



PLANNING COMMISSION MEETING

December 17 & 19, 2018

Meeting Action Summary

December 17, 2018 – 6:30 p.m.

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

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

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of November 12 & 14, 2018.

Motioned by Commissioner Kelly, seconded by Commissioner Sinclair, to approve the November 12 & 14, 2018 Planning Commission action summary minutes.

Willey had a correction to the name of 'Thad Holcombe.'

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

COMMITTEE REPORTS

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

Commissioner Sands said the Metropolitan Planning Organization (MPO) released a list of future federally funded projects.

COMMUNICATIONS/ EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners. Scott McCullough said at the January 9, 2019 7:30am Planning Commission Mid-Month meeting will have a topic that relates to the comprehensive plan natural resources chapter. He said Jasmin Moore, Sustainability Coordinator, would be presenting the STAR rating program. He said it was a way to benchmark the things the City might be doing well.
- Ex parte:
Commissioner Sands said he spoke with Thad Holcombe about the correspondence he submitted.
Commissioner Paden said she spoke with Kim Bellemere about the environmental chapter of the comprehensive plan.

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Commissioners Butler and Sinclair both spoke with Danielle Davey, Lawrence Board of Realtors, regarding the boards opposition of the requirement for a community benefit for annexations from tier 2 to tier 3.

- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 1 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include an introduction and Growth & Development.

STAFF PRESENTATION

Jeff Crick presented the item.

PUBLIC HEARING

Thad Holcombe, Lawrence Ecology Teams United in Sustainability (LETUS), spoke about the consequences of climate change. He felt a climate adaption plan should be adopted. He said Lawrence needed to become a 100% renewable energy city.

Danielle Davey, Lawrence Board of Realtors, expressed concern about the following language in the comprehensive plan:

Chapter 2 (3.2) *'The City shall require property owners to annex to receive city water, sanitary sewer, and/or sanitation service.'*

Chapter 2 (2.2) *'Tier 2 land shall only be annexed if the need to accommodate demand is established, and if a community benefit is provided. Consider community land use inventories, market sector health, and residential valuation to income ratio, among other factors, when assessing need for annexation.'*

She said the policy was telling developers that if they want to build housing in tier 2 and want their units to have access to city services they must annex and provide a community benefit. She said the Board of Realtors concern was the additional requirement would encourage builders to pass the cost to market buyers with higher priced houses or deter development all together. She said the community had a noticeable gap of moderately priced homes between \$100,000-\$250,000. She said the median purchase price in Lawrence had almost doubled and that there were a significant percentage of rentals in Lawrence. She asked the mandate be removed or language changed to be an incentive instead of a requirement.

Hugh Carter, Lawrence Chamber of Commerce, agreed with Danielle Davey's comments. He felt there should be more public input. He said most of the public did not know about the comprehensive plan. He did not feel policies should be implemented that would hinder efforts to produce affordable housing.

Nick Kuzmyak, 417 Alabama, supported the comprehensive plan. He talked about infill in Minneapolis.

Bobbie Flory, Lawrence Home Builders Association, said the Chapter 2 language changed the role of the City to make market related decisions on private investment. She said the City's role should remain that infrastructure and services are in place or planned to serve existing and newly developing areas. She said the plan discouraged growth by requiring community benefits be provided as a condition of annexation. She said the policies should include incentives.

Pennie von Achen talked about the benefits of floodplains. She said the benefits were lost when they were allowed to be developed. She urged Planning Commission to prohibit development in the floodplain.

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Tom Birt, 930 Missouri, said environmentally sensitive lands were only protected if they were designated so. He felt environmentally sensitive areas needed a broader definition. He read the letter he submitted that was included in the packet which discussed renewable energy.

Michael Almon, Sustainability Action Network, said the comprehensive plan did not mention climate disruption and it needed to be emphasized in every section. He showed a map of capability I and II soils in Douglas County. He said Lawrence was physically constrained from growth on three sides by prime soils, floodplain and floodways. He referenced the letter he wrote that was included in their packet regarding the 3-tier growth map being an inappropriate depiction of future urban growth.

Matt Gough provided a PowerPoint presentation. He said he would like to see the population increase and he did not believe the comprehensive plan would allow for growth. He said the plan imposes artificial barriers that reduce opportunities for growth. He said Plan 2040 treated the urban growth area completely different than Horizon 2020. He did not think infill should be prioritized to the detriment of annexation. He asked Planning Commission to consider eliminating restrictions on annexation.

Hank Guarisco, 929 Connecticut St, wondered about the application of the comprehensive plan.

Quint Cole wondered why regulations were loosened.

COMMISSION DISCUSSION

Commissioner Willey inquired about the introduction statement of the plan establishing policies. She asked if this was the highest level policy and other policies would follow.

McCullough said yes, the policies of the comprehensive plan would essentially be carried out through the sector/area plans and then development proposals for review. He said the comprehensive plan establishes policies but sets up Code and other policies in the future related to land development issues and codes. He said it was intended to advise sector plans, Development Code, plats, etc.

