



PLANNING COMMISSION MEETING
December 10, 2012
Meeting Minutes

December 10, 2012 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Hird, Josserand, Lamer, Liese, von Achen

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 22 & 24, 2012.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the October 22 & 24, 2012 Planning Commission minutes.

Motion carried 7-0-3, with Commissioners Blaser, Hird, and Lamer abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of November 12, 2012.

Motioned by Commissioner von Achen, seconded by Commissioner Britton, to approve the November 12, 2012 Planning Commission minutes.

Motion carried 9-0-1, with Commissioner Burger abstaining.

Commissioner Hird said he voted to approve the November minutes because it reflected that he abstained from two items.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Culver said he had a meeting with Mr. Steve Schwada regarding items 4A and 4C and the discussions were based upon the information within the staff report and communications posted in the packet.

Commissioner Hird said he had ex parte communications but they were on items he would be recusing himself. He said he did not have any ex parte communications on any matter in which he would vote.

Commissioner Liese said he went to look at the property listed in item 5A and ran into and discussed the project with Ms. Erica Gudenkauf. He said he also spoke with Mr. Ryan Fike on the telephone.

Commissioner Belt said he had a brief conversation with Mr. Fike as well and also received an email from Ms. Carisa Stejskal regarding the Langston Heights items.

- Abstentions:
Commissioner Hird said he would abstain from items 4A and 4C because his law firm represents one of the adjoining property owners.

PC Minutes 12/10/12

ITEM NO. 1 2012-2016 CAPITAL IMPROVEMENT PLAN

Approve projects to be included in the 2012-2016 Capital Improvement Plan (CIP) for the City of Lawrence.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

PUBLIC HEARING

Ms. Melinda Henderson encouraged Planning Commissioners to review previous Capital Improvement Plans. She said in the current Capital Improvement Plan the costs went down to \$25,000. She said the other issue she had was it was not user friendly. She said previous Capital Improvement Plans used to go through an administrative review committee and ranked.

Mr. McCullough said there was a committee that selected and prioritized the list. He said the City Commission had seen many of the projects through their own budget process. He said with the slower economy there hadn't been a Capital Improvement Plan in a few years.

Ms. Casey Toomay, City Budget Manager, said before the committee met all City departments were asked to rank their top 10 projects for their department for the next five years.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Lamer, to approve the 2012-2016 Capital Improvement Plan for the City of Lawrence.

Commissioner Hird said he needed to withdraw his motion because he just noticed one of the recommendations was for construction of the Sports Village that was on the agenda this evening. He asked Mr. Randy Larkin if he should abstain from voting on the Capital Improvement Plan.

Commissioner Lamer withdrew his second to the motion.

Mr. Larkin said it would be a good idea for Commissioner Hird to abstain from voting on the Capital Improvement Plan.

Commissioner von Achen wondered if they were being premature with the Sports Village since it had not passed yet.

Mr. McCullough said the Capital Improvement Plan was a placeholder for a project in the northwest area of the city. He said he did not know yet if it would be the Sports Village or in what shape that might happen. He said City Commission annexed the property and the rezoning request was on their agenda tomorrow. He said the most current direction was to work on the site at the intersection of K-10 and 6th Street so staff was confident enough to include it in the Capital Improvement Plan. He said it was a flexible plan and projects would come and go as funding and as the Commission moved on different kinds of projects. He said for their review tonight to look at if a project of a recreation center in the northwest area of the city was compliant with Horizon 2020 and let that guide their decisions. He said if they did not believe it was then they may want to move this past that agenda item tonight and vote on it after. He felt there had been enough work on that particular location that there had been findings about meeting the Comprehensive Plan Policies to date.

Mr. Larkin agreed with Mr. McCullough.

Commissioner Josserand said the way he understood KSA 12-748, was once the plan was approved tonight no further approval by Planning Commission was necessary.

Ms. Toomay said this was not meant to be the last step by any means. She said what the statute was articulating was that rather coming to them with each individual project it was a statement that these were the projects that had been roughly identified. She said if there were projects that they thought were not in keeping with the plan the Planning Commission could put something in writing to City Commission outlining why that was and either approve the remainder of the projects in the plan or put something in writing that outlines why they did not think any of the projects in the Capital Improvement Plan were consistent with the Comprehensive Plan.

Commissioner Josserand read the following statement from KSA 12-748: *'Whenever the planning commission has reviewed a capital improvement program and found that a specific public improvement, public facility or public utility of a type embraced within the recommendations of the comprehensive plan or portion thereof is in conformity with such plan, no further approval by the planning commission is necessary under this section.'*

Mr. Larkin said he understood it to mean that once Planning Commission made the approval that it conformed with the Comprehensive Plan and it were to reappear before them, either on a subsequent Capital Improvement Plan or individually as a program itself, they would have already determined it met the Comprehensive Plan and would not have to be determined again, assuming there was no change.

Mr. McCullough said section (a) talks about bringing individual projects forward. He said this was a multi-year plan and that paragraph (b) says if approved in a Capital Improvement Plan that covers multi-years it does not need to be reapproved when it comes up in year three or four.

Commissioner Josserand asked how they could determine a new police facility was in conformance with Horizon 2020 when they don't know the details of it.

Mr. McCullough said there were policies that spoke to public facilities, such as police departments, so that was what the plan review was based on for that item. He said this was not giving zoning approval or site plan approval to any of these projects. He said it was indicating that in the full breadth of policy statements within Horizon 2020, this generally complied. He stated it did not mean there would be a new police facility station.

Commissioner Josserand asked what kind of a project would not apply to Horizon 2020.

Mr. McCullough said, for example, if the City was trying to expend millions of dollars on infrastructure outside of the urban growth area that would be one that may not comply with the Comprehensive Plan.

Commissioner Burger said she had additional questions and suggested they move this agenda item to the end of the agenda.

Commissioner Liese suggested moving items 1, 2, and 3 to the end of the agenda so they could begin discussion on item 5A.

Mr. McCullough suggested forgoing staff presentations on items 2 and 3 and taking action since they had already read the staff reports.

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ITEM NO. 2 SPECIAL USE PERMIT; METERING STATION; 4100 O'CONNELL RD (MKM)

SUP-12-00220: Consider a Special Use Permit for City of Baldwin and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. Submitted by the City of Lawrence, property owner of record.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Lamer, to approve SUP-12-00220, a Special Use Permit for Baldwin City and RWD No. 4 Metering Station, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised Special Use Permit plan with the following changes:
 - a. The site summary table revised to include only the building and pavement areas as impervious surface.
 - b. If the Board of Zoning Appeals approves the variance from the Floodplain Management Regulations a note indicating the variance and the date of approval should be added. If the variance is not approved, the plan should be revised to remove the fill from the setback.
2. A copy of the recorded access easement shall be provided to the Planning Office prior to the release of the SUP plans for building permits and the book and page number shall be noted on the plan.
3. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit following the approval of a Floodplain Development Permit.

