



## **PLANNING COMMISSION MEETING**

**March 21, 2016**

### **Meeting Minutes**

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March 21, 2016 – 6:30 p.m.

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

Historic Resources Commissioners present: Arp, Buchanan Young, Hernly, Fry, Quillin

Staff present: McCullough, Stogsdill, Day, Crick, Larkin, M. Miller, Simmons, Zollner, Ewert

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## **PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of December 14, 2015.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the December 14, 2015 Planning Commission minutes.

Approved 6-0-2, with Commissioners Butler and Carpenter abstaining.

Receive and amend or approve the minutes from the Planning Commission meeting of February 22, 2016.

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the February 22, 2016 Planning Commission minutes.

Approved 8-0.

## **COMMITTEE REPORTS**

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

Commissioner Kelly said the Horizon 2020 committee met and took a look at a draft comprehensive plan for some different structures.

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

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- Ex parte:  
Commissioner Struckhoff said he met with Ms. Candice Davis in December regarding the Oread Design guidelines and stacked parking issues.

Commissioner Kelly said he had a conversation with Mr. Matt Gough about the Oread Design Guidelines clarifying his letter of concerns.

Commissioner Culver said he had a brief discussion with Mr. Matt Gough regarding the letter he submitted for the packet. He said Mr. Gough went through the points in his letter.

- No Abstentions.

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**Recess LDCMPC**

**Convene Joint Meeting with Historic Resources Commission**

**ITEM NO. 1            OREAD DESIGN GUIDELINES**

Joint meeting with Historic Resources Commission for public hearing on Oread Design Guidelines.

**ITEM NO. 2            TEXT AMENDMENT TO DEVELOPMENT CODE; OREAD DESIGN GUIDELINES**

**TA-12-00171:** Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 3 adopting the Oread Design Guidelines and incorporating them by reference. *Initiated by City Commission on 8/28/12.*

**STAFF PRESENTATION**

Mr. Jeff Crick presented the items.

Historic Resources Commissioner Hernly asked if the district that doesn't allow combining lots #5?

Mr. Crick said that was correct.

**PUBLIC HEARING**

Ms. Candice Davis, Lawrence Association of Neighborhoods, said the Design Guidelines and overlay districts were important tools that could help preserve the historic integrity of the Oread neighborhood, as well as other neighborhoods. She felt they should reflect the intention of neighborhood plans which specifies areas of varying density. She stated that single-family houses make up 80% of the Oread neighborhood. She said the Oread zoning was changed over 40 years ago from low density to the highest density in the city. She stated the high density zoning did not conform to existing structures or lot sizes. She felt the problem was that the lowest density area was zoned duplex. She said the duplexes had become the size of many apartment units. She expressed concern about stacked parking.

Mr. Jon Josserand said it was not inevitable that a ghetto had to exist next to a university. He felt duplexes had been widely abused. He said stacked parking wasn't allowed for tri-plexes, four-plexes, apartments, or commercial. He thanked staff for their work and agreed with the parking recommendations.

Mr. Paul Werner, Paul Werner Architects, discussed renovating older homes to make them safe. He said the houses were not going to be converted into single-family homes. He said some houses were too large to renovate and that the parking accommodated the investment. He said 1338 Ohio was currently being renovated into an 8 bedroom duplex but would be a non-conforming structure by the time the guidelines were finished. He showed before and after pictures on the overhead of houses his clients had renovated.

Mr. Matt Gough, Barber Emerson Law Firm, felt the guidelines should provide procedural clarity and fairness. He said a duplex destroyed by fire could not be rebuilt with the same amount of occupancy. He said the parking language was just one component of a 132 page document called Design

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Guidelines, not Parking Guidelines. He said there were a large number of properties in the Oread neighborhood that may have been built as single-family but were used as rental property. He showed a map on the overhead of rental properties in the area. He wondered how many of them would become non-conforming under the new guidelines. He felt they were taking a policy decision and putting it in the middle of a large document. He said rental properties worth was based on revenue and the amount of occupants. He felt they should accommodate the people who followed the code.

Ms. Janet Gerstner said she lived in the Oread Neighborhood for 10 years and one of the areas that disturbed her the most was north of the stadium. She felt large duplexes were a way around regulations. She expressed concern about stacked parking. She thanked staff for their time working on this.

### **COMMISSION DISCUSSION**

Historic Resources Commissioner Hernly asked how many 60' plus lots were in zone 1.