Commissioner Paden said Horizon 2020 looked at environments holistically. She felt on page 2 of Plan 2040, under the section of Purpose of the Plan, should have a more holistic approach instead of just talking about economic gain of natural resources.

Holcombe provided language for a community vision of "strive to give priority to the sustainability of the natural environment (earth or soil, air, water, flora, fauna) with a vibrant economy and equitable society."

Commissioner Kelly wondered how to word natural resources in a way that doesn't make it sound like a commodity to be traded.

Holcombe suggested the wording of environmental stewardship with the gifts of soil, air, water, flora, and fauna.

Commissioner Willey suggested the following language changes to page 2, Purpose of the Plan:
'It establishes policies that guide our future growth while carefully ~~managing~~ prioritizing our natural ~~resources~~ environment, improving public health and safety, and bolstering our economic vitality.'

Commissioner Weaver said on page 3, Our Community Vision, the first part of the sentence *'Our citizens value preserving and enhancing....'* could be incorporated into the Purpose of the Plan to make the two paragraphs more consistent.

McCullough said it would be best if Planning Commission could land on specific language.

Commissioner Willey suggested using 'preserving and enhancing' on page 2, Purpose of the Plan: *'It establishes policies that guide our future growth while ~~carefully managing~~ preserving and enhancing our natural resources environment, improving public health and safety, and bolstering our economic vitality.'*

Commissioner Kelly said they would need to revisit the forth bullet point on page 4, Live, after they discuss Chapter 2, Growth & Development.

Commissioner Weaver suggested on page 4, Work, second bullet point, that the word 'environmental' be included: *'A robust agricultural sector valued for its economic, environmental, health and cultural contribution, including the emerging local and regional food system.'*

Commissioner Willey suggested removing the word 'natural' on page 5, Play, second bullet point: *'Conservation, protection, and promotion of our natural rural recreation and open spaces, as well as our growing agritourism opportunities.'*

Commissioner Sands asked if State law mandated a comprehensive plan be adopted.

McCullough said a comprehensive plan was needed for Subdivision Regulations.

Carpenter said the 2006 Land Development Code filled in some of the gaps and made parts of Horizon 2020 redundant.

Commissioner Carttar asked for a brief explanation about the change in the format of the plan.

McCullough referenced the companion transition document.

Commissioner Kelly said the teeth was in the supporting documents, such as the Land Development Code.

Commissioner Sinclair suggested the following change on page 12, Chapter 2, Growth & Development, Vision: *'Our vision is to manage growth within the city by capitalizing on in-fill opportunities and directing growth to new areas where infrastructure is planned to be cost-effective and sustainable, while maintaining existing residents' quality of life. Our vision is to manage growth within rural Douglas County by encouraging agricultural uses and accommodating the demand for other compatible uses while protecting environmental-resources natural environment.'*

Commissioner Carpenter said this was a bigger conversation they would have to revisit.

McCullough said the language 'natural resources' instead of 'environment' was used for a specific reason. He said there had been interesting land use proposals in the last decade such as sand

dredging and quarry's that fall into a grey area in the comprehensive plan in terms of how to treat them. He said natural resources needed their own policies in the comprehensive plan. He said natural resources were vital to a region's economy and sustainability. He said it may conflict with environmental interests but they need to be balanced and work together. He said when it talks about managing natural resources it means managing economically viable natural resources that help build roads and buildings.

Commissioner Paden said that seemed all the more reason Chapter 6 was poorly titled. She said they do not only want to pay attention to natural resources.

Commissioner Willey said 'natural resources' gets to the economic aspect and 'natural environment' does not. She said they were separate and valid ways of discussing them.

Commissioner Willey suggested the following change on page 12, Chapter 2, Growth & Development, Goals:

1.2 *'Seek conservation of identified ~~natural resources~~ sensitive lands that define Douglas County's rural character.'*

Commissioner Weaver wondered about how to identify how those goals would be accomplished.

Commissioner Willey said Planning Commission should review the Appendix at their final meeting of the comprehensive plan.

Commissioner Carttar said goals 1 and 2 had no implementation associated with them in the Appendix.

Amy Miller said not every goal had a specific implementation step. She said there were a lot of code policies and other policies that happen in other documents that are represented by some of the goals. She said if that was the case and nothing new or remarkable needed to happen then it was not in implementation. She said there was a section in the beginning of implementation that explains it a little.

McCullough said it was not intended to be every action step.

Commissioner Carttar wondered about population calculation changes with tier boundary line adjustments.

Crick said the model could be reset to add or subtract a variable to it. He said if land was excluded it would start to try and grow in a different direction. He said if it was cut off on one part it was going to want to add it to another part in some way. He said it was a matter of how many variables were changed. He said the model excludes floodways.

Commissioner Willey said she liked the map of growth tiers 1, 2, 3 model because it gave organizations an idea of where to prioritize growth. She said Michael Almon has brought up multiple times the south of K-10/59 Hwy area. She wondered about excluding areas and recognizing them as areas that the community does not want to develop.

