



PLANNING COMMISSION MEETING
November 15, 2017
Meeting Action Summary

November 15, 2017 – 6:30 p.m.

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

Staff present: McCullough, Stogsdill, Day, Ewert, Larkin, M. Miller, Mortensen, Weik

GENERAL BUSINESS

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of October 25, 2017.

Motioned by Commissioner Willey, seconded by Commissioner Paden, to approve the October 25, 2017 Planning Commission action summary minutes.

Approved 9-0. Commissioner Paden was not present for the vote.

COMMITTEE REPORTS

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

COMMUNICATIONS

Received Staff Memo regarding Landmark Nomination for Santa Fe Depot.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Sands said he spoke with residents who live near 5275 W 6th Street and spoke in opposition of Item 3 but gave no reasons.

Commissioner Paden said she had a brief discussion that came up during a Health Department meeting about Item 2 and the concept plan not including a link to the loop bikeway plan.

- No Abstentions.

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ITEM NO. 1 CONDITIONAL USE PERMIT FOR TEEN CHALLENGE GROUP HOME; 1332 E 1600 RD (MKM)

CUP-17-00499: Consider an amended Conditional Use Permit to renew the Conditional Use approval and to add a work program to the Teen Challenge Group Home, a *Non-Profit, Religious, Educational and Philanthropic Institution* use, located on approximately 17.4 acres at 1332 E 1600 Rd. Submitted by Heart of America Teen Challenge, Inc., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Mark Halford, American Teen Challenge, said that 50 cedar trees were along the fence. He said he didn't know they were in violation of anything and nobody had complained until now.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Butler inquired about the size of trucks visiting the site.

Ms. Miller said a complaint was made about a larger truck at the site and there was concern about it becoming more industrial with larger trucks.

Mr. Halford said the truck in question was a farmer that purchased pallets and picked them up with a big hay trailer. He said that the farmer did not drop off anything and that nobody ever drops off pallets.

Commissioner Willey expressed concern about limiting vehicles and that vehicles should be expected in an agriculture area.

Commissioner Sands asked if the business had been in place since 1996.

Ms. Miller said yes.

Mr. McCullough said the area was urbanized in the 1990's.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Carpenter, to approve the Conditional Use Permit to add a work program to the Heart of America Teen Challenge facility and to renew the Conditional Use approval subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. The CUP approval shall remain valid for 10 years after approval by the Board of County Commissioners and shall expire at that time unless an extension request, submitted prior to that deadline, is approved.
3. Addition of the following notes to the 2009 approved CUP plan:

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- a. *"A work-program involving the recycling of pallets, or similar activity, is approved for the group home facility provided that:*
 - i. *All materials or products associated with the work program that are stored outdoors shall be screened with a combination of fencing and landscaping (cedar trees on the west side of the fence, planted every 6 ft) and shall be located in the general area shown below.*



Unanimously approved 10-0.

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ITEM NO. 2 REZONING FROM IG TO IL; NW OF 31ST & HASKELL (SLD)

Z-17-00534: Consider a request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, located northwest of the intersection of 31st & Haskell Ln, 800 E 30th St, 3035 Haskell Ln, 930 E 30th St, 2910 Haskell Ln. Submitted by Paul Werner Architects, for Stanley R & Lois J Zaremba Trustee, Zaroco Inc, and Glen Hunter LLC, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea, Paul Werner Architects, said they would meet with the adjacent property owners and make sure the development did not cut off access to their site. She said their intention was not to cut off access to any property and that she shared the same concerns expressed in the letter sent by Eagle Trailer. She said the success of the development depended on clear circular patterns for existing and new development. She said there had been discussions with the City about the bicycle route and best way for that to happen as planned along 29th Street. She said at this time it dead ends and she was looking forward to that connection. She said the rezoning would allow the property to develop which could serve the existing industrial community.

PUBLIC HEARING

Mr. Kevin Fredrickson, Eagle Trailer, said he was not opposed to the rezoning request but did have concerns about the negative impacts to his business with vendors and customers not being able to easily access his site. He said Haskell Lane and 30th was the only access to his property.

COMMISSION DISCUSSION

Commissioner Kelly asked Mr. Fredrickson if truck traffic visiting his site came from 31st and Haskell Lane.

Mr. Fredrickson said traffic visiting his site was usually northbound on Haskell Lane. He said traffic rarely comes from the north.

Commissioner Willey thanked staff for answering all her questions within the staff report. She said she was comfortable with the rezoning. She said the area was different with the new K-10 road. She echoed the potential issue of traffic flow that Mr. Fredrickson expressed and said it would be addressed during the site plan process.

