



PLANNING COMMISSION MEETING
December 15, 2014
Meeting Minutes

December 15, 2014 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Struckhoff, von Achen

Staff present: McCullough, A. Miller, Crick, Day, Larkin, M. Miller, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 17, 2014.

Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the November 17, 2014 Planning Commission minutes.

Unanimously approved 7-0-1, with Commissioner Graham abstaining. Commissioner Britton was not present for the vote.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

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ITEM NO. 1 CONDITIONAL USE PERMIT FOR COMMUNICATION TOWER; PLEASANT GROVE (SLD)

CUP-14-00451: Consider a Conditional Use Permit for a new 199' self-supporting communication tower located on the south side of N 850 Rd and the east side of E 1296 Rd in Pleasant Grove. Submitted by James Cardinal on behalf of Horvath Towers and Leo and Sheryl Beier, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. James Cardinal, Fortune Wireless representing Horvath Communications, said once a search area is identified the area is looked at for existing structures/towers so an additional tower doesn't have to be built. He said they do their due diligence before building a new tower. He said once they determine there aren't any structures they approach land owners in the search area to see if any would be interested. He said he then gives the property to the engineers for approval and it moves forward from there. He said the proposed tower met and exceeded all the requirements of the zoning ordinance.

PUBLIC HEARING

Mr. Terry Graves, wanted to know what was wrong with the Rural Water District #2 tower. He wondered if other areas were thoroughly considered. He expressed concern about the appearance of the tower and said he did not want it in his backyard.

Mr. Leo Beier said he read the letters that were included in the packet, one of which was from Ms. Marilyn Lynch. He said he drove by Ms. Lynch's property and there was no sight line between her house and his property, which was the proposed location of the tower. He said once he signs the tower contract he would be in favor of it.

APPLICANT CLOSING COMMENTS

Mr. Hank Madden, radio frequency engineer for Verizon Wireless, said the water tower was too close to an existing tower. He said the desired footprint could not be achieved to provide continuous coverage between Pleasant Grove and Lawrence.

Mr. Cardinal said some people consider towers to be eye sores. He said the tower would be set back farther than the required setback. He said the tower was at least 260' from the road and that mature trees would cover the ground compound completely. He said a small portion of the top of the tower would be seen but it would be at least 260' from road and even farther from any land owners.

COMMISSION DISCUSSION

Commissioner Denney asked how many co-locations the antenna had.

Ms. Day said five.

Commissioner von Achen asked the applicant about improving reception for 1 ½ mile radius. She asked if the implication was that there should be a tower every 1 ½ miles.

Mr. Madden said it depends. He said in larger cities the towers and frequency can only handle a certain amount of people. He said instead of building tall towers with a 10-15 mile radius that can

only serve 20-50 people, shorter towers can be built that have smaller footprints and spaced throughout the city. He said in a city like Lawrence it would not be uncommon to have towers spaced 1-2 miles apart. He said in a rural environment the distance would increase.

Commissioner von Achen said Mr. Graves commented that he had good reception where he lives.

Mr. Graves said he had cellular service through AT&T.

Mr. Madden said it depended on the company the tower was with. He said the proposed tower was designed to carry five carriers with co-locations.

Mr. Cardinal said a gentleman, Mr. Loren Buntmeyer, contacted him and said he had service through Verizon and that the service was terrible.

Commissioner Denney asked why Verizon couldn't co-locate on the AT&T tower.

Mr. Madden said he did not know where the AT&T tower was.

Mr. Cardinal said they looked at all the structures/towers that were registered and didn't see an AT&T tower so he was not sure why Mr. Graves service was fine. He said the water tower and broadband tower were the only ones within miles and neither site worked. He said co-locating was cheaper and the preferred method so they research every option before building a new tower. He said co-locating on another structure outside of that area would not meet the objective of coverage they were trying to gain.

Commissioner Culver asked about the water tank and it being limited to 150'.

Mr. Madden said most water towers were limited structurally to what can be put on top of it. He said some water tanks could only be mounted on the side or top.

Commissioner Culver said he was trying to gain an understanding for the proposed tower being 199' versus looking at the water tank at 150'.

Commissioner Liese asked if the height was under 200' to avoid putting a light on it.

Mr. Madden said his tower design was for 180' which would not require a light.