Almon said it had been asserted that the teeth of the comprehensive plan was in other documents, such as FEMA floodplain regulations, but that was not true. He said the Planning Director could issue a floodplain fill permit at will. He said the area was not protected by the subset of documents.

Commissioner Willey said there were no protections in Horizon 2020 about building in the floodplain.

Almon said Horizon 2020 stated additional commercial uses would not occur south of 59 highway.

McCullough said that change was made with the revised Southern Development Plan and Plan 2040 was being updated to reflect that. He said the growth tier map was not a zoning map or a sector plan map, it's a map that shows general opportunity for development.

Commissioner Kelly said growth tier 1, 2, and 3 map was a good guide and needed to stay flexible. He was worried they may be relying on a technological model. He said it should guide goals but not set policy.

McCullough said as development reaches the periphery of tier 2 there are ways to develop without extending services at a high cost to the community. He said the plan reflects an area within the urban growth area. He said the map reflects the inputs into tier 2.

Commissioner Carttar said the sidebar on page 12 was helpful in describing the assumptions made in defining the tiers. He said the map would change over time so maybe it should be date stamped.

Commissioner Willey said she loved the model but it wouldn't take the place of intuition. She inquired about a floodplain discussion regarding the southern area.

McCullough said that conversation could happen at the sector plan level.

Commissioner Sands said a community benefit, page 13, had a broad definition when it comes to providing service.

McCullough said the annexation should be good for the community as well for the developer. He said from one perspective it was okay to ask the private sector to help solve a community need and every property can do that in some way. He said some property may have an ability to provide some infrastructure enhancement. He said it was a quality of life for the community. He said there was a growing need to disperse affordable housing throughout the community.

Commissioner Willey said one of the reasons she liked the discussion about community benefit was there was no strong way to protect identified prairie parcels in tier 2 and 3 and this gives one avenue to do that.

Bobbie Flory talked about taxes for new subdivisions paid for homeowners in that subdivision.

McCullough said those same subdivisions paying taxes will need parks, government services, and other infrastructure down the road. He said all homeowners pay the same tax rate based on the value of the home.

Commissioner Weaver said he was comfortable with the concept of community benefit.

Commissioner Sands said community benefit was written in such a way to provide options but the options cut both ways. He said a governing body may not find it sufficient. He said the community does not have the housing inventory layers needed to provide affordable housing. He did not know that having a specific policy fixes it or encourages a fix. He felt there were too many interactions of variables.

McCullough said it was complex. He said even if lots were donated they would need someone to build the units. He said this allows the opportunity for the development community to participate in the solution upfront.

Commissioner Paden said tier 1 states to build up first and tier 2 talks about annexing. She felt it was a promising approach.

Commissioner Sands said it wasn't an either or situation. He said the community as a whole didn't view it as out or up.

McCullough said the plan proposes both up and out to accommodate the growth projection. He said it was designed growth outward after giving priority to infill.

Commissioner Carttar said this was a policy tool that had precedent and applied elsewhere with some success. He said it was an alternative to planning for the last 20-25 years with unfettered annexation. He said the infrastructure still had to built at the cost of the City. He said he supported the policy.

Commissioner Carpenter said the first filter was when the developer speaks with staff. He said the plan was focused more inside to stay within means. He said by focusing inward they could reduce environmental impacts.

Commissioner Willey said Planning Commission was agreeing on the language as proposed for the time being and could revisit the discussion later if needed.

Commissioner Willey asked for comment on page 13, Chapter 2, Proposed Annexations, (3).

Commissioner Kelly said the definition of rural development on page 13, Chapter 2 (3.4), seemed broad.

McCullough said new land divisions would agree not to protest future annexation.

Commissioner Kelly asked why the language on page 13, Chapter 2, Growth & Development, Proposed Annexations (3.4) did not say *'Require those who have requested a certificate of survey ~~rural development~~ not annexed in Tiers 2 and 3 to agree not to protest future annexation.'*

McCullough said the language was meant to be general and capture any development in the growth area that was not seeking urban services. He said there may be other ways to do rural development, such as commercial development, versus a certificate of survey. He said there may be a better way to word it, such as *'Require land divisions ~~rural development~~ not annexed in Tiers 2 and 3 to agree not to protest future annexation.'*

Commissioner Willey said she would be more comfortable with making the word 'development' plural 'developments.' She said not all land divisions would fall within a certificate of survey in tier 3. She did not see any danger with the current language.

Motioned by Commissioner Willey, seconded by Commissioner Struckhoff, to end the meeting discussion at page 16 of *Plan 2040*.

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

Planning Commission agreed not to make any changes to the lower half of page 13.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to recess until 6:30pm on December 19, 2018.

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

Recess at 10:58pm until 6:30pm on December 19, 2018

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Reconvene December 19, 2018 – 6:30 p.m.