ACTION TAKEN

Motioned by Commissioner Willey, seconded by Commissioner Weaver, to approve the request to rezone approximately 8.745 acres, from IG (General Industrial) District to IL (Limited Industrial) District, based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Struckhoff said he was generally in favor of the concept. He said he was a member of the Burroughs Creek Park and Trail Steering Committee and that a more suitable connection should be made at the south end. He said the continuation of the Burroughs Creek Trail along 29th Street or along its existing path would be wonderful. He wanted to see a more smooth connection made for

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bicycles. He asked Mr. Fredrickson if traffic came up Haskell Lane from 31st Street did he anticipate a hardship in traffic traveling onto Haskell and then coming back to 29th Street.

Mr. Fredrickson said his customers and delivery trucks needed to be able to come up from the south on Haskell Lane up to 30th Street.

Commissioner Sands asked staff to outline the process after rezoning.

Ms. Day said the next step was the design stage with a multiple part process. She said there would be a subdivision process with a Preliminary Plat and Final Plat. She said the Preliminary Plat would be seen by Planning Commission and the Final Plat would be administrative. She stated a set of public improvement plans would be required and reviewed at the staff level.

Commissioner Carpenter inquired about the process of vacating right-of-way.

Ms. Day said right-of-way could be vacated through Public Works or the subdivision process.

Mr. McCullough said a full traffic impact study would be reviewed by the City's traffic engineer.

Commissioner Paden said she hoped to see multi-modal improvements.

Mr. McCullough said an element of the concept plan that was discussed with the applicant was the open space component at the corner. He said the development group indicated they would protect the forest area and staff would work to carry that forward in the future.

Commissioner Culver asked if the open space component was voluntarily being provided by the development group.

Mr. McCullough said there was a policy within the Development Code to protect at least 20% of sensitive lands but that the rule was currently only applicable to residential property. He said there was discussion with the applicant about this area being a gateway to the community.

Commissioner Kelly asked if the preservation of sensitive lands should be included within the rezoning.

Mr. McCullough said there wasn't a vehicle at this point for it but he wanted Planning Commission to know that there was a representation from the development group to preserve some of the open space.

Commissioner Sands said the open space area was outside of the requested rezoning area but was included on the concept plan. He wondered if they should consider it with the rezoning.

Mr. McCullough said it was not part of the rezoning request but he was trying to give credit to the developer for making the open space known up front.

Commissioner Kelly said he used the intersection multiple times a day and was supportive of development at that location. He said he respected Mr. Fredrickson's concerns. He liked the idea of vacating Haskell Lane and appreciated the thought that had gone into it. He encouraged traffic engineers to slow down or stop traffic.

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Commissioner Sands said the concept plan at this stage was helpful in getting an idea of what the site would look like. He supported mitigating concerns expressed by Mr. Fredrickson. He said he was inclined to support the rezoning.

Commissioner Carpenter inquired about the possibility for a gun range in the IL district.

Ms. Katherine Weik said a gun range would be allowed in the IL district.

Commissioner Kelly said there would be conflict of a gun range at this site with the Federal law and the distance of guns within a school.

Unanimously approved 10-0.

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ITEM NO. 3 REZONING FROM UR TO RMO; 5275 W 6th ST (KEW)

Z-17-00471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 5275 W 6th St. Submitted by Allen Belot Architect on behalf of Beckmeisters LLC, property owner of record.

STAFF PRESENTATION

Ms. Katherine Weik presented the item.

APPLICANT PRESENTATION

Mr. Allen Belot, Allen Belot Architect, said Beckmeisters was the owner of Bridge Haven Memory Care Cottages. He said the development would be for empty nesters/active seniors to live in until they needed to move to more advanced care facilities. He said it would contain one-story units with a partial basement. He stated each unit would have its own private fenced backyard. He said the Site Plan was very preliminary and there were still moving parts that needed work.

PUBLIC HEARING

Mr. Tom Carlson said he lived immediately south of the proposed project. He said the preliminary plan was out of character with the neighborhood. He suggested Mr. Belot tour the neighborhood and see what else was around the project.

Ms. Camille Leeson said she lived on Fox Chase Court and her backyard adjoined the property. She was opposed to a multi-story building and wanted the trees maintained. She agreed with the previous speaker that the project was not in character of the neighborhood. She felt the development would decrease her property value. She did not support the project and would much rather see housing that was consistent with the neighborhood.

Ms. Judy Dreiling expressed concern about decreased property value and buildings being higher than one story. She said this would be temporary placement housing and she did not feel this type of transient neighborhood would fit with the existing neighborhood. She said she would like to meet with the developer and provide input. She was opposed to the rezoning.

Ms. Leeson asked if the rezoning was approved could the building height be multiple stories.

