



PLANNING COMMISSION MEETING

June 21 & 23, 2010

Meeting Minutes

June 21, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Carter, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton

Staff present: McCullough, Stogsdill, Day, M. Miller, and Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of May 24 and 26, 2010.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve the May 24 and 26, 2010 Planning Commission minutes, with the changes that Commissioner Harris emailed to staff and add what time Commissioner Rasmussen arrived at the meeting.

Motion carried 6-0-3, with Commissioners Burger, Liese, and Singleton abstaining.

COMMITTEE REPORTS

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

Commissioner Hird said the Agri-Tourism Committee met and was well attended with a good exchange of information about the focus of the committee and definition of agri-tourism.

Commissioner Harris said the Comprehensive Plans Committee met to review comments received from the public and incorporate into the plan and it is almost ready to come back to Planning Commission. She inquired about the timeframe on it.

Mr. McCullough said staff is trying to get it back to Planning Commission in August.

Commissioner Finkeldei said although it is not an official committee he plans to keep the Planning Commission up to date on the Elementary Task Force that he was recently appointed to. He said the first meeting is tonight at 7:00pm so he will not be able to stay for the Planning Commission meeting.

Commissioner Blaser said the Industrial Design Committee met and are coming to an understanding of what Chapter 7 should entail.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Rasmussen said that he and Commissioner Harris and Ms. Mary Miller were all emailed by Mr. Tim Herndon comments about the Environmentally Sensitive Text Amendment.
- No abstentions.

ELECTION OF OFFICERS FOR 2010-2011

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to nominate Commissioner Blaser as Chair.

Unanimously approved, 9-0

Motioned by Commissioner Singleton, seconded by Commissioner Harris, to nominate Commissioner Hird as Vice-Chair.

Unanimously approved 9-0.

Commissioner Finkeldei left the meeting at 6:45pm.

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ITEM NO. 1 FINAL DEVELOPMENT PLAN; PARKWAY PLAZA PCD; 8.03 ACRES; 3504 CLINTON PKWY (SLD)

FDP-4-5-10: Consider a Final Development Plan for phase I of the Parkway Plaza PCD for a building addition to the Hy-Vee Grocery Store, approximately 8.03 acres, located at 3504 Clinton Parkway. Submitted by Landplan Engineering, P.A., for Hy-Vee Food Stores, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Rasmussen asked if there would be front façade changes.

Ms. Day said yes, there would be front façade changes.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, was present for questioning.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve the Final Development Plan (FDP-4-5-10) for Parkway Plaza PCD, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Submission of mylar and applicable recording fees for the document to be recorded with the Register of Deeds prior to the issuance of building permits.
2. Provision of a revised Final Development Plan to show final building elevations per staff approval.

Unanimously approved 8-0.

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ITEM NO. 2A FINAL PLAT; BAUER FARM; 4.9 ACRES; 4700 W 6TH ST (MKM)

PF-4-3-10: Consider a Final Plat for Bauer Farm, a one lot residential subdivision containing approximately 4.9 acres, located at 4700 W 6th St. Submitted by Landplan Engineering, for Free State Group, LLC, Free State Holdings, Inc, and Bauer Farms Residential, LLC, property owner of record.

ITEM NO. 2B FINAL DEVELOPMENT PLAN; BAUER FARM PHASE 4; 5.39 ACRES; 4700 W 6TH ST (MKM)

FDP-4-6-10: Consider a Final Development Plan for Bauer Farm Phase 4, approximately 5.39 acres, located at 4700 W 6th St. The Development Plan proposes the construction of a 124 unit retirement residence, an assisted living use, and associated parking area. Submitted by Landplan Engineering, for Free State Group, LLC, Free State Holdings, Inc, and Bauer Farms Residential, LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A and 2B together.

Commissioner Burger asked if the zoning requires the same landscaping on the east side of the property as Briarwood across the street on Folks Road.

Ms. Miller said street trees are the required landscaping and it does not have to match the other surrounding developments.

Mr. McCullough said this did receive some variances for setbacks along Folks Road.

Commissioner Harris asked how many stories tall the buildings would be.

Ms. Miller said three stories.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, was present for questioning.

ACTION TAKEN on ITEM 2A

Motioned by Commissioner Singleton, seconded by Commissioner Carter, to approve the Final Plat (PF-4-3-10) for Bauer Farm 4th Plat Subdivision and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Recordation of revised maintenance agreement prior to the recording of the Final Plat with the Register of Deeds Office.
2. Provision of a revised Master Street Tree Plan and graphic which includes street trees for the street right-of-way being shown along the west property line on the Preliminary Development Plan. A note may be added to the street tree plan clarifying the status of the street to the west.
3. Provision of a revised final plat with the following changes:
 - a. Planning Commission chairperson signature blank updated to 'Charles Blaser'.
 - b. Dimensions of the access break on Overland Drive included on the plat.
4. Provision of the following fees and documentation:
 - a. Recording fees made payable to the Douglas County Register of Deeds.

- b. Street sign fees as determined by the City Traffic Engineer.
- 5. Pinning of lots in accordance with Section 20-811(g)(8) of the Subdivision Regulations.
- 6. Submission of public improvement plans prior to the recording of the Final Plat with the Register of Deeds Office.

Unanimously approved 8-0.

ACTION TAKEN on ITEM 2B

Motioned by Commissioner Carter, seconded by Commissioner Singleton, to approve the Final Development Plan (FDP-4-6-10) for Bauer Farm Phase 4, based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. A Final Plat must be recorded with the Register of Deeds prior to the issuance of building permits.
2. Provision of a revised Final Development Plan with the following changes:
 - a. Revision of phasing lines on all plan sheets to reflect those shown on Sheet 1.
 - b. Delineate the walkway connections through the parking area on the plan and on site with pavement treatment or markings.
 - c. Note 43 shall be revised with the new Book and Page Number of the revised Maintenance Agreement.
 - d. Identify 'Tract A, Block Five' as a drainage easement rather than as a 'tract' to maintain consistency with the final plat.
3. Provision of a photometric plan for all exterior lighting, for planning approval prior to recording of the Final Development Plan.
4. Provision of an updated Common Open Space exhibit which shows the common open space being provided along with the calculations of the area (sq ft) and percentage of common open space being provided with this phase of the development.