Unanimously approved 10-0.

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ITEM NO. 3 CONDITIONAL USE PERMIT; BOAT STORAGE; 32 N 1000 RD (MKM)

CUP-12-00222: Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 N 1000 Rd. Submitted by Timothy K Hoyt, property owner of record.

APPLICANT PRESENTATION

Mr. Tim Hoyt was present for questions.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve Conditional Use Permit, CUP-12-00222, for the boat storage facility subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
 - a. Addition of the following notes:
 - i. *"All boat storage must be stored entirely inside the buildings."*
 - ii. *"The Conditional Use Permit (CUP-12-00222) will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan."*
 - iii. *"The County Commission approved the change in use of the non-conforming structure which is setback approximately 50 ft from the centerline of N 1000 Road at their September 19, 2012 meeting."*

Unanimously approved 10-0.

PC Minutes 12/10/12

ITEM NO. 5A PRELIMINARY PLAT; LANGSTON HEIGHTS ADDITION; E SIDE OF K-10 & S OF W 6TH ST (SLD)

PP-12-00228: Consider a Preliminary Plat for Langston Heights Addition, a 61 lot subdivision that includes detached, duplex and multi-family residential lots. This subdivision includes a variance from Section 20-811 (c) of the Subdivision Regulations that requires sidewalks on both sides of streets. The property is along the east side of K-10 Highway and south of W. 6th Street, north and south of Crystal Lane and Palisades Drive extended to the west. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 5B UR TO RM12D; 8.333 ACRES; N & S OF CRYSTAL LN & PALISADES DR (SLD)

Z-12-00229: Consider a request to rezone approximately 8.333 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 5C UR TO RS7; 9.206 ACRES; N & S OF CRYSTAL LN & PALISADES DR (SLD)

Z-12-00231: Consider a request to rezone approximately 9.206 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

ITEM NO. 5D UR TO RM12; 10.025 ACRES; E SIDE OF K-10 & S OF W 6TH ST (SLD)

Z-12-00232: Consider a request to rezone approximately 10.025 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential), located along the east side of K-10 Highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, reviewed the Langston Heights Addition project. He said there would be a ½ mile extension of the City sanitary sewer system and the majority of the lots would be serviced by a sanitary sewer main that today stops just to the east of where Bob Billings Pkwy ends. He stated the project features a diverse selection of housing types and a selection of rezoning applications for three different districts.

He showed the previous Langston Heights Addition on the overhead and stated it was approved by City Commission in January of 2006. He said the plat was never recorded and ultimately the plat and associated rezoning amendments expired. He said it remained significant because the residents of the existing Diamondhead Subdivision were aware of the plat when they bought their homes over the last 5-7 years and clearly shaped their set of expectation for future development on this ground.

He said the plat became a benchmark for City staff and consultants when evaluating the current development groups proposal. He stated Landplan looked at the plat and sized up the differences to craft something better. He said the first step was looking at Horizon 2020 and the nodal plan that lay out land use recommendations for this part of the city. He said the 6th & K-10 nodal plan provided clear recommendations in graphic and verbal form. He said strategies such as providing a mixture of housing types, styles, and economic levels, providing appropriate transition zones and protecting the character and appearance of existing residential neighborhoods helped form the current proposed plat. He said the South Lawrence Trafficway had an overlay zoning district which provided further guidance on how land adjacent to it must develop. He said the piece of land to the north was platted as part of the Diamondhead subdivision which had not developed yet but had approved zoning of RM24, a high density residential zoning district. He stated it was already adjacent to other parts of the Diamondhead neighborhood. He said on the south side there was other land unplatted and unzoned as urban reserve. He said per the West of K-10 Plan and Horizon 2020 the land was slated for low density residential development. He said the land to the east was platted as part of the Diamondhead subdivision, zoned RS7, and over the last 5-7 years had matured into a vibrant single-family neighborhood. He said any new subdivision platted for this piece of ground would need to respond to all these uses.

He said Langston Heights was a neighborhood that conformed to the Comprehensive Plan, responded to the existing conditions, and would provide a sustainable and safe addition to West Lawrence. He said speaking to Horizon 2020, Langston Heights represented a low density residential development and would preserve the character of the existing Diamondhead neighborhood to the east by extending that neighborhood to the west while providing similar zoning and size. He stated it provided compatible infill development by extending the pattern of local streets already in place, sidewalks, front yard setbacks, while still providing a variety of housing types for West Lawrence. He said it provided appropriate transitional methods between the different housing types via back-to-back relationships. He said there would be an ample buffer of landscaping prescribed as part of the South Lawrence Trafficway overlay district. He showed a concept plan on the overhead. He said the plan would provide recreational opportunities adjacent to the higher use.

He said regarding transportation concerns, the traffic study indicated that these medium density residential uses would not change the level of service already existing in the surrounding street system. He said the plat provided adequate egress and ingress for vehicles and provided ample pedestrian and bicycle access through sidewalks on both sides of the streets. He said the development would produce more traffic but that the traffic impact study stated the traffic generated would have a nominal impact on the existing street network. He said this would be a safe neighborhood.

Mr. Mehrdad Givchi, Traffic Engineer, discussed the differences between the Langston Heights that was approved in 2006 and the Langston Heights plat that was before them today, in terms of traffic. He said when the traffic study was conducted they looked at traffic from 3pm-6pm to cover the time period when school gets out and 7am-9am to cover the time period when parents drop kids off at school. He stated, in addition, the background traffic usually peaks between 7am-9am and 4pm-6pm so by combining the two together and looking at the generated traffic they came up with the worst case scenario. He said the numbers showed that the worst case scenario would be 134 vehicles generated during one peak hour. He showed a table on the overhead. He said the previously approved plan showed 101 vehicles, which would only add one car every four minutes to each one of the side streets coming out of the proposed development site. He said the traffic study also showed under existing conditions there were no deficiencies with operation and/or safety of the traffic.

Mr. Sturm said the term level of service from the traffic study referred to the delay any motorist would encounter at an intersection. He said the development poses no change to the level of service to those intersections.

PUBLIC HEARING

Mr. Brad Finkeldei, attorney with Stevens & Brand, said he represented some of the neighbors and would be showing about 12 slides on the overhead.

