



## **PLANNING COMMISSION MEETING**

### **April 23 & 25, 2018**

### **Meeting Action Summary**

---

April 23, 2018 – 6:30 p.m.

Commissioners present: Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Weaver

Staff present: McCullough, Ewert, Larkin, A. Miller, Mortensen, Pepper

---

### **GENERAL BUSINESS**

Elect temporary Planning Commission Chair for the April 23, 2018 meeting.

Commissioner Carpenter nominated Commissioner Kelly as temporary Planning Commission Chair. Seconded by Commissioner Butler.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

### **PLANNING COMMISSION ACTION SUMMARY**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of March 28, 2018.

Motioned by Commissioner Culver, seconded by Commissioner Sinclair, to approve the March 28, 2018 Planning Commission action summary minutes.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

### **COMMITTEE REPORTS**

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

Commissioner Kelly said the Comprehensive Plan Committee continues to meet. He said they were going through the issue action report in more detail. He encouraged Planning Commission to look at the plan.

### **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

### **GENERAL PUBLIC COMMENT**

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

No general public comment.

PC Minutes 4/23/18

**ITEM NO. 1A PRELIMINARY PLAT FOR OREAD WEST NO. 17; 1601 & 1701 RESEARCH PARK DR (BJP)**

**PP-18-00072:** Consider a Preliminary Plat for Oread West No. 17 located at 1601 & 1701 Research Park Dr. Submitted by BG Consultants on behalf of Beckmeisters LLC, property owner of record.

**ITEM NO. 1B SPECIAL USE PERMIT FOR BRIDGE HAVEN; 1601 & 1701 RESEARCH PARK DR (BJP)**

**SUP-17-00697:** Consider a Special Use Permit for Bridge Haven, located at 1601 & 1701 Research Park Drive. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented items 1A-1B together.

**APPLICANT PRESENTATION**

Ms. Joy Rhea, Paul Werner Architects, said the site would be more neighborhood friendly by adding parking and addressing the trash issue, which were the complaints by the neighbors.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Kelly asked how many beds were in the current facility.

Ms. Pepper said building A had 10 bedrooms, building B had 12 bedrooms, and the new building would have 12 bedrooms.

Commissioner Kelly wondered if the parking numbers should be looked at since people were parking on the street.

Mr. Robert Wilson, Bridge Haven, said he was not the developer on the original building. He said each building had four staff members with a shift change twice a day where there are double the staff for about 20-30 minutes. He said the parking was doubled to get all employees off the street. He also said there would be several reserved spots near the front as a courtesy to family members visiting residents. He said adding a large dumpster would solve the trash issue. He said the first building had 10 bedrooms but two were semi-private so each building had 12 bedrooms.

Commissioner Paden inquired about parking on Research Park Drive.

Mr. Wilson said some employees were parking on Research Park Drive and that there were no other businesses on that street.

Commissioner Paden asked what type of street Research Park Drive was.

Ms. Pepper said it was a collector street.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Commissioner Kelly asked how many residents drive.

Mr. Wilson said none of the residents drive and that the parking was only for staff and family members. He said during shift changes staff overlap and parking may be on the street.

Commissioner Kelly wondered about the parking calculations being too low.

Mr. McCullough said the Code did not take into account staffing.

Commissioner Sinclair said it was worth recognizing that the applicant was retaining the mature trees on the property. He asked if the trees could be altered at a later date.

Mr. McCullough said yes but that there was still a bufferyard requirement.

**ACTION TAKEN on Item 1A**

Motioned by Commissioner Butler, seconded by Commissioner Paden, to approve the Preliminary Plat, PP-18-00072, for Oread West No. 17 located at 1601 & 1701 Research Park Dr.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

**ACTION TAKEN on Item 1B**

Motioned by Commissioner Butler, seconded by Commissioner Culver, to approve the Special Use Permit, SUP-17-00697, of the *Extended Care Facility, General* use located at 1601 & 1701 Research Park Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Prior to release of the accompanying site plan for building permits, the applicant will provide a photometric plan to the Planning Office for review of compliance with Section 20-1103;
2. Approval by the Stormwater Engineer of a best management practice at the west end of the proposed parking lot to mitigate the amount of parking that exceeds parking code requirements.

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the vote.

