



PLANNING COMMISSION MEETING

June 27, 2018

Meeting Action Summary

June 27, 2018 – 6:30 p.m.

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

Staff present: McCullough, Crick, Day, Ewert, Larkin, Myers

GENERAL BUSINESS

ELECTION OF OFFICERS FOR 2018-2019

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

Commissioner Sands nominated Commissioner Willey for Chair. Seconded by Commissioner Kelly.

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

Commissioner Sands nominated Commissioner Carpenter for Vice-Chair. Seconded by Commissioner Willey.

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

Commissioner Willey thanked Commissioner Struckhoff for his service and presented him with a plaque.

PLANNING COMMISSION ACTION SUMMARY

No action summary (minutes) to receive.

COMMITTEE REPORTS

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 1A ANNEX 16.8 ACRES; 1691 E 902 RD (MKM)

A-18-00182: Consider the annexation of approximately 16.8 acres located to the west of E 902 Road, north of Rock Chalk Drive. Submitted by BG Consultants, for Fairway LC, property owner of record. *Initiated by City Commission on 5/8/18.*

ITEM NO. 1B REZONING 16.8 ACRES FROM A TO RMO; 1691 E 902 RD (MKM)

Z-18-00183: Consider a request to rezone approximately 16.8 acres from A (Agricultural) District to RMO (Multi-Dwelling Residential-Office) District, located at 1691 E 902 Rd. Submitted by BG Consultants, for Fairway LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 1A-1B together.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, intent is along road with office uses and remaining lot would be duplex development. Agreed road financing be worked out. We've looked at funding methods and still working on that.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Sands inquired about the dashed line along the west platting line of the proposed concept plan. He asked if that was additional offset for K-10.

Ms. Miller said that was the South Lawrence Trafficway/K-10 overlay district. She said there were special setbacks and special landscaping requirements in that area.

Mr. McCullough said it was 500' from center line.

Mr. Hamby said there would be a 50' building setback.

Ms. Miller said the 500' included landscape requirements.

Commissioner Struckhoff asked what a looped water system was.

Ms. Miller said the Utilities Department does not like a water line that ends because it doesn't get flushed out and doesn't have enough pressure so the water gets stale. She said Utilities wants the lines to be looped so the water is continuously moving through it.

Mr. McCullough said it would have multiple sources of feed. He said generally a water tower would serve a certain area and have enough water pressure to push water out. He said the Utilities Department reviews development in terms of whether there is enough water pressure to serve fire code requirements and enough pressure for a home to function properly.

Commissioner Kelly asked the applicant why the concept plan showed a cul-de-sac.

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Mr. Hamby said the area is such that trying to bring a road in and back out again is difficult. He said the cul-de-sac worked for circulation and pedestrian access. He said the nature of the triangle site was difficult.

Mr. McCullough said staff had not reviewed the plan for design yet.

Commissioner Sands asked if there would be two points of finance agreements; one for the road system and one for water.

Ms. Miller said it would be just one.

Mr. McCullough said the developer had options on how to fund those. He said there were onsite utilities and other utilities could be pulled from other private properties. He said options included private funding, benefit districts, and pulling utilities from other sites. He said it would be worked out later through the subdivision process.

Commissioner Willey inquired about the next steps if this were to pass.

Mr. McCullough said it would depend on the applicant working with stakeholders and presenting that to plan to the city. He said there was more work to do on that component.

Commissioner Kelly inquired about the RMO zoning when recent requests have been to zone out of the RMO district.

Mr. Hamby said the area plan talks about Residential Office. He said straight RM was not an acceptable use. He said they felt they could get the most RM with some office to get staff recommendation for approval. He said RMO was not the ideal zoning for the property but it was a fallback to get staff approval.

Mr. McCullough said there was a property to the north that presented a comprehensive plan amendment to revise the Comprehensive Plan designation from RMO to RS and that was not supported by staff. He said as the West of K-10 and Farmers Turnpike sector plans developed staff saw a need for some office uses as the area develops.

Commissioner Willey asked if the intention was to use the existing agriculture buildings as office type structures.

Mr. Hamby said he was unsure.

Commissioner Sands said he was comfortable with this since it followed what Horizon 2020 called for.

ACTION TAKEN on Item 1A

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the requested annexation of approximately 16.8 acres to the City Commission with a recommendation for approval based on the findings in the body of the staff report subject to the following condition:

1. The means of financing the improvement of E. 902 Road to city collector street standards shall be determined and accepted by the city prior to the publication of the annexation ordinance.

Commissioner Kelly expressed concern that they may have to come back later and ask for zoning to something other than RMO. He hoped it would be used for mixed use. He said he would support the motion but was hesitant.

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

Commissioner Sands said short of placing a condition on this he hoped future Commissions would consult the minutes. He said he shared Commissioner Kelly's reservations.

