



PLANNING COMMISSION MEETING

May 18, 2015

Meeting Minutes

May 18, 2015 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Struckhoff, von Achen

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of April 20, 2015.

Motioned by Commissioner Kelly, seconded by Commissioner Denney, to approve the April 20, 2015 Planning Commission minutes.

Motion carried 8-0-1, with Commissioners Graham abstaining.

COMMITTEE REPORTS

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

Commissioner Kelly said Horizon 2020 was moving to the issue action report and getting the format ready for the public to see.

Mr. McCullough said there would be a public meeting, most likely in July.

Commissioner Josserand said the Oread Design Subcommittee was canceled last week and a new meeting had not been scheduled.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

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ITEM NO. 2 CONDITIONAL USE PERMIT FOR FLORY DAIRY EQUIPMENT; 702 E 1747 RD (MKM)

CUP-15-00113: Consider a Conditional Use Permit for Flory Dairy Equipment at Vinland School, located on approximately 3.9 acres at 702 E 1747 Rd, Baldwin City. Submitted by Flory Dairy Equipment, Inc, contract purchaser of the property, for Rural High School District No. 1/Unified School District No. 348, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

APPLICANT PRESENTATION

The applicant submitted a letter requesting a deferral.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to defer Item 2 per the applicant's request.

Motion carried, 9-0 to defer.

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**ITEM NO. 1 CONDITIONAL USE PERMIT FOR A MICRO-DISTILLERY; 1743 N 200 RD
(MKM)**

CUP-15-00060: Consider a Conditional Use Permit for a micro-distillery, a *Value-added Agricultural Business*, located on approximately 20 acres at 1743 N 200 Rd, Baldwin city. Submitted by William R. Murphy for Sunwise Turn Farms, LLC, a.k.a. Maple Leaf Orchards, LLC, property owner of record.
Joint meeting with Baldwin City Planning Commission.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. William Rory Murphy said they were rehabilitating the trees that survived the years of neglect on the site. He said they also planted new apple trees. He said the new trees would take 3-5 years to mature. He said the Conditional Use Permit would allow them to bring in fruit if needed. He said he did not have time to talk to the Health Department regarding the septic system.

PUBLIC HEARING

Mr. Matt Kirby, Baldwin City Planning Commission, referenced the letter of unanimous support from the Baldwin City Planning Commission that was included in the packet. He said this type of business had culture, prestige, and a connection to artisanry. He said Baldwin Planning Commission felt it would likely be a business with a connection to interesting kinds of food related businesses. He said it was a beautiful property.

COMMISSION DISCUSSION

Commissioner Josserand felt it was a great project and wished the applicant luck. He inquired about the typical life of an apple tree in this environment.

Mr. Murphy said the trees would be grown organically so that would create a disadvantage. He said the life span of an apple tree was anywhere from 20 to several hundred years.

Commissioner von Achen asked staff to explain how the process would differ if they obtained all the apples they needed from their property.

Ms. Miller said if the applicant raised all the apples it would probably be considered an agricultural use and would not come before Planning Commission. She said that would be something that the County Zoning & Codes would look at. She said if they did not raise all the apples a Conditional Use Permit would be required.

Commissioner Liese inquired about the Starlight Distillery press release and if it was related.

Mr. Murphy said he shared that with staff because he thought it might be of interest to see how other communities had received distilleries. He said it was a much larger scale operation than what he would be running. He said some states were passing laws to encourage distilleries and that it was a growing and popular endeavor.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Denney, to approve the Conditional Use Permit, CUP-15-00060, for a micro-distillery, a *Value-added Agricultural Business* use, subject to the following conditions:

1. The following standards apply to the use:
 - a. A maximum of 4 full-time equivalent employees are permitted.
 - b. The total area of the structures used for operation, production, or storage may not exceed 10,000 sq ft.
 - c. Noise, light, vibration, or odor associated with the production may not be perceptible beyond the site boundary/property lines.
 - d. The process must comply with EPA water and air quality standards.
 - e. All equipment used in production shall be located wholly within a building or structure or be screened from the public rights-of-way and adjacent residential buildings.
 - f. Product shall be enclosed within a building or structure so that it is not visible from the property lines.
 - g. Deliveries from vehicles with a GVW (Gross Vehicle Weight) that exceeds 5 tons in capacity are limited to no more than 2 trips (to and from the site) per day.
2. Provision of a revised CUP plan with the following changes:
 - a. Identify the areas where storage for the aging process may occur and add the following note *"If storage is to occur in any structure other than the Morton building, the Zoning and Codes Office shall be notified, all necessary building permits obtained, and the structure shall be brought into compliance with current building codes before use."*
 - b. Add the following notes:
 - i. *"The Conditional Use Permit will be administratively reviewed by the Zoning and Codes Office every 5 years following approval."*
 - ii. *"Prior to the commencement of the use, an additional septic system shall be installed for the Morton building or the Morton building will be connected to the existing septic system."*

Unanimously approved 9-0.

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ITEM NO. 3 PRELIMINARY PLAT FOR THE RESERVE AT ALVAMAR; 1733 BOBWHITE DR (KES)

PP-15-00114: Consider a Preliminary Plat for The Reserve at Alvamar #4, located at 1733 Bobwhite Dr. Submitted by Landplan Engineering PA on behalf of Christopher & Amanda Storm, property owners of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Christopher Storm agreed with staff report and conditions.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked about dividing the tract. She was curious why they were segregating the tract away from the lot. She asked how that was beneficial.