Mr. Andy Pitts said in the original application Horizon 2020 did not specifically designate a land use for the subject project, although it did now. He said they keep skipping over some of the Horizon 2020 language that speaks specifically to a low density single family neighborhood. He said the total density of the proposed plan exceeded what was considered low density by over 7 dwelling units per acre. He said his expectation was that Langston Heights would be part of the low density single family residential zone. He said 42% of the proposed and existing land uses qualified as medium density under the Development Code. He said his concern was the quantity of medium density. He requested deferral of this item to continue dialogue with the developer.

Mr. Mark Crabtree said he had expectations, based on plans and plats, about what would happen to the west when he moved into the area. He said the latitude in RM12 allowed for apartment complexes. He said he did not have enough information to feel comfortable about what would be coming into his neighborhood. He said there was undeveloped and unplanned development to the south. He asked for a deferral to continue discussions so that neighbors could be comfortable about what was going to happen.

Mr. Ryan Fike felt a precedent had already been set by the denial of Greentree Subdivision in 2006 based on the same merits. He said property owners had made important decisions based on previous actions for the area. He requested denial or deferral for further discussions.

Mr. Eric Boedeker said the neighbors met with the developers in December and were told the driving force for the change in zoning was based on economics. He stated Horizon 2020 was a long term vision document and was not subject to economic conditions, market conditions, or the bottom line of developers. He said there was a lot of opportunity in the area for single family home sales.

Mr. Mike Whittlesey said the applicant referred to this as an experiment in design during the December neighborhood meeting. He said multi-family residents would have to travel through single family areas. He said Greentree Subdivision was denied and property owners made decisions based on recent previous actions for the area. He said the proposed request was not in conformance with Horizon 2020. He stated Alvadora Apartments only had secondary emergency access through the neighborhood. He said the character of the area would change with multi-family residents moving in and out. He also stated the types of people living in multi-family areas were different. He said the neighborhood did not include informed consent.

Ms. Debbie Pitts expressed concern about traffic. She said the West of K-10 Nodal Plan discussed the required need for neighborhood connectivity. She said it stated streets within the various neighborhoods of the area shall be connected to each other and that connected streets provide multiple route options, which helps eliminate choke points. She said without the complete development of the north/south road all of the development traffic would be forced on to the two local streets. She stated Mr. Sturm said the width of Diamondhead was 60' but it was actually 23' in width. She said they weren't arguing that the traffic was okay as far as the City statutes provided, however the traffic did not take into account the dramatic impact of the neighborhood elementary school on traffic patterns. She said the applicant stated at the neighborhood meeting that this was a

minor blip in the traffic study. She said this had been a primary focus of the Langston Hughes site council for years. She requested the item be deferred for to allow for continued dialogue.

Mr. Erica Gudenkauf said when she moved in to the neighborhood they were told it was single family. She said it was a close neighborhood that planned activities together. She discussed the goals in Horizon 2020 of neighborhood conservation/identity. She requested deferral of the item to further discuss concerns with the developer.

Mr. Rustin Schemm agreed with everything that had been said. He was skeptical of the pitch from the applicant about keeping the integrity of the neighborhood intact. He said the applicant was proposing the maximum number of dwelling units. He said he would like to see a cost benefit analysis on multiple courses of action besides just one preplanned optimization program. He expressed concern about the safety of children walking in the area.

Mr. Alan Cowles, President of West Lawrence Neighborhood Association, said there were too many other areas on the west side of Lawrence for high density development. He said the connector streets would not connect for years to come and it did not make sense to put this development here. He said the neighbors had staked their homes and the futures of their children on this area. He said the West Lawrence Neighborhood Association opposed the rezoning and urged Planning Commission to oppose it also.

Ms. Melinda Henderson, President of the League of Women Voters, expressed concern about predictability and being able to rely on codes and documents. She said documents like Horizon 2020 were in place to protect the citizens so that they could see what was expected and feel comfortable building their dream home. She said the developer indicated that they were working on acquiring the property to the south, which should send up red flags, because if this property was developed in a higher density than single family then the area to the south would most likely develop that way too. She felt this was a great opportunity to plan the remainder of the area. She was encouraged that the neighbors wanted to meet with the developer for further discussions.

Mr. Rod Laing said he was a homebuilder in the area and currently had three spec houses going up in Diamondhead. He felt there needed to be access for the multi-family portion. He expressed concern about increased traffic and being able to purchase more lots in Diamondhead. He said the Longleaf area had major arteries for the townhome ground. He recommended going back to the original zoning requested, single family and duplexes or creating a separate access road.

Mr. Finkeldei said the neighbors would like more time to work with the developer on this project. He said the neighbors met with the developer on December 3rd for an informational session. He said no changes had been made since that meeting and that the plan was the same. He requested a deferral to allow time for the developer to consider neighborhood concerns. He discussed changes that could be made. He said the 6th & Wakarusa Nodal Plan does not define low density residential but does say low density, single family detached. He stated staff and the applicant fit RM12 in the low density category. He said if the proposal was just for row housing it would not comply with Horizon 2020 but when put in combination it was seen as being compliant.

He asked Planning Commission to request the applicant look at that and come back with a plan that really meets the heart and spirit of Horizon 2020 and the 6th & Wakarusa Plan, as well as being low density and single family detached. He said the area to the south was in the West of K-10 Plan, which defines low density slightly differently as single family duplex and attached dwellings, with an emphasis placed on residential type uses. He said the West of K-10 Plan also includes zoning districts RS10, RS7, RM12D & PD. He said RM12 was not possible in the definition of low density in the West

of K-10 Plan. He said placement of the access road made all the difference and that the original plan put the road as a buffer along K-10. He said the West of K-10 Plan included an outer rim road. He requested Planning Commission direct the applicant to use Renaissance Drive at the edge to be a buffer between the highway and neighborhood. He felt this would influence land uses to the south. He also requested a road be constructed to serve the multi-family.

APPLICANT CLOSING COMMENTS

Mr. Sturm said during the neighborhood meeting the developer recognized there was at least one thing they could do in that amount of time to make an improvement in the proposed plan, which was included in the letter of intent. He said it was uncertain if the development group would have a chance to work on the property to the south in the near future or at all. He said they were able to put into writing an agreement to establish a temporary construction access regulated by easement. He said if and when Langston Heights Addition would move forward construction traffic for the development could travel directly from Bob Billings Parkway through Alvamar property to the subject site. He felt the development conformed to Horizon 2020 and said staff agreed with that.

Mr. Tim Herndon said the street width right-of-way was 60'. He said the street was 27' from back of curb to back of curb. He stated the plan was not snuck through a loophole, as was insinuated by some comments. He said the previous plan that had been referred to multiple times tonight was a moot point because it was never recorded and the plan expired. He said the previous plan did not conform with contemporary subdivision regulations, did not provide any traffic calming devices, and did not provide sidewalks on both sides of the street. He said all of the professionals involved in the project were in unison with a valid approvable project.