ACTION TAKEN on Item 1B

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve the rezoning request for approximately 16.8 acres from A (Agricultural) District to RMO (Multi-Dwelling Residential-Office) District, upon annexation, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

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

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**ITEM NO. 2 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; STORAGE USES IN
IBP DISTRICT (SLD)**

TA-18-00150: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, 9 and 17 to define certain types of storage uses; *Mini-Warehouse, self-storage, climate controlled self-storage and similar uses* and to permit some uses in the IBP (Industrial/Business Park) District. *Initiated by City Commission on 4/17/18.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Carpenter said he appreciated the information in the staff report. He felt it solved an issue that required bending the rules. He said he would be happy to support recommending approval.

Commissioner Struckhoff felt the amendment did a great job of making expectations clear.

Commissioner Willey agreed with Carpenter that the staff report was thorough. She inquired about shipping container storage units being allowed in the same zoning districts that other outdoor storage uses were allowed.

Ms. Day said almost all industrial districts and many commercial districts were adjacent to residential in one way or another so it would be hard to avoid that conflict. She said requirements for buffer yards and screening requirements would help tremendously but that it would be a case-by-case situation. She said additional landscaping could be added if necessary. She said the use of shipping containers was not common.

Mr. McCullough said he was starting to see some demand for it. He said there were ways the Code could protect adjacent neighbors from the aesthetics of the use.

Commissioner Butler said there were shipping containers in the neighborhood she lived in that were an eyesore.

Mr. McCullough said moving pods were a different use and staff were proposing a property maintenance code amendment to address that. He said staff deal with them on a complaint basis and they were not allowed as a permanent structure.

Commissioner Kelly said there were ways to use shipping containers that look nice.

Commissioner Willey said the pod type moving containers were not included in the text amendment.

Mr. McCullough said that was correct.

ACTION TAKEN

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Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve a Text Amendment (TA-18-00150) to Articles, 4, 5, 9, and 17 of the Lawrence Land Development Code defining certain types of storage uses; Mini-Warehouse, self-storage, climate-controlled self-storage and similar uses, and permitting some uses in the IBP (Industrial/Business Park) District and forwarding to the Lawrence City Commission with a recommendation for approval.

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

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**ITEM NO. 3 TEXT AMENDMENT TO LAND DEVELOPMENT CODE; RECORDING
SUBDIVISION DOCUMENTS WITH REGISTER OF DEEDS (SLD)**

TA-18-00199: Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 8 and 13, to update requirements for recording subdivision documents with the Douglas County Register of Deeds Office. *Initiated by Planning Commission on 5/23/18.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Carttar inquired about the reason for switching from mylar to paper.

Ms. Day said mylar was a more durable material than paper but that paper documents were no longer stored. She said it was costly to reproduce mylars and that stamps could smear.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve Text Amendment, TA-18-00199, amending the *Land Development Code*, Article 8/ Chapter 11, Article 1 of the *Douglas County Code, Joint Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County KS.* and the corresponding *Douglas County Code* sections and Article 13 of the Lawrence *Land Development Code* to permit the submission of final documents for recording purposes to be printed on any media that will reproduce a clear image for scanning and microfilming in accordance with Resolution No. 17-31 to align the requirement and current practices related to record documents with the Douglas County Register of Deeds office, and forwarding a recommendation of approval to the Lawrence City Commission and Board of Douglas County Commission.

Commissioner Carpenter said he was happy the Register of Deeds office was going from a non-renewable source to a renewable source.

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

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**ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020, CHAPTER 8,
TRANSPORTATION (JSC)**

CPA-18-00168: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 8, Transportation.

STAFF PRESENTATION

Mr. Jeff Crick and Ms. Ashley Myers presented the item.

PUBLIC COMMENT

Mr. Michael Almon spoke about the interrelationship of Transportation 2040 and the new Comprehensive Plan. He said both plans have the same map for future land use growth. He said Tier 2 was for annexation and growth within the plan. He was concerned it was making a major change compared to the previous Comprehensive Plan. He said what they do with the Comprehensive Plan ties in to how it will appear in Transportation 2040. He felt the area south of K-10 and north of the Wakarusa River be removed from the Tier 2 growth map.

COMMISSION DISCUSSION

Commissioner Kelly asked staff to address Mr. Almon's comments.

Mr. McCullough said Transportation 2040 beat the Comprehensive Plan 2040 in the process. He said the maps were doing different things. He said the proposed Comprehensive Plan was trying to lay out areas of potential development. He stated it did not change the urban growth area but was intended to point out areas that could be served with infrastructure. He said the revised Southern Development Plan, a specific sector plan, was under review with the K-10 Crossing project. He said the specific plan was where the designation of land use applied. He said the idea in Transportation 2040 was to reflect the general area planned to be urbanized.

Commissioner Willey said just because it was included in Tier 2 doesn't mean it's slated for a specific type of development.

