



**PLANNING COMMISSION MEETING**  
**July 25, 2018**  
**Meeting Action Summary**

---

July 25, 2018 – 6:30 p.m.

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

Staff present: McCullough, Crick, Day, Ewert, Larkin, Pepper, Weik

---

**GENERAL BUSINESS**

**PLANNING COMMISSION ACTION SUMMARY**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of June 27, 2018.

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the June 27, 2018 Planning Commission action summary (minutes).

Approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.

**COMMITTEE REPORTS**

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

Commissioner Kelly said the Plan 2040 Steering Committee sent out the draft plan for review so Planning Commission would see it soon. He said Planning Commission would have a study session with City and County Commissioners on October 19, 2018.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Sands said he spoke with Mr. Josh Urban regarding his opposition to Item 2. He said Mr. Urban's objections were the use and the potential for the area to be a target for petty crime.  
Commissioner Carpenter said he stopped at the Clinton Store when he visited the area of Item 2. He said several people at the Clinton Store expressed their opposition to the Conditional Use Permit.
- No abstentions.

**GENERAL PUBLIC COMMENT**

No general public comment.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

PC Minutes 7/25/18

**ITEM NO. 1      FINAL DEVELOPMENT PLAN FOR OREAD WEST OFFICE PARK; NW OF  
BOB BILLINGS PKWY & WAKARUSA DR (KEW)**

**FDP-18-00245:** Consider a Final Development Plan for Oread West Office Park, located northwest of the intersection of Bob Billings Pkwy & Wakarusa Dr. Submitted by BG Consultants for Oread West Office Park Owner's Association Inc. and Six Pack LLC, property owners of record.

**STAFF PRESENTATION**

Ms. Katherine Weik presented the item.

**APPLICANT PRESENTATION**

Mr. David Hamby, BG Consultants, thanked staff and was present for questioning.

**PUBLIC COMMENT**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve the Final Development Plan, FDP-18-00245, for Oread West Office Park based upon the findings of fact presented in the body of the staff report and subject to the following conditions and subject to City Commission approval of the Preliminary Development Plan:

1. Provision of a signed Site Plan Performance Agreement prior to the recording of the Final Development Plan with the Register of Deeds Office.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.

PC Minutes 7/25/18

**ITEM NO. 2      CONDITIONAL USE PERMIT FOR WAKARUSA BOAT & RV STORAGE; E 550 RD & N 1190 RD (BJP)**

**CUP-18-00239:** Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC, located at E 550 Rd & N 1190 Rd. Submitted by Jason Fike on behalf of Sharon Anderson, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented the item.

**APPLICANT PRESENTATION**

Mr. Jason Fike, Wakarusa Boat & RV Storage LLC, said the facility would be a family business that he and his wife would run. He said if the Conditional Use Permit was approved he and his wife would move closer to the area and would not be absentee owners. He said he would maintain the property as best as possible and add value to the community. He said the location was perfectly suited for boat and RV storage due to its proximity to Clinton Lake and would boost the local economy. He said there would be covered and uncovered storage and the facility would be surrounded by a security fence. He said access to the facility would be through an electric gate only accessible via a code. He stated landscaping would provide screening. He said there would be an onsite office to handle day-to-day operation and a website as well. He stated there was a huge shortage for storage in the area.

**PUBLIC COMMENT**

Ms. Winona Deiter, 608 1190 Rd, said she was opposed to the boat storage facility. She said there was already a boat storage facility up the road and that a new boat storage would take away business from the existing boat storage. She expressed concern about the impact to wildlife, increased traffic, and blight. She felt boat storage should be closer to the water to be of better service to the people that want to camp and take boats out on the lake. She expressed concern about people coming and going all the time. She said the residents who live in the area would be impacted.

Mr. Greg Shanklin, 1187 E 596 Rd, said the facility would allow for the potential of 142 class II RV's, which would be big and unattractive. He said the large site would allow for a few hundred RV's. He said RV's belonged in an industrial district not a small neighborhood community. He said RV's that cannot be parked in peoples driveways should not be parked in his neighborhood.