COMMISSION DISCUSSION

Commissioner Burger asked who owned the property to the north and if it was financially connected to the applicant.

Mr. McCullough said it was his understanding they were separate entities.

Mr. Sturm confirmed they were separate entities, owned by Kenny Liu, and not connected in any way to the project.

Commissioner von Achen asked if averaging the different densities in a development to come up with an average unit per acre was common, as opposed to taking each zoning district separate.

Mr. McCullough said it had the W 6th St & K-10 Nodal Plan associated with it. He said staff had the opportunity with this project to look at the total parcel size and spread the density across 27 acres. He said they typically do that by project. He stated the plan talks about low density single family neighborhoods with a small portion considered appropriate for medium density residential development. He said the medium density served as primary buffer between single family neighborhoods and commercial activities and staff extended that concept of buffering to K-10 Highway which was articulated in the packet. He said they looked at the density spread out over 27 acres and then looked at transitioning. He said it was typical to look at density spread over the entire area of the project and similar to what would be seen with a Planned Development overlay if this was a different zoning process.

Commissioner von Achen asked if that approach was common.

Mr. McCullough said it was common in recent history with the City.

Commissioner Lamer asked why the Planned Development approach wasn't used instead of three different zoning applications.

Mr. McCullough said typically when staff meets with an applicant they lay out some options to get to the goal. He said one approach was the combination of platting and base district zoning. Another approach was the Planned Development overlay.

Commissioner Lamer asked if there would only be one category for dwelling units per acre if there was a Planned Development.

Mr. McCullough said there would likely be one base district and a clustering of different types of housing types and different densities in a specific area. He said the density would be spread out over the entire area.

Commissioner Lamer asked if the Planned Development would be tied to a certain number of dwelling units per acre.

Mr. McCullough said it could be but would have a cap/limit associated with it.

Commissioner Lamer asked if the proposed RS7 rezoning would be 4 dwelling units per acre.

Ms. Day said yes.

Commissioner Lamer asked if the proposed RM12D rezoning would be 7 units per acre.

Mr. McCullough said it would be about 7.5 net after right-of-way was taken out.

Commissioner Lamer asked if the proposed RM12 rezoning would be 11 units per acre.

Mr. McCullough said that was correct.

Mr. Sturm said zoning district boundaries were shifted for lots to meet the Code in all manners. He said with the latest zoning applications put forward the RM12 district had 10.8 dwelling units per acre, the RM12D district had 7.5 units per acre, and the RS7 district had 4.2 dwelling units per acre.

Commissioner Lamer said RM12D zoning and RM12 zoning was higher than what they would consider single family residential dwelling units per acre.

Mr. Sturm said 6 dwelling units per acre was what Horizon 2020 spelled out as low density residential development.

Commissioner Liese inquired about considering each item separately or as a package.

Mr. McCullough said it was essentially a package with how the plat was designed. He said they could legally separate out three separate zoning requests. He urged them to look at it as a package because the plat was designed to accommodate the different zoning districts.

Commissioner Hird asked the applicant to respond to the comments about the nodal plan describing this as low density single family neighborhood.

Mr. Herndon stated the nodal plan did not say that the property within the subject boundary was to be all single family. He said the plan said the subject property was to be comprised of low density residential. He said it described a variety of residential types that could occur there. He said the report given to them by the neighbors counsel referred to the West of SLT plan, which described the type of houses at certain locations. He said it did not apply to the 6th Street Nodal Plan or to the Comprehensive Plan. He said those plans specifically cite a mixture of housing types and emphasis on transition and buffering.

Commissioner Hird said it appeared to be a unique project with multi-family housing and the only access being through the single family residential areas. He asked if there was another example in Lawrence where the traffic patterns were similar.

Mr. Sturm referred to a multi-family development of townhomes that were addressed on Jana Drive or Jana Road, north of Harvard, west of Lawrence Avenue, and east of Kasold Drive. He said it was a townhome development that was smack dab in the middle of mixed residential development.

Mr. Herndon said in Old West Lawrence and older parts of the city multi-family development coexists with single family and permeates the eastern portion of Lawrence. He said another thing that was important to contemplate was that Horizon 2020 prescribed a maximum of 6 units per acre coming from the approximately 30 acre site. He said whether it was 6 units per acre of single family homes or 6 units per acre of a mixture of row homes, brownstone villas, duplexes, or single-family homes the traffic generated would be the same.

Commissioner Hird stated the townhomes on Jana Drive were built by his uncle. He asked if there were any examples of this type of traffic pattern since the 2006 Development Code was adopted.

Mr. Herndon said the traffic generated was 6 units per acre, so yes, it was typical throughout the city.

Commissioner Liese inquired about the word 'experiment' that speakers mentioned the applicant using during a neighborhood meeting.

Mr. Sturm said he probably did use the word 'experiment' and believed this was a relatively unique project since the passage of the 2006 Development Codes and 2008 Subdivision Regulations. He said he was referring to the project being something new and different by using creativity.

Commissioner Liese asked staff to respond to Mr. Boedeker's earlier comment about the inventory of multi-family in the area.

Mr. McCullough said staff does not track market conditions of multi-dwelling structures to know whether there was a healthy or unhealthy apartment or rental market. He felt the comment was referring to opportunities along 6th Street and other areas on the west side of Lawrence.

Commissioner Liese asked if they should be concerned about whether the units would be inhabited.

Mr. McCullough said they could be owner occupied structures. He said in terms of multi-dwelling structure type it was not tracked the way retail inventory was.

Commissioner Liese inquired about the access to multi-dwelling structures.

Mr. McCullough said traffic studies are reviewed by several people within the City for acceptance. He said the traffic was an interesting component of this because at some point when you look at just the 27 acres developing at 6 units per acre, unit type actually matters. He said the unit type of multi-dwelling would actually create a little lower traffic volume than single family units would generate. He said from a traffic volume basis single family type housing typically generates more traffic. He said the traffic study was accepted. He also said they do anticipate the north south roads to go in.

Commissioner Liese said a number of people suggested that Planning Commission should consider deferral.

Mr. McCullough said that was within their purview. He said typically Planning Commission has only deferred items when they seek additional information or provide specific instruction to staff or applicant.

Commissioner Josserand asked if the trip generation traffic data was based on national data or data from a college town.

Mr. Givechi said the data used was national data and could not really be distinguished between locality due to the data being collected throughout the nation and submitted to the institute of transportation over the last 20 years. He stated it was a compilation of the data put together as a summary.