Mr. McCullough said that was correct. He said it was an area that could be annexed and receive urban services.

Commissioner Willey said the revised Southern Development Plan would include more detailed.

Mr. McCullough said the revised Southern Development Plan looked at more layers of development components than just a potential boundary for the area. He said the intent of the Tiers was how to manage growth and how to review and address requests for annexation. He said Transportation 2040 was doing different things than what the new Comprehensive Plan would do.

Commissioner Kelly said the concept of Tier 1, 2, and 3 was new in the Comprehensive Plan.

Mr. McCullough said correct.

Commissioner Kelly said that hasn't been authorized by Planning Commission, City Commission, or County Commission.

Mr. McCullough said correct.

Commissioner Kelly said this sort of validates the idea of Tier 1, 2, and 3 by including it in the Transportation 2040. He said it would be overlapping the two plans, which was a new concept for the Comprehensive Plan.

Commissioner Paden wondered about protecting sensitive lands and what was available to do that.

Mr. McCullough said gave the example of the Links development east of Rock Chalk Park, which included a 20% requirement to protect and preserve sensitive lands through the platting process. He said there was an incentive density bonus that preserved more than 20%. He said there was an annexation and development at 31st and Michigan Street, with a little bit of floodplain, that was put into a subdivision tract. He said the Code does allow some development in the floodplain so there was a little bit of fill in the floodplain to square off the line and the majority of that was preserved through platting. He said Comprehensive Plan policies and sector plans distinguish where floodplain and open space is located and that gets implemented through platting and rezoning. He said the map they were discussing simply lays out the potential to urbanize in some way and in some manner.

Commissioner Carttar said Tier's 1, 2, and 3 were just a conceptual model at this point to illustrate potential growth. He said it seemed some form of amendment to this document may be called for because the conceptual plan was not approved by the governing bodies yet.

Mr. McCullough said it would be amended as needed. He said that was why they were amending Horizon 2020 because of the new Transportation 2040 plan. He said if the Comprehensive Plan changed then revisions would be made to the transportation plan. He said staff was hoping for a better marriage of the two plans which had gotten off track a bit.

Commissioner Carpenter felt this was a good discussion about how to mesh multiple plans.

Commissioner Willey said it did not bother her knowing how much time goes into the plans with accepting the Transportation 2040 including tiers and then having a full-bodied discussion about the Comprehensive Plan. She said the Comprehensive Plan would trump what was in the transportation plan.

Commissioner Kelly asked about the ramifications of not approving the comprehensive plan amendment.

Mr. McCullough said it had already been approved by the Metropolitan Planning Organization Policy Board and it was the document used for transportation planning. He stated if it doesn't get put into the Comprehensive Plan staff would still use it for recommendations but it wouldn't have the support of an approval. He said there is a link in the major thoroughfares map that provides legal support to tell developers the street classification that is expected with development. He said the Subdivision Regulations state the map has to be approved by the governing bodies.

ACTION TAKEN

Motioned by Commissioner Sinclair, seconded by Commissioner Struckhoff, to approve the *Horizon 2020* comprehensive plan amendment, incorporating the new *Transportation 2040* metropolitan transportation plan, and forwarding it to the County and City Commissions with a recommendation

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for approval, and approve and authorize the Planning Commission Chair to sign Planning Commission Resolution PCR-18-00189.

Commissioner Carttar thanked staff and the public for their participation in the process.

Commissioner Kelly said he would vote against the motion. He expressed concern about leapfrogging plan before plan and validating the idea of Tier 1, 2, and 3. He said he wanted to honor the process and not pre-validate that process before the governing bodies see the plan.

Commissioner Willey said she would vote in favor with the understanding they will have a full discussion of Tier 1, 2, and 3 with the Comprehensive Plan. She said she did not feel overly tied to it by supporting the Transportation 2040.

Commissioner Struckhoff said the Southern Plan needed to be developed and that it would be a critical plan.

Commissioner Paden wondered if changing the map or saying a certain area would not be developed because of sensitive lands was a good idea. She didn't know if there was anything in place to make that viable.

Commissioner Willey said it would be looked at as they move forward with both sector plans and Comprehensive Plan.

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

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2018 PLANNING COMMISSION ORIENTATION

Discuss possible dates for annual Planning Commission training.

Mr. McCullough said Planning Commissioners should start thinking about possible dates for their annual orientation/training day, possibly September-October.

MISC NO. 2 UPCOMING CALENDAR EVENTS

A possible quorum of the Planning Commission may attend a social gathering at Free State Brewery the evening of June 27, 2018, after the Planning Commission meeting adjourns.

MISC NO. 3 2018 PLANNING COMMISSION MEETING CALENDAR

Receive revised 2018 Planning Commission meeting dates and submittal calendar

ADJOURN 8:14pm