Mr. McCullough said duplexes in the district north of the stadium would need a 60' wide lot and a certain number of square feet per lot to get two units on it. He said 23 parcels fit both that criteria in that district.

Historic Resources Commissioner Hernly asked how many parcels.

Mr. Crick said 142 parcels.

Historic Resources Commissioner Hernly asked how many of the 23 lots were developed as duplexes.

Mr. Crick said 18 of the 23 were identified as single-family structures in 2012.

Mr. McCullough said the duplex use was allowed in the rest of the Oread neighborhood.

Historic Resources Commissioner Hernly asked if zone 5 could have duplexes on 50' lots.

Mr. McCullough said that was correct.

Commissioner Kelly inquired about an accessory garage and parking behind it. He asked about how rare that could occur due to the depth behind the building and the depth of the lot.

Mr. Crick said it was very specific in geography of where it could and could not occur. He said it tended to occur mainly in district 1 which was north of the stadium. He said where it would occur would also be governed partially by a historic district.

Commissioner von Achen asked if stacked parking was only allowed in single-family and duplexes.

Mr. Crick said that was correct. He said anything above that would typically require a code compliant parking lot like an apartment complex.

Commissioner von Achen said that would not impact the houses Mr. Werner referred to.

Mr. Crick said it would be a parking space per bedroom. Above 10 would require one additional space for every 10. He said for example, a 10 bedroom unit would require 11 parking spaces which would require a code compliant parking lot.

Commissioner von Achen said they couldn't be stacked under the current code.

Mr. Crick said he believed that to be the case.

Mr. McCullough said they were mixing discussions of congregate living and duplex development. He said there were variances for the stacked parking for congregate living.

Commissioner von Achen asked if variances could be obtained for stacked parking with congregate living.

Mr. McCullough said a variance could be requested but that it wasn't common. He said they were talking about parking along alleyways, not driveways in the front yard.

Mr. McCullough said staff agreed with item #1 of Mr. Gough's letter that there needed to be clarified language on the scope of the project. He said item #3 regarding legal non-conforming lots afforded the same protection. He said regarding non-conforming, congregate living was only recently added to this section. He said it was a policy question before them tonight about whether they want to afford duplexes the protection to rebuild or not.

Commissioner Sands felt clarifying the scope should be included in the motion. He said they may need to address parking in each district. He wondered if stacked parking was more concentrated in certain districts.

Commissioner Kelly said he would be interested to hear from sub-committee members if the intention was to amortize stacked parking for duplexes.

Commissioner Culver said during his time on the sub-committee he did not hear any discussions about trying to reduce density, but rather preserving the integrity and character of the area. He felt there needed to be some protection for duplex owners.

Commissioner Britton inquired about the 60% threshold.

Mr. McCullough said it was based on the State Statutes. He said it was a rolling system of bringing properties into compliance.

Commissioner Britton asked if a person was just remodeling or renovating would it apply.

Mr. McCullough said no.

Historic Resources Commissioner Hernly asked if the number of tenants allowed in a single unit was not controlled by the number of parking spaces.

Mr. McCullough said that was correct.

Historic Resources Commissioner Hernly said by reducing the number of potential parking spaces without reducing the number of tenants parking would be forced onto the street.

Mr. McCullough said that was discussed as a possible unintended consequence. He said reducing parking and bedrooms would not necessarily reduce the number of occupants.

Historic Resources Commissioner Arp said the idea with the 60% threshold was that over time non-conforming properties, through acts of God, would slowly bring the area into total conformity with the code. He wondered if other areas of town had protection.

Mr. McCullough said non-conforming structures and non-conforming uses could seek a variance from the Board of Zoning Appeals or conform with a new use or rezone.

Historic Resources Commissioner Arp said it sounded like there were legal ways for someone to get a variance or comply with current code.

Mr. McCullough said there were no guarantees.

Historic Resources Commissioner Arp inquired about grandfathering these current non-conforming structures.

Mr. McCullough said the code could be very specific to reflect directly to these areas.

Historic Resources Commissioner Arp wondered why they wouldn't require non-conforming properties to go through a legal process on their own merits.

Mr. McCullough said that was the policy question before them.

Historic Resources Commissioner Fry said a variance wouldn't be an option.

Mr. McCullough said the guidelines would be the applied code but a variance would be able to be pursued.

Commissioner Britton asked if the Planning Commission and Historic Resources Commission recommendations needed to be the same.

Mr. McCullough said no.

Commissioner Carpenter asked Mr. Jon Josserand and Ms. Candice Davis about preserving what was there. He asked if the Design Guidelines were meant to preserve all the duplexes or create non-conforming uses.