Commissioner Josserand said the data could in fact be wrong if Lawrence was substantially different than what a national average would be.

Mr. Givechi said that was always a possibility.

Commissioner Josserand felt that Planning Commission had a role in the timing of development and that excess inventory of any type could and does have a deleterious effect on the community. He asked Mr. Herndon about his conclusory remarks about not considering the earlier plat.

Mr. Herndon said the previous plat was never reality.

Commissioner Josserand said it was appropriate to know it existed.

Mr. Herndon said it never existed beyond being reviewed and approved. He said it was never recorded and never became an item of record.

Commissioner Josserand said it was something the neighbors relied upon.

Mr. Herndon said he would not say it shouldn't be discussed or not a topical matter. He said the point he was making was that if it was ever represented to a prospective home buyer that the ground was zoned in a certain way or that the ground had been subdivided it was not true.

Mr. Herndon said there were other factors that affect comparisons of housing. He said the row houses would not compete for the same market as Hunters Ridge.

Commissioner von Achen asked if there was ever any consideration about changing the route of Renaissance Drive.

Mr. Herndon asked which streetscape would be a better buffer for residents and pedestrians; a row of apartments with landscaping separated by a 50' South Lawrence Trafficway prescribed greenspace buffer, or a street with two curbs, two sidewalks, and two rows of trees. He said that was what drove the changing of the street from the original plan. He said the previous plat was not as well thought through, as creative, or as environmentally designed as the current plan.

Commissioner von Achen asked if any thought had been given to how the road would go through the south parcel.

Mr. Herndon said Horizon 2020 prescribes a certain set of parameters for land use to the property to the south, as it does on the subject property. He said the Comprehensive Plan suggested a range of uses, a general density, so that is what is used to move forward with specifics of zoning. He said the interchange at Bob Billings Parkway and the South Lawrence Trafficway was set to be fully constructed by 2015. He said KDOT already established a north entrance point that would serve the school districts ground, serve the ground south of the subject property, and eventually connect further north. He said KDOT had already established that intersection point which dictated the "s" shape.

Commissioner Culver asked if there had been any open discussions prior to the December 3rd neighborhood meeting.

Mr. Sturm said the December 3rd meeting was the first interaction between planners for the developer and neighbors.

Commissioner Culver asked if the applicant would be open to having further discussions about this concept plan and possibly alternative plans prior to moving forward on it.

Mr. Sturm said the developer was not opposed to continuing dialogue with neighbors but based on the findings of fact he felt the Planning Commission had a decision that they could make tonight.

Commissioner Liese asked staff if the project was denied would the applicant have to wait one year.

Mr. McCullough said Planning Commissions action was a recommendation on the zoning items and the final decision making body for the preliminary plat. He said the zoning items would move to the City Commission for final decision. He said if the rezoning requests were denied the Development Code had a requirement that the same application could not be resubmitted for 12 months. He said a substantially different application could be submitted but the same application could not be.

Commissioner Blaser felt the area to the south was more important than what they were giving it credit for and that consideration should be given to how the area to the south would develop. He felt both sides, the neighbors and the applicant, needed to get together and come up with a plan they could both accept. He did not think they should have a higher density area driving through a single family home area.

ACTION TAKEN on Item 5A-5D

Motioned by Commissioner Blaser, seconded by Commissioner Belt, to defer items 5A-5D to January Planning Commission.

Commissioner Hird asked the applicant if there would be benefit in deferral.

Mr. Herndon said he was willing to accept a 30 day deferral. He said they would gladly and promptly reschedule a neighborhood meeting to work through concerns as best they could.

Commissioner Hird said he would support the motion. He said there was a certain cost to an applicant for deferral but if there was a chance for some compromises it was worth having the applicant meet again with the neighbors.

Commissioner Liese said he supported the deferral.

Commissioner Britton supported the deferral. He stated the neighbors made some compelling points. He felt it would be difficult to resolve traffic thru single family without building new roads. He said he had a problem with the fact that the nodal plan said low density, single family detached and that was not what they were talking about. He said there was some reliance put on the previously approved plat, even if it wasn't recorded. He said he would have difficulty voting to recommend a plat or rezoning that included those provisions.

Mr. Herndon asked for clarification and guidance on moving forward so they could have a productive 30 days of deferral. He said if the plan had, for example, 80 single family homes that generated x amount of traffic through an existing neighborhood, versus a combination of multi-family/single family homes that generated the same amount or less traffic. He said he was at a loss at how to appease the Commission.

Commissioner Britton said he was not sure. He said there was something to be said for the type of community that a certain type of housing builds and grows. He felt there was a difference between the hard numbers of traffic that go into an apartment complex as opposed to a single family subdivision.

Mr. Herndon asked if phasing or a timing element that changed the timing of traffic going in certain places would be compelling to him.

Mr. Britton said that might be able to alleviate some concerns.

Commissioner Liese said staff could assist in the process of design.

Commissioner Josserand agreed with Commissioners Blaser and Britton. He expressed concern about the location of the eventual road. He thought there was benefit to having the street along the edge. He was concerned about the implications of the location of the road to the property south. He was concerned about the amount of multi-family going in. He also felt they should handle traffic and parking better within the community.

Commissioner Burger agreed with Commissioners Blaser, Britton, and Josserand. She said at this point with the planning documents they had without additional area planning to give more clarity on the issue of the area to the south. She said she would vote for deferment because both sides of the table were willing to talk more and she hoped they could work something out.

Commissioner von Achen said she supported the deferral. She said her main concern was traffic going from an area of somewhat higher density to lower density.

Commissioner Hird said he respectfully disagreed with Commissioner Josserand's comment about too much multi-family because there was no data/evidence to make that determination.

Motion carried 10-0.

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ITEM NO. 4A PRELIMINARY PLAT; ROCK CHALK PARK ADDITION NO. 2; W 6TH ST & K-10 (MKM)

PP-12-00223: Consider a Preliminary Plat for Rock Chalk Park Addition No. 1, a 2-lot subdivision of approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10) and associated variances from the Subdivision Design and Improvement Standards related to street right-of-way dedication and improvements. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

~~**ITEM NO. 4B PRELIMINARY PLAT; ROCK CHALK PARK ADDITION NO. 2; W 6TH ST & K-10 (MKM)**~~

~~**PP-12-00224:** Consider a Preliminary Plat for Rock Chalk Park Addition No. 2, a 1-lot subdivision of approximately 19 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10) and associated variances from the Subdivision Design and Improvement Standards related to street right-of-way dedication and improvements. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.~~

Item 4B was deferred prior to the meeting.

