

Commissioner Harkins said that if the SLT was complete there would be access to I-70.

Ms. Johnson said their main focus would be completion of the SLT.

**COMMISSION DISCUSSION**
Commissioner Finkeldei felt it was an important plan for the city and they should make sure that there was enough space for industrial.

Commissioner Eichhorn asked about text regarding park trails through the site.

Mr. Warner said it was in a couple different places. The Open Space category talked about it and also in the transportation section.

Commissioner Lawson inquired about the implementation.

Mr. Warner said the plan is neutral on ownership of the property. The City is going through the complicated bankruptcy proceedings to purchase it. It would not be developed until someone owned the property that was interested in redeveloping it.

Commissioner Finkeldei asked if the bankruptcy court had put it up for sale yet.

Mr. Warner replied, no.

Commissioner Finkeldei said he was under the impression that the City would be one of the bidders for the property.
Commissioner Lawson inquired about commercial use and why it was not located on the map.

Commissioner Eichhorn said it was not placed on the map yet since they did not know where the placement of the buildings would be.

**ACTION TAKEN ON ITEM NO. 13**
Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the Farmland Industries Redevelopment Plan and forward the plan to the City and County Commissions for approval.

Unanimously approved 9-0.

**ACTION TAKEN ON ITEM NO. 14**
Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Farmland Industries Redevelopment Plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve and sign Planning Commission Resolution 2007-03.

Unanimously approved 9-0.
ITEM NO. 15:  CPA-2004-02 (AAM)

CPA-2004-02: Receive Board of County Commissioners recommendation to reconsider a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use. Referred to the Planning Commission on October 8, 2007.

STAFF PRESENTATION
Ms. Amy Miller presented the item.

Commissioner Finkeldei asked if the Land Use Map in Horizon 2020 showed Industrial sites.

Ms. Stogsdill stated that only in Service Area 1 within the city limits.

Commissioner Finkeldei asked if the two maps would be consistent and if the Future Land Use Map was for a smaller area.

Ms. Stogsdill replied, yes.

Mr. McCullough said the industrial chapter was given a unique angle when compared to Horizon 2020. For industrial uses, there was no map, just criteria that could be used as projects come forward.

Commissioner Harkins inquired about how to do sector plans with mapping.

Mr. McCullough said that mapping was needed in the chapter especially when closer to growth areas. He said it was fuzzy outside of the UGA.

Commissioner Harkins asked if it was feasible that a project would be proposed that was not mapped.

Mr. McCullough thought that mapping helped support projects and that it would be a judgment call by the County Commission if it fit into the plan.

Commissioner Harkins said that they would never be in a position where the maps would be highly defined.

PUBLIC HEARING
Mr. Lane Williams, E 1500 Road, said that the North Lawrence site did not meet all criteria. He said that when looking at figure 2 the asterisk looks like it is for employment use. He felt it was misleading because it did not fit the overall criteria. Under the draft amendment there are other criteria that need to be looked at to determine whether or not it is appropriate. He was speaking specifically about adjacent land use patterns. He said that if industrial development was put in then it was not compatible with the surrounding area. He felt that the land was flood prone and that it was prime farmland.

Mr. Bob Lominska, lives in Jefferson County, was concerned with the lack of infrastructure. He was also concerned about losing prime farmland and concerned about proposed development around the airport. He was concerned about industrial sites and read part of a letter from Chad Voigt regarding the development around the airport. He was also concerned about flooding, native soils and agricultural value of the land. He would like conservation efforts to be made.

Commissioner Lawson asked how to scientifically evaluate soils and their productivity.
Mr. Lominska said it was incredibly valuable farm land in producing produce.

Ms. Ellen Paulson said there were no alternative routes to North Lawrence if there was a disaster. She said that North Lawrence was made up of elderly and low income residents and they would be displaced if there was a disaster. She said that if the proposed area was developed it would create more flooding.

Ms. Jane Eldredge said that in terms of specific sites being identified on a map, the Kansas statues determine that there be general directions. She said that when Horizon 2020 was started there were no maps because they did not want to prejudge things from a map. She said that potential locations should be taken into consideration. She would like to see lots of potential sites for industrial and that it should be based on highways, railroads, and other modes of transportation, and identified on a map. She felt that it would give warning that the sites may be potential industrial sites. She said that policy 2.1 on page 715 said to limit development to land use areas. She did not think all of the locations could be identified. She said that all industrial should meet certain requirements for their uses and they are not all going to be the same. She thought that the plan should be more flexible to allow industrial outside the UGA.

Criteria that should be met include adequate parcel size, transportation, soil characteristics, floodplain and drainage, adequate water, vehicle circulation, major transportation corridors, and buffering in a compatible way. She said that the proposed draft was not dramatically different but the general tone was somewhat offensive because it was limited to white collar uses. She said there were many blue collar workers in the community that needed to be considered. She thought that the language needed to be more inviting and encourage things they wanted to happen.

Commissioner Hird was generally in favor of keeping things flexible to increase the tax base. He felt that if sites were not identified on a map then the public would not know of potential land use.

Ms. Eldredge said that was why they needed to identify as many sites as possible based on criteria. She said that a potential site now may not be a potential in 5-10 years. She said there needed to be a safety valve so that the Comprehensive Plan did not have to be amended every time.

Commissioner Hird said that land owners outside of the UGA might be at a disadvantage.