Commissioner Kelly said in looking at the propagation map for putting it on the water tower. He said it was very similar to the type of coverage along 23rd Street.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Denney, to approve the Conditional Use Permit, CUP-14-00451, for a communication tower located in the 1200 Block of N 850 Road and forwarding it to the County Commission for a recommendation of approval.

Commissioner Britton said it was important that they continue to delve into the justification of new cell towers and it sounded like it was justified in this case. He wished they didn't have to say yes to this but it was important for the community. He said unfortunately neighbors bear the burden of aesthetics. He said he would vote in favor of the motion but felt it was good to look at all co-location options.

Unanimously approved 9-0.

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**ITEM NO. 2 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 14
(JSC)**

CPA-14-00459: Consider a Comprehensive Plan Amendment to Horizon 2020: Chapter 14 (West of K-10 Plan) to change designations from Low Density Residential, High Density Residential, and Residential Office, to Commercial Center - CC600, located at 6200 W. 6th Street. Submitted by Steven B. Schwada and Timothy B. Fritz, co-managers of K-10/40 Development LC on behalf of TAT Land Holding Company LC, JDS Kansas LC, Kentucky Place LC, Venture Properties Inc, Sojac Land Company LC, Scotsdale Properties LC, and Tanglewood LC, property owners of record.

**ITEM NO. 3 CC400, RS7, RM12D, RM24, PCD, RMO TO CC600; 120.6 ACRES; 6200 W
6TH ST (MKM)**

Z-14-00458: Consider a request to rezone approximately 120.6 acres located at 6200 W 6th St from CC400 (Community Commercial Centers) District, RS7 (Single-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM24 (Multi-Dwelling Residential) District, PCD (Planned Commercial Development) District, and RMO (Multi-Dwelling Residential–Office) District to CC600 (Community Commercial) District. Submitted by Steven B. Schwada and Timothy B. Fritz, co-managers of K-10/40 Development LC on behalf of TAT Land Holding Company LC, JDS Kansas LC, Kentucky Place LC, Venture Properties Inc, Sojac Land Company LC, Scotsdale Properties LC, and Tanglewood LC, property owners of record.

STAFF PRESENTATION

Mr. Jeff Crick presented item 2.

Ms. Mary Miller presented item 3.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, said in October of 1996 when the Northwest Area Plan was approved it contemplated single-family uses over the area now known as Rock Chalk Park and Sports Pavilion Lawrence. He said in 2006 and 2009 when Mercato development obtained its land use approvals the Northwest Area Plan and planned residential uses immediately north of the site influenced the current zoning of the Mercato development which was why there was RS7 and buffered residential districts that presently exist. He said the request was not intended to be controversial but merely squared up the actual development of the site immediately north and enabled K-10/40 development to be flexible. He stated buffering concerns had been diminished. He said there would be no detrimental or increase of commercial space.

PUBLIC HEARING

Ms. Gwen Klingenberg said she was concerned about the amount of traffic on George Williams Way and Langston Hughes. She wanted to be sure there would be some kind of buffer. She agreed with the League of Women Voters letter about moving partial bits around. She said it was an ongoing process of moving things around. She said it would be nice to have single-family on the corner.

COMMISSION DISCUSSION

Commissioner Britton asked what the reason was for no more than two buildings over 100,000 square feet.

Ms. Miller said that was taken from Horizon 2020 to avoid a lot of big box development.

Mr. McCullough said it was a policy of the CC600 node. He said the policy was for each corner.

Commissioner Josserand said he was not a great supporter of increased commercial square footage but he believed a decision had been made to put commercial at that node. He felt flexibility was good and that it should be done in a smart way. He said the footprint of where the 360,000 square foot could go was being expanded by about 30% which was significant. He said the natural inclination of a developer would be several big boxes and fast food on the corners. He said it would be committing it for commercial purposes. He said it would almost be set up as an incentive to make that whole quasi-quarter section pretty commercial which gave him heartburn. He said they recently looked at a plat on the north end.

Mr. McCullough said that plat was prior to Rock Chalk Park.

Commissioner von Achen asked staff to show on the overhead a slide of the permitted uses in CC600 (page 138 of the packet).

