



## **PLANNING COMMISSION MEETING**

**January 24, 2011**

### **Meeting Minutes**

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January 24, 2011 – 6:30 p.m.

Commissioners present: Blaser, Burger, Culver, Dominguez, Finkeldei, Harris, Hird, Liese, Rasmussen, Singleton, and Student Commissioner Davis

Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Warner, Ewert

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### **MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of December 13, 2010.

Commissioners Burger and Harris emailed their proposed minor changes to Ms. Denny Ewert prior to the meeting.

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve the December 13, 2010 Planning Commission minutes with the suggested changes by Commissioners Burger and Harris.

Approved 10-0. Student Commissioner Davis voted in the affirmative.

### **COMMITTEE REPORTS**

Commissioner Hird said the Agri-Tourism Committee met the first week in January with community members that are doing agri-tourism activities. He said they had a thorough discussion of the Conditional Use Permit process and the problems people have encountered as well as suggestions they had. He said it was very enlightening.

### **COMMUNICATIONS**

Mr. Scott McCullough, Planning Director, stated there were no new attachments/communications posted to the online Planning Commission agenda after the initial posting date.

Mr. McCullough said each Commissioner received a bike rideability map tonight. The bicycle rideability map was designed to promote, encourage and educate bicyclists. The map assists riders in choosing routes most applicable to their skill level, alerts them to difficult intersections, shows major landmarks to help bicyclists navigate around town and identifies transit connections.

No written action of any waiver requests/determinations made to the City Engineer.

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

- Ex parte:  
Commissioner Burger said she received a nice note from Ms. Marci Francisco indicating that she had dedicated a tree in her honor.
- No abstentions.

PC Minutes 1/24/11

**ITEM NO. 1      FINAL DEVELOPMENT PLAN FOR CROSSGATE DRIVE CASITAS; 2451  
DROSSGATE DR (SLD)**

**FDP-11-11-10:** Consider Final Development Plan for Crossgate Drive Casitas, located at 2451 Crossgate Drive, for a 46 unit Multi Dwelling Residential development on approximately 4.6 acres. Submitted by BG Consultants, Inc for Michael D. Stultz, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**NON-PUBLIC HEARING ITEM**

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of a revised drawing to show deed book and page reference for dedication of additional easements associated with this project (general note 9), prior to recording of the Final Development Plan.
2. Provision of a photometric plan and applicable details per minimum lighting standards per planning staff approval prior to recording of the Final Development Plan.

Commissioner Harris said she voted against the Preliminary Plat for this project because she felt it would have been better to complete the area plan first, but since it was approved by City Commission she would vote in favor to be consistent with the Preliminary Plat.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/24/11

**ITEM NO. 2      VARIANCE FOR 5217 BRANCHWOOD COURT (MKM)**

**FDP-11-10-10:** Consider a variance from the peripheral setback through a revised Final Development Plan for Foxchase Patio Homes, located at 5217 Branchwood Court. Submitted by Gary D Boyer and Lavenna R Boyer, property owners of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Gary Boyer said the south facing wall reflects sun and makes the deck unusable and that was his motivation for asking for the variance.

**PUBLIC HEARING**

Mr. Tim Vanleer, 5213 Branchwood Ct (neighbor to the east), said he was in favor of the variance.

**ACTION TAKEN**

Motioned by Commissioner Singleton, seconded by Commissioner Dominguez, to approve the requested variance from the 35 ft peripheral setback required in Section 20-1007 of the pre-2006 Development Code to allow a peripheral setback of 25 ft at 5217 Branchwood Court subject to the following conditions:

1. Provision of a revised Final Development Plan which includes the following note: *"The Planning Commission approved a variance from the 35 ft peripheral setback required in Section 20-1007 of the pre-2006 Development Code to permit a 25 ft peripheral setback along the south property line of 5217 Branchwood Court as identified on the plan.*
2. The plan shall identify the location of the porch as the area for which the variance has been granted.
3. The building coverage summary revised to include the 200 sq ft porch area.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/24/11

**ITEM NO. 3      RS5 TO RSO; .36 ACRES; 1701 MASSACHUSETTS ST (MJL)**

**Z-11-15-10:** Consider a request to rezone approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. Submitted by Jennifer O'Driscoll, for First Church of Christ Scientists, property owner of record.

**STAFF PRESENTATION**

Ms. Sheila Stogsdill, Assistant Planning Director, presented the item.

Commissioner Harris inquired about the use of accessory parking that was allowed in the RSO District but not allowed in Residential.

Ms. Stogsdill said that would be a parking lot such as a separate lot. She said if the church wanted to expand and purchase property adjacent they might rezone to RSO so they could have an additional parking lot. She gave the example of the parking lot directly north of Castle Tea and directly south of the mortuary. She said that was an accessory parking lot developed after the mortuary was built and purchased to be supplemental parking for that use.