PC Minutes 4/23/18

**ITEM NO. 2 SPECIAL USE PERMIT FOR BISHOP SEABURY; 4120 CLINTON PKWY (SLD)**

**SUP-18-00076:** Consider a Special Use Permit for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen and chapel spaces, located at 4120 Clinton Parkway. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented the item.

**APPLICANT PRESENTATION**

Ms. Lorie Bowman, BBN Architects, agreed with the conditions in the staff report. She said 12-18 months was a reasonable construction phase and that a majority of the staging would happen on the south side of the lot. She said the tennis court would be demolished but that it would be used as part of the construction phase. She said there would not be a lot of traffic on the north and east sides of the building. She said the majority of the construction traffic would be along the south and west side. She said the contractor would be responsible for securing the construction site with construction fencing. She said PSI Services conducted a full soil analysis and recommended backfill material. She said the pool would be removed and filled with engineered fill material. She said regarding noise during construction the contractor would work Monday-Friday 7:00am-5:30pm and possibly Saturday's half-day if they get behind. She said some neighbors wanted more landscaping and others wanted less so she felt the best way to handle landscaping would be to meet with the neighbors again.

Mr. Don Schawang, Bishop Seabury, said regarding the line of juniper bushes mentioned in a letter from a neighbor, those were far enough from the construction site that they would remain. He said the tree mentioned on the far west side of property would be maintained and cared for.

Ms. Bowman said a significant addition of landscaping would be added. She said one giant tree was requested to be removed by the neighborhood so it was removed. She said she was happy to meet with the neighbors about landscaping concerns. She said the new building addition would be consistent with the look of the building now and would not introduce new materials.

**PUBLIC COMMENT**

Mr. Bob Banning, 4211 Wimbledon, said condominiums/townhomes were treated as multi-use buildings in the Code in terms of landscaping barriers. He recommended they revisit the Code and how it views landscaping for condominiums/townhomes. He expressed concern regarding drainage especially during high rain seasons.

Mr. Tom Cotte' said the east building would back up to the new construction by about 40-50'. He said the south side faces the tennis courts. He said the entire Bishop Seabury campus shielded the townhomes from Clinton Parkway which helps with noise and traffic. He felt the construction process would drastically change the landscaping. He expressed concern regarding construction scheduling, sanitary sewer pipe, property values, and drainage. He felt a year and a half was a long time to witness construction. He asked Planning Commission to consider limiting the construction timeframe. He expressed concern about decreased property value, especially during the construction phase. He

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

recommended a barrier of fast growing trees be planted as screening. He said the removal of the tennis courts would expose the neighborhood.

Ms. Hilary Griggs, Bishop Seabury student, said she took three out of eight classes in a mobile classroom. She said there was an increasing need for Bishop Seabury to expand. She said there would be some extent of inconveniences to the neighborhood during construction but that there was a definite effort by Bishop Seabury to mitigate those inconveniences. She said the project was essential to continue improvements to the student body education. She urged Planning Commission to vote in favor of the Special Use Permit.

Ms. Patsy Cotte' said there were six units/homes that would be directly impacted. She wanted construction to be kept on task and the contractor held liable. She said the neighborhood would be subjected to the back of the building and that it would be very close.

Mr. Michael Almon said the expansion would be the same design the current buildings had. He said landscape screening was not necessary since it would be no different than what was there now.

### **APPLICANT CLOSING COMMENT**

Mr. John Chamberlain, SK Group, addressed stormwater concerns expressed by Mr. Banning. He said the existing 35' drainage easement along the north side of the property picks up drainage to the northwest of the property and drains to the north of the existing townhomes. He said that was a pre-existing drainage issue with pre-existing water flows established by previous development. He said the current plan would increase the pervious area. He said along the back of the six townhomes the area was flat and did not drain well so underground storm sewer would be added to drain to the drainage easement on the north side of the property. He said the existing sanitary sewer line was a private line and construction would not impact that line. He said a note could be added to construction plans so the contractor was aware the line was there. He said the sanitary sewer for Bishop Seabury would come out of the north side of the building and tie into a 12" city main sewer line.

Ms. Bowman said the backside of the building wasn't the backside for the school. She said it would be the science wing and would have windows and doors to bring in as much daylight as possible. She said there were a substantial amount of cedar trees and Bishop Seabury would be planting more. She said trees could be moved to fill in gaps.