Ms. Davis said no. She said the notion of duplexes and stacked parking was brought to the attention of the Planning Department years ago. She said most duplexes used to be small but have become large apartment complexes. She felt they were detrimental to the neighborhood. She said they needed to create balance for renters, home owners, and families living in the neighborhood, while preserving the integrity of the neighborhood.

Mr. Josserand said he did not believe the sub-committee ever discussed it. He did not feel there should be a different process for duplexes.

Commissioner Sands asked Mr. Werner about the 13 bedroom house example he mentioned earlier.

Mr. Werner said he received a variance for stacked parking with the support of the Oread Neighborhood Association because it was the best option for that structure.

Commissioner Sands asked what stacked parking allowed him to do with the rest of the lot.

Mr. Werner said it was landscaped and had 9 parking spots on the lot and off the alley.

Commissioner Sands asked what the next best options would be for non-stacked parking.

Mr. Werner said for 1338 Ohio Street the best thing would be to allow 5 cars off the alley. He said that option wouldn't add a garage or impervious surface. He said for a non-conforming structure it would be difficult to get a variance right after a rule change.

Commissioner Kelly said it was important to establish whether they wanted to preserve or back it up. He said he did not want to move anyone backwards. He would like to add four duplexes to the language of section 1503(e)(2).

Mr. McCullough asked if Commissioner Kelly was saying that if a structure was damaged past 60% they would get to keep the stacked parking.

Commissioner Kelly said yes.

Commissioner Carpenter said he was having a hard time providing special protections for duplexes in the overlay district that don't exist for duplexes in other areas of town. He said some of the duplexes were bigger than congregate living.

Commissioner Britton said he was comfortable with the option for a variance when needed. He said it could slow renovations but that it was a balancing act.

Historic Resources Commissioner Buchanan Young asked who determined the 60%.

Mr. McCullough said it was based on an exercise that Planning and Development Services does sometimes on what the fair market value is from the County Appraisers office and the cost to repair. He said as it gets closer to the 60% threshold more information is needed, such as bids.

Commissioner Sands agreed with Commissioner Carpenter about the variance process and letting each project speak to its own merit, whether it's needed or not. He said there was already an established process.

Commissioner Struckhoff agreed that there was an avenue for special projects, such as requesting a variance.

Historic Resources Commissioner Buchanan Young said there were processes in place and she favored not protecting duplexes. She said regarding parking there was a cultural shift with millennials and they were not getting their driver's license as early.

Mr. McCullough clarified that in the overlay district in the design standards there were appeals to the standards that go to Historic Resources Commission for review, then to City Commission, then to District Court.

Historic Resources Commissioner Fry felt there ought to be protection for duplexes since the Board of Zoning Appeals was not an option.

Historic Resources Commissioner Quillin felt having appropriate channels would be the best avenue.

Historic Resources Commissioner Buchanan Young asked Historic Resources Commissioner Hernly if he had read through the guidelines.

### **ACTION TAKEN by Historic Resources Commission**

Historic Resources Commissioner Buchanan Young made a motion to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Buchanan Young asked for someone else to make the motion.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Quillin, to determine the proposed urban conservation overlay district meets the selection criteria under Chapter 20-308(b) and recommend approval for the UC district zoning and associated design guidelines to the Planning Commission and City Commission that the required 20-308(d)(3)(1-3) is included in the design guidelines document.

Historic Resources Commissioner Hernly said the only ones they were adjusting were items #1 and #3 from Mr. Matt Gough's letter.

Motioned by Historic Resources Commissioner Hernly, seconded by Historic Resources Commissioner Arp, to approve with changes to include points #1 and #3 from Mr. Matt Gough's letter.

Unanimously approved 5-0.

### **ACTION TAKEN by Planning Commission**

Commissioner Culver expressed concern about wholesale changes that could create legal non-conforming uses.

Commissioner Britton said there seemed to be difference between a renovation versus an act of God. He said he was less concerned about voluntary renovations having to meet new guidelines.

Commissioner Carpenter said they were creating non-conforming uses by adopting the guidelines and they should not add duplexes to the list. He felt any damage could be reviewed on a case-by-case basis.



Commissioner von Achen said they should not include duplexes. She stated that replacing large duplexes misses the point of what they were trying to do.

Commissioner Struckhoff said he did not want to include the exemption for duplexes.

Commissioner Butler did not feel an exemption for duplexes was warranted. She would like to see the neighborhood returned to its intended use.