ITEM NO. 4C SPECIAL USE PERMIT; RECREATION CENTER; W 6TH ST & K-10 (MKM)

SUP-12-00225: Consider a Special Use Permit for an Institutional Development Plan for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses on approximately 90 acres located in the NE quadrant of the intersection of W. 6th St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with the preliminary plat staff report. He said to extend George Williams Way to Mr. Jack Graham's property line would impact the road and only be a temporary extension. He said the applicant agreed not to protest future improvements so when and if the time arrives the applicant would still pay for their half of the street. He said regarding the concern for tractor pulls, the list of uses did not come from the applicant, it came from staff and the applicant agreed it would require a Special Event Permit. He felt planning staff had a good answer regarding alcohol sales. He said an amphitheatre was off the table for now. He showed plans on the overhead.

PUBLIC HEARING

Mr. Thomas Johnson, Petefish, Immel, Heeb, & Hird law firm, representing Mr. Jack Graham, went over the comments from the letter he sent. He said they do not object to the Sports Village but do object to non-sports uses on the property. He did not feel the property was appropriate for many uses. He also felt the Special Event Permit process was not a good tool to control property and protect the neighbors. He wondered who would manage the property and what the intention would be. He objected to all future uses being shown on the plat as well as alcohol being sold on the property. He requested a condition be added for the installation of a perimeter fence on the eastern

part of the property to keep people using the trails off private property. He also requested the road be extended to Mr. Graham's property line.

Mr. Jim Bowers, White, Goss, & Bowers law firm, representing Tanglewood LC, agreed with Mr. Johnson's comments regarding the use issues. He expressed concern about access and parking. He said access would have to come from 6th Street to the south up along George Williams Way to the project. He said the City portion of the project does not have direct access to George Williams Way and was through a shared parking arrangement yet to be devised. He said to the south George Williams Way was only two lanes, not four lanes. He said the number of cars driven to the site would exceed a two lane road and that 5,000 parking spaces were anticipated for the shared facilities. He said the access road on the east side of K-10, East 902 Road, was currently a gravel road. He said the staff report suggested it be a chip and seal road. He did not feel this was adequate for the number of persons anticipated to use the facility. He expressed concern about costs being transferred to others not directly involved in the project. He felt parking agreements should be worked out before Planning Commission made a recommendation. He felt a deferral would be appropriate to allow for additional information to be developed.

APPLICANT CLOSING COMMENTS

Mr. Werner said he agreed that parking agreements should be done before a building permit was pulled. He said an extensive traffic study was approved by the City. He stated George Williams Way would operate in the current configuration. He said the developer and property owner would sign an agreement to help improve the chip and seal road, East 902 Road, even though it may not be their responsibility. He said regarding access The Links had submitted a new development plan just east of the property so there would potentially be even more streets of how traffic could get to/from the site.

COMMISSION DISCUSSION

Commissioner Blaser inquired about fencing on the east side.

Mr. Werner said he discussed that with Mr. Jack Graham and his counsel. He said he struggled with it because he was not sure where to start and stop it. He said he understood and respected Mr. Graham's comments but he struggled with how to build a fence to stop someone from going further north to get on his property. He said the other issue he struggled with was extending the road 600' to Mr. Graham's property line and at the same time putting up a fence to keep people out. He said extending George Williams Way was difficult because of the grade. He said The Links would not even be using George Williams Way for northern access.

Mr. McCullough said the Parks and Recreation Department did not typically fence in park property. He said this particular area was so heavily wooded that putting in a fence of substance, maintaining it, and not blocking wildlife corridors would be issues to consider.

Commissioner Liese asked Mr. Johnson to reiterate Mr. Graham's concerns.

Mr. Johnson said the primary concern was non-sports uses. He said other concerns included the special event permit process, fencing, road issues, future undefined uses, and lighting.

Commissioner Blaser inquired about the special event permit process for public property.

Mr. McCullough said the Code treats private property in contrast to public right-of-way. He said a number of events were held on public right-of-way, such as marathons and parades. He said events could be held on private property and sometimes the City owns private property. He stated many

times things were programmed through the Parks and Recreation Department for actual park property. He said this did afford the City Commission, in his opinion, to establish a framework for non-sport/non-athletic related events that utilizes the City's special event permit process.

Mr. Randy Larkin said the distinction between public right-of-way and publicly held property was that the right-of-way was held in trust for the public. This would be land the City would own itself.

Commissioner Josserand asked if the special event permit process would require approval by the City Commission.

Mr. McCullough said there were different types of special events and the ones that were large in scope, mainly public entertainment venues, would require City Commission approval.

Commissioner Josserand said there was the potential for alcohol consumption at a fundraiser on the site, for example.

Commissioner Belt inquired about the public notification process for special event permits.

Mr. McCullough said the notice process was the City Commission agenda and that there was no notice to adjacent property owners.

Commissioner Belt said alcohol could be obtained on campus in the box suites during games but that KU did not sell it for the normal patron. He said because of the public/private nature of the entire project it made alcohol sales a little nebulous. He asked if it was an essential part of the project to make it work or if it was an amenity that would be nice to have.

Mr. Werner said it would be nice to have. He said it would be a case by case basis and depend on what type of event it was. He felt limiting alcohol sales would be a huge mistake.

Commissioner Burger asked when the traffic was evaluated and configured were there discussions or design allowances for tailgating that might occur prior to an event.

Mr. Werner said he had not studied tailgating for a track and field facility. He felt the amount of parking spaces should cover the venues. He said there would have to be some coordination with KU Athletics and the City in scheduling events.

Commissioner Burger inquired about public access to the recreation center during KU Athletic events.

Mr. Werner said George Williams Way was a public street and Rock Chalk Parkway would have an access easement. He said KU could not just close that permanent access easement.

Commissioner von Achen felt a reasonable approach would be to keep alcohol out of the recreation center except for special events in the evening.

Mr. McCullough said an important part of the special event permit or alcohol issue was that the owner controlled the alcohol issues. He said the City would own and control the recreation center as it does any community recreation center with a wide range of programming that goes into that. KU Athletics would control the KU Athletic events portion of the other lot. He said the nebulous area was that they may have an agreement with Bliss Sports to do some non-sport related activities that would be open to the special event permit. He said the ownership of the lots was important in terms of responsible ownership parties.

Commissioner von Achen asked who owned and would maintain the detention ponds.

Mr. McCullough said they were on private property and there would be maintenance agreements for the ponds. He said the agreements between the City, KU Athletics, KU Endowment Association, and Bliss Sports would determine who would maintain the ponds.

Commissioner Culver inquired about gas utility infrastructure.

Mr. Werner said this was out of Black Hills territory and would be serviced by Atmos. He said Atmos agreed to bring gas to the site but that they may be an all electric facility.