Commissioner Harris said she would vote in favor of the item because it substantially conforms to the approved Preliminary Development Plan.

Unanimously approved 8-0.

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ITEM NO. 3 PD TO PD; 2.61 ACRES; 2000 & 2040 W 31ST ST (SLD)

Z-3-4-10: Consider a request to rezone approximately 2.61 acres from PD-[Home Improvement Center- PCD-2 with use restrictions] to PD-[Home Improvements Center- PCD-2 with use restrictions amended to include office uses], located at 2000 & 2040 W 31st St. Submitted by Landplan Engineering, for Broadway Plaza II Lawrence Inc., property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Rasmussen asked if the reason for the request was to come into compliance with the Code.

Ms. Day said the applicant was granted temporary approval to have a leasing office space in one of the buildings as they were pursuing zoning.

APPLICANT PRESENTATION

Ms. Sheryl Vickers, Block and Company Real Estate, displayed the covenants on the overhead.

Commissioner Harris wondered why Mr. Peter Dellaportas opposed the request.

Ms. Day said his comments to her were that office and retail uses do not mix well and that the parking demand for office was higher than commercial. He did not support it. She said she tried to explain that the reverse is true with the parking standards.

Commissioner Blaser asked if there would be limitations on square footage.

Ms. Day said staff recommendation is to approve to allow office use with no cap on the office piece of it for the two pad sites.

Commissioner Hird asked if approved without a cap it would be up to the parties to sort out the private covenants.

Ms. Day said yes.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Singleton said she did not want to get involved in their contract negotiations. She said she would support staff recommendations.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Liese, to approve the rezoning request for approximately 2.61 acres Lot 2, First National Addition No.2, a replat of Lots 1 & 4 First National Addition, and Lot 3, First National Addition from PD-[Home Improvement Center PCD-2] with use restrictions to PD-[Home Improvement Center PCD-2] with modified use restrictions to include office uses 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 8-0.

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ITEM NO. 4 PCD-1 TO CS; 11.99 ACRES; 1025-1035 NORTH 3RD ST (SLD)

Z-4-5-10: Consider a request to rezone approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip Commercial), located at 1025-1035 North 3rd Street. Submitted by KDL, Inc. for I-70 Business Center, LLC., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Harris asked why the uses were restricted in the first plan.

Ms. Day said the first plan went back to discussion and concern about what an outlet mall would do to the downtown. The concern was that the traffic would get off I-70 and then not continue into the downtown core.

Commissioner Liese inquired about the signage requirements.

Ms. Day said she did not know what the status was of those particular signs.

Commissioner Liese said the site maintenance was not well kept.

Ms. Day said when a new use goes into a site part of staff review would be site compliance with existing conditions. She said the lack of tenants in that building has probably also had an effect on that issue. She said the applicant could probably provide more detail on the property maintenance issues.

Commissioner Burger inquired about potential uses in the Commercial Strip district.

Ms. Day said such uses as mini warehouse, restaurant, garden supply sales, dental supply, and reading room. She said a wide variety of retail and office uses would be allowed that are currently restricted.

Commissioner Burger asked if a nightclub would be allowed.

Ms. Day said yes, that would be a use that would be allowed but would require a site plan change and would be reviewed by staff.

Commissioner Hird asked if a strip club would be an allowed use.

Ms. Day said it is possible.

Commissioner Hird asked if anyone has talked about restricting those uses.

Ms. Day said restricting uses was not discussed.

Commissioner Harris asked if the new uses would have to comply with the Commercial Design Guidelines.

Ms. Day said if the exterior to the building is changed, yes. She said the mini warehouse would be on the backside and the storefront would not change.

APPLICANT PRESENTATION

Mr. Kelvin Heck, Grubb & Ellis, said there would be a change of ownership and hopefully that would address some of the issues regarding the maintenance and care of the property. He stated early on they visited with Ted Boyle of the North Lawrence Improvement Association and that he was excited about this project. He said they also visited with the surrounding property owners and met with the major tenants of the site. He said the applicant would be happy to restrict strip clubs or sexually oriented businesses. He said he has not talked to the applicant about the nightclub use yet but he did not anticipate that being a use the applicant wants. He said the applicant would ultimately like to see retail use in that space.

Commissioner Carter inquired about occupancy of the building.

Mr. Heck said the applicants intention is to gate each end of the building so it's gated access from behind the property. The storefronts would stay the same as today.

Commissioner Liese asked if it is two buildings.

Mr. Heck said that was correct.

Commissioner Liese inquired about the signage requirements.

Mr. Heck said he was involved in those discussions in 1992 and there was a concern about competition with downtown and part of the tradeoff was to provide signage pointing folks to the downtown area who were there shopping for retail goods. He said it is not really a retail center today so he did not know that those same amenities should be there but that it can certainly be discussed.

Commissioner Rasmussen asked if there was no objection to restricting sexually oriented businesses.

Mr. Heck said that would be fine. He said he has not discussed nightclubs with the applicant yet.

Commissioner Hird asked if gating both ends of the back would allow emergency access.

Mr. Heck said that was correct.

Commissioner Harris made a comment about the signs. If it is rezoned to Commercial Strip and commercial development is put there then it could look a lot different than a storage facility in the future and could very well compete with downtown. She was not necessarily saying there should be signs but wanted them to keep it in mind.

PUBLIC HEARING

Ms. Marliyn Bittenbender, Grubb & Ellis, said the rooftop count in North Lawrence does not rise to the level needed for major retail. She felt there was opportunity for more investment in the property and help with upkeep.

COMMISSION DISCUSSION

Commissioner Singleton asked if a strip club wanted to go in they would need to get a Special Use Permit.