Motioned by Commissioner Carpenter, seconded by Commissioner Kelly, to echo the motion by Historic Resources Commission to adopt the guidelines as recommended by staff, which would exclude including additional exemption to non-conformities for duplexes, with instructions to clarify points #1 and #3 from Mr. Matt Gough's letter.

Commissioner Culver encouraged City Commission to have further discussion about duplexes and how to retain and protect property owner rights.

Commissioner Britton said the variance and appeal process was enough to make the exceptions that need to be made for some of the duplexes or larger houses.

Commissioner Kelly said the guidelines were not just about parking and the 60% rule. He said there were a lot of wonderful things in the guidelines to protect and preserve a special part of Lawrence.

Approved 8-0.

## **Adjourn Joint Meeting Reconvene LDCMPC**

### **ITEMS NO. 3A-3F RECOMMEND THE ESTABLISHMENT & ADOPTION FOR AN URBAN CONSERVATION OVERLAY DISTRICT (-UC) FOR 190.8 ACRES WITHIN THE OREAD NEIGHBORHOOD BASED UPON ADOPTION OF THE OREAD NEIGHBORHOOD DESIGN GUIDELINES. Districts 1-6 AS IDENTIFIED IN THE INTERACTIVE MAP:**

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**Z-12-00172:** Oread Design Guidelines District 1 (Low Density), 38.1 Acres, from RM12 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District, RM32 (Multi-Dwelling Residential) District, U-KU (University) District to RM12-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM12D-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, U-KU-UC (University – Urban Conservation Overlay) District.

**Z-12-00175:** Oread Design Guidelines District 2 (High Density), 43.7 Acres, from MU (Mixed Use) District, MU-PD (Mixed Use – Planned Development Overlay) District, PCD (Planned Commercial) District, RM32 (Multi-Dwelling Residential) District, RM32-PD (Multi-Dwelling Residential – Planned Development Overlay) District, RMG (Multi-Dwelling Residential – Greek Housing) District, RMO (Multi-Dwelling Residential – Office) District, U-KU (University) District to MU-UC (Mixed Use – Urban Conservation Overlay) District, MU-PD-UC (Mixed Use -

Planned Development Overlay - Urban Conservation Overlay) District, PCD-UC (Planned Commercial – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RM32-PD-UC (Multi-Dwelling Residential – Planned Development Overlay – Urban Conservation Overlay) District, RMG-UC (Multi-Dwelling Residential – Greek Housing - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office District - Urban Conservation Overlay) District, U-KU-UC (University - Urban Conservation Overlay) District.

**Z-12-00177:** Oread Design Guidelines District 3 (Medium Density), 63.5 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CS-UC (Commercial Strip - Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office - Urban Conservation Overlay) District.

**Z-12-00173:** Oread Design Guidelines District 4 (Hancock Historic District), 4.8 Acres, from RM32 (Multi-Dwelling Residential – Urban Conservation Overlay) District to RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District.

**Z-12-00174:** Oread Design Guidelines District 5 (Oread Historic District), 28.9 Acres, from CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District, RSO (Single-Dwelling Residential – Office) District to CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District, RSO-UC (Single-Dwelling Residential – Office – Urban Conservation Overlay) District.

**Z-16-00058:** Oread Design Guidelines District 6 (Commercial), 11.9 Acres, from CN2 (Neighborhood Commercial) District, CS (Commercial Strip) District, RM32 (Multi-Dwelling Residential) District, RMO (Multi-Dwelling Residential – Office) District to CN2-UC (Neighborhood Commercial – Urban Conservation Overlay) District, CS-UC (Commercial Strip – Urban Conservation Overlay) District, RM32-UC (Multi-Dwelling Residential – Urban Conservation Overlay) District, RMO-UC (Multi-Dwelling Residential – Office – Urban Conservation Overlay) District.

#### **ACTION TAKEN on Items 3A-3F**

Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve rezoning of 190.8 acres to apply the –UC (Urban Conservation Overlay District), and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in the staff report.

Unanimously approved 8-0.

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**ITEM NO. 4                    RM12 TO RS7; 2.235 ACRES; 805, 811, 817, 823, 829, 835  
                                     RENAISSANCE DR (SLD)**

Langston Heights: **Z-16-00022**: Consider a request to rezone approximately 2.235 acres from RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 805, 811, 817, 823, 829 and 835 Renaissance Drive. Submitted by Tim Herndon for Langston Heights Development, LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Tim Herndon agreed with the staff report and was present for questions.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the request to rezone, Z-16-00022, approximately 2.23 acres from RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 805, 811, 817, 823, 829 and 835 Renaissance Drive, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Approved 8-0.