Mr. Jim Baldwin, 1171 E 550 Rd, expressed concern about public safety and the location of the access driveway. He also expressed concern about the narrowness of the roads and large RV's and boats navigating it. He was concerned about erosion and water runoff without a holding pond. He said he did not want a view of RV's from his front porch.

Mr. Steven Thomas expressed concern about the layout of the storage units. He said his house would be on the south side and there wasn't any screening. He asked Planning Commission to consider adding screening to the south side of the site.

Ms. Marilyn Colgan expressed concern about traffic safety on the narrow roads and the location of the entrance. She said there were a lot of bicyclists on the road. She said Clinton was a cul-de-sac with one way in and one way out so increased traffic would be a burden to the community.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Mr. Jared Paslay, 603 N 1190 Rd, did not feel there was a need for increased boat storage in the area. He did not feel this would contribute to the community or add value of any kind. He expressed concern about increased traffic. He asked Planning Commission to defer to discuss further.

Mr. John Hall, 462 N 851 Diagonal Rd, expressed concern about traffic safety and said the area was already an extremely well trafficked area without a storage facility. He said recreational bicyclists frequently ride in the area.

### **APPLICANT CLOSING COMMENTS**

Mr. Fike said he spoke with the son of the woman who runs the current boat storage in the area and he said they were always full. Mr. Fike said he would charge double which would mean he wouldn't be taking business away from the other business. He said Clinton Storage, across the lake, was full and that Eudora had storage with no availability. He stated DeSoto and Lawrence storage facilities were also full. He felt there was a need for additional storage. He said wildlife was a fact of development. He said traffic could be an issue but that County Public Works had looked at the 40' wide entrance. He said he would add security cameras but that recreational vehicle and boat owners were not common thieves. He said regarding erosion, he would have to pull a stormwater pollution prevention permit. He said he would not be paving the site, it would be road based rock so rain water would soak in. He said there would be a holding pond for water runoff. He said he would put trees on the south side to shield that side. He felt the storage facility would increase business at the Clinton Store.

### **COMMISSION DISCUSSION**

Commissioner Paden inquired about the current policy for RV & boat storage in town.

Mr. McCullough said staff were drafting regulations as part of the property maintenance code. He said staff hoped to take that to the City Commission in September. He said it would not come to Planning Commission. He said the draft standards would allow some RV's and boats on a property with some different locational and setback standards. He said the idea was to reduce and mitigate impacts to neighbors.

Commissioner Struckhoff asked about setbacks.

Mr. Fike said his architect was revising the plan to address additional trees and setbacks.

Commissioner Butler asked if the rectangles on the site plan represented spaces for RV's.

Mr. Fike said yes, the spaces would be 12' wide. He said the plan was more of a pictorial representation.

Commissioner Butler inquired about the neighbors comment that there was the potential for 142 RV's on the site.

Mr. Fike said he had not figured an exact number of how many RV's the site could hold.

Commissioner Butler inquired about Mr. Fike's earlier comment that there was a shortage of coverage storage.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Mr. Fike said he had called every boat storage facility in the surrounding area and none had covered storage available. He said there was some availability at Lake Perry.

Commissioner Sinclair asked about the current land use of the site.

Mr. Fike said the current land use was agriculture. He said the property owner lived in California.

Commissioner Carpenter said the staff report said the land had been vacant.

Commissioner Pepper said the vacant reference was indicating that there were no structures developed on the property.

Commissioner Kelly asked staff about the Golden Factors for demand of whatever the development is.

Mr. McCullough said the factors were not exclusive so Planning Commission could introduce other factors as they saw fit. He said it was in an urbanized area and there was presumably a demand for the type of use in the area. He said it was a factor that could be considered. He said the revised Comprehensive Plan would introduce the issue of need for certain uses. He said land use issues have to do more with compatibility, design, size, scope, scale, context of neighborhood, location to the lake and people it would serve.