Mr. McCullough said it is a permitted use but it does come with use standards. They cannot be located on the same block as property with an R zoning district (residential), religious assembly, school, daycare, community recreation, cultural exhibits and library use.

Commissioner Rasmussen asked if it was okay to restrict certain uses out of the rezoning request.

Mr. McCullough said conditional zoning is a permissible process.

Commissioner Rasmussen asked if fireworks sales would be an allowed use. He said he did not want to see Lawrence become like Interstate 70 in Missouri with sex shops and fireworks stands.

Mr. McCullough said one of the differences is that Lawrence does not allow billboards. He said this is an important gateway to the city.

Ms. Day said fireworks sales are not allowed in the city limits.

Commissioner Singleton said they had similar discussions with the Oread Neighborhood Plan regarding nightclubs/bars and multiple uses. She said it seems they need to make those separate and not include in basic strip zoning. She felt that sexually oriented stores or activities probably need more restrictions than what they are discussing.

Mr. McCullough said staff recently did an exercise where they reviewed locations that would allow the sexually oriented theatre. One of the things the Legal Department was concerned with is do the codes allow it at all or do they need to be restricted out. He said if they go down the path of conditionally zoning out one specific use where it is otherwise allowed by standards it is something that needs to be watched. He said this is one of the streets in the city where someone could potentially accommodate the use.

Commissioner Singleton said the restrictions are narrow in finding a place in Lawrence that doesn't abut a residential neighborhood or near a church.

Commissioner Burger asked what the area north of the Kansas River bridge was zoned.

Ms. Day said that has a variety of zoning, including Industrial and Commercial.

Commissioner Hird said the area needs a good jump start and with some responsible development it could be a real improvement.

Commissioner Singleton said this gateway to Lawrence should have conditional zoning to not allow sexually oriented uses.

Commissioner Carter said as long as the applicant was okay with the restriction he would support it. He expressed concern about too many restrictions.

Commissioner Rasmussen said by restricting it at this location would not restrict it everywhere and an example of that would be Allstars down the street that demonstrates that the use is not being completely restricted. There have been viable opportunities on the same street.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning request for approximately 11.99 acres from PCD-1 (Planned Commercial Development) to CS (Strip

Commercial), located at 1025-1035 North 3rd Street 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, with the added condition:

The use of the property as a Sexually Oriented Businesses, as defined and prescribed by Chapter 20, the Development Code of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto, shall be prohibited.

Unanimously approved 8-0.

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**ITEM NO. 5 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
ENVIRONMENTALLY SENSITIVE AREAS (MKM)**

TA-12-27-07: Consider Text Amendments to various sections of the City of Lawrence Land Development Code, Chapter 20, to revise the Protection Standards for Environmentally Sensitive Areas, to provide more precise definitions, and to include incentives for protection of sensitive lands beyond that required by Code.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about examples of base density.

Ms. Miller said in the April Planning Commission packet there was information included about her contacting other communities that use density bonuses but most use it for affordable housing or for environmentally efficient buildings. She said one community in Oregon did use it for the same purpose as Lawrence and they did use a set percentage of 60%.

Commissioner Rasmussen asked about examples of existing development in Lawrence where a base density would have worked out better for them.

Ms. Miller said there have not been any protection standards yet in Lawrence.

Commissioner Rasmussen asked if there are any developments in Lawrence that would have needed the base density rather than the 60% and would have benefited from what is being proposed.

Ms. Miller said in the plat summary that they were given there are some that were only able to develop to 30%. Sometimes cul-de-sacs, curvy roads, or topography just won't allow it to be created.

Commissioner Rasmussen asked how a developer would determine the base density versus a percentage ahead of time.

Ms. Miller said when she talked to a gentleman from Peridian Group he said they always do a concept plan with the client before they submit an application.

Commissioner Liese asked for a definition of density and how it is calculated.

Ms. Miller said density in the RM district is calculated by the number of dwelling units per acre. In the single dwelling districts the Development Code does not say there needs to be 'x' number of dwelling units per acre, it says so many square feet per dwelling unit. The actual density depends on how the land is configured. The incentive is the number of dwelling units in addition to what can be developed on the property.

Mr. McCullough said the Code would require a certain amount of land be protected if environmentally sensitive lands are present on a site. That number would be up to 20% so if 5% of the property is environmentally sensitive lands then 5% of those lands would have to be protected. If the property contains 30% of environmentally sensitive lands then the Code caps it at 20% so there would still be development potential on the site. He said that the Planning Commission was

interested in encouraging greater amounts of environmentally sensitive lands being protected and that is what staff and the development community have been working on for a few months.

Commissioner Rasmussen was concerned that the calculation of base density would be too complicated and that developers would not use the incentive.

Mr. McCullough said the challenge that staff has tried to identify is that range based on the specific site characteristics.

Commissioner Harris asked if the City Commission specifically ask for prairie to be excluded.

Ms. Miller said the City Commission wanted all lands to be readily mapped and only protect those features that could be mapped.

Commissioner Hird said he was concerned about passing something without knowing the extent of it.

Ms. Miller said mapping is available.

Commissioner Rasmussen inquired about the definition of mature trees.

Ms. Miller said the definition is not an identification, it will still involve site visits. The current definition is a 'dense stand of trees' but dense is not defined. She said there has to be some measurable way to tell someone they have dense trees.

Commissioner Hird asked if setbacks are used in the minimum requirements for open space.

Ms. Miller said for common open space setbacks were used in the previous Code. The draft language clarifies that is not.

Mr. McCullough read the definition for a stand of mature trees; *is an area of ½ acre or more covered by densely wooded growth of mature trees having a minimum height of 25'.*

Ms. Miller went over the letter that the League of Women Voters sent.

Commissioner Hird inquired about the difference between intermittent and ephemeral stream.

Ms. Miller said an ephemeral stream is only full after a heavy storm event and is more similar to a drainage way. An intermittent stream will carry water every time it rains but is not there all the time.