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

Staff present: McCullough, Crick, Day, Ewert, Kobe, M. Miller, Weik

BEGIN PUBLIC HEARING (DECEMBER 19, 2018):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Sands said he spoke Ted Boyle, North Lawrence Improvement Association, regarding the North Lawrence Riverfront project.
- Abstentions:
Commissioner Kelly said he would abstain from items 5, 6, and 7. He said one of the business owners for item 5 was someone he directly supervises. He said item 6 would go to County Commission and he would be a County Commissioner starting in January. He said item 7 would be owned by the County so he would abstain from it since he would be a County Commission starting in January.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 2A REZONING 16.116 ACRES FROM OS, CS, IG TO CD-PD; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

Z-18-00505: Consider a request to rezone approximately 16.116 acres from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

ITEM NO. 2B PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

PP-18-00504: Consider a one-lot Preliminary Plat for North Lawrence Riverfront Addition, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St for mixed use development including residential and commercial uses. Variances related to block length and right-of-way dedication for N. 2nd Street as a principal arterial. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

ITEM NO. 2C PRELIMINARY DEVELOPMENT PLAN FOR NORTH LAWRENCE RIVERFRONT; 311, 317, 401, 409, 415, 501, 505 N 2ND ST (SLD)

PDP-18-00506: Consider a Preliminary Development Plan for North Lawrence Riverfront, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St. The project includes multiple phases and mixed residential and commercial development. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

STAFF PRESENTATION

Sandra Day presented items 2A-2C together.

APPLICANT PRESENTATION

Paul Werner, Paul Werner Architects, discussed the vision of the project and showed pictures on the overhead. He said he agreed with the staff report but wanted a few minor tweaks made to the conditions. He said he was motivated to get the parking correct. He stated there was plenty of land to deal with parking if it were to become a problem. He said he would like to tweak condition 1(d) in the Preliminary Development Plan staff report. He asked that the condition only apply to the four buildings within 250' of the train depot instead of the entire project. He discussed access points and parking.

PUBLIC HEARING

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Ted Boyle, North Lawrence Improvement Association, spoke in favor of the project. He spoke about stormwater issues in North Lawrence. He felt the buildings on N. 2nd Street should look like the depot.

Ron Renz spoke in favor of the project. He felt the project would help the local economy.

Michael Almon expressed concern that the project was presented as an extension of downtown. He felt having downtown parking zoning without the benefits was a problem. He felt the minimum parking requirements needed to be lowered to increase multi-modal transportation. He said people needed incentives to walk and bicycle. He felt the Metropolitan Planning Organization staff should be present at the meeting. He expressed concern about a second entrance and felt circulation needed to be looked at further.

Randy Warren, 216 Lincoln, spoke in favor of the development. He said the site needed bicycle and pedestrian access. He suggested a bridge to create pedestrian/bicycle connection.

APPLICANT CLOSING COMMENT

Werner said Ted Boyle was correct, stormwater was a huge concern. He said he submitted a stormwater study to City Engineer Matt Bond. He said the boardwalk would not have cars and would be a great place for bicyclists and runners. He said he would like to work with the Kansas Department of Transportation (KDOT) in improving the bridge. He said more progress could be made once the plan was approved by the City.

COMMISSION DISCUSSION

Commissioner Butler asked the applicant about the minor tweaks to the staff report condition.

Werner suggested the following changes to the Preliminary Development Plan, PDP-18-00506, staff report condition 1(d):

Provision of a note on the face of the preliminary development plan that states, "Prior to the ~~submission~~ **approval** of a final development plan ~~for any phase of the development the site project~~ **buildings within the environs of the Depot** shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."

Commissioner Butler inquired about parking spaces and asked if the only entrance was at the intersection.

Werner said the only full access entrance was at the light. He said there was a right-out heading south and an emergency access. He said the traffic study included buildings 1-7 and a 150 room hotel and the intersection worked. He also said an expensive soil study was conducted for the site. He said the Corps of Engineer wanted to know how viable the project was before reviewing it.

Sands inquired about the process of getting approval with the railroad for at-grade access.

Werner said the railroad's number one criteria for an at-grade crossing was that there were no other options.

Commissioner Sands asked if it would be an emergency access only.

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Werner said he would like for it to be an option for emergency access, construction entrance, and ultimately a third access option to the site.

Commissioner Willey inquired about bicycle and pedestrian access.

Werner said there was an argument too much parking was being provided and not incentivizing people to use other transportation methods. He said it was a fair point to be more aware of bicycle paths. He said he could look at more ways for how bicycles could enter the site. He said a bicycle and pedestrian path across the river would be great.

McCullough said the area has been included in the Downtown Master Plan process. He said access from downtown to North Lawrence was a necessary discussion item. He said the process could identify issues and provide some solutions and options. He stated this was a large project and would take multiple steps of review to get where it needs to be.

Commissioner Kelly asked about the garage parking.

Werner said the garage parking would be for the residents.

Commissioner Kelly asked if there was enough residential parking for the residents.