Commissioner Sinclair asked about any other non-residential or non-agricultural uses in the area.

Ms. Pepper said predominately the area was agricultural and rural residential. She said the town of Clinton to the east had businesses. She stated closer to the lake there were more recreational facilities.

Commissioner Carttar inquired about a traffic impact study.

Ms. Pepper said a traffic impact study was not required. She said she reached out to the City Traffic Engineer to ask about trip generations. She said the most compatible use was mini-warehouse storage.

Mr. McCullough said the staff conclusion was that it would not burden the area in terms of traffic. He said they often hear traffic concerns but roads and streets are built to handle traffic.

Commissioner Carpenter wondered about the financial burden of improvements to the roadways.

Mr. McCullough said it would be the development generating the use.

Commissioner Carpenter asked if it had been reviewed by the County Stormwater Engineer.

Ms. Pepper said yes, she believed so. She said the drainage issue was not something she was made aware of prior to this meeting.

Commissioner Sands said the project would be taking away agricultural land and was in contrast to the values of Planning Commission. He said it was not exactly in line with the Comprehensive Plan.

He said the traffic would impact the area. He said he would not support the Conditional Use Permit. He stated it was not in line with the neighborhood.

Commissioner Butler felt it was not fair to comment on traffic and drainage when Planning Commission did not have the facts in front of them. She said her only issue was the size of the development. She asked the applicant if the size was something he was willing to reconsider.

Mr. Fike said he was willing to reduce the size. He said initially he was only developing 3 acres and then expand if there was a need. He said the storage facility across the lake was 28 acres.

Commissioner Paden asked if Mr. Fike used his boat at Clinton Lake.

Mr. Fike said he had been to Perry Lake once but usually boats at Clinton Lake.

Commissioner Kelly said he drove out to the property today and that the character of the area was almost entirely farming. He said the intersection seemed to be a main crossroad in Clinton Township. He said there was nothing to break the line of sight for quite some distance. He said he was struggling with the character of the area. He said he did not discount the demand but his hesitation on approving the Conditional Use Permit was the character of the area. He said a storage facility would really stand out in the area and would be noticed for some distance.

Commissioner Carpenter shared Commissioner Kelly's concern. He said the idea might have merit and fill a need in the area but the location was a problem. He felt it would completely change the character of the area.

Commissioner Struckhoff shared the same concerns regarding the character of the area. He said the idea of storage in the area was a good idea. He appreciated the applicant being flexible to change the plans. He said he would like to see more information about stormwater issues. He expressed concern about the proposed scope of the project at that site. He said he would have a hard time supporting it.

Commissioner Weaver inquired about moving the covered storage.

Mr. Fike said he could only move the building 40' to the left. He said the ground gradually drains to the natural swale area. He said he drew up plans for a retaining pond to keep water off the neighboring property.

Ms. Pepper said the 140' setback on the west property line was the setback. She said open storage had to be treated like covered storage and could not be moved.

## **ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to recommend denial of the Conditional Use Permit, CUP-18-00239, and forward to the Board of County Commissioners.

Commissioner Carttar asked what the applicants options would be if the proposal was denied.

Mr. McCullough said Planning Commission makes a recommendation to the Board of County Commissioners. He said the County Commission had the option to return it to Planning Commission for further development with the applicant.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Motion carried 7-2. Commissioners Butler and Paden voted against the motion. Commissioners Carpenter, Carttar, Kelly, Sands, Sinclair, Struckhoff, and Weaver voted in favor of denial.

PC Minutes 7/25/18

**ITEM NO. 3A REZONING .27 ACRES FROM RSO TO CS; 1710 W 7<sup>TH</sup> ST & 1711 W 6<sup>TH</sup> ST (SLD)**

**Z-18-00242:** Consider a request to rezone approximately 0.27 acres from RSO (Single-Dwelling Residential-Office) District to CS (Commercial Strip) District, located at 1710 W 7<sup>th</sup> St and 1711 W 6<sup>th</sup> St. Submitted by Casey's Retail Company on behalf of Harold Shephard and James W Vantuyl, property owners of record.