Commissioner Carter inquired about the 100 year regulatory floodway and floodway fringe.

Ms. Miller said she agreed the floodway is very heavily regulated and it is hard to develop in the floodway. She said the floodway fringe is less regulated and can have restricted development.

Commissioner Finkeldei arrived back at the meeting at approximately 8:40 pm.

PUBLIC HEARING

Ms. Joyce Wolf, Audubon Society, reviewed the letter they sent that was included in the packet. She said if the property includes a floodway it cannot be build on so it should not be considered part of the overall computation and open space. She said developing in the floodplain is subsidizing

stupidity. She said floodplains are wonderful wildlife habitat. She said she is also involved in the Grassland Heritage Foundation. She said it is important to include prairies on the list. She said that local ordinances can be more restrictive. Floodway already has protection and should be more down on the priority list.

Mr. Hank Booth, Lawrence Chamber of Commerce, said if there is the attitude that there will be reasonableness toward protection and development then that would be the greatest effort going forward. Reasonable expectations for both protection and development.

Commissioner Carter said there is the challenge of regulating for unreasonable people.

COMMISSION DISCUSSION

Commissioner Harris said if prairies are not included on the list then someone who owns that property does not have an incentive to preserve it. She would like to see prairies added back in but with some kind of language that anticipates that prairies will be mapped. She agreed that the regulatory floodway should be taken out of the priority list. She also agreed that the floodway fringe should stay on the list. She appreciated Mr. Booth's comments about having reasonable expectations for preserving lands as well as reasonable rules for developing.

Commissioner Blaser inquired about prairie size.

Ms. Miller said when staff talked to Kansas Biological Survey they said native prairie of any size could be valuable.

Commissioner Blaser agreed with Commissioner Harris's comments on prairies.

Commissioner Hird inquired about the distinction between grassland and prairie.

Ms. Miller said it has to do with the diversity of plant species and to determine a prairie a scientist or biologist has to visit the site.

Mr. Booth said it is very difficult to restore plowed or heavily grazed ground.

Commissioner Hird said generally he was in favor of including native prairies but there needs to be notice to the average person about whether it is or isn't a feature to be protected. He said it takes a long time to develop true native prairies.

Commissioner Blaser said if it is only a city regulation then probably won't need to include prairies.

Commissioner Rasmussen said he was not sure about removing regulatory floodway if floodway is protected by other regulations, it would be requiring protection up to 20% in addition to the floodway. He wanted to avoid the situation where people destroy land before annexation. He felt most of this was not going to apply much in the city. He would like to see a map of the tree areas. He asked if property is annexed into the city then how do they incentivize land owners to not cut down trees or dig up prairie.

Mr. McCullough said the current Code requires the use of Planned Developments for properties with environmentally sensitive lands. He said the development community does not like Planned Developments for a variety of reasons, such as financing or inflexibility. One of the things staff thinks the proposal does right off the bat is open up the process to protect lands through conventional

districts. Punitive language has been removed and density bonuses added. If there is continual destruction of sensitive lands then they would need to go into the Code and change it.

Commissioner Rasmussen gave the scenario of 100 acres of woods not annexed yet, which would only leave 80 acres for development once annexed into the city. He wondered how they solve the issue of a land owner cutting it all down so that they could annex all 100 acres for development.

Mr. McCullough said he was not sure this could solve that problem. He felt they needed to approve these amendments and see if they can work because the current Code does not. He said he hoped that land owners value the open process and find value in the sensitive lands for the development project and that the Code does not scare them away from development in the sensitive lands.

Commissioner Harris said her interpretation was that if there are incentives then the people who have that 100 acres can build as much as they want on what's left after preserving the required lands with the conventional code. So the incentive is to not bother with the expense of destruction because they can still build on the rest of the property at a higher density.

Mr. McCullough said the proposed Code may not be perfect but it is better than the existing Code.

Commissioner Blaser said they have spent a lot of time on this issue and felt they should move forward.

Commissioner Carter discussed floodway and felt it should not be included for a bonus because it has to be protected.

Mr. McCullough said the floodway is the only sensitive land that if it exceeds 20% it still has to be protected.

Ms. Miller said last time the density bonus was brought forward it was suggested to remove floodways. She agreed that the bonus should not be given when it has to be protected. She said the list for incentives doesn't have to be the same as protection.

Commissioner Carter said that was what he was suggesting, to remove it from the list of incentives but still have it be included in the 20% minimum.

Commissioner Finkeldei suggested striking floodway and adding the following bolded words to section 20-1101(e)(1):

*A development shall qualify for a density bonus if environmentally sensitive areas noted in this Section, **with the exception of floodways**, are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(3)(a).*

Commissioner Finkeldei said he would not vote on the item since he missed the staff presentation.

Commissioner Harris said she supports what staff recommended for calculating the density.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve the Text Amendment with two changes; take regulatory floodway out of the list of sensitive features that qualify for a bonus, and to add prairie to the list that qualify for a bonus, and perhaps say that it's scientifically identified prairie.

Commissioner Finkeldei said he interpreted the section as native prairie remnants already being included.

Commissioner Harris said it is in one place but not another.

Commissioner Rasmussen said it could be included if someone met the 20% on the other list of things.

Ms. Miller said that is the current language.

Mr. McCullough said prairie is not required to be protected.

Commissioner Harris said she meant her motion to state that prairies would be in both places.

Commissioner Hird asked if prairies would be required to be preserved as part of the 20% requirement if they exist.

Mr. McCullough said that was correct.

Commissioner Rasmussen asked if they were discussing prairie or native prairie.

Commissioner Harris said native prairie.

Commissioner Hird said if this is passed he wanted City Commission aware that the Planning Commission thinks this is an issue that deserves further discussion and study. He said he wanted to take a step forward yet recognize further study and amendments may be needed once there is a better grasp on the issue.

Mr. McCullough said the discussion has expanded and contracted throughout the whole process.

Commissioner Rasmussen said by including native prairie on the list it is saying it has value. If all someone has is prairie they wouldn't need to save any of it.