Ms. Miller said only the yellow uses were under the 360,000 square footage but all of the other uses in the table were allowed in CC600.

ACTION TAKEN on Item 2 for CPA

Motioned by Commissioner Culver, seconded by Commissioner Struckhoff, to approve the Comprehensive Plan Amendment, CPA-14-00459, to *Horizon 2020* Chapter 14: Specific Plans, specifically to revise the future land use map in the *West of K-10 Plan* to expand the Commercial Center - CC600, and recommends forwarding this Comprehensive Plan Amendment to the Douglas County Commission and the Lawrence City Commission with a recommendation for approval.

Commissioner Britton asked staff about the list of uses. He asked if the uses in yellow went toward the 360,000 square footage cap. He asked if this would open it up for more space of the non-highlighted uses.

Ms. Miller nodded yes.

Commissioner Josserand said it opened up additional land to commercial as well as those uses, as long as the commercial was not more than 360,000 square feet.

Commissioner Britton said it increased the square footage allowed for those non-highlighted uses but did not increase the square footage for the highlighted uses.

Commissioner Josserand said he would vote against the motion because he was fearful commercial would be above 360,000 square feet and he felt it was not appropriate at this time. He agreed with the observations of the League of Women Voters.

Commissioner Britton said he shared the same concerns as Commissioner Josserand. He said this would be the next gateway to Lawrence and he was hesitant to tweak things that would send the area onto a different path. He said he had heartburn about doing anything with that piece of property that felt too easy. He did not think it was realistic to say that sliver of property would be single family or low density along 6th Street. He said he could not find anything specific that gave him worry but he was worried about the general area.

Commissioner Kelly asked staff to address the next steps about what they might see before development begins.

Mr. McCullough said the intersection of two state highways was for non-residential development and Horizon 2020 recognizes that. He said Planning Commission and City Commission would see platting in the future. He said the request tonight did not push for any more commercial retail. He said all the corners had greater potential from a land area perspective to do more than the retail allocated toward it. He said one of the good things about CC600 and bringing in office use, recreation use, religious institution, and multi-family was that hopefully the market would help determine a mixture of those uses.

Commissioner Culver said looking at the node in regards to CC600 it was worth looking at the West of K-10 Plan and Future Land Use Map (page 105 of packet) and the variety of uses. He said looking at the area at a higher level gave him reassurance.

Commissioner Josserand asked about the multi-family aspect in CC600 and the intensity.

Mr. McCullough said the multi-family would have to be part of a mixed-use.

Commissioner Josserand said that made him feel better.

Commissioner Denney said they were changing the plan because something had changed, which was Rock Chalk Park. He said Planning Commission had talked on many occasions about wanting development in this section of the city and this would help that. He was concerned about the overgrowth of square footage and ending up with two regional centers competing with each other. He said he would support the change to the plan because there had been changes.

Commissioner von Achen asked about the height limitation on the buildings in the area.

Mr. McCullough said 50' or about four stories.

Commissioner von Achen asked if there was a reason for that limitation.

Mr. McCullough said the density dimensional standards contained appropriate heights for different tiers of zoning. He said the CC district had 50' height limit, the downtown district had 90' height limit, the CN2 district had 45' height limit, the CN1 district had 25' height limit, and the IG district had 75' height limit.

Commissioner von Achen said it seemed like a good place to lift that height limit because she would rather see more height at this location versus downtown. She said it would also limit sprawl. She said she was reluctant because it was a gateway to the community but also felt it was not appropriate for single-family with the opening of Rock Chalk Park. She hoped they could retain some kind of control in the site development. She said she would support the motion.

Commissioner Struckhoff said he also had concerns about opening up the site but understood flexibility was needed. He said it currently did not open up more retail space and that he would put trust in future commissions. He said he would support the motion.

Commissioner Britton said the reason he asked about two buildings with 100,000 square feet because he was thinking about wanting tall buildings. He liked Commissioner von Achen's idea about lifting the height limit later.

Mr. McCullough said the applicant could ask for a Planned District Overlay once a tenant was identified.

Commissioner Britton said that kind of flexibility would be useful to developers. He said it seemed like this area of the city would be where they would want to do this. He liked the idea of building up and not out. He said they had done their due diligence and he felt comfortable voting in favor of the motion. He said they did not foresee additional retail square footage beyond the 360,000 square feet approved right now and that they want it to be a mixed-use development. He said he would support the motion and was eager to see what would happen with the property.