**ITEM NO. 3B VARIANCE; 1703, 1711, 1717 W 6<sup>TH</sup> ST & 1710 W 7<sup>TH</sup> ST (SLD)**

Consider a variance from the right-of-way width for a Principle Arterial Street from 150' to 100' for a Minor Subdivision, **MS-18-00243**, for Casey's Subdivision, located at 1703, 1711, 1717 W 6<sup>th</sup> St & 1710 W 7<sup>th</sup> St. Submitted by Casey's Retail Company on behalf of Lonnie J, and Geneva J. Blackburn, Harold Shephard, Marla Webster, Caroline B. Shephard, and James W. Vantuyl and Brenda S. Vantuyl, property owners of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented items 3A-3B together.

Commissioner Carpenter asked if any communication from the public was received.

Ms. Day said she received several phone calls.

**APPLICANT PRESENTATION**

Mr. Jeff Laubach, SBB Engineering LLC, said there were a few meetings held with the Hillcrest neighborhood. He said the attendees of the meeting seemed pleased with the buffer area.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Kelly asked if any other tools such as conditional use were considered.

Mr. McCullough said there had been a few instances of existing commercial strip wanting to expand. He said the buffer to 7<sup>th</sup> Street would be retained regardless of the zoning.

Ms. Day said the lot depth had natural constraints to it and the likelihood of intensification was self limiting due to the lot size and the buffer being retained.

Commissioner Kelly inquired about the Eagles Lodge property.

Ms. Day said the Eagles Lodge to the west had split zoning of CS in the front and RSO in the back. She said staff would have had a different response if the applicant had requested commercial zoning all the way to 7<sup>th</sup> Street.

Commissioner Sands asked if the access points would be reduced to one.

Ms. Day said yes.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>



Commissioner Carttar said the staff report mentioned that there had been a recommendation as part of the HOP (Hillcrest-Old West Lawrence-Pinckney) area plan for a task force to examine transitional zoning surrounding the area. He wondered what would be an appropriate catalyst to enable the task force to be formed.

Ms. Day said if this project hadn't launched it she wasn't sure what would have.

Commissioner Carpenter said he was a LAN (Lawrence Association of Neighborhoods) representative to the HOP (Hillcrest-Old West Lawrence-Pinckney) discussions and the task force concept came up as a way to prevent the expansion of commercial uses out from 6<sup>th</sup> Street, primarily into the Pinckney neighborhood. He said there were discussions about a "line in the sand" with 7<sup>th</sup> Street and what uses would be allowed between 6<sup>th</sup> and 7<sup>th</sup> Street.

Mr. McCullough said the catalyst lies with the neighborhoods themselves to generate that task force. He said there had been some rezonings in the HOP (Hillcrest-Old West Lawrence-Pinckney) area that conformed with the desires of the plan so they were easy to support.

### **ACTION TAKEN on Item 3A**

Motioned by Commissioner Struckhoff, seconded by Commissioner Carttar, to approve the request to rezone approximately .27 acres, from RSO (Single-Dwelling Residential Office) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.

### **ACTION TAKEN on Item 3B**

Commissioner Carttar asked about the variance change in the 2006 Land Development Code.

Ms. Day said the concept, especially with regard to principal arterial streets, was that the wider width would go along with a street profile constructed as a boulevard. She said it worked very well with new greenfield development. She said it did not work so well with urbanized infrastructure. She said it was very onerous to property owners to obtain additional 25-50' of right-of-way that reduces their property further. She said in this particular application the applicant would have to dedicate additional right-of-way that would reduce their ability to build and the adjacent properties would not have that same burden since they weren't building.

Mr. McCullough said in all instances staff are having discussions with the City Engineer about anticipating the need for additional improvements.