Commissioner Liese said he was in favor of incentivizing to not destroy native prairie.

Commissioner Singleton asked if it would be possible to delay this item to Wednesday night in order to get a definition of prairie remnant.

Mr. McCullough read the definition of prairie remnant from a previous version of the text amendment:

Native Prairie Remnants of 1 acre or larger: *Prairie areas that have remained relatively untouched on undeveloped, untilled portions of property and containing prairie remnant of 1 acre or larger. Prairie areas will be determined by the Kansas Biological Survey, or a consulting firm with local expertise in these habitats, as areas that have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies). A list of approved consulting firms for prairie determination is available in the Planning Office.*

Commissioner Rasmussen said he would vote in favor of the motion.

Commissioner Carter said he was concerned about the cost of a survey to the developer and the unintended consequences of approving something too restrictive.

Commissioner Finkeldei suggested leaving it as an incentive but direct staff to include a way to incentivize from 1% and up.

Commissioner Harris said she would consider amending the motion to reflect what Commissioner Finkeldei suggested. Amended motion: Take regulatory floodway out of the list of sensitive features that qualify for a bonus. Add language that when prairies are considered for incentives for bonuses that any amount would qualify. She suggested staff work on the exact language.

Motion carried 8-0-1, with Commissioner Finkeldei abstaining since he was not present for all of the staff presentation.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Letter received from David Holroyd regarding Oread Neighborhood Association, as well as staff response.

Mr. McCullough said staff provided the information to Mr. Holroyd that he inquired about during the last Planning Commission meeting.

MISC NO. 2 Information received from Barbara Clark regarding soil classes.

Mr. McCullough said that Commissioner Carter requested the information from Ms. Clark and she provided it.

Commissioner Hird said for the record he had coffee last Wednesday with Ms. Clark and Mr. Jerry Jost with Kansas Land Trust and they discussed class 1 and 2 soils at length.

Commissioner Rasmussen thanked Ms. Clark for the information.

MISC NO. 3 Interpretation regarding Duplex and Detached Dwelling Parking.

Commissioner Harris inquired about parts of town that do not comply with the Code.

Mr. McCullough said this is mainly for this point forward when applicants come in for a building permit for a duplex, house, or driveway. He said it would not retroactively go back on non-conforming structures.

Commissioner Hird inquired about figure 1 where it says 'garage or carport one bay deep.'

Mr. McCullough said there would be one open row of parking with horizontal parking and an additional one bay of covered space stacked end to end.

Commissioner Hird asked if figure 1 would include 10 parking spaces.

Mr. McCullough said that was correct.

Commissioner Harris asked if this would allow more parking for the smaller lot areas of town.

Mr. McCullough said not necessarily. He said in staff research it was found that figure 1, for example, was not typical. A typical four bedroom duplex requires 8 parking spaces and that would most likely be the conventional scenario.

Consideration of any other business to come before the Commission.

Commissioner Blaser said the Planning Commission must have two members serve on the Metropolitan Planning Organization. He also stated there is a group that meets with the Chamber of Commerce once a month.

Recess at 10:00pm until 6:30pm on June 23, 2010.

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Reconvene June 23, 2010 – 6:30 p.m.

Commissioners present: Blaser, Burger, Carter, Dominguez, Finkeldei, Harris, Hird, Liese, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, Brown, Leininger, and Ewert

BEGIN PUBLIC HEARING (JUNE 23, 2010):

COMMUNICATIONS

No communications received.

Mr. McCullough said there was a presentation added to the packet for item 6.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Finkeldei said he received an email from Mr. Alan Cowles related to item 6 and that it was received after the communications deadline on Monday.
- No abstentions.

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ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; IBP DISTRICT (MJL)

TA-4-4-10: Consider Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Hird asked if there was a limitation on the size of hotel/motel/extended stay allowed.

Ms. Leininger said it was based on site limitations.

Commissioner Harris asked why this was initiated.

Ms. Leininger said there was a request from Paul Werner Architects to add the use to the IL District linked to the rezoning of the property south of Hallmark. In that review staff felt that it could be potentially appropriate for that use to also be permitted in IBP District.

Commissioner Harris asked what the difference between a night club and bar was in terms of use.

Ms. Leininger read the definition from the Code of bar or lounge and nightclub:

Bar or Lounge:

An establishment that may include food service but that emphasizes the service of alcoholic beverages for consumption on the Premises. Any establishment generating more than 45% of its gross revenues from alcoholic beverages (on a weekly average) shall be deemed to be a bar and not a restaurant.

Nightclub:

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

Commissioner Harris asked if the bar use is allowed in the IBP District currently.

Ms. Leininger said no, it's permitted as an accessory use to an eating and drinking establishment.

Commissioner Harris asked if a nightclub would be allowed in the IBP District as an accessory use.

Ms. Leininger said yes, in a hotel if there were more than 150 rooms.

Commissioner Singleton asked if there were any hotels in Lawrence of that size.

Ms. Leininger said she did not believe so.

Commissioner Dominguez asked why not use a Special Use Permit instead.

Ms. Leininger said currently it's not a permitted use in the district. Staff felt it would be appropriate as a use permitted by right.

Commissioner Liese asked about the positive and negative impacts of small, medium, and large hotels on communities such as Lawrence.

Ms. Leininger said positives could be a place for potential clients to stay and a potential place for relatives to stay. A possible negative would be an increase in traffic.

Commissioner Liese asked if traffic is generally impacted by hotels.

Ms. Leininger said there is potential for it to occur with meeting facilities in the hotel. She said the applicant would have to provide a traffic impact study with a site plan application.

Commissioner Dominguez asked if every site plan requires a traffic study.

Ms. Leininger said if it is a vacant site the applicant would be required to provide at least the first 7 steps to the traffic study.

Commissioner Rasmussen asked if the Holidome has more than 150 rooms and a nightclub facility.

Ms. Leininger said she was not sure how many rooms it had. She said it would not be classified as a nightclub facility.