Commissioner Harris asked if it was a separate lot but accessory to a use on another lot.

Ms. Stogsdill said yes.

Commissioner Harris said she noticed that the RSO District could have a homeless shelter or community meal program.

Ms. Stogsdill said they would require Special Use Permits.

**APPLICANT PRESENTATION**

Ms. Jennifer O'Driscoll said she has been a veterinarian for about 7 years. She said it was her dream to have a specialized all cat veterinary hospital. She said she wanted to open an all cat facility because it was a calmer environment for cats to be in without barking dogs.

Commissioner Harris inquired about the possibility of conditioning the zoning to exclude the uses of a transitional shelter and a community meal program. She asked if Ms. O'Driscoll would object to that.

Ms. O'Driscoll said she would not object to the conditional zoning.

Commissioner Blaser asked if she would be leasing the property.

Ms. O'Driscoll said she would not be the owner of the property.

Mr. George Paley said he was the potential property owner (currently under contract) and he did not object to the conditional zoning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Harris said Massachusetts Street was a gateway to the community and that there were also a lot of single-family homes in the area and she felt it would not be healthy to have the two uses of homeless or transient shelter and community meal program at that location.

Commissioner Finkeldei said he was not a fan of conditional zoning. He asked if it could be tracked.

Mr. McCullough said yes. He said the temporary shelter and community meal program would require Special Use Permits if they were the primary uses on the property. They would also be allowed as accessory uses to the religious institutions. He asked if the intention was to restrict out the accessory shelter and community meal program from a religious use as well. He said there were two different categories of use, the primary use and accessory use. He said the primary use would require a Special Use Permit and the accessory use would be allowed by right with a church located there.

Commissioner Harris said she did not realize the difference but that she would be okay with the temporary smaller accessory use in that area, but not a larger facility as the primary use.

Commissioner Hird asked if the use went back to a religious institution would the restrictions apply.

Commissioner Harris said no because it would be an accessory use to the primary use of a church and the impact would be much smaller.

#### **ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Dominguez, to approve the request to rezone approximately .36 ac, from RS5 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential Office) District based on the findings presented in the staff report, with the condition to exclude the primary uses for temporary shelter and community meal program and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/24/11

**ITEM NO. 4      UR TO COUNTY A; 2.4 ACRES; 1820 E 1450 RD (DDW)**

**Z-12-17-10:** Consider rezoning approximately 2.4 acres from UR (Urban Reserve) to County A (Agricultural), located at 1820 E 1450 Road. *Initiated by Planning Commission on 12/13/10.*

**STAFF PRESENTATION**

Mr. Dan Warner presented the item.

Commissioner Liese asked if this came up because the property owner wanted to build an outbuilding.

Mr. Warner said the property was going to be rezoned anyway.

Commissioner Liese inquired about the procedural process.

Mr. McCullough said this was a unique situation. He said the annexation and rezoning could happen currently with or shortly thereafter.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the rezoning request for approximately .6 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/24/11

**ITEM NO. 5      IG TO RS7; .6 ACRES; 309 & 315 PERRY ST, 528 N 3<sup>RD</sup> ST (DDW)**

**Z-12-18-10:** Consider rezoning approximately .6 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 315 Perry Street, 309 Perry Street and 528 N. 3<sup>rd</sup> Street. *Initiated by Planning Commission on 12/13/10.*

**STAFF PRESENTATION**

Mr. Dan Warner presented the item.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve the rezoning request for approximately .6 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

PC Minutes 1/24/11

**ITEM NO. 6      TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE &  
DOUGLAS COUNTY CODE; MINOR & MAJOR SUBDIVISIONS (SMS)**

**TA-3-3-10:** Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise requirements and standards related to the processing of Minor and Major Subdivisions, including minor housekeeping changes. *Initiated by City Commission on 2/16/10.*

*Item No. 6 was deferred prior to the meeting.*



PC Minutes 1/24/11

**ITEM NO. 7      VARIANCE FOR SECTION 1-TOWNSHIP-12S-RANGE-18E**

**CSR-12-26-10:** Consider a request for a variance from section 20-806(d)(2)(v) and (vi) of the Subdivision Regulations pertaining to Minimum Frontage and Entrance Spacing Requirements and Minimum Road Right(s)-of-way for 25 acres, 1 parcel, Residential Development Parcel No. 2, Section 1-Township 12S-Range 18E, of the Certificate of Survey submitted by Rogers Surveying for Milton Lee Norwood, Executor for Roger and Lois Norwood.

*Item No. 7 was withdrawn by the applicant prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**PUBLIC COMMENT SECTION**

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**ADJOURN 7:05pm**