Motioned by Commissioner Struckhoff, seconded by Commissioner Paden, to approve the variance requested for a minor subdivision, MS-18-00243, to reducing the right-of-way, required per Section 20-810(a)(5) for a principal arterial street, from 150 feet to 100 feet in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1703, 1711, 1717 W 6<sup>th</sup> Street, and 1710 W. 7<sup>th</sup> Street.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.

PC Minutes 7/25/18

**ITEM NO. 4      FINAL DEVELOPMENT PLAN FOR ALVAMAR LOT 1; 1809 CROSSGATE DR (SLD)**

**FDP-18-00254:** Consider a revised Final Development Plan for Alvamar Lot 1, located at 1809 Crossgate Drive (also known as Birdie Way) for the change of use of a 6,300 SF multi-purpose building from a primarily golf cart storage building to a secondary event center/golf cart storage building and exterior patio area. Submitted by Paul Werner Architects, for Eagle 1968 LC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, agreed with the staff report.

**PUBLIC COMMENT**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Kelly asked about the staff report language that mentions work on the patio had already begun.

Mr. Werner said what caused concern with the City inspection staff were the columns. He said the columns should have been on the plan. He said the final development plan needed to be revised and the contractors now know to follow the development plan.

Commissioner Carpenter said he looked at the March 15, 2017 Planning Commission minutes and Commissioner Willey asked if the cart barn would be thought of as an event space or just used as needed and Ms. Joy Rhea said the cart storage would not be an event space but could be used in the event of rain. He said cart storage was the original purpose of the building. He asked how it went from cart storage to a primary event space.

Mr. Werner said the approved Final Development Plan provided parking as if it were an event space all the time. He said in the event that 100 golfers get stuck in a rainstorm there is somewhere to put them. He said if you look at the previous approved final development plan it still parks the same number of cars if it were an event space. He said golf carts do not need to be charged as much as they used to. He said a variety of things added up to how the space could be better used. He said it would be used for golf functions and event space.

Commissioner Carpenter said the lots have been moved around so much that it was hard to know what parking goes with which building. He said he doesn't buy the argument that the approved parking went with the event space.

Mr. Werner said there was plenty of parking for every activity.

Commissioner Kelly said it was not really about the parking, it was that Planning Commission approved a plan and then it was changed. He asked Mr. Werner if the plan changed because they realized their needs were different.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Mr. Werner said yes. He said they thought they needed the golf cart storage but made some changes to the main clubhouse. He said it was a combination of many things. He said it was a great looking building.

Commissioner Butler respectfully disagreed and said she did not think it was as innocent as Mr. Werner was trying to portray. She felt this was probably the original plan anyway and it made her angry.

Commissioner Sands asked what would happen if Planning Commission denied it and it reverts back to the previous development plan.

Mr. Werner said it was site planned for an event space with an occupancy based on the building today.

Mr. McCullough said the significant change to the plan was the outdoor activity area. He said staff believed all along that this was a cart barn that served as an emergency shelter for golf events. He said that was how it was represented by the applicant. He said the significant part was the concrete area represented as cart storage. He said a City inspector noticed columns going up which were not on the plan. He said the columns were on a previous iteration of the plans that were not approved. He said work was stopped and discussions began about bringing it back to allow notice to the neighbors of the switch in the use that was originally presented. He said if Planning Commission denies this then occupancy for the building would not be given until it's designed according to the approved plan. He said staff would then do their best to enforce the approved use.

Commissioner Kelly asked about the cutoff for noise.

Mr. Werner said 10:00pm weekdays and 11:00pm weekends seemed consistent with other activities. He said they had tents out there several times with other outdoor events with bands. He said there is some music around the pool sometimes. He said he wanted to be respectful to the neighbors.

Mr. McCullough said the noise ordinance was subjective. He said the Police are put in a tough spot for a noise complaints in a commercial space that has been approved for the use. He said land use decisions can affect their decisions out in the field.