Commissioner Kelly said Bauer Farm had a similar limitation and the market resulted in the zoning being changed. He said they need to think about their own practices and what could come down the line in the future. He said he would vote in favor of the motion but shared the same concerns of Commissioner Josserand.

Motion approved 8-1, with Commissioner Josserand voting in opposition.

ACTION TAKEN on Item 3 for Rezoning

Motioned by Commissioner Culver, seconded by Commissioner von Achen, to approve the rezoning request, Z-14-00458, from CC400 (Community Commercial), PCD (Planned Commercial Development), RM24 (Multi-Dwelling Residential), RM12D (Multi-Dwelling Residential), RMO (Multi-Dwelling Residential-Office) and RS7 (Single-Dwelling Residential) Districts to CC600 (Community Commercial) 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 conditions:

- 1) Approval of the Comprehensive Plan Amendment, CPA-14-00459, revising the land use recommendations in the *West of K-10 Sector Plan* to allow a mix of uses throughout the property.
- 2) The maximum area of commercial/retail uses (as defined in the Comprehensive Plan) that may be located within this CC600 District boundary is 360,000 sq ft.
- 3) No more than 2 commercial buildings over 100,000 gross sq ft each may be located within this CC600 District boundary.

Unanimously approved 9-0.

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ITEM NO. 4 TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)

TA-13-00235: Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. Proposed revisions include defining Major Recreational Equipment and identifying permitted parking locations for this equipment on residential properties. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

STAFF PRESENTATION

Mr. Scott McCullough provided a brief presentation of the item and reminded them of their motions from last month. He said their discussion from last month left off with whether or not to allow RV parking in the front.

Commissioner Denney asked if staff was able to come up with the nature of complaints. He asked if the complaints involved large vehicles.

Mr. McCullough said it was not tracked in a way to determine the size. He said he talked to Code Enforcement and they said it was varied in complaints. He said there was not one thing to point to in solving the issue.

Commissioner Kelly said he had some concern about lumping all motor homes together. He said there were classes of RV's and maybe there should be some separation of those.

Commissioner Britton said he hadn't looked at the links of different classes of motor homes yet but he wondered if Commissioner Kelly had a dividing line in mind that made sense.

Commissioner Kelly said he was not supportive of Class A or Class motor homes being in the front. (looking at http://www.rv-coach.com/rv/types/classes/rv_types.html)

Commissioner Liese said he would be supportive of saying recreational vehicles up to 20' in the front yard. He said below 20' there weren't generally cabins on boats. He proposed saying up to 20' vehicles as long as it doesn't violate 18' from the curb. He said a power boat or small sail boat would be fine.

Commissioner Culver suggested the image on page 148 of the packet that showed the 18' setback from the curb be used in conjunction with Commissioner Kelly's idea.

Commissioner Liese said as long as the 18' setback is followed then the length did not matter up to 20'.

Commissioner Kelly wondered about saying no trailers or vehicles over 20'.

Commissioner Culver said if someone had an extremely long driveway they would have to meet both criteria.

Commissioner Liese said 20' was very fair and reasonable.

Commissioner Britton said looking at website www.rv-coach.com/rv/types/classes/rv_types.html he felt Class B Motor Homes/van conversions was a van instead of an RV and it should be allowed in

the driveway and front yard. He felt that towed boats or trailers were in a different category and he was less comfortable having those in the front yard for an extended period of time and would stand out to neighbors.

Commissioner Liese said a motorized vehicle up to 20' was all he would want to approve.

Commissioner Denney wondered about a pickup with a camper on it. He said the longest truck was 21' and with a camper on it would extend it to 22'.

Commissioner von Achen asked where the 18' number came from.

Mr. McCullough said generally speaking it was the length of a parking spot. He said the idea was for drivers to be able to see cars and pedestrians around an RV.

Commissioner Britton said he thought of a truck with a camper on the back to be in the same class as a conversion van.

Mr. McCullough said it was a grey area. He said the challenge was if they wanted to get so detailed where they were looking at specific vehicles or just looking at general requirements. He suggested maybe 25' and above would be too big based on their conversation so far.