Day said she would need the correct base number to know. She said by the time the Final Development Plan was submitted she would know.

McCullough said it would have CD zoning but would not enjoy the benefit of the public providing the parking. He said there was enough land area to supply adequate parking. He said parking was best addressed at the Final Development Plan stage when the uses would be known since there were a range of parking calculations to apply.

Sands asked staff to speak about the controls with the overlay district.

McCullough said this was an important location. He said the planned overlay was the first step and provided protection. He said anything that changes in the plan goes back through the full public hearing process.

Willey asked if the public improvement would include stormwater.

Day said all the studies were being submitted and looked at by staff. She said there would be information provided with the Preliminary Plat. She said the technical design of each plan would be submitted with the final plat.

Sands asked about why the comprehensive plan amendment needed to be reaffirmed.

McCullough said procedurally it made sense since it had been seven years but that a full presentation was not necessary. He said the comprehensive plan amendment expanded the downtown area of the comprehensive plan.

Sinclair asked if Planning Commission had what they needed to be able to reaffirm what was previously approved was true today.

McCullough said with the original application the applicant was required to submit the comprehensive plan amendment to take advantage of the CD district. He said Planning Commission and City Commission supported it but it was not made effective. He said the Downtown Master Plan shows it as part of downtown based on that approval. He said it was project specific and it lays the foundation for the zoning today.

Kelly said it seemed they needed to either look at the comprehensive plan amendment all over again and vote on it or say the comprehensive plan amendment now applies to the project. He said he was conflicted on the idea that it sort of applied and Planning Commission should confirm it so the entire conversation doesn't have to happen again.

McCullough said in seven years nothing had changed what Planning Commission voted on. He said a retail market study would be published soon.

Commissioner Willey asked if the decision from 2011 would stand.

McCullough said it was not published into the comprehensive plan because it had a pending rezoning related to a specific project.

Commissioner Kelly asked how confident staff was that the comprehensive plan amendment addressed the new version of the project.

McCullough said staff was confident it supported the project.

Sands said he read the previous minutes and Downtown Lawrence Inc., the Chamber of Commerce, and several others had comments. He said all the folks who had comments then were not here now to provide comment. He said the comprehensive plan amendment passed by City Commission in 2012 did not effect vacancy rate. He wondered once the project was built out if there would be an effect.

McCullough said the item was published as an agenda item. He said the staff report from 2011 showed the language that was approved by the governing body to support this project at that time.

Kelly said it didn't speak to the zoning of the area, just included it as part of the downtown. He said in that way he was comfortable.

McCullough said it basically described the area and said it should be considered as an extension of downtown but didn't get into the details that were before Planning Commission tonight.

Commissioner Kelly struggled with the idea of reaffirming something that was already done but not published because the project wasn't there.

McCullough said page 80 of the packet was the meat of the criteria that was approved which is being reflected in the plan.

Commissioner Willey wished the comprehensive plan amendment had been a separate item with its own discussion but she did not have a problem with reaffirming the work that previously had a full public process.

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Commissioner Sands said Planning Commission could vote for the comprehensive plan amendment as a separate item. He said he was comfortable reaffirming the comprehensive plan amendment.

Commissioner Carpenter asked the applicant what he needed to proceed with the railroad about the third access point.

Werner said a preliminary plan approved by Planning Commission and City Commission.

Commissioner Willey said she liked the topic of the shared parking.

Commissioner Sands read Planning Commission minutes from 2012. He said there were many published articles about removing parking minimums.

McCullough said staff would be bringing a comprehensive rewrite of parking code in a few months to Planning Commission.

Commissioner Carttar inquired about the timing of the Downtown Area Plan and the anticipated timeline of this project. He expressed concern about the externalities around the circulation of cars, cyclists, and pedestrians.

McCullough said the Downtown Master Plan should be complete by the end of 2019. He said this project would be a multi-year project. He said anything in the Downtown Master Plan that is a capital item would need to be in a Capital Improvement schedule. He said he hoped the applicant and the City could talk about improvements and enhancements to the area. He said there was more work to be done.

Commissioner Carttar expressed concern about the final plan and the circulation of pedestrians, bicyclists, and automobiles. He felt limited access points needed to be clearly signed so that private automobiles and rideshares have clear ideas of where they can go in and out.

McCullough said the final development plan would be administratively approved and Planning Commission would not see it.

Commissioner Sands expressed concern about a bus drop-off for public transit and how it would work with the site.

McCullough said some of the questions had not been answered yet because there was work to be done with the transit system. He said it would be part of the overall process.

Commissioner Willey felt this would be a great addition to downtown and she would like to see it move forward.

ACTION TAKEN ON ITEM 2A

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone approximately 16.116 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD-PD (Downtown Commercial - Planned Development Overlay) District and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2nd St., based

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on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Kelly said he would reaffirm the comprehensive plan amendment with hesitation. He said he would have liked to have considered the comprehensive plan separately first.