Commissioner Carttar said they were talking exclusively about design changes of the building. He asked if there was anything else not directly related to that building.

Mr. Werner said the columns came from when it was designed with a roof over the whole thing.

Ms. Day said part of the review involves her looking at every note and going through the tables closely. She said the building elevations were updated and pieces of the cart path were different.

Commissioner Kelly asked what time the pool closed at night.

Ms. Lexee Cruz, Jayhawk Club Sales Director, said Sunday-Wednesday 11:00am-8:00pm and Thursday-Saturday 11:00am-9:00pm.

Commissioner Kelly asked if there was outdoor music.

Ms. Cruz said there was occasionally an acoustic guitar player.

Commissioner Kelly said he was supportive of limitations on the noise. He said the original plan was for cart storage and secondary event space and there were members of the public present at the previous meeting. He said noise would be disruptive to the neighborhood that expected it to be a golf cart storage and secondary event space. He suggested noise cutoff of 9:00pm during the week and 10:00pm on weekends.

Commissioner Sands asked for other examples of outdoor event spaces.

Mr. McCullough provided the examples of Bon Bon, the Cider Gallery and Arterra Event Gallery. He said Bon Bon had a conditions related to amplified noise and time limits.

Commissioner Butler said this is not what Planning Commission was presented and she had no problem denying it. She said it was deceptive and she would not support it.

Commissioner Carpenter said he shared Commissioner Butler's opinion. He said nothing had changed other than the construction was caught.

Mr. McCullough said a building permit was issued based on the approved final development plan. He said if the approved building was built it would be eligible for an occupancy permit. He said if the revised final development plan was denied then the applicant could propose a different plan.

Mr. Werner said a building permit was issued for the building and work was continuing on the building. He said the issue was the outdoor space, not the indoor space.

Mr. McCullough said that was correct. The work that was stopped was the outdoor space. He said if this was denied it could involve ripping out columns, taking away landscaping, and adding the concrete approach to the cart barn that was approved.

Mr. Werner said the technical part that was messed up were the columns being too tall. He said columns higher than 6' require a permit. He stated the building had a permit and is being worked on every day. He said the building was close to being done. He said the issue was about the outdoor space. He said it was a good addition to the club.

Commissioner Kelly said he did not want to set the precedent so he was inclined to deny this.

Commissioner Struckhoff said saving Alvamar was a worthwhile endeavor. He said his inclination was to restrict time on noise. He struggled with the fact that this was already done and now they were in the forgiveness stage. He felt this was a great project but it belonged on their agenda at an earlier time. He said this was out of order and he was on the fence about it.

Commissioner Sinclair said during the course of discussions he realized he should abstain from this item. He said he did not make the connection between the property of record and his current employer until now. He stepped out of the room to abstain.

Commissioner Sands said the use was a reasonable use to expect at a golf course. He said he was still on the fence about it. He suggested restricting the outdoor space to daylight only.

*Complete audio & video from this meeting can be found online:*

<https://lawrenceks.org/boards/lawrence-douglas-county-metropolitan-planning-commission/>

Commissioner Carttar asked about the nature of the discussions from neighbors during the previous Planning Commission meeting in March.

Mr. McCullough said he did not recall much discussion from the community but that it was presented as a cart barn. He said staff wanted to provide the public the opportunity to come back tonight.

Commissioner Carttar asked if the construction of the columns was the only violation.

Mr. McCullough said it was the design of the area as an outdoor patio space instead of an access space for golf carts. He said it was a bait and switch and not implemented the way it was approved. He said it would be a challenge to get it in line with the final development plan but staff would do their best to do so. He said alternative plans could perhaps be submitted by the applicant. He said it was hard to enforce outdoor space. He said the space was approved as an area to prep golf carts but the building was constructed as an event space with finishes such as tile, electricity, and furnishings for an event space.

Commissioner Carpenter said there was a comment in the staff report about no kitchen facilities.