Commissioner Britton said the length of the vehicle was less important than the quality or type of the vehicle.

Commissioner Liese said he was comfortable with motorized vehicles up to 22' plus 18' from the curb.

Commissioner Britton said that would allow some of the Class C motor homes. He said he could live with that.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Graham, to only allow motorized vehicles up to 22' to be parked on improved surfaces in the front yard, including motor homes, with a distance of 18' from the curb or edge of street pavement.

Commissioner Britton asked if the motion was excluding anything that was towed.

Commissioner Liese said yes. He said they were saying feel free to have them anywhere but the front yard.

Commissioner Denney said he was in favor of the 18' setback because it was a valid safety issue. He was worried the vehicle length might be confusing to some.

Mr. McCullough said he considered this their first cut at the language and staff would bring it back with the drafted language so they could review and discuss.

Commissioner Liese asked if staff knew the average length of a driveway.

Mr. McCullough said he could try and get an average for them. He said it would vary because there were minimum setbacks.

Commissioner Culver said the way the motion was crafted to only include motorized vehicles may exclude or eliminate a small trailer that someone might use for a mower.

Commissioner Denney said trailers would be addressed later.

Commissioner Liese said he meant for his motion to exclude trailers.

Mr. McCullough asked for another motion to address other types of RV equipment in the front yard.

Unanimously approved 9-0.

Mr. McCullough said he would like for them to define what they meant by non-motorized RV's.

Commissioner Liese asked if any audience member had comments.

PUBLIC HEARING

Mr. David Crawford, 715 Illinois, asked why neighborhood associations couldn't address these issues.

Mr. McCullough said the Code applied citywide.

Commissioner Liese asked if every residence in the city was part of a neighborhood association.

Mr. McCullough said no.

Mr. Crawford felt the issue should go back to the neighbors.

Commissioner Liese asked what would happen if neighborhood associations made the decision there was a violation.

Mr. McCullough said it would be a civil issue and the City would not be involved.

Commissioner Liese said a neighbor would have to sue.

Mr. Crawford felt it would be a neighborhood association problem. He expressed concern about a group of people here that possibly don't live in city limits making decisions about trailers when the neighborhood associations would be more appropriate.

Ms. Cille King and Ms. Gwen Klingenberg said they were both fine with the Planning Commission discussion thus far.

Commissioner Liese asked if they wanted to distinguish between towable RV's versus utility.

Commissioner Kelly said he liked saying non-motorized versus motorized.

Commissioner Graham said she would rather see a travel trailer versus a utility trailer in the front.

Mr. McCullough said for them to think about whether or not trailers would be vacant or piled with stuff. He said the issue in the neighborhoods was when they got piled with stuff.

Commissioner Denney said that was another issue.

Commissioner Britton agreed with Commissioner Kelly. He liked the simplicity of motorized versus towed. He said if a trailer was large enough to be offensive then it was not appropriate to have sitting in the front yard on the driveway. He said he lived in a 35 year old subdivision in Lawrence with single-family houses and he would not want to see a trailer sitting in his neighbor's driveway. He felt they should keep it simple by saying no towable trailers in the front.

Commissioner Liese took a straw poll to see about separating motorized versus non-motorized. He asked if Planning Commissioners would want a limit on size or length for trailers.

Several commissioners said yes.

Commissioner Liese took a straw poll and asked how Planning Commissioners would vote against non-motorized in the front yard at all.

Five commissioners raised their hands.

Commissioner Denney said right now there were no regulations regarding trailers.

Commissioner Britton wondered if they were missing a category that they should be thinking of.

Commissioner Denney said 22' would cut out big trailers that people get upset about.

Commissioner Graham wondered if the trailer would be empty.

Commissioner Denney said he would have to think about it that issue.

Commissioner Britton said they should reach more of a consensus on this before making more motions.

Commissioner Liese said any other motions would be rushed so he recommended they continue to think about what they want to see.

Planning Commission will continue discussion on the topic at their January 2015 meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 REVIEW PLANNING COMMISSION MID-MONTH CALENDAR

Review 2015 Planning Commission Mid-Month Calendar.

Mr. McCullough said during their January 14, 2015 Mid-Month meeting they will discuss topics for the upcoming year.

ADJOURN 9:00pm