### **COMMISSION DISCUSSION**

Commissioner Butler asked where the residential six-plex was located.

Ms. Pepper showed an overhead map.

Commissioner Butler asked about the pre-existing drainage issue that Mr. Chamberlain mentioned. She wondered if the drainage issue was on Bishop Seabury property.

Mr. Chamberlain said no, there was a large box culvert that goes underneath Wimbledon Drive with an existing drainage easement on the north side of the six-plex which turns and goes east along the north side of Bishop Seabury and ties into the creek east of Bishop Seabury. He said a new stormwater system would be added to provide drainage to the flat area near the six-plex. He said the tennis courts would be removed so there would be less impervious surface than currently on site.

Commissioner Paden did not feel that 12 bicycle spaces were enough.

Mr. Schawang said Bishop Seabury encouraged students to bike to school but that more bicycle racks would not make that happen.

Commissioner Paden said it was an issue that needed to be addressed citywide. She felt reducing bicycle spaces from 43 to 12 was too few spaces.

Mr. Scott Zaremba, Bishop Seabury President of Board of Trustees, said as things progress Bishop Seabury will expand with that progression.

Mr. McCullough said Lawrence Memorial Hospital received a reduction. He said institutional uses allow for bicycle additions if needed in the future.

Commissioner Kelly said townhomes were different than what is typically thought of for multi-family. He wondered about screening language in the Code.

Mr. McCullough said bufferyards were dictated by zoning districts. He said schools were allowed in many residential districts so it was more of a use issue than a zoning issue. He said the townhomes were situated fairly close to the property line when developed. He stated there were mechanisms through the Special Use Permit to mitigate impacts.

Commissioner Kelly inquired about the request for fencing.

Ms. Bowman said there was a fence around the pool about 10' inside the property line that would be removed. She said she would prefer to mitigate with landscaping and that there was substantial screening on the Bishop Seabury side.

Mr. Banning said the buffer would be greater if single-family homes instead of multi-family.

Mr. McCullough said the applicant would have the choice of bufferyard. He said it would need to be put forth as a condition.

Mr. Matt Bond, City Stormwater Engineer, said there were constraints on the placement of additional landscaping and how it would impact sewer lines.

Commissioner Carpenter asked about how the Special Use Permit ties into construction timelines.

Mr. McCullough said the Special Use Permit allows 24 months to pull a building permit or seek extension.

*Commissioner Rob Sands arrived at the meeting at 7:57pm.*

Mr. Schawang suggested removing neighbor trees and replacing with new trees.

Mr. Bond said the current placement was fine.

Ms. Cotte' said the current trees were beautiful. She expressed concern about the building being too close. She said she would prefer a fence for screening.

Mr. Bond said a 6' fence was not going to hide a 20' building.

Commissioner Butler said the residents have the choice to put up fence on their side. She said the property owner had rights and the ability to develop their site. She encouraged the applicant to work with neighbors. She was not a fan of requiring the applicant to spend extra money on screening the neighbors would prefer.

Commissioner Kelly asked staff if it would provide enough direction to say that the applicant and neighbors could work together on the location of landscaping as they agree to. He said the applicant was following the Code and the neighbors could put up a fence and landscaping if they chose.

Mr. McCullough said minor changes could be made administratively.

Commissioner Carpenter said there was nothing that would prohibit the applicant from working with the neighbors.

### **ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Culver, to approve the Special Use Permit for Bishop Seabury Academy, a *School Use*, located at 4120 Clinton Parkway and forwarding the request to the City Commission with a recommendation of approval, including the following waivers:

1. Reduction of required bicycle parking from 43 to 12 as determined to be acceptable by the City Engineer.
2. Waiver to reduce required perimeter parking lot landscaping due to underground utility conflicts.
3. Waiver to reduce the width of the north and west access driveway as shown on the site plan.

subject to the following conditions:

1. The applicant shall submit a revised Site Plan with the following changes prior to the release of the site plan to Development Services for processing of building permits.
  - a. Revise the parking summary General Note 9 to update the total bicycle parking provided is 12 spaces and include a note that references a wavier for the reduction in bicycle parking and to show on the drawing a minimum of 12 bicycle parking spaces that meet APBP bike parking spacing requirements.
  - b. Reconfigure the storm sewer at the north end of the new parking lot to terminate in a bio-retention cell along the north property line per the City Stormwater Engineer's approval.
  - c. Provision of a revised site plan to show either a dry stand pipe or a wall indicator valve with a 2.5" hose connection at the exterior of the building per Fire Prevention Staff approval.

