



PLANNING COMMISSION MEETING
January 25, 2017
Meeting Action Summary

January 25, 2017 – 6:30 p.m.

Commissioners present: Britton, Carpenter, Culver, Kelly, Sands, Struckhoff, von Achen

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

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of December 12, 2016.

Motioned by Commissioner von Achen, seconded by Commissioner Britton, to approve the December 12, 2016 Planning Commission action summary minutes.

Unanimously approved 7-0.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Received Staff Memo requesting deferral of Item 4 - Text Amendment Columbariums
- No ex parte.
- Abstentions:

Commissioner Kelly said he would abstain from Item 3 because his employer was the school district and they wrote a letter regarding Item 3.

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**ITEM NO. 1 CONDITIONAL USE PERMIT FOR PRIVATE AIRSTRIp; 1123 E 2000 RD
(MKM)**

CUP-16-00489: Consider a revision to the Conditional Use Permit for the private airstrip at 1123 E 2000 Road, approved with CUP-3-1-85, to allow additional users of the airstrip. Submitted by BG Consultants, Inc. for Milton D. and Joan M. Bland, property owners of record. *Joint meeting with Eudora Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Milton Bland said he did not foresee any actual change in the activity at the airstrip. He said the airstrip would not be used very often.

PUBLIC HEARING

Mr. Mark Neis, 12775 County Line Rd, said he farmed property to the north. He inquired about the building near the airstrip.

Ms. Miller said the Federal Aviation Administration (FAA) had an approach zone.

Mr. Neis inquired about installing a hotwire fence and if a plane/parachute would interfere. He expressed concern about his cattle getting onto the runway.

Mr. Bland said when the airstrip was approved in 1985 there was a fence at that time and the FAA still thought there was a fence there so the distances were based on that. He said when landing pilots make a pass first to check for deer or other obstacles on the airstrip.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to address the letter from the Eudora Planning Commission regarding combined access to the road.

Ms. Miller said the county did not allow for shared driveways but a variance could be requested to allow it.

Commissioner Britton asked if neighbors would be restricted on what they could build due to the airstrip.

Ms. Miller said no, there would not be restrictions on the neighbor's property.

Commissioner Culver said he would support adding a note to request pilots take off and land from the north when permitted.

Commissioner Kelly asked the applicant how he felt about that condition.

Mr. Bland said that was not a problem at all. He said from a safety standpoint going to the north would be preferred.

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Commissioner Sands said he did not want the condition to be too strict. He wanted pilots to be able to take off and land in the safest way possible.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the Conditional Use Permit, CUP-16-00489, for an airstrip located at 1123 E 2000 Road to allow additional users of the airstrip, and forwarding to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report and subject to the following conditions: (Language added by Planning Commission shown in **bold**.)

- 1) The applicant shall execute a Use Agreement with the other users of the airstrip and provide a copy to the FAA and to the Planning Office, prior to the release of the Conditional Use Permit.
- 2) The CUP shall expire at the end of 10 years, (Calendar year 2027) unless an application for renewal, submitted prior to the expiration date, is approved by the County Commission.
- 3) Provision of a revised plan with the following changes:
 - a) Label the distance of the west side of the 60 ft wide runway from the east property line.
 - b) Addition of the following notes:
 - i) *"The permit shall expire at the end of 10 years (Calendar year 2027) unless an application for renewal, submitted prior to the expiration date, is approved by the County Commission."*
 - ii) *"The airstrip is limited to the private use of the owners of property which contain the airstrip and occasional use by their guests, but may not be used for commercial purposes."*
 - iii) *"Any change in ownership shall require the submittal of a revised Use Agreement to the FAA."*
 - iv) **"Take-offs and landings shall occur to and from the north, whenever the wind permits, to reduce the impact on residential uses to the south."**

Unanimously approved 7-0.

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ITEM NO. 2 MINOR SUBDIVISION VARIANCE FOR 3101 IOWA ST (SLD)

Minor subdivision, MS-16-00507, variance request per Section 20-813(g) of the Subdivision Regulations to allow reduced right of way for W. 31st Street and S. Iowa Street as required by Section 20-810(e) of the Subdivision Regulations. The Minor Subdivision (lot split) is located at 3101 Iowa St. Submitted by Landplan Engineering for Central Bank of the Midwest, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. CL Maurer, Landplan Engineering, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Sands, to approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 31st Street and S. Iowa Street subject to the following condition:

1. The plat shall be revised to include the following note: *On January 25, 2017 the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the right-of-way to remain at 70 feet for W. 31st Street and 65 feet for S. Iowa Street within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.*

Unanimously approved 7-0.

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ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR TRU HOTEL BY HILTON AT BAUER FARM; 510 WAKARUSA DR (SLD)

FDP-16-00498: Consider a Final Development Plan for TRU Hotel by Hilton at Bauer Farm, a new multi-story hotel, located at 510 Wakarusa Drive. Submitted by Bartlett & West Inc on behalf of Apollo Hospitality Firm, contract purchaser. Free State Group LLC is the property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Darron Ammann, Bartlett & West, said the owner picked this location because the preliminary plan was already approved with a hotel. He said he did not have any issues with the conditions.