Commissioner Sinclair said for the same reason he would oppose the reaffirmation of the comprehensive plan amendment.

Commissioner Carpenter shared reservation.

Commissioner Struckhoff said he would support reaffirming the comprehensive plan amendment with reservation. He said the site needed a bus stop that would not impede traffic.

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

ACTION TAKEN ON ITEM 2B

Item deferred.

ACTION TAKEN ON ITEM 2C

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve Preliminary Development Plan, PDP-18-00506, North Lawrence Riverfront, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions, with an amendment to condition 1(d):

1. The applicant shall provide a revised preliminary development plan drawing with the following notes and changes:
 - a. Provision of a note on the face of the preliminary development plan that states, "Off-street parking shall be required and approved for all uses per the approved preliminary and final development plans for this development."
 - b. Provision of a note on the face of the preliminary development plan that states, "Prior to the development of buildings, IX, X, or XI the developer shall submit a revised preliminary development plan for review and approval per Section 20-1304 of the Land Development Code."
 - c. Provision of a note on the face of the preliminary development plan that states, "Provision of a local floodplain permit is required for review and approval for phases that impact levee and regulatory floodplain and shall be submitted concurrently with an application for a final development plan."
 - d. Provision of a note on the face of the preliminary development plan that states, "Prior to the submission approval of a final development plan for any phase of the development the site project shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."
 - e. Provision of a revised plan showing building footprints comply with the maximum 25,000 square feet standards per Section 20-210.

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

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ITEM NO. 3 REZONING .18 ACRES FROM PCD TO CS; 3235 OUSDAHL (MKM)

Z-18-00508: Consider a request to rezone approximately 0.18 acres from PCD (Planned Commercial Development) District to CS (Strip Commercial) District, located at 3235 Ousdahl. Submitted by Paul Werner Architects, for Fraternal Investors LLC, property owner of record.

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Joy Rhea, Paul Werner Architects, agreed with the staff report and was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if there were any conditions that Planning Commission needed to revisit.

Miller said no.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Carttar, to approve the rezoning request for approximately 0.18 acres from PCD-[Pine Ridge Plaza] (Planned Commercial Development) District to CS (Commercial Strip) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

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

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ITEM NO. 6 CONDITIONAL USE PERMIT; NW OF N 1200 RD & E 1150 RD (KEW)

CUP-18-00501: Consider a Conditional Use Permit for a rugby/soccer complex, located northwest of the intersection of N 1200 Rd & E 1150 Rd. Submitted by Paul Werner Architects, for Westwick LC, property owner of record.

STAFF PRESENTATION

Katherine Weik presented the item.

APPLICANT PRESENTATION

Rick Renfro was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if there were any issues with adding a second access.

Weik said the County Engineer did not see an issue with adding a second access.

Commissioner Carttar inquired about the timeline for installing the septic system. He wondered if there was a penalty for failing to install it.

Weik said the staff condition indicated a timeline to get the septic system installed. She said the Conditional Use Permit would cease to exist if not installed.

Commissioner Willey asked the applicant about the timing of the septic system even if Phase III was not ready yet.

Renfro said there were a few options. He said they could build the restroom now and then possibly build a second one after the completion of the phases.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the Conditional Use Permit, CUP-18-00501, for a Rugby/Soccer Complex, located northwest of the intersection of N 1200 Rd & E 1150 Rd, with the following conditions:

- Local and State floodplain permits will be required for all phases of development.
- The east entrance for the proposed Phase III parking lot will need to be upgraded to County Standards. A Douglas County entrance permit will be required for work in the Route 458 right-of-way.
- Existing conditions and restrictions for the previous CUP will remain or be revised by the County Commission if alternatives are proposed.
 1. Septic System was to be installed one year after construction of the playing fields.
 - a. Original deadline was July 1, 1996.
 - b. County Commission approved (in October of 1996) the extension of this deadline to the summer of 1998.

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- c. A septic system has not yet been installed according to the Lawrence Douglas County Health Department.
 - d. A septic system is proposed to be installed with Phase III of the improvements.
 - e. Staff recommends a deadline of 1 year from the date of resolution publication for the installation of an approved septic system with the approval of this Conditional Use Permit.
- 2. Field use only between the hours of 8 AM and 9 PM.
 - 3. Ancillary activities proposed only between the hours of 8 AM and 10 PM.
 - 4. The use of the fields is restricted to rugby, soccer, football, lacrosse, softball, baseball and team sports involving the use of a Frisbee. Any other activity must be approved as a Temporary Business Permit granted by the Board of County Commissioners.
 - 5. On-site structures can only be used for ancillary uses associated with the allowed restricted activities and only during the approved hours for ancillary use.
 - 6. Consumption of alcohol and cereal malt beverages is limited to the confines of a club house or within a 25 foot X 25 foot designated an area adjacent to the club house building. The area shall be delineated with a wooden fence.
 - 7. The goal post for each playing field shall be no closer than 175 feet to any adjoining property line.
 - 8. The applicant shall provide locking gates with a sign stating the restrictions of the facility and who to contact regarding questions about the use of the facility.
 - 9. No sales or vending is allowed on the premises.
 - 10. No public address system or loud speakers are permitted.
 - 11. Lighting is to be shielded from view off the property.