Commissioner Kelly said it was great to see goodwill between the school and neighborhood.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Motion carried 7-0-1. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sinclair, and Weaver voted in favor. Commissioner Sands was not present for the item.



PC Minutes 4/23/18

**ITEM NO. 3      REZONING 2.48 ACRES FROM RM12-FP TO RM12; 3172-3257  
ATCHISON AVE, 3209 & 3215 YANKEE TANK LN (LRM)**

**Z-18-00071:** Consider a request to rezone approximately 2.48 acres from RM12-FP (Multi-Dwelling Residential and Floodplain Overlay) District to RM12 (Multi-Dwelling Residential) District, located at 3172-3257 Atchison Ave, 3209 Yankee Tank Ln, and 3215 Yankee Tank Ln. Submitted by Grob Engineering Services LLC on behalf of Yankee Tank Estates LLC, property owner of record.

**STAFF PRESENTATION**

Mr. Luke Mortensen presented the item.

**APPLICANT PRESENTATION**

Mr. Dean Grob, Grob Engineering Services, said the rezoning was still contingent upon the Federal Emergency Management Agency (FEMA) letter.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Culver asked if FEMA took the initiative to make map changes or if it was applicant driven.

Ms. Amy Miller, Assistant Planning Director, said the vast majority of FEMA map changes were driven by the applicant.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the rezoning request, Z-18-00071, for approximately 2.48 acres from RM12-FP District to RM12 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 subject to the following condition:

1. Applicant must receive Letter of Map Change (LOMC) from FEMA (pending) before rezoning request moves on to the City Commission for consideration.

Commissioner Paden asked why the rezoning couldn't wait for the FEMA letter.

Ms. Miller said waiting for the letter of map change would delay the applicant. She said it was a good faith effort to allow it to move forward through Planning Commission. She said the FEMA letter would be needed for City Commission approval. She said there was a current structure under construction that was part of the Floodplain Overlay District, therefore time was of concern.

Mr. McCullough said the structure was being constructed under the floodplain regulations. He said one of the solutions was to allow a gravel driveway. He said the impact of having the FP Overlay is that there are requirements over and above the Code related to the amount of impervious surface material in the floodplain. He said they do not desire to have a gravel driveway forever. He said it would not become effective unless FEMA accepted the map change.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

PC Minutes 4/23/18

**ITEM NO. 4      VARIANCE; 1803 W 6<sup>TH</sup> ST (SLD)**

**MS-18-00113:** Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Eagle Subdivision No. 2, located at 1803 W 6<sup>th</sup> St. Submitted by BG Engineers on behalf of Mount Oread AERIE 309 FOE, Inc., property owner of record.

**STAFF PRESENTATION**

Mr. Luke Mortensen presented the item.

**APPLICANT PRESENTATION**

No applicant present.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Paden, seconded by Commissioner Carpenter, to approve a variance requested for a Minor Subdivision, MS-18-00113, to reduce the right-of-way, required per Section 20-810(e)(5) for a principal arterial street, from 150' to 100' in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1803 W. 6<sup>th</sup> Street.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

PC Minutes 4/23/18

**ITEM NO. 5      TEXT AMENDMENT TO LAND DEVELOPMENT CODE; GROUP HOMES IN  
GPI DISTRICT (SLD)**

**TA-18-00121:** Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4 and 17, to permit *Group Homes* in the GPI district. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Sands said the Group Home permitted 10 or less people in the GPI district and 11 or more would require a Special Use Permit.

Mr. McCullough said that was correct.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Weaver, approve the proposed text amendment, TA-18-00121, amending sections of Article 4 and Article 17 of the Lawrence Land Development Code to permit *Group Homes* in the GPI District and to update the definition to align with current State legislation, forwarding to the City Commission with a recommendation for approval.