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**ITEM NO. 5A      RM24-PD TO RMO-PD; 14.2 ACRES; 1800, 1809, 2021 CROSSGATE DR (SLD)**

Alvamar: **Z-16-00026**: Consider a request to rezone approximately 14.2 acres from RM24-PD (Multi-Dwelling Residential with Planned Development Overlay) District to RMO-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 1800, 1809, & 2021 Crossgate Drive. This rezoning applies only to Proposed Lot 3 of the Alvamar Planned Development. Submitted by Paul Werner Architects, for Eagle 1968, LC, (contract purchaser). Alvamar Inc. is the property owner of record.

**ITEM NO. 5B      PRELIMINARY DEVELOPMENT PLAN FOR ALVAMAR; 1800, 1809, 2021 CROSSGATE DR (SLD)**

Alvamar: **PDP-16-00052**: Consider a Revised Preliminary Development Plan for Alvamar PD, Lots 1, 2a, 2b, and 3, located at 1800, 1809, & 2021 Crossgate Dr. Submitted by Paul Werner Architects, for Eagle 1968, LC, (contract purchaser). Alvamar Inc. is the property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented Items 5A and 5B together.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said his biggest discrepancy was over the office use. He showed an overall plan on the overhead and pointed out features of the project. He said underground parking would be provided. He said he was fine with the traffic calming condition but that it was a little open ended.

**PUBLIC HEARING**

Mr. Warren Corwan, Quail Point at Alvamar Neighborhood Association, said about 52 resident families live around the back 9. He said they had about 30-40 million dollar investments in their homes and want to see the golf course stay viable. Said the concept plan showed by Mr. Werner tonight looked like it would be helpful to maintain. He wanted something in writing instead of just talk. He thought they were in agreement with Alvamar now and that it would make the golf course solvent.

Mr. Doug Lawrence said that 27 holes was a very viable business plan for the new owners of Alvamar. He thanked staff and the applicant. He expressed concern about traffic on Crossgate and the aesthetics of the course.

Mr. Paul Davis, attorney representing Woodfield Meadows residents living on the north side of Crossgate, said he approached the developer and expressed the concerns they had, such as the construction road, drainage, and increased traffic.

Mr. Steve Koger, 2004 Crossgate Dr, supported the project. He appreciated staff and the developer arriving at a transition plan to minimize construction traffic.

Mr. Don Johnston urged Planning Commission to help work with the developer to make this happen to preserve a viable golf course.

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<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Mr. Bob Johnson, President of Alvamar Corporation, said the golf course needed to be viable to ensure its success. He felt sports medicine would be consistent with the golf course and he didn't realize staff was recommending denial of it.

Mr. Franklin Linseisen, 1911 Crossgate, expressed concern about increased traffic and noise.

#### **APPLICANT CLOSING COMMENTS**

Mr. Werner appreciated the comments from the public.

#### **COMMISSION DISCUSSION**

Commissioner Sands asked staff to summarize recommendation for denial.

Ms. Day said the parking was an ancillary issue. She said staff did not believe the range of uses and intensity of uses was there and accountable within the project.

Commissioner Carpenter said lot 4 had no specific use yet.

Ms. Day said that was correct.

Commissioner Carpenter asked if it would come back to Planning Commission.

Ms. Day said that was correct.

Commissioner Britton said any time staff recommended denial he gave it a lot of weight because staff tries to make projects work. He said the office use gave him some concern about it generating additional traffic and how compatible it would be.

Commissioner Kelly asked Mr. Werner about how strong the sports medicine office was as part of the plan since it had changed a few times.

Mr. Werner said it may change again and that he was trying to narrow down the client. He thought the sports medicine was an allowed use as accessory to the golf course. He said they had users that would like to be up there with the sports medicine idea.

Commissioner Kelly asked Mr. Werner if he saw people using the sports medicine when they are already there or going there just for the that service.

Mr. Werner said both. He said there may be less trips to someone who has an office there. He liked the idea that the hours were different. He said he would rather chop away the unwanted uses in RMO.

Commissioner Butler inquired about the use changing again.

Mr. Werner said the plan would change again. He said there was empty space on lot 3 and nothing on lot 4.

Commissioner Kelly asked staff if they went through an exercise to limit the uses.

Ms. Day said she previously asked the applicant that and he was not comfortable limiting the uses at that time.