Commissioner Hird asked if there was a bar inside the lobby of the Holidome.

Mr. McCullough nodded yes. He said it is a bar, not a nightclub.

PUBLIC HEARING

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, showed a map of the IBP District around the West Lawrence Neighborhood Association. She said the Holidome has 193 rooms. She said the neighborhood requested downzoning of the West Lawrence industrial area. She did not want a hotel in the area and felt it was too late at the site planning stage for neighborhood input. She referenced Code section 20-1101 of the protection standards for residential areas. She discussed reviewing the decision making zoning map amendment. She said the Lawrence Association of Neighborhoods supports the League of Women Voters views regarding the need for a Special Use Permit and the concern about loss of industrial land.

Commissioner Finkeldei asked which road Ms. Klingenberg was talking about.

Ms. Klingenberg said Biltmore Drive.

Commissioner Finkeldei asked when the downzoning occurred.

Ms. Klingenberg said about 6 years ago, before the new Code was in place. She said at the time 50' setbacks were approved and she didn't know what happened to it.

Commissioner Hird asked if she felt there were size limitations that might be permissible for this sort of development in the area.

Ms. Klingenberg said there are some limitations that might be acceptable. She felt the neighborhood should be included in the discussions. She said a hotel might be acceptable to the neighborhood as long as it does not increase traffic or force access into the neighborhoods.

Commissioner Harris said Ms. Klingenberg mentioned a plan for area. She asked if there was a neighborhood plan or PUD.

Ms. Klingenberg said no, there is no neighborhood plan but the area and character has been built out.

Commissioner Dominguez asked if the neighborhood association met to discuss.

Ms. Klingenberg said she was speaking for Lawrence Association of Neighborhoods.

Commissioner Liese said he visited the neighborhood and felt it was hard to define character of the neighborhood. He asked Ms. Klingenberg to define her perception of it.

Ms. Klingenberg said it is a unique neighborhood because it includes a mix of households.

Commissioner Liese inquired about the character of Bella Sera.

Ms. Klingenberg said the neighborhood was opposed to it. She said the neighborhood was right because Bella Sera is totally vacant.

Commissioner Hird said currently in the IBP District it allows commercial parking facilities, limited manufacturing, and warehouses. He pointed out that a bottling and beverage facility, for example, could be developed there under the current zoning.

Ms. Klingenberg said a pharmaceutical company is in the area and she felt it was a good company.

Commissioner Hird said a commercial parking facility is currently allowed in the IBP District so someone could develop a parking facility by right. He asked Ms. Klingenberg what she thought would be worse, a beverage bottling plant or an extended hotel.

Ms. Klingenberg said the issue is that there will be no set standards. She was concerned about height and size like the Oread hotel.

Commissioner Singleton asked if her concern regarding the Oread hotel was all the nightclub activity associated with it.

Ms. Klingenberg said yes, the issue was about the traffic associated with bars.

Commissioner Rasmussen asked about the neighborhood association boundaries.

Ms. Klingenberg said Wakarusa to George Williams Way and 6th Street to 15th Street.

Mr. Alan Black, League of Women Voters, said the League sent a letter last month but it apparently had no impact because the proposal is the same. He said they would like a Special Use Permit for hotel/motel/extended stay instead of permitted by right. He said it was important to have land available for industry and for business, primarily office. He expressed concern that if hotels are allowed in such a district they may expand and dominate the district and there would be little land left for industry and business. He said some hotel facilities would be desirable in an area that has industry and businesses.

Commissioner Rasmussen said there has been testimony from other applicants that Special Use Permits impact their ability to get financing. He asked Mr. Black how he thought that could be overcome.

Mr. Black said he did not know anything about that.

Commissioner Hird said there are some permitted uses currently in the IBP District that appear to be more offensive, in terms of impact to the neighborhood, than a hotel, for example a beverage manufacturing plant.

Mr. Black said he may be right about that and that is not the Leagues main point. He felt the neighborhood should speak for itself. He said the League's concern is about reducing the availability for industry and business.

Commissioner Dominguez asked what would be the market for hotels.

Mr. Black said the League's concern is about the availability for industry and business. He said their position is that each case of this that comes up should be studied, instead of allowing it to happen without review.

Commissioner Liese said he was trying to figure out what the problem was. He said in looking at the character of the area he could imagine a hotel doing a nice job because it is a mixed character area. He said he would expect it would be easy to match the character to the area and said what would be worse than some of the permitted uses currently allowed.

Mr. Black said the area given this zone is only part of the neighborhood. The League's concern is that this zoning district would be monopolized by hotels and motels.

Commissioner Liese quoted the League of Women Voter letter,
However, beyond the neighborhood issue is the consideration of changing an industrial area in a way that would allow non-industrial uses to monopolize an existing industrial district.
Commissioner Liese said he was trying to understand how a well designed hotel or several hotels would monopolize industrial development because there is a lot of space out there.

Mr. Black said the League's position is that monopolization is a possibility. He felt it should be examined and decided through a Special Use Permit rather than allowing it to happen automatically.

Commissioner Liese agreed with Commissioner Hird that a bottling plant could be developed there currently.

Mr. Josh McBain said he purchased a home adjacent to the IBP District and his understanding was that it was zoned light commercial and industrial. His main concern with hotel/motel/extended stay was a towering hotel in his backyard. He said some extended stays can be pretty rundown and attract shady characters. He said he would rather see office buildings in that area instead of a bottling plant. He said he tried to find online the impacts of hotels to neighborhoods as far as property value but could not find a lot of hotels built by residential areas in towns the size of Lawrence.

COMMISSION DISCUSSION

Commissioner Finkeldei asked what the furthest west hotel in town was.

Ms. Klingenberg said Hampton or Virginia Inn on W 6th Street.

Commissioner Finkeldei asked staff to respond to the process if it wasn't allowed as a permitted use. He wondered if it would be unlimited in size and scope or would there be some limitations through the site plan process in the IBP District.