Unanimously approved 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

## **MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

### **MISC NO. 1      RESIDENTIAL LOT INVENTORY**

Planning Commission received the 2017 residential lot inventory report.

Motioned by Commissioner Carpenter, seconded by Commissioner Sands, to recess until 6:30pm on April 25, 2018.

Motion carried 8-0. Commissioners Butler, Carpenter, Culver, Kelly, Paden, Sands, Sinclair, and Weaver voted in favor.

---

**Recess at 8:39pm until 6:30pm on April 25, 2018**

PC Minutes 4/25/18

---

Reconvene April 25, 2018 – 6:30 p.m.

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

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

---

## **BEGIN PUBLIC HEARING (APRIL 25, 2018):**

### **COMMITTEE REPORTS**

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

Commissioner Willey said the Comprehensive Plan Committee met April 16, 2018 and continue to go through the document chapter by chapter and digest all the public comments. She said Staff would come up with another draft and eventually it would come back to Planning Commission for public hearing.

### **EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Mr. McCullough said the applicant for Item 9 had requested a deferral.
- No Ex parte.
- No Abstentions.

### **GENERAL PUBLIC COMMENT**

No general public comment.

PC Minutes 4/25/18

**ITEM NO. 6      PRELIMINARY PLAT FOR MERCATO 2<sup>ND</sup> ADDITION; 6200 W 6<sup>TH</sup> ST  
(MKM)**

**PP-18-00028:** Consider a Preliminary Plat for Mercato 2<sup>nd</sup> Addition, a five-lot subdivision on approximately 116.8 acres located at 6200 W 6<sup>th</sup> St. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

*Item 6 was deferred prior to the meeting.*

PC Minutes 4/25/18

**ITEM NO. 9A ANNEX 97.4 ACRES; 1700 BLK E 902 RD (MKM)**

**A-18-00068:** Consider the annexation of approximately 97.4 acres, in the 1700 Block of E 902 Rd. Submitted by BG Consultants, Inc., for Garber Enterprises, Inc, property owner of record. *Initiated by City Commission on 4/17/18.*

**ITEM NO. 9B REZONING 24.96 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00070:** Consider a request to rezone approximately 24.96 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District. Submitted by BG Consultants, Inc. for Garber Enterprises Inc., property owner of record.

**ITEM NO. 9C REZONING 60.95 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00073:** Consider a request to rezone approximately 60.95 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5 (Single-Dwelling Residential) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**ITEM NO. 9D REZONING .78 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00074:** Consider a request to rezone approximately 0.78 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to RS5-FP (Single-Dwelling Residential and Floodplain Overlay) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**ITEM NO. 9E REZONING 11.49 ACRES; 1700 BLK E 902 RD (MKM)**

**Z-18-00075:** Consider a request to rezone approximately 11.49 acres in the 1700 Block of E 902 Rd from A (Agricultural) District to IL (Limited Industrial) District. Submitted by BG Consultants, Inc. for Garber Enterprises, Inc., property owner of record.

**STAFF PRESENTATION**

Mr. Scott McCullough said the applicant was requesting a deferral. He said there were about four parcels requesting to be annexed into the city. He stated a few parcels were served with existing sewer but that the other half of the property was not yet served by sewer. He said the applicant wanted to defer to explore possibilities for funding and the mechanics of getting a benefit district formed to get sewer to the northern and western properties. He said the applicant was trying to explore ways to get infrastructure to consider part of the annexation request.

**APPLICANT PRESENTATION**

Mr. David Hamby, BG Consultants, said he was trying to tie down those loose issues on how to serve the property with sewer. He felt it would be premature for Planning Commission to make a decision without additional information.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>



Commissioner Struckhoff said it was probably appropriate to give the applicant a chance to explore and discuss a plan with the city. He said although there wasn't a specific master plan for the area there was a general outline of what the utility system was expected to look like in the future.

**ACTION TAKEN on Item 9A-9E**

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to defer Items 9A-9E indefinitely until the applicant was ready to bring it back to Planning Commission.