COMMISSION DISCUSSION

Commissioner Sands inquired about the intersection traffic.

Ms. Day said it was a four way stop.

Commissioner Sands asked if it would increase the traffic density in that area.

Commissioner Britton asked if Planning Commission was the approving body on this item.

Ms. Day said that was correct.

Commissioner von Achen asked staff to comment on the letter from the school district.

Ms. Day said the hotel was discussed during the preliminary plan. She said a hotel probably made sense due to the many events at the high school and Rock Chalk Park. She said the hotel use would dovetail nicely with other uses in the area. She said the City's traffic engineer would prefer to see a roundabout at that intersection. She said it was not in the Capital Improvement Plan yet but that it probably would be in the next few years.

Mr. McCullough said traffic as a whole would need to be looked at in the future.

Commissioner Sands said additional development along Wakarusa could increase traffic in the coming years.

Mr. McCullough said as the road system evolved so would the reviews and improvements. He said this was pretty typical for a street system.

Commissioner von Achen inquired about the concern regarding transient traffic versus retail traffic.

Mr. McCullough said he could not speak on behalf of the school district and that their letter spoke to the concerns they had.

Commissioner Carpenter said the school districts letter stated the field would become a parking lot.

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Commissioner Britton appreciated the school district letter but felt at this stage in the process the decision had been made and now the discussions were about the final development plan as opposed to the use itself. He said a hotel sounded like a reasonable use.

Commissioner Struckhoff said he would support the plan. He said the amount of parking added by this development was minor. He was surprised to hear about more parking being added to Free State High.

Commissioner Culver felt better flow and ways to access the property were an improvement over the preliminary plan so he would support the final plan.

Commissioner von Achen agreed with Commissioner Culver and said this was an upgrade to what was proposed with the preliminary plan.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve the Final Development Plan, FDP-16-00498, for TRU Hotel by Hilton, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Prior to recording the Final Development Plan with the Register of Deeds Office the applicant shall provide a revised drawing with the following notes and changes:
 - a. Revise landscape plan to note planting size and species for all shrubs proposed for use in development.
 - b. Revise landscape plan to show additional plant groupings along Overland Drive and along the private drive to screen the parking lot, per staff approval.
 - c. Revise drawing to include the following note: *"Prior to release of the Final Development Plan for issuance of a building permit the applicant shall submit a revised building elevation sheet to staff for review and approval demonstrating compliance with the Commercial Design Guidelines."*

Motion carried 6-0-1, with Commissioner Kelly abstaining.

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ITEM NO. 4 TEXT AMENDMENT TO DEVELOPMENT CODE; COLUMBARIUMS (BJP)

TA-16-00388: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services as defined in Section 20-1729. The requested amendment would allow Columbariums as Accessory Uses to established Religious Assembly Institutions.* Submitted by Corpus Christi Catholic Church. *Initiated by City Commission on 9/20/16. Deferred by Planning Commission on 11/16/16.*

STAFF PRESENTATION

Mr. McCullough said in their previous discussion they wanted to know what would happen if a church closed and left a wall of urns. He said that would be a civil matter but that cemeteries would be different.

Mr. Larkin said there were some kinks in the Kansas law that may make it difficult. He said staff wanted more time to look at whether conditions should put on a cemetery accessory use.

Mr. McCullough said there may be liability of the City taking over a cemetery use.

ACTION TAKEN

Motioned by Commissioner Carpenter, seconded by Commissioner Britton, to defer the item.

Commissioner Britton wondered if they could condition a Columbarium use if it was considered a civil matter.

Mr. McCullough said staff would look at that.

Motion carried 7-0.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2017 MID-MONTH TOPICS

Discuss 2017 Planning Commission Mid-Month Topics.

Commissioner von Achen said a county inventory had been conducted of natural areas. She said they had lost 47% of native prairie since 1988. She felt this was something urgent that needed to be looked at. Dovetails into Chapter 16 of Horizon 2020 and the need to protect native prairie. She suggested Kelly Kindscher talk to Planning Commission about their role and creative ways to move the discussion forward.

Mr. McCullough said they also need to consider the City's Strategic Plan and the Comprehensive Plan update.

Commissioner Britton said he would be interested in looking at how other advisory groups work and potential overlap, and how the County and City act on planning issues. He stated local water resources would also be a good topic.

Commissioner Carpenter suggested the topic of background information on how the Kansas water office works and where drinking water comes from, siltation factors of Clinton Lake, and the long term supply of water.

Commissioner Sands said he was interested in knowing numbers regarding the hotel room supply and apartments.

Mr. McCullough said staff could provide Planning Commission with the lot inventory report so they could see trends.

Commissioner Culver suggested the topic of transportation planning and how it effects Planning Commission decision making. He also suggested the topic of downtown parking.

ADJOURN 7:44pm