Mr. McCullough said there would be areas for catering.

Ms. Cruz said everything would be cooked in the kitchen clubhouse and then kept warm in the multi-use building.

Commissioner Sands asked if there was any other outdoor event space on the Jayhawk Club property.

Ms. Cruz said there was a patio off the wellness center.

Commissioner Paden said she liked the concept of an event space. She said the hang up was the process and that it seemed like a sneaky way to do something. She said it seemed liked the process hadn't been followed and that was her issue with it.

Commissioner Weaver agreed with Commissioner Butler about being angry about the situation. He said the building was being constructed by knowledgeable contractors and a good architect and they should have known that deviating from the plan would cause discussion about it. He said he was uncomfortable and offended that it would come in after the fact with the assumption it would be okay.

Commissioner Paden said the iteration that was built was in a previous proposal and was denied.

Mr. McCullough said his recollection was it was part of a building design that had an outdoor component to it that had columns and roof. He said it did not meet the development plan.

Mr. Werner said the building plan was denied and was never built.

Mr. McCullough said the building permit plans were denied because it wasn't a fully enclosed building. He said it was a building that was connected to columns and roof structure with a band stage. He said that did not comply with the final development plan.

Mr. Werner said the smaller building was designed, issued a building permit, and that was what was there today.

Commissioner Carttar said the building plan was submitted after the approval of the final development plan in March.

Mr. McCullough said yes, the building plan has to comply with the final development plan.

Ms. Day said the final development plan was not considered construction documents. The construction documents should meet the intent of the final development plan.

Mr. McCullough said the work was stopped because the plans that were approved did not have an outdoor patio area, no columns, and the other things that were constructed.

### **ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Carpenter, to deny the Revised Final Development Plan, FDP-18-00254, for Alvamar Lot 1, based upon the discussion by Planning Commission and findings of fact presented in the body of the staff report.

Motion carried 8-0-1, with Commissioner Sinclair abstaining. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, and Weaver voted in favor of the motion to deny.

PC Minutes 7/25/18

**ITEM NO. 5A     ANNEX 34.2 ACRES; W OF HUNTERS HILL DR & HILL SONG CIR (BJP)**

**A-18-00246:** Consider the annexation of approximately 34.2 acres located west of Hunters Hill Dr & Hill Song Cir. Submitted by BG Consultants, for DFC Company of Lawrence LC, property owner of record. *Initiated by City Commission on 6/19/18.*

**ITEM NO. 5B     REZONE 34.2 ACRES FROM COUNTY R-1 TO RS10; W OF HUNTERS HILL DR & HILL SONG CIR (BJP)**

**Z-18-00247:** Consider a request to rezone approximately 34.2 acres from County R-1 (Single-Family Residential) District to RS10 (Single-Dwelling Residential) District, located west of Hunters Hill Dr & Hill Song Cir. Submitted by BG Consultants, for DFC Company of Lawrence LC, property owner of record. *Initiated by City Commission on 6/19/18.*

*Items 5A-5B were deferred prior to the meeting.*



PC Minutes 7/25/18

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1 PLANNING COMMISSION ORIENTATION SUB-COMMITTEE**

Establish a sub-committee for the October 19, 2018 Planning Commission Orientation/Training Day.

Mr. McCullough said there would be a joint work session around the lunch hour with City Commission and County Commission regarding the Comprehensive Plan.

Commissioner Carpenter said he and Commissioner Willey agreed to be on the sub-committee.

Motioned by Commissioner Carpenter, seconded by Commissioner Weaver, to appoint Commissioners Carpenter, Willey, and Weaver on the Planning Commission Orientation Sub-committee.

Motion carried 9-0.

**MISC NO. 2 PLANNING COMMISSION MID-MONTH & HOLIDAY SCHEDULE**

Receive revised Planning Commission Mid-Month Schedule and discuss Planning Commission meeting dates of November 12 & 14 and December 17 & 19.

---

**ADJOURN 9:45pm**