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

PC Minutes 4/25/18

**ITEM NO. 7      REZONING 2.54 ACRES FROM A/A-1 TO A; 548 N 1700 RD (MKM)**

**Z-18-00069:** Consider a request to rezone approximately 2.54 acres located at 548 N 1700 Rd from A/A-1 (Agricultural and Suburban Home Residential) Districts to A (Agricultural) District. Submitted by Kevin Sontag on behalf of Kanwaka Township, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

No applicant present.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the rezoning request for approximately 2.54 acres from A (Agricultural) and A-1 (Suburban Home Residential) Districts to A (Agricultural) District to the Board of County Commissioners 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, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 8      CONDITIONAL USE PERMIT; 1055 E 1500 RD (MKM)**

**CUP-17-00313:** Consider a Conditional Use Permit for a *Recreation Facility* (event center), and a *Rooming, Boarding, and Lodging Houses* (Short Term Rental) located on approximately 1.26 acres at 1055 E 1500 Road. Submitted by Stan Trekell, for Linda G. Fritz, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Stan Trekell said he cleaned up the previously blighted property. He provided history of the property. He said the building was built in 1890 on a limestone foundation. He read from a 1935 Lawrence Journal World article about the property and its past use as a community center where various types of meetings were held. He said he was interested in holding "polite society" events, not rowdy parties.

**PUBLIC COMMENT**

Mr. Ralph Leary expressed concern about the septic system and outdoor events being held on top of it. He also expressed concern regarding the number of restrooms, parking, lateral fields, and increased traffic. He felt the building should be a single-family residence.

Mr. Tony Smith expressed concern about traffic, health and safety, building and property code enforcement, decreased property value, noise and light pollution, and hours of operation. He asked Planning Commission to deny the Conditional Use Permit request.

Ms. Sonya Smith wondered if all the conditions needed to be met to obtain a Conditional Use Permit. She expressed concern about the hours of operation, noise level, and traffic. She requested Planning Commission deny the Conditional Use Permit request.

Mr. Doug Riley requested Planning Commission deny the Conditional Use Permit.

Mr. Art Kuehler expressed concern about the placement of lateral lines. He wondered when the traffic study was done because the traffic had doubled with the opening of the K-10 bypass.

Ms. Leila Leary expressed concern about traffic safety, noise, and increased trash. She felt it should be a single-family residence. She wondered about lateral fields. She asked Planning Commission to consider denial.

Mr. Roger Wolfram agreed with the comments already made. He was concerned about road safety and lateral fields.

**APPLICANT CLOSING COMMENT**

Mr. Trekell said he used to be an event promotor and never had any complaints or issues. He said the Health Department would not allow him to do anything that would not meet the occupancy load and their approval. He said regarding parking the County plans to rebuild East 1500 Road with 12' wide lanes with 8' shoulders in January 2019. He said all parking would be on-site with no parking on the road. He said the speed limit was posted as 45 miles per hour and he wasn't sure what more could be done to slow traffic. He said it was suggested to move the driveway to the south end of the

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

property to give people time to react. He said he would make every effort to bring people in from the south. He said he was very concerned about safety and has a vested interest in making his property safe. He said regarding comments about property values, Mr. & Mrs. Smith's property value had increased since being built even though the proposed site was blighted during that time period. He said he would enforce any issue at the site. He said for the most part building activities would typically be on the weekends. He said gunshots from the Cedar Hill Gun Club could be heard in the distance from 2.4 miles away. He said agricultural equipment could also be heard in the area. He said he was not interested in loud rock-n-roll music or stage band events at his venue. He said he contacted the Kansas Department of Transportation (KDOT) to find out information about single and multiple vehicle accidents along 1500 Road but had not heard back from them.

### **COMMISSION DISCUSSION**

Commissioner Sands inquired about when the traffic counts were done.

Ms. Miller said Mr. Keith Browning, Douglas County Public Works, would have to provide that.

Commissioner Willey asked for examples of other event centers this close to residences.

Ms. Miller said Good Earth Gatherings had craft activities and classes. She said Stony Point did not have very close neighbors. She said Serenata Farms was a recreation center at one time but turned into an indoor softball facility.

Commissioner Butler addressed Ms. Smith's public comment about the conditions in the staff report. Commissioner Butler stated where the word "shall" was used would make the condition a requirement.

Ms. Miller said the conditions would be finalized by the County Commission.

Commissioner Carpenter inquired about the current rules for obtaining a water meter in the county.