Commissioner Culver asked if a cap would include limiting the square footage.

Ms. Day said it would be based on the development plan and what was being requested. She said changes to increase that above 5% could require a public hearing.

Commissioner Struckhoff said this project was to save and support Alvamar. He was struggling with the idea of having services not directly related to the golf course. He said he was leaning against the rezoning request. He felt it should be populated by services in direct support of golf course and its patrons.

Commissioner Britton said when staff recommends denial he usually goes with that recommendation because it was rare and means there may not be other options. He said there were other areas available for the office use and that it was not an essential component to the project.

Commissioner Sands asked if the 19,000 square foot office building would remain if the use was denied.

Mr. Werner said no, it would be taken off the plan.

Commissioner Britton said changes at Bauer Farm over the years moved away from the concept. He said the use creep was a concern even though it was a PD. He felt it was hard to draw the line down the road.

Commissioner Sands said regarding comments about increased traffic, there was no traffic data to base that concern on. He felt the office use would be ancillary. He felt the zoning needed to stay related to the golf course.

#### **ACTION TAKEN On Item 5A for Rezoning**

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to deny the request to rezone, Z-16-00026, approximately 14.2 acres from RM24-PD (Multi-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for denial.

Commissioner Kelly said he did not want Alvamar to become Bauer Farms. He felt there could be additional work done and he would support the motion.

Commissioner von Achen said she would support the motion. She said she did not have a problem with the office use, but the zoning and potential uses it could bring in. She said the staff report stated the zoning was more appropriate for arterial and collector roads.

Commissioner Britton said the denial was not the direct impact of this specific use of sports medicine, but issue of future changes.

Commissioner Culver said he would like to see some compromise with staff and the applicant to limit specific uses.

Commissioner Carpenter said he would support the motion and felt the rezoning could open the door to other possible negative uses.

Mr. Werner asked what he should do to work on it.

Commissioner Kelly said Mr. Werner should work with staff on conditions.

Mr. Werner would rather have the opportunity to narrow the scope and come back with that.

Commissioner Culver suggested the applicant work with staff to refine the conditions.

Motion carried 8-0.

### **ACTION TAKEN On Item 5B for Preliminary Development Plan**

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the Alvamar Preliminary Development Plan, PDP-16-00052, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the conditions of the staff report.

Commissioner Kelly responded to Mr. Lawrence's comments about design. He noted that the Commission does have design guidelines for some things and not for this one. He noted the Commission heard Mr. Lawrence's concerns but could not address them in this project.

Commissioner von Achen asked what direction staff was looking for.

Ms. Day said that the first issue was the parking table. Reflecting what the required parking is across the top of the table. She provided an example of the required parking. The fitness building plan showed 59 spaces, staff calculated that the required parking was 60 spaces. The grill/pool use required 17 spaces, the plan showed only 5 spaces required. She noted that the plan was designed with anticipation of approval of the medial office use and the related 64 off-street parking for that use. Staff recommends that if the use is removed the related parking for the use should be retained.

Commissioner von Achen asked if the 64 spaces were retained what would be the parking deficit.

Ms. Day estimated that the deficit of parking would be about 30 spaces. The difference between the number of parking spaces required and the number of parking spaces provided was manageable for this project. The concern was the distribution of off-street parking within the development and where those parking spaces would be located. Ideally, staff recommended the project capture an additional 20 spaces between Lot 2a and Lot 1. The project was hemmed in by the topography, location of existing buildings and street design. She stated it was unlikely that the 20 spaces could be captured without going additional levels underground. The most reasonable option was to add spaces to Lot 3. This would place that parking closer to where that activity area was located and then maintains the residential parking at its level at 100%.



Commissioner von Achen summarized that plan would retain the 64 spaces and add an additional 20 spaces with shared parking. This concept would result in only a handful of spaces short for the project.

Ms. Day responded affirmatively. The project assumes some sharing. She stated the project was unique and included uses that would have a different time demand. Some uses would have a high daytime parking demand and some a high evening demand. Some uses would have a high seasonal demand such as the pool. When the pool is closed the project picks up 97 spaces. She said to get this project right was to manage getting the parking in the right locations. Where it was missing was on Lot 1 and possibly the south portion of Lot 2B. She stated the plan as proposed used a lot of "on-street" parking to support building K, a multi-dwelling use.

Commissioner Culver asked if shared parking was calculated into the numbers shown on the plan.