Mr. McCullough said there would be some limitations in terms of a 60' height limit in the IBP District, lot coverage and impervious surface coverage. He said there could be a significantly sized hotel there. The process would be that the applicant would submit a site plan and there would be notice to property owners within 200'.

Commissioner Finkeldei asked if it could be appealed to City Commission.

Mr. McCullough said yes.

Commissioner Finkeldei asked if staff had a position on a Special Use Permit versus non Special Use Permit.

Mr. McCullough said staffs position is that it is a compatible use that can support business and stand alone in an IBP District. He stated in lieu of a Special Use Permit if the Planning Commission finds it's a use that demands use standards then staff can provide use standards to the Code for the IBP District. Staff can build in additional protections over and above what is already there and keep it a permitted use by right.

Commissioner Burger asked what the area on Iowa Street between 6th and 9th was currently zoned.

Mr. McCullough said the hotels there are zoned CS (Commercial Strip).

Commissioner Burger inquired about the difference between CS and IBP.

Mr. McCullough said in the CS district there are more retail type and commercial uses rather than the business and industrial, such as a gas station.

Commissioner Hird said the Holidome abuts to a neighborhood. He asked if there had been any problems.

Mr. McCullough said not that he was aware of.

Commissioner Burger inquired about the history of the downzoning discussion that happened years ago regarding Oread West that Ms. Klingenberg referred to earlier. She asked if it was very specific to say no hotels.

Mr. McCullough said he did not personally know anything about it.

Ms. Stogsdill said back in the 1980's when Oread West Business Park was first developed and zoned there was originally an intent by Alvamar to create a third golf course. At some point in that span of years in the 1980's there was a PCD that was zoned for a hotel that would have sat on that golf course. It was zoned without a development plan associated with it. Plans changed, the golf course went away and there have been multiple reconfigurations of that research park since then. At some point the neighborhood association requested the zoning be changed back to IBP because there was no hotel that came out of that original vision. She said she did not recall anything specific about a

50' setback and that would have to be researched. She said 40' parameter setback is what the old code specified for that district.

Commissioner Carter asked if there would be any limitations on the size of a convention/conference center.

Mr. McCullough said no.

Commissioner Carter expressed concern about an overbuilt market. He felt it was an appropriate use for IBP Districts in general and said he would support the Text Amendment.

Commissioner Rasmussen thanked staff for being proactive on this and said it made sense to have hotels in the IBP District. He felt a hotel/motel would be a great addition to the neighborhood, especially if it had a restaurant/bar and pool. He said he would also welcome a coffee shop in the area. He said for the record he likes Bella Sera and The Oread Hotel.

Commissioner Finkeldei asked if it were sent back how would staff determine standards. He wondered what research would be used.

Mr. McCullough said it would be a reaction to what is heard during testimony in terms of impactful uses of distance from RS districts and nightclub/ bar uses to see if there are limitations. He said it may not be compatible with single-family detached homes being in the backyard. He said day/nighttime uses would also be looked at.

Commissioner Finkeldei asked if 60' was the height limit.

Mr. McCullough said yes, it could be 3-4 stories high.

Commissioner Finkeldei inquired if staff could approve a 10 story hotel.

Mr. McCullough said it would go to the Board of Zoning Appeals for a variance request. He said they may be able to add a planned development district over it but he would need to research that.

Commissioner Liese said there is a lot of empty space in the area and he wondered why it has remained vacant.

Mr. McCullough said he could not speak to that. He said staff have recently looked at projects for that area for an Alzheimer's facility and also a daycare facility. He said staff get inquiries about that area occasionally but he could not speak to exactly why it is not full. He said industrial districts have a longer lifespan than other types of districts.

Commissioner Liese said if he had a business in that area a hotel would be appealing to have for clients/customers to stay.

Commissioner Rasmussen said it has been a challenge of bringing guests and clients into the area. He felt a hotel would enhance the area. He felt they needed to focus on future areas as well.

Commissioner Singleton thanked staff for looking into this. She said she understand theoretically what the League of Women Voters put forth in their communication but she felt it was a good use for the area. She did not share in the concern that it would be a huge hotel with bars and nightclubs.

She did not think it would change the character of the neighborhood and would support a motion in favor.

Commissioner Burger concerned that the IBP District would apply to a large area west of Wakarusa. She would prefer it was smaller and focused to Bob Billings Parkway and Wakarusa in order to avoid a hotel backing up to single-family homes. She expressed concern about the impact on neighborhoods and values as well as the impact to existing hotels.

Commissioner Harris said one thing they should consider about hotels is the fact that at some point there will be an interchange at Bob Billings Parkway and the SLT which would create a potentially new market for hotels. She said she would support some hotel use in the IBP District with some use standards about height and mass next to neighborhoods, distance from residential neighborhoods, and consideration of day and nighttime use. She shared the League of Women Voters concern about eroding the IBP availability for other uses. She said she could not support unlimited hotel use in the IBP District but could support limited hotel and extended use development.

Commissioner Hird said he is mindful of comments from the public speakers and it seems that what is being said is some hotel use would be appropriate as long as it isn't too big or too successful. He said they all agree that a modest sized residence inn wouldn't be offensive but another Holidome would be a problem. He said the issue he was struggling with is that currently someone could put a 60' tall warehouse at that location. He felt that having a 3-4 story hotel/motel would be far less offensive than the other permitted uses. A traffic impact study will be required at a certain threshold. The access in and out of any hotel is key to not disturbing the neighborhood. He said Commissioner Harris' comment about an interchange being in the area sometime in the future was well taken. He said they need to think about accommodating future business travelers and guests. Size is limited by site plan and existing development standards. He said he hasn't heard any complaints about the Holidome's impact on the people behind the fence. He felt it was a much less offensive use in an IBP District than what is already allowed. He said it is a use that is important in developing an IBP area and an appropriate use. He said he wouldn't be particularly opposed to size standards. As presented he would probably vote in favor of it.

Commissioner Dominguez asked how tall the Holidome is.

Mr. McCullough said 4 stories.