Ms. Simmons said the regulatory floodplain had insurance impacts on the primary residence. She said if the regulatory floodplain was encroaching on the platted lot or where the primary structure was it could influence insurance rates. She said there was already a tract and separating off the tract to incorporate the regulatory floodplain area would separate that portion out from the buildable lot, which would not have an insurance impact on the property.

Commissioner von Achen asked if the lot would go with it if it were to be sold in the future.

Ms. Simmons said Mr. Storm would own both the tract and lot and that he would have to answer that question.

Mr. Storm said at this time he and his wife were still deciding if they wanted to build on it. He said if that was the case they would still own both. He said if he sold it his intent would be to sell it contingent upon owning both the tract and lot. He said he would sell them together under one ownership. He also said segregating the floodplain from the lot for insurance purposes allowed the City Stormwater Engineer greater ability to maintain the channel.

Commissioner von Achen said it seemed like it would be a very unattractive piece of property if not sold together.

Mr. Storm agreed. He said the tract would be more of a floodplain management issue.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve the Preliminary Plat, PP-15-00114, The Reserve at Alvamar No. 4, subject to the following conditions:

1. Approval of the Downstream Sanitary Sewer Analysis (DSSA) by the Utilities Department.
2. Provision of a note on the Preliminary Plat that a variance has been requested from Section 19-214(B) of the City Code related to the location of a sanitary sewer service line across public right-of-way or drainage easement.

3. Relocation of the proposed sanitary sewer service line to the east outside of the regulatory floodplain.

Unanimously approved 9-0.

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**ITEM NO. 4 FINAL DEVELOPMENT PLAN FOR BAUER FARM; XPRESS WELLNESS
URGENT CARE; 4700 OVERLAND DR (MKM)**

FDP-15-00108: Consider a Final Development Plan for Bauer Farm, Xpress Wellness Urgent Care Walk-In Clinic, located at the northwest corner of 6th St. and Folks Rd. Submitted by Kerr 3 Design Group, Inc., for Free State Holdings, Inc., property owner of record.

**ITEM NO. 5 FINAL DEVELOPMENT PLAN FOR BAUER FARM MULTI-FAMILY; 4700
OVERLAND DR (MKM)**

FDP-15-00066: Consider a Final Development Plan for Bauer Farm-Multi-Family, a 150 unit multi-dwelling residential development containing approximately 4.47 acres, located at 4700 Overland Dr. Submitted by Treanor Architects, for Bauer Farms Residential LLC, property owner of record.

**ITEM NO. 6 FINAL PLAT FOR BAUER FARM SEVENTH PLAT; 4700 OVERLAND DR
(MKM)**

PF-15-00094: Consider a Final Plat for Bauer Farm Seventh Plat, a 5 lot planned residential and office subdivision containing approximately 14.569 acres, located at 4700 Overland Drive. Submitted by Treanor Architects, for Bauer Farms Residential LLC and Free State Holdings, Inc., property owners of record.

Items 4, 5, and 6 were deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

**MISC NO. 1 MINOR SUBDIVISION VARIANCE FOR BELLA SERA AT THE PRESERVE;
4500 BOB BILLINGS PKWY (SLD)**

Minor Subdivision, MS-15-00096, variance request to reduce the right-of-way for a principal arterial street from 150' to 100' per section 20-813(g) of the Land Development Code for property located at 4500 Bob Billings Parkway.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly said the variance had been allowed four times in the past few years. He asked if there had been any thought about changing the Code language.

Ms. Day said the Design Standard addresses more of a street profile that would be applicable in new greenfield development rather than being responsive to existing conditions in arterial street profiles today. She said the regulation did not separate that out, which would allow applicants not to move through this process. She said that would require an amendment to the Subdivision Regulations.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve the variance requested for a Minor Subdivision, MS-15-00096, variance request to reduce the right-of-way from Section 20-810(a)(5) for a principal arterial street from 150' to 100' per section 20-813(g) of the Land Development Code for property located at 4500 Bob Billings Parkway.

Unanimously approved 9-0.

**MISC NO. 3 RV/TRAILER PARKING LOCATIONS & SINGLE-AXLE VS DUAL AXLE
IMAGES**

Follow-up discussion from May 6, 2015 Mid-Month Meeting regarding RV/Trailer parking locations and Single-Axle vs. Dual Axle Images.

STAFF PRESENTATION

Ms. Sheila Stogsdill provided links with pictures of single-axle and dual axle images.

Commissioner Liese felt they should exclude dual axle trailers because they were more commercial in nature.

Ms. Stogsdill asked the Commission to look for examples around town and be thinking about where things are located on lots.

MISC NO. 2 PC ORIENTATION TRAINING SESSION & UPDATES TO MID-MONTH CALENDAR

Establish Planning Commission Orientation Training Session (Friday, July 10 or Friday, August 14, 2015) and receive updates to the Mid-Month Calendar.

Commissioner Liese said July 24 and Aug 28 seemed to be good dates for Planning Commission members to get together for orientation.

Mr. McCullough reviewed topics for future Mid-Month meetings.

MISC NO. 4 ELECTION OF OFFICERS FOR 2015-2016

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

Motioned by Commissioner Liese, seconded by Commissioner Josserand, to nominate Commissioner Britton as Chair for 2015-2016.

Motion carried 8-0-1, with Commissioner Britton abstaining.

Motioned by Commissioner Culver, seconded by Commissioner Graham, to nominate Commissioner Kelly as Vice-Chair for 2015-2016.

Motion carried 9-0.

Commissioner Britton presented Liese with a plaque for his service as Chair during the past year.

ADJOURN 7:51pm

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