Ms. Day responded that she did not calculate the shared parking. The applicant provided the commission a spreadsheet of that parking as a shared analysis. It is a comparable study to a shared parking analysis that staff would have completed. She said it was difficult to do that kind of analysis for this type of analysis.

Commissioner Culver asked if that was an analysis that would be beneficial to take on with the applicant to see if there was a balance without adding more parking. He thought that the project would have an element of shared parking.

Ms. Day agreed that there was shared parking and that the issue was the distribution of parking. She said it was a challenge. She stated the residential use relied heavily on the parking that was provided on the private street. The project did not allow capturing the whole 114 spaces that were on the street for non-residential uses because almost half were required to meet the residential demand.

4:40

Mr. Werner was recognized and stated that he was looking at the banquet facility for 409 people and that it was not occupied 100% of the time. When the pool is closed there would be 80 more spaces. He said he was already over 200 more space. He said he would have to figure out a shared percentage and that he cannot build 1200 spaces. He said they were not needed.

Commissioner Sands agreed that the central area around Lot 1 and Lot 3 was the core where the parking should go and that there was still a shortage of 41 spaces in the residential use stated in the staff report. He stated that was the focus of his concerns. He said if there was overflow in either the residential or the activity area it was going to cause that spillover. He said what they don't want to have happen on a Sunday, when the pool is open, and people are playing golf and people are coming home from church, are going to result in time when residents can't find parking. He agreed that 1200 parking spaces would not be needed all the time. He said the provision of that much parking would ruin the aesthetics of Alvamar. He did not know if there was a method to squeeze another 41 spaces. The spaces freed up by the medial office use would not really be supporting the uses of Lot 2A or Lot 2B.

Commissioner Britton asked staff if Planning Commission wanted to focus on the 41 spaces that were lacking for the residential use could they condition 2e to revise the parking table to show the



total required off-street parking for residential uses that the applicant would need to show. He recognized that Commissioner Sands made a good point that a lot of asphalt was not desirable. But he stated that he had a level of trust that Alvarado had the knowledge to know how much parking was needed to run these uses and that if this turned out to not be enough then they would want to add parking. He said customers attending a wedding reception when rainy would not want to walk through the grass and that would be an undesirable perception of an event facility. He agreed that it was difficult to figure out and that there should be some accommodation for those non-residential uses. He said he could not imagine people living there without cars and that it was a well known quantity and that it was a use that needed to be accounted for at least for the 41 spaces. He asked for consensus from Planning Commission if they agreed to the need for the 41 residential spaces. Planning Commission indicated affirmatively. He asked for consensus regarding the non-residential parking deficiency.

Commissioner Struckoff commented with regard to the shared parking and the differences in the time differential between uses and occupancy of residential and non-residential uses leave room. He was okay with the project as proposed but thought the residential use needed to be addressed.

Commissioner von Achen stated that she did not feel qualified to judge if the shared parking was adequate or not and wanted to know or have something in the conditions that required the applicant and staff to go back and assess what was needed in terms of the number of spaces and how to get them.

Commissioner Kelly stated he concurred with Commissioner von Achen and asked staff if there was something specific staff was looking for.

Ms. Day said the suggestion to revise condition 2e so that parking was provided on Lot 2a and Lot 2b. She said it would have to meet the residential parking provided off-street, traditional off-street parking, garage, surface parking, satellite parking, which was the applicant's design task, not Planning Commission or staff.

Commissioner Carpenter said other than the residential he thought it was premature to be discussing parking because they did not know what iteration of the plan would be coming forward for Lot 3 and Lot 4.

Commissioner Struckoff withdrew his second to the motion.

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the Alvarado Preliminary Development Plan, PDP-16-00052, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the conditions of the staff report, with a revision to condition 2e: *Revise the parking table per this staff report to show the total required off-street parking for residential uses on Lots 2A and 2B.*

1. The applicant shall provide a revised Preliminary Development Plan that includes the following notes:
  - a. Applicant shall execute an agreement, at the time of recording the Final Plat, not to protest the formation of a benefit district, for a period of 20 years, for the installation of a traffic signal at the intersection of Bob Billings Parkway and the new street, if one is determined by the City Engineer to be needed in the future.