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 7 SPECIAL USE PERMIT; 1000 W 2ND ST (SLD)

SUP-18-00518: Consider a Special Use Permit/Institutional Development Plan for the development of residential housing to include a 12 bedroom *Group Home* and 10 one-bedroom apartments, located at 1000 W. 2nd Street. Submitted by TreanorHL, for Douglas County, property owner of record.

STAFF PRESENTATION

Sandra Day presented the item.

APPLICANT PRESENTATION

Brian Kemp, TreanorHL, agreed with the staff report and was present for questions.

PUBLIC HEARING

Bart Littlejohn, Pinckney Neighborhood Association, said the neighborhood association met with the applicant in February. He said the project helped fill a vital need for the community. He said some of the neighbors were apprehensive of the speed of the project. He asked that the neighborhood association be included in continued discussions.

Joe Andrew expressed concern about pedestrian traffic through the neighborhood.

Shannon Oury, Lawrence-Douglas County Housing Authority, said she would be meeting with the neighborhood association again in January. She said she wanted neighbors to be involved to help address concerns.

COMMISSION DISCUSSION

Commissioner Willey asked the applicant to provide details of services.

Matthew Faulk, Bert Nash, said staff would be onsite 24 hours a day. He said residents would be required to be actively engaged in services, based on their needs. He said it would operate like a home so residents would make and eat meals there. He said predominately during the day the residents would be working with their mental health providers. He said staff would provide transportation. He said the goal was to make it more of a residential setting and less of a clinical facility. He said there would be a curfew and behavioral rules, based on the client's needs. He said there were consequences for residents who did not follow the guidelines.

Oury said the Housing Authority would be operating a permanent supportive housing. She said it would be independent living and would not have a curfew. She said individuals in this level of housing have demonstrated they are capable of having less restrictions.

Commissioner Carttar wondered where the individuals that would be receiving care at this site living now.

Faulk said some are living independently in apartments around town. He said some may be living at home with their families. He said the type of consumer using the housing could be anybody at any time in their life. He said it was not a set group of people needing the support.

Sands inquired about the future expansion.

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Jill Jolicoeur, Douglas County Behavioral Health, said the future expansion would be part of the crisis center. She said the transitional housing provided the flexibility to individuals for six days or six months.

Commissioner Sands inquired about the open space area to the east of the Tier III apartments. He asked if that would expand.

Oury said that land had a hill and was in the floodplain.

McCullough said the current plans did not include that.

Jolicoeur said there were no plans to expand the housing in the neighborhood. She said the best plan was to distribute housing throughout the community.

Sands asked what could be done with the vacant floodplain area.

Day said floodplain could be developed with certain limitations and restrictions. She said part of the project included public improvement plans so the applicant was looking at using some of that area for possible detention, stormwater mitigation, or rain gardens. She said if the applicant wanted to expand housing they would revisit the institutional development plan aspect of the project.

Butler said she was in favor of the Special Use Permit and the use was needed in the community. She said having mental staff onsite was a huge benefit.

Commissioner Willey inquired about people accessing the site.

Faulk said it was rare for clients to have a vehicle. He said the vehicles coming and going would predominately be staff. He said staff would provide transportation for the clients to go to the store and appointments. He said part of the site plan included a sidewalk on that side of the street. He said part of the wellness plan clients would be encouraged to get out and engage in physical activity.

Commissioner Carpenter said he was in favor of the Special Use Permit.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve the Special Use Permit located at 1000 W. 2nd Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following condition:

1. Prior to recording of the Institutional Development Plan with the Register of Deeds Office the applicant shall provide a photometric plan to the Planning staff for review and approval per Section 20-1103 of the Land Development Code

Commissioner Willey said she was in favor of the waivers from setbacks and bufferyards.

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 4 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; CONDITIONAL ZONING (SLD)

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

STAFF PRESENTATION

Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Carpenter said the text amendment addressed all of the issues he had raised over the years. He was happy a definition was included and a set of procedures. He suggested adding language to the definition of conditional zoning.

ACTION TAKEN

Motioned by Commissioner Carpenter, seconded by Commissioner Willey, to approve Text Amendment, TA-18-00430, amending Article 13 of the Lawrence Land Development Code and forwarding to the City Commission with a recommendation of approval, with the addition of language to the definition of conditional zoning:

***Conditional Zoning:** The attachment of special conditions or restrictions to a rezoning when all other reasonable options have been exhausted. Conditions can include, but are not limited to restrictions as to use, size, design, density or intensity of development and/or development timing as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions.*

Commissioner Willey said conditional zoning was an important tool and the text amendment provided context for when it was appropriate and when they need to look for other solutions.