Commissioner Dominguez said he could support it but did think they should look at the impact to the neighborhood. He felt they should work with neighbors to look at size limitations.

Commissioner Blaser felt that hotels in the IBP District would be a good addition. He said he could move forward on this and did not share the concern that a hotel would be built within 20' of single-family homes. He said he would vote in favor of the item as presented.

Commissioner Finkeldei said his own neighborhood backs up to two hotels and there have not been any problems that he knows of. He said standards may not be appropriate in Farmland if it becomes an IBP District. He said he was okay with asking staff to look at limitations but he wasn't sure he would agree to any standards or what to even direct staff to look at. He said he was not sure how he would vote.

Commissioner Harris asked staff if there was merit in taking it back to tweak based on what has been discussed this evening.

Mr. McCullough said based on comments received staff could bring something back in the context of its proximity to an RS District.

Commissioner Carter asked staff to also look at limitations on conference space when near an RS district.

Mr. McCullough said staff would focus on nightclub use because that is a use better suited to commercial districts.

Commissioner Hird said he supported staff looking at those issues. He expressed reservations about including nightclubs as permitted use in IBP. He was concerned about limiting conference space because meeting space facilities is important in business.

Commissioner Liese concerned about limiting nightclubs because live music might be a benefit for a hotel to provide entertainment for guests.

Commissioner Harris asked if it is possible to have music entertainment in a bar.

Mr. McCullough said yes.

Ms. Leininger said the difference is generating more than 45% of its gross revenue from alcoholic beverages.

Mr. McCullough read the definition of Nightclub:

An establishment that may or may not serve alcoholic beverages for on-Premises consumption and that offers live entertainment, which may be amplified, and/or music for dancing by patrons. A nightclub may also offer food service.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Dominguez, to defer the item for two months to allow staff to work on standards regarding the size and height of hotel/motel/extended stay facilities next to residential neighborhoods, distance from an RS district, consideration of day and night use, and restriction of nightclubs.

Commissioner Rasmussen felt the motion was well intended but unnecessary. He said when he travels for work he likes staying at hotels where he can walk into residential neighborhoods as part of his exercise routine when he travels. He said he could not imagine an awful motel being built at that location and that business travelers are not typically loud and rowdy. He felt there were already plenty of protections between industrial and residential areas.

Commissioner Liese agreed with Commissioner Rasmussen and said he would not vote in favor of the motion. It would not be built in the middle of a neighborhood, it would be in an industrial area.

Commissioner Singleton agreed with Commissioners Liese and Rasmussen.

Commissioner Finkeldei said he would support the motion but not sure he would support any future standards that staff come up with.

Commissioner Liese expressed concern about the package of standards.

Commissioner Dominguez said his biggest concern was size restriction. He said he would support the motion.

Commissioner Blaser said he would vote against the motion.

Commissioner Hird said at first he really supported the idea of looking at size restrictions of hotels that abut neighborhoods. He said why should this use have more restrictions than already permitted uses. He said he would vote in opposition of the motion.

Commissioner Carter said he did not think it was necessarily a good use of staff time and would not support the motion.

Motion failed 4-6, with Commissioners Blaser, Carter, Hird, Rasmussen, Liese, and Singleton voting in opposition. Commissioners Burger, Dominguez, Finkeldei, and Harris voted in favor of the motion.

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve staff recommendation of Text Amendment TA-4-4-10 to amend the City of Lawrence Land Development Code to permit the Hotel, Motel, Extended Stay use in the IBP District.

Motion carried 6-4, with Commissioners Burger, Dominguez, Finkeldei, and Harris voted in opposition.

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**ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 14;
SPECIFIC PLANS (MJL)**

CPA-4-2-10: Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve Comprehensive Plan Amendment (CPA-4-2-10).

Unanimously approved 10-0.

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to authorize the Chair to sign PC Resolution (PCR-6-3-10) regarding CPA-4-2-10.

Unanimously approved 10-0.

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**ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 7;
INDUSTRIAL & EMPLOYMENT RELATED LAND USE (MJL)**

CPA-4-3-10: Amend Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer the item one month since the Planning Commission packet did not include the information pertaining to it.

Motion carried 10-0.

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**ITEM NO. 9 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
CHAPTER 20, ARTICLE 12; FLOODPLAIN OVERLAY DISTRICT (AMB)**

TA-4-6-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 12 to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.

**ITEM NO. 10 TEXT AMENDMENT TO DOUGLAS COUNTY ZONING REGULATIONS;
CHAPTER 12, ARTICLE 28; FLOODPLAIN OVERLAY DISTRICT (AMB)**

TA-4-7-10: Consider Text Amendments to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes.

STAFF PRESENTATION

Ms. Amy Brown presented items 9 and 10 together.

PUBLIC HEARING

No public comment.

ACTION TAKEN on Item 9

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve Text Amendment TA-4-6-10 to revise text for Sections 20-1201(a)(3)(i), 20-1201(b)(1), 20-1201(c)(1) and forwarding of the proposed text amendments to Chapter 20, Article 12 to the City Commission for approval and adoption.

Unanimously approved 10-0.

ACTION TAKEN on Item 10

Motioned by Commissioner Harris, seconded by Commissioner Hird, to approve Text Amendment TA-4-7-10 regarding changes to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas and forwarding on to the Board of County Commissioners.

Unanimously approved 10-0.

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**ITEM NO. 11 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
CHAPTER 20, ARTICLE 8; MINOR & MAJOR SUBDIVISIONS (SMS)**

TA-3-3-10: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 8 to revise requirements and standards related to the processing of Minor and Major Subdivisions. *Initiated by City Commission on 2/16/10.*

Item 11 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Mr. McCullough reminded the Commission that the Mid-Month meetings in July and August have been cancelled.

Commissioner Rasmussen said he would be absent for the July Planning Commission meetings.

Commissioner Blaser also said he would not be able to attend the July Planning Commission meetings.

PUBLIC COMMENT SECTION

ADJOURN at 8:25pm