Ms. Eldredge felt there was a dilemma every time the Comprehensive Plan was looked at.

Commissioner Harris inquired about the criteria for soils and drainage.

Ms. Eldredge said there was a level of scrutiny when looking at the Comprehensive Plan, when looking at a particular parcel that was when you want to look at those characteristics.

Commissioner Harris did not think there was danger in identifying a site on a map that might have good transportation and good drainage.

Ms. Eldredge felt that making zoning decisions at the Comprehensive Plan level was premature.

Ms. Beth Johnson, Chamber of Commerce, said they need more industrial land since it has been depleted. She felt that they needed to identify areas for industrial and that they needed to be areas that have different transportation needs and access to utilities. She felt that maximum flexibility was needed. She felt that a real discussion with the community about economic growth was needed and that they need to think about what type of companies they want to focus on.
Commissioner Lawson referenced the 140-150 acres of property across the road from the UGA and asked if it would be highly desirable land for industrial.

Ms. Johnson replied, yes. They need to look at sites in and outside the city limits, beyond the UGA.

Commissioner Lawson asked how that would be done without city services.

Ms. Johnson said that some companies do not need rural services or a company that does could dig their own well.

Commissioner Blaser asked if this would be done by government or a private group.

Ms. Johnson said mostly with the public, especially in western Kansas because they do not have the developers that Lawrence has.

Commissioner Lawson asked for examples of companies.

Ms. Johnson said that in Rice county they have two expansions, one with a chemical company because of the access it provided and they did not need that level of city services so they dug their own well.

Commissioner Harkins asked where prime land of 1000 acres would be with access to roads and utilities.

Ms. Johnson gave the examples of East Hills Business Park, Farmland and Airport Business Park.

Commissioner Harris asked how the airport would serve industry.

Ms. Johnson said that Pioneer Seed came to visit Kansas and they wanted an un-towered airport.

Commissioner Eichhorn inquired about a potential site list.

Ms. Johnson said that 30 of the 43 properties were under 10,000 square feet.

Commissioner Eichhorn said that Lawrence had plenty of office space.

Ms. Johnson said that Olathe and Lenexa were doing tax abatements for office projects.

Commissioner Eichhorn asked if existing land should have incentives to get new buildings.

Ms. Johnson said it would be an opportunity.

Commissioner Lawson asked about cooperation with other cities was availability.

Ms. Johnson said that they had listed all available sites in Douglas County on the Chambers site.

Commissioner Lawson asked if there was much effort being done to work collectively as a county.

Ms. Johnson said there were more collaborative talks to further those efforts.

Commissioner Eichhorn inquired about a tracking system.
Ms. Johnson said that the Chamber tracks projects every time there is a business prospect so that at the end of year they have a total of prospects.

Commissioner Eichhorn said that in the Industrial Chapter it included agri-industry and he asked if there was any indication on looking for sites like that.

Ms. Johnson said that there is an agri-business committee at the Chamber of Commerce.

Commissioner Hird inquired how to create opportunities. He felt they needed to use criteria based on analysis instead of a map, and he hoped that in the future they could take that same approach for those that are already in Douglas County trying to use their land for improvements and enhancement.

Ms. Johnson said that expansion and retention was also important to the Chamber.

Commissioner Harkins asked what they had to fix to make Eco Development work.

Ms. Johnson said that they needed to ask for the community to get involved.

**COMMISSION DISCUSSION**

Commissioner Eichhorn said the map would at least give a land owner an idea of what might happen around them.

Commissioner Lawson said he could not see how they could totally eliminate map illustrations but that it did not have to be the sole reference.

Mr. McCullough said that the Comprehensive Plan identified when and where development should occur.

Commissioner Finkeldei said they needed a map that was general in nature and there was too much stress on municipal services. He thought it should be more flexible. This chapter was different then others in Horizon 2020 because it was way too limiting and too harsh. He felt this chapter should be more descriptive and should be more policy oriented.

Commissioner Moore agreed with Commissioner Finkeldei. He thought the map was important but should be less restrictive.

Commissioner Harkins said they should look at neighboring competing counties. “Snowflakes” on a map would not compete. He said people were looking to build and they needed to be proactive.

Commissioner Finkeldei said he would like a policy that says they would help build roads when they bring jobs to the community.

Commissioner Eichhorn said there were a lot of neglected industrial sites within the city that were waiting for someone to put their own building on.

Commissioner Blaser said it should not be so site specific.

Commissioner Harris asked if the criteria were sound.

Commissioner Blaser said the general criteria was too specific.
Commissioner Harris agreed she would like to see the language more positive and thought the map was helpful in helping to see what sites meet the Comprehensive Plan.

**NO ACTION TAKEN**
ITEM NO. 16: AMENDMENTS TO ARTICLE 8, DEVELOPMENT CODE (J CR)

TA-11-13-06: Consider amendments to Article 8 of the Development Code to correct errors and inconsistencies initiated by the Planning Commission on November 15, 2006.

Item No. 16 deferred.
ITEM NO. 17: AMENDMENTS TO SECTION 20-601, DEVELOPMENT CODE (JCR)

TA-07-14-07: Consider amendments to Section 20-601 of the Development Code to revise setbacks for the IG District when abutting residential zoning districts.

Item No. 16 deferred.
MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 12:22pm