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

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ITEM NO. 5 REZONING 2.7 ACRES FROM IBP TO IL; 1900 WAKARUSA DR (KEW)

Z-18-00495: Consider rezoning approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1900 Wakarusa Dr. Submitted by Home Sweet Home on behalf of Larry McElwain, property owner of record.

STAFF PRESENTATION

Katherine Weik presented the item.

APPLICANT PRESENTATION

Anthony Barnett, Home Sweet Home, provided a presentation on the overhead. He said he was expanding his business with a 'pet campus' to meet the community need. He said the pet campus would include the pairing of for-profit and non-profit entities of Home Sweet Home, Pawsh Wash, Lawrence Humane Society, and Symbiotic Behavioral Treatment Center.

Amber Nickle, Pawsh Wash, said that she was looking to expand her business and services.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if staff did an analysis on whether this conditional zoning would fit the new standards.

Weik said no.

Commissioner Sands felt Planning Commission should take the language from the conditional zoning text amendment into consideration.

Commissioner Willey said she liked seeing local businesses grow.

Commissioner Carttar inquired about the specific uses that required a zoning change. He said there was an existing veterinary office near the proposed site.

Weik said the veterinary office he was referring to had an accessory kennel use as part of the veterinary clinic and was permitted in the IBP zoning district. She said the kennel use on its own was not permitted in the IBP zoning district. She said sales and grooming fell under the Animal Services category as well.

Commissioner Carttar inquired about the zoning of the existing Home Sweet Home location.

Weik said she believed it was IL zoning.

Commissioner Sands said going from IBP to IL was not a lesser change. He said because it was not a lesser change it fulfilled the conditions that must be met with conditional zoning. He felt the project, under new conditional zoning standards, would apply.

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Commissioner Carpenter said the application was submitted under the old standards, prior to the conditional zoning text amendment that Planning Commission just recommended approval of. He said he would vote in favor of it.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Carttar, to approve the request to rezone approximately 2.7 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, with use restrictions, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report, subject to the following condition: Permitted uses are limited to those listed below:

- a. College/University*
- b. Day Care Center*
- c. Event Center, Small*
- d. Event Center, Large*
- e. Postal & Parcel Service*
- f. Public Safety*
- g. Active Funeral and Interment*
- h. Temporary Shelter (Special Use only)*
- i. Social Service Agency*
- j. Community Meal Program (Special Use only)*
- k. Utilities, Minor (Special Use only)*
- l. Utilities and Service, major (Special Use only)*
- m. Health Care Office, Health Care Clinic*
- n. Active Recreation*
- o. Participant Sports & Recreation, Indoor*
- p. Participant Sports & Recreation, Outdoor*
- q. Passive Recreation*
- r. Nature Preserve/Undeveloped*
- s. Veterinary*
- t. Kennel*
- u. Sales & Grooming*
- v. Accessory Bar (Accessory Use only)*
- w. Restaurant, Quality*
- x. Administrative and Professional (Office)*
- y. Financial, Insurance & Real Estate (Office)*
- z. Payday Advance, Car Title Loan Business*
- aa. Office, Other*
- bb. Parking Facility, Commercial*
- cc. Business Equipment*
- dd. Business Support*
- ee. Maker Space, Limited*
- ff. Maker Space, Intensive*
- gg. Manufacturing & Production, Ltd.*
- hh. Manufacturing & Production, Tech.*
- ii. Research Service*
- jj. Exterior Storage (Accessory Use only)*
- kk. Wholesale Storage & Distribution, Light*
- ll. Mini-warehouse*
- mm. Agriculture, Crop*
- nn. Agricultural, small animal (Accessory Use Only)*
- oo. Farmer's Market*
- pp. On-site agricultural sales (Accessory Use only)*
- qq. Amateur & Receive-Only Antennas (Accessory Use Only)*

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rr. Broadcasting Tower
ss. Communications Service Establishment
tt. Wireless Facility - Antenna (Accessory Use only)
uu. Wireless Support Structure (Special Use only)
vv. Satellite dish (Accessory Use only)
ww. Recycling Facilities, Small Collection

Motion carried 9-0-1, with Commissioner Kelly abstaining. Commissioners Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 8 SPECIAL USE PERMIT; 1040 MASSACHUSETTS ST, 1041 NEW HAMPSHIRE ST & 1000 NEW HAMPSHIRE BLOCK 1 (BJP)

SUP-18-00502: Consider a Special Use Permit for ground floor dwelling units, The Hub at Lawrence, located at 1040 Massachusetts St, 1041 New Hampshire St, and 1000 New Hampshire Block 1. Submitted by Core Lawrence Massachusetts LLC on behalf of Allen Press Inc and Allen Realty Inc, property owners of record.

Item No. 8 was deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

McCullough said staff would speak with the Planning Commission Chair and Vice-Chair about the comprehensive plan review schedule.

Commissioner Willey said perhaps Planning Commission could look at options during the next Mid-Month meeting.

ADJOURN 10:24pm