Ms. Miller said she had not heard of a minimum lot size. She said she talked to Rural Water District #4 and they said they could serve the property.

Commissioner Carpenter asked about the requirements of a septic system.

Ms. Miller said that would be looked at by the Health Department.

Commissioner Carpenter said bathroom facilities would have to hook up to a system.

Ms. Miller said well water may be used for toilets.

Mr. Trekell said there was a well on site.

Mr. Sean Reid, Douglas County Zoning & Codes Director, said based on a rough drawing he had seen the maximum occupant load was used to determine the building maximum capacity for safe exiting and determining the toilet facilities.

Commissioner Willey asked if there had been discussion about the use of porta potty's.

Mr. Trekell said there had not been discussions about porta potty's.

Commissioner Willey said she was having difficulties imagining a septic system on such a small lot. She felt it would be a struggle to fit it there. She said she would be surprised if the Health Department approved having activities on top of lateral fields.

Mr. Reid said the calculations for leach fields were based on the tank capacity and the leaching quality of the soil. He said the quality of soil would determine the amount of leach field required.

Commissioner Willey inquired about enforcement for issues.

Ms. Miller said County Zoning and Codes would handle complaints.

Mr. Reid said County Zoning and Codes would investigate complaints from the public. He said a method of enforcement was taking the Conditional Use Permit back to County Commission and seeking revocation or modification.

Commissioner Carpenter said one of the proposed recommendations was for review every 5 years.

Mr. Reid said County Zoning and Codes keeps a history of complaints and investigations. He said staff go to the site at 5 year intervals and conduct an investigation to determine if the site is in compliance with the conditions of the Conditional Use Permit.

Commissioner Carpenter asked if County Zoning and Codes could initiate revocation of the Conditional Use Permit prior to 5 years.

Mr. Reid said yes.

Commissioner Weaver asked if there was already a drilled well.

Ms. Miller said that was correct. She said it was determined not to be used for drinking.

Commissioner Willey said the well would not be useful for the apartment.

Ms. Miller said an apartment could have large bottles of water for drinking.

Commissioner Sands asked where the well was located.

Mr. Trekell said the well was located north of the northwest corner of the building. He said it was his understanding it was functional up until he took the property over.

Commissioner Sinclair asked if the diagram plan in the packet was binding or just for informational purposes.

Ms. Miller said it would be binding when approved. She said the plan would be signed and stamped and released to the County Zoning and Codes office, along with a release memo from Planning Staff. She said County Zoning and Codes would make sure the remaining conditions were met, such as the septic system and driveway. County Zoning and Codes could then issue the Conditional Use Permit. She said the applicant would also need a building permit and certificate of occupancy.

Commissioner Sinclair asked if there was a chance the driveway would be moved to where the lateral fields were currently.

Ms. Miller said that was possible. She said the Health Department would have to consider whether to move the lines.

Commissioner Sinclair said the plan may look different if the driveway was moved. He wondered if the change would need further public hearing.

Ms. Miller said major changes would need review and approval by County Commission and possibly Planning Commission.

Commissioner Willey asked if Airbnb or short term rental was allowed in the county.

Ms. Miller said yes, they were permitted with a Conditional Use Permit.

Commissioner Kelly said the purpose of conditional zoning was to allow flexibility. He said Planning Commission was a land use commission and they should leave the rest for review by experts, such as the Health Department. He felt the use had to be both desirable for neighbors and property owner and was not a tool to force a different use in. He was concerned that the land use was not compatible with the neighbors due to the size of the lot and distance from homes.

Commissioner Butler said there were social event establishments within city limits surrounded by residential neighbors.

Commissioner Struckhoff said he would like to see the building revived but that the use and proximity were a struggle. He felt the aims of the application were good and he would like to see the highest use of the property. He shared concerns about the septic system but the Health Department would look at that issue.

Commissioner Willey said she was struggling with the proximity of the event location to other rural residences. She said she could not vote in favor of an event space at that location. She said she would still possibly be in favor of the short term rental use.

Commissioner Sinclair asked if the schoolhouse was on any historic registry.

Mr. Trekell said it was not.

Commissioner Sinclair asked if a dog kennel use would be allowed.

Ms. Miller said that use would have certain setback requirements so the property would not probably work for that type of use.