Commissioner Culver asked if it was premature to approve the preliminary plat before the agreements were executed.

Mr. McCullough said the conditions on the platting and special use permit had to be executed and implemented. He said it was a little outside the Planning Commission purview as a land use matter but that it would have to be done to the satisfaction of all the parties involved.

Mr. Werner said parking was a perfect example and that the City agreed early on to snow removal, for instance.

Commissioner Culver asked if there was a need to have the traffic impact study listed in the conditions.

Mr. McCullough said not in his opinion. He said as the staff report notes the only item still in the works was where E 902 Road would come out on 6th Street. He said the City had some stake in that with the 6th Street improvements.

Commissioner Blaser inquired about the City's expense for 6th Street improvements at George Williams Way.

Mr. McCullough said that was an issue that would not be an expense of the project, it would either be the City at large or a KDOT expense. He said the City was in negotiation with KDOT for a number of improvements.

Mr. Werner said George Williams Way, rightfully so, was built to the ultimate configuration so all that would be added would be lights.

Commissioner Liese inquired about the public concern regarding the role of the Bliss Sports entity.

Mr. Werner said this would be a KU Athletics operated facility and City recreational center. He said Bliss Sports and others in the community would help to bridge the gap between the \$25 million that the City would spend and the \$32 million cost of the project.

Commissioner Liese asked what Bliss Sports and others would get in return for their generosity.

Mr. Werner said they care about the community and see this as a viable option for economic development and give children a place to play. He said the City would be getting a \$32 million dollar project for only \$25 million.

Commissioner Burger said Mr. Werner indicated the amphitheatre was not really being considered at this time but he said some people were excited about it. She asked what they were excited about.

Mr. Werner said at the neighborhood meeting at Free State High School he was approached by several people who thought an outdoor amphitheatre was a great idea. He said many people had spent time working on an amphitheatre out by Clinton Lake but that there were no facilities, such as bathrooms, there. He said an amphitheatre was an attraction that people would drive to and would be good for the community.

Commissioner Burger asked how many lanes there would be for Rock Chalk Parkway.

Mr. Werner said they were designed as 31' wide collector streets. He said they tried to disperse the entrances and exits from the parking lots. He said there was a good path for buses to drop off and that there were good loops with an extra wide radius.

Commissioner Liese asked Mr. Johnson if there were any additional questions from the neighborhood that had not been addressed.

Mr. Johnson said he still did not understand the role of Bliss Sports. He said if Bliss Sports was simply donating the money it was not an issue but it was an issue if Bliss Sports had something to do with the management or the uses of the property. He said the concern was that KU would own the land but not the operators.

Mr. McCullough said there was no secret to it and that KU Endowment Association would own the land with an arrangement, in terms of leasing the land, between the KU Endowment, KU Athletics, and Bliss Sports. He said there was likely some arrangement that Bliss Sports would seek approval or agree to use parts of the facilities for non-sporting events. He said for their purview in terms of a land use perspective, KU Athletics had a vested interest in all of the facilities and that they would have some sort of input into what non-sport events and activities would take place there. He said there may be non-sport/non-athletic events that would be possible. He said they tried to build a list to guide their decisions in the future of when to allow a use by right or require it to go through a special event permit.

Commissioner Josserand said he still had lots of questions about what uses could be allowed and the potential impacts.

Mr. Monte Soukup, KU Endowment Association, said they were still in the process of negotiating the ground lease which would put some limits on what the uses would be, but at this point it was not a final agreement. He said KU Endowment would own the property and there would be a ground lease to Bliss Sports and, to his understanding, Bliss Sports would have an operation agreement with KU Athletics to operate the facility. He said they would also have a lease with Bliss Sports to lease the facility from Bliss Sports.

Commissioner Liese asked if it would be a profit making endeavor.

Mr. Soukup said no, the way the ground lease works was that it simply covers the cost of ownership of the land (property taxes, insurance, etc) so there was no profit involved in the ground lease with Bliss Sports.

Mr. Werner said it was a KU Athletic facility and that the ground lease was a financing mechanism.

Commissioner Liese asked if Bliss Sports wanted to run an event would they have to go through the same procedure of getting approval.

Mr. Werner said if someone wanted to use the facility they would talk to KU Athletics, KU Endowment, and then the Planning Department for a public hearing to obtain a special event permit from City Commission.

Commissioner Josserand wondered why Bliss Sports was even necessary.

Mr. McCullough said their questions were good but that they needed to bring it back to land use discussions.

Mr. Johnson said he was concerned about land use issues.

Commissioner von Achen said Mr. Johnson was inferring that it was a land use issue.

Mr. Johnson said yes.

Mr. McCullough said who does it was not the issue, it was what was being done that was the issue.

Mr. Bowers said he still had concerns about traffic impacts and offsite improvements that would be required in order to satisfy the traffic anticipated to be generated by these uses.

Commissioner Lamer inquired about the level of service for peak times in the traffic impact study.

Mr. Werner he said he did not recall but that it functioned very well and there were no issues. He said the only thing they were waiting on was what KDOT would do with the interchange.

Mr. McCullough said they viewed this in terms of the typical tournaments, not the large KU relays that may happen a few times a year. He said for example, the streets around the KU football stadium were designed for a typical traffic day, not for a football crowd.

Mr. Bowers read from the traffic study: *"The traffic impact study indicates that the intersection of George Williams Way and 6th Street was operating at a level E or worse during morning and afternoon peak hours of a typical day. The study recommends that a traffic signal be installed at this location to mitigate the existing operational deficiency."*

Mr. McCullough said that was the recommended improvement that would be required with the project.

ACTION TAKEN on Item 4A

Motioned by Commissioner Lamer, seconded by Commissioner Blaser, to approve the variance requested from Section 20-810(e)(2) to allow the property to be platted and developed without requiring George Williams Way to be constructed to the north property line subject to the following condition:

- 1) An agreement not to protest the formation of a benefit district for the future extension of George Williams Way, including planting of street trees and installation of shared use path, shall be executed and recorded prior to the recording of the final plat.

Motion carried 9-0-1, with Commissioner Hird abstaining.

Motioned by Commissioner Lamer, seconded by Commissioner Blaser, to approve the variance from Section 20-811(c)(1)(i) to allow Rock Chalk Drive to be constructed with a 10 ft shared use path along the north side and no sidewalk on the south side subject to the following conditions:

- 1) The location of crosswalks providing connections between the development to the south and the shared use path to the north of Rock Chalk Drive shall be shown on the plat.
- 2) A note shall be included on the plat that best management practices, such as raised pavement, pavement markings, or alternate pavement materials will be used to insure pedestrian safety at the crosswalks.