- b. The development shall include the installation of traffic calming devices installed on Crossgate Drive north of Clinton Parkway to mitigate concerns of the neighbors. The timing of the installation shall be prior to issuance of a certificate of occupancy for any residential structure. The design of the improvements shall be coordinated with the Public Improvement Plans for the development.
  - c. Per section 20-1009 (b) of the Land Development Code, any use of artificial turf, located on any lot or as part of the golf course, shall require City Commission approval prior to installation.
  - d. The development shall adhere to the construction and phasing plan as approved by the City Commission.
2. The applicant shall provide a revised Preliminary Development plan that includes the following changes:
- a. Revise the width of the 30' access/utility easement for the "private street segment" to include sidewalks on both sides of the private street.
  - b. Revise drawing to remove all references to "Sports Medicine".
  - c. Revise drawing to provide parking for the chapel use.
  - d. Revise parking table to show the required parking for the Banquet Facility based on the standard for *Event Center, Large* at 1 space per 4 occupancy. This correct parking requirement should show 103 spaces.
  - e. Revise the parking table per this staff report to show the total required off-street parking.

Unanimously approved 8-0.

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**ITEM NO. 6                    COMPREHENSIVE PLAN AMENDMENT; K-10 & FARMER'S TURNPIKE PLAN (JSC)**

**CPA-14-00005:** Consider a revised Comprehensive Plan Amendment to *Horizon 2020* Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans – *K-10 & Farmer's Turnpike Plan* to revise the Future Land Use map. Submitted by B.G. Consultants, Inc. *Planning Commission recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/08/15. The revised Comprehensive Plan Amendment has been reduced in scope; retaining the request to reclassify approximately 13.5 acres from Residential/Office to Office/Research but removing the request to include adjacent parcels for additional residential land use.*

**STAFF PRESENTATION**

Mr. Jeff Crick presented the item.

**APPLICANT PRESENTATION**

Mr. David Hamby, B.G. Consultants, thanked staff for their work. He showed the concept plan on the overhead. He said the site was constrained by the existing easements. He said it was pretty well screened by the tree line to the south and the natural topography.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen expressed concern about an aesthetic gateway to the city. She did not feel this was it.

Commissioner Britton echoed Commissioner von Achen's concerns and comments. He felt if they were going to change the Sector Plan for a specific project it should be an exciting project.

Commissioner Sands said it would still require a Conditional Use Permit and would come back to the Planning Commission.

Mr. Crick said it would have the same future land use.

Commissioner Culver said it would be stretch to get something grand and exciting on that piece of land.

Commissioner Kelly said it was a tricky piece of property and there weren't guidelines for what a gateway should look like. He said he did not like making Comprehensive Plan Amendments but this was a specific piece of property with easement issues. He said he was not sure what else could be put there.

Commissioner Struckhoff said it was a limited parcel. He said there was already an industrial warehouse building and electrical substation at this gateway entrance. He said he was okay supporting this.

Commissioner Britton said two years had passed and there was no more clarity on gateways.

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

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to approve the Comprehensive Plan Amendment, CPA-14-00005, and forwarding to the Lawrence City Commission and Douglas County Board of Commissioners with a recommendation for approval.

Unanimously approved 8-0.

Motioned by Commissioner Struckhoff, seconded by Commissioner Sands, to authorize the Chair of the Planning Commission to sign Planning Commission Resolution PCR-16-00019.

Motion carried, 8-0.

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**ITEM NO. 7                      TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION  
REGULATIONS; ACCESSORY DWELLING UNITS (MKM)**

**TA-15-00461:** Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.*

**ACTION TAKEN**

Motioned by Commissioner Britton, seconded by Commissioner Kelly, to defer until April 25, 2016 Planning Commission.

Motion carried 8-0.

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**ITEM NO. 8                      TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY  
CONVERSION SYSTEMS (SLD)**

**TA-15-00571:** Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen asked about the key issue conditions required for approval.

Ms. Day said staff would tell a perspective applicant that they need to address these key issues and provide some kind of response to it.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Kelly, to approve Text Amendment, TA-15-00571, to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems, and forwarding to the Board of County Commissioners for approval.

Approved 8-0.

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**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1      APPOINTMENT TO MPO POLICY BOARD**

Appoint Planning Commission member to Metropolitan Planning Organization (MPO) Policy Board.

Commissioner Britton said he would recommend Commissioner Struckhoff.

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to appoint Commissioner Struckhoff to serve as the county appointee on the MPO.

Motion carried 7-0-1, with Commissioner Struckhoff abstaining.

**MISC NO. 2      UPCOMING CALENDAR EVENTS**

A possible quorum of the Planning Commission may attend the following event:  
Regional Economic Development Educational Seminar, Thursday, April 21, 3:30 – 5:00 p.m.  
Location: Carnegie Building, 200 W. 9<sup>th</sup> Street. Public is invited.

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**ADJOURN 11:52PM**