Commissioner Sinclair said if Planning Commission recommended denial he wondered what the alternatives could be for the applicant and whether they would be more/less acceptable to neighbors. He said the Conditional Use Permit did not give him as much heartburn as other Commissioners as long as the conditions were met. He said he was hesitate to approve it without knowing more solid information, such as where the driveway would be located.

Commissioner Culver wondered if the parcel was appropriate for the use under the conditions with proximity to neighbors. He expressed concern about traffic safety. He said he would like to see the site be used but he did not know if this was the right place for the use.

Commissioner Carpenter wondered how realistic the project was with all the concerns raised without answers. He felt the project was premature in coming to Planning Commission without additional details on sewer, parking, traffic, lighting, safety, etc.

Commissioner Willey said she would support a deferral to allow time to figure out additional details, such as the driveway and the health department details.

Commissioner Sands said if the motion was to defer there would still be the same issues with the use. He said the neighbors weren't going to change their minds if the lateral fields, driveway, etc were solved. He said they were trying to give the applicant a chance to monetize it but he did not think a deferral would get them anywhere. He wondered if the Conditional Use Permit use of short term rental and event space could be split.

Commissioner Kelly asked the applicant if he met with neighbors.

Mr. Trekell said he sent out a letter to the neighbors that included his contact information but he did not hear from anyone. He said he wanted to be responsible to the neighbors and would be agreeable to meeting with them.

Commissioner Struckhoff asked staff to comment on the uses being divided.

Mr. McCullough said it was possible. He said regarding deferral, it was important to understand the septic issue to the greatest extent possible. He said it seemed there was a greater link about the technical issues to the use itself, such as parking, outdoor space, noise, etc. He suggested Planning Commission direct staff and the applicant on some of the specifics regarding septic issues, conditions on noise, lighting, amplified music, etc.

Commissioner Struckhoff said if the item was deferred he would like to look further at the use.

Commissioner Willey said she was leaning toward deferral to get more answers. She said the event center was a high bar to meet.

## **ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to defer the Conditional Use Permit to the May Planning Commission with direction to address septic, occupancy levels, live and amplified music, lighting plan, and potential revised site plan.

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

PC Minutes 4/25/18

**ITEM NO. 10      REZONING .13 ACRES; 1212 LOUISIANA ST (MKM)**

**Z-18-00086:** Consider a request to rezone approximately 0.13 acres located at 1212 Louisiana Street from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay District) to correct a rezoning error made with Ordinance No. 4235. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to approve the rezoning request (Z-18-00086) for approximately 0.13 acres from RMO-UC (Multi-Dwelling Residential-Office District with the Oread Neighborhood Urban Conservation Overlay District) to RM32-UC (Multi-Dwelling Residential District with the Oread Neighborhood Urban Conservation Overlay 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, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.



PC Minutes 4/25/18

**ITEM NO. 11      REZONING .97 ACRES; 912 N 3<sup>RD</sup> ST (MKM)**

**Z-18-00087:** Consider a request to rezone approximately 0.97 acres located at 912 N 3<sup>rd</sup> Street from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) District. *Initiated by Planning Commission on 2/21/18.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Willey inquired about a floodplain overlay on the east portion of the lot.

Ms. Miller said in the city the floodplain overlay was automatically attached. She said if the property was annexed today then the floodplain overlay would probably apply to the entire lot.

Commissioner Sands inquired about the property use.

Ms. Miller said vintage motorcycle business.

**ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Sands, to approve the rezoning request (Z-18-00087) for approximately 0.97 acres from CS/UR (Commercial Strip and Urban Reserve) Districts to CS (Commercial Strip) 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, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voting in favor.

PC Minutes 4/25/18

**ITEM NO. 12      CONDITIONAL USE PERMIT FOR PUBLIC UTILITIES; 2338 N 1100 RD  
(MKM)**

**CUP-18-00077:** Consider a Conditional Use Permit for a *Public Utilities* (fiber optics business) use, located on approximately 5 acres at 2338 N 1100 Rd, Eudora. Submitted by Josh Pacheco for Cody D Bryan, property owner of record. *Joint meeting with Eudora Planning Commission.*

*Item 12 was withdrawn by the applicant prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission

---

**ADJOURN 8:53pm**