Motion carried 9-0-1, with Commissioner Hird abstaining.

Motioned by Commissioner Lamer, seconded by Commissioner Blaser, to approve the Rock Chalk Park Addition No. 1 Preliminary Plat subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Easement widths between Lots 1 and 2 and on the south side of Lot 1 shall be provided per Westar's requirement.
 - b. Addition of a note establishing the construction and maintenance responsibilities for the shared access drives.
2. Agreements not to protest the formation of a benefit district for street and sidewalk improvements and street trees for E 902 Road and George Williams Way (if Variance 1 is approved) shall be executed and recorded prior to the recording of the final plat

Motion carried 9-0-1, with Commissioner Hird abstaining.

ACTION TAKEN on Item 4C

Motioned by Commissioner Lamer, seconded by Commissioner Britton, to approve the Special Use Permit SUP-12-00225 subject to the following conditions:

1. Provision of a revised plan with the following changes:
 - a. Lots 1 and 2 shall be clearly identified and the boundaries delineated on the plan drawings. On Sheet SUP-3 identify Kansas Athletics Facilities identified as Lot 1, and City Facilities as Lot 2.
 - b. The named access drives, Rock Chalk Parkway and Rock Chalk Lane, labeled as 'access drives'.
 - c. Parking related items:
 - i. Location of the racks for the 153 bike parking spaces shall be shown per standards in Section 20-913(g).
 - ii. Uses and parking requirements revised in Parking Summary as noted in staff report; include the 700 overflow parking spaces in the summary.
 - iii. Dimension parking lot islands to insure compliance with code standards.
 - iv. Note that parking lot islands will be landscaped with a minimum of 2 of the following materials: trees, shrubs or ground cover.
 - v. Provide 2 additional ADA parking spaces for a total of 32 spaces. Four of the 32 spaces shall be van accessible.
 - vi. Note that the Planning Director approved the number of parking spaces provided on the plan and the use of shared parking based on the results of the parking study.
 - vii. Addition of recording information for shared parking agreement and maintenance agreement.

- viii. Provide a landscape table listing the interior landscaping for each parking lot per standards in Section 20-1003.
- ix. Add the required shrubs to the interior parking lot landscaping plans.
- d. The bufferyard lengths shall be noted on the plan and a bufferyard landscaping table provided. Bufferyard landscaping, trees and shrubs, shall be noted in the table per standards in Section 20-1005.
- e. Addition of a note on the plan that existing vegetation where indicated on the plan can serve as the bufferyard landscaping, but that bufferyard landscaping as required in Section 20-1005 would be provided in the event the existing vegetation is removed during construction or damaged to the point the City Horticulture Manager determines it needs to be replaced. New trees may be planted within the southern bufferyard to create a new tree row per the City Forestry Manager's specifications.
- f. Show the sight triangles at all intersections.
- g. Utility easements shall be revised as necessary for City Utilities Department and Westar approval.
- h. Show graphically the stands of trees which will be protected.
- i. Addition of the following notes:
 - i. *"Uses and facilities noted as 'future' are approved conceptually as shown on this SUP; however, the addition of the use will require submittal and approval of a revised SUP application through the SUP process, including a public hearing before the Planning Commission and approval by the City Commission."*
 - ii. *"Trail locations shown on the SUP are approximate. Specific locations and surfacing will be approved by the City Commission."*
 - iii. *"Alcohol sales and consumption are permitted on the premises with appropriate liquor licensing."*
 - iv. *"The Planning Director administratively waived the requirement for a Type 1 Bufferyard for the west and north lot lines."*
 - v. *"The Planning Director waived the perimeter parking lot requirement for a wall or berm and approved the perimeter landscaping as shown on the plan."*
 - vi. *"The use of the recreation center building, soccer field, softball field, and track stadium shall be unrestricted for sport and athletic event related activities. Sport and athletic event related activities include, but are not limited to, the following, whether at the intercollegiate or other level:*
 - a. *Softball, soccer, and track and field competitions, practices, and events;*
 - b. *Parks and Recreation programmed events and athletic programs such as, but not limited, to:*
 - i. *Basketball, volleyball, gymnastics, community recreation programs, etc. contained within the building,*
 - ii. *Tennis play and tournaments at the tennis courts,*
 - iii. *3-on-3 basketball tournaments in the parking lot, etc.*
 - c. *Recreational level sports – Ultimate Frisbee, flag football, etc. on the KA fields;*
 - d. *Exhibition games and tournaments such as, but not limited to:*
 - i. *Kansas Relays,*
 - ii. *Football/softball/soccer games and tournaments,*
 - iii. *Special Olympics,*
 - iv. *Cross Country meets,*
 - e. *Marching band performances and practices.**Non-sport and non-athletic related events, located within the facilities or in the parking lots, shall require approval through the city's Special Event Permit process. Non-sport and non-athletic related activities include, but are not limited to:*
 - a. *Music concerts,*

- b. Festivals,*
 - c. Fairs,*
 - d. BBQ cook-offs,*
 - e. Farmers' markets,*
 - f. Racing and vehicle exhibitions: BMX and Motorcross racing, truck and tractor pulls, etc."*
 - vii. *"Tennis court lights shall be shut off no later than 10:30 PM Sunday through Thursday and no later than 11:00 PM on Friday and Saturday nights. Stadium and other outdoor recreation lights shall be shut off no later than 11:30 PM throughout the week."*
 - viii. *"The detention pond/drainage easement will be privately-owned and maintained. The developer is responsible for establishing ownership and maintenance of same via individual owner maintenance. No fences or structures other than necessary retaining walls and/or guardrails will be allowed within the drainage easements."*
 - ix. *"All curb inlets will be constructed per City storm sewer standard details."*
 - x. *"Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights-of-way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."*
2. A photometric plan for all exterior lighting shall be provided for review and approval by the City Commission prior to the release of the SUP plans for building permits.
 3. A shared parking agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
 4. A maintenance agreement between the owner of Lot 1 and Lot 2 shall be executed prior to the issuance of building permits for any structure.
 5. Provision of a revised drainage plan per the City Stormwater Engineer's approval.

Motion carried 6-3-1, with Commissioner Hird abstaining.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 REVISED 2013 PLANNING COMMISSION MEETING CALENDAR

Approve the revised 2013 Planning Commission meeting calendar.

ACTION TAKEN

Motioned by Commissioner Josserand, seconded by Commissioner Belt, to approve the revised 2013 Planning Commission Meeting Calendar.

Unanimously approved 10-0.

Consideration of any other business to come before the Commission.

ADJOURN 12:45am