Mr. McCullough said the next step would be the site plan which would include notice to property owners within 400' of the property. He said neighbors could visit the Planning office and look at the site plan or speak with the applicant. He stated the zoning carried certain property rights such as parking, building heights, and setbacks. He said there wouldn't be anything to limit it except the outcome of the site plan.

Commissioner Struckhoff asked if the building height difference was 10' between the adjacent zoning and proposed zoning.

Mr. McCullough said that was correct.

Ms. Weik said the zoning did not limit it to one story.

APPLICANT CLOSING COMMENTS

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Mr. Belot said the design did not include four-plexes. He said all of the development would be one story. He said he would meet with the neighbors to address concerns. He stated the neighborhood that was concerned now probably had neighbors who were concerned when that neighborhood was built.

COMMISSION DISCUSSION

Commissioner Kelly asked if the development directly to the west had a height of 3-4 stories.

Mr. McCullough said that was correct.

Ms. Weik said the development to the west had a zoning of RM15.

Commissioner Sands asked about the density difference of what had already been approved to the west and this proposed zoning.

Ms. Weik said RM15 zoning was typically 15 units per acre and RM24 would be 24 units per acre. She said the RMO zoning would be a little under the medium/high intensity of RM24 and higher. She said the RMO zoning allowed low intensity administrative and professional office use. She stated RMO zoning also required a mixed portion.

Commissioner Sands said he understood why the neighbors would be concerned.

Commissioner Sinclair inquired about the other side of Fox Chase Court.

Mr. McCullough said the corridor of 6th Street from Congressional over to Stoneridge contained mostly multi-dwelling type uses. He said the most recent development adjacent to RS had an overlay and locked in development pattern with the zoning so it was not left to chance later.

Commissioner Kelly said major arterials, such as 6th Street, usually transition from higher intensity to lower intensity. He said it looked more like the single family houses on Fox Chase Court were out of character since it was surrounded by multi-family.

Ms. Stogsdill said the subdivision west of Wakarusa developed as single family in late the 1980's or early 1990's. She said there were more pieces of individually owned property along the corridor that were not under the Alvamar/Bob Billings control so they were not part of the area master plan. She thought there may have been a concept in the past of how those neighborhood streets would have tied into some of the independent parcels but then those parcels developed separately. She stated Fox Chase Court was up a hill and was there long before the other things around it.

Commissioner Culver asked Mr. Belot about his thoughts on a PD overlay.

Mr. Belot said he asked for a rezoning and that was what he wanted. He said the speculation that he may do something other than what he said he would do was offensive. He said he came before Planning Commission with an honest request for RMO zoning. He said he does not need 22 units an acre but that was what the zoning provided. He wondered why they had to go through this complicated process when he was asking for a simple rezoning. He said he would rather not do a PD overlay because it would make things more complicated and expensive.

Commissioner Willey said Planning Commission had to take these things one piece at a time and because the zoning was one piece they needed to be comfortable moving forward with it. She said nobody was questioning Mr. Belot's intention.

Mr. Belot said he would submit a site plan in the next 60 days.

Commissioner Butler echoed Commissioner Willey's comments and said nobody was questioning Mr. Belot's integrity or motive. She said Planning Commission was just trying to explore the options and questions that the neighbors had.

Commissioner Kelly said rezoning essentially gives property rights to the property owner going forward. He said those rights would be on that property no matter what. He said Planning Commission has to think about the long term consequences and impacts to the community and not just the person who currently owns the property. He said they had a duty to ask questions and look out for the community and the developer. He said they were trying to consider options and find an opportunity for an agreement.

Commissioner Sands thanked the public for attending the meeting. He said he spoke with a few neighbors on Fox Chase Court and they were not in favor of the rezoning. He reviewed the Golden Factors. He said he was inclined to take the applicants word at face value that it would be less than what was allowed. He said he was still undecided on whether to approve the rezoning.

Commissioner Struckhoff said he was inclined to support approval of the rezoning given that there was a stated goal of one story buildings. He felt it was consistent with the neighborhood.

Commissioner Willey said she was in favor of what was being proposed. She said her only hesitation was not being able to see the proposed development with the rezoning.

Commissioner Kelly said a PD overlay could be created.

Mr. McCullough said the PD overlay would combine the project with the zoning. He said it was a tool that was useful for the "what-if" scenario.

Commissioner Carpenter said he liked the idea of the overlay to give protection to the neighbors.

Mr. McCullough said the application before Planning Commission tonight was a straight zoning so it could be deferred or denied.

Commissioner Carpenter asked if they could defer the zoning for it to catch up to the for site plan.

Mr. McCullough said if the applicant was willing to take a deferral and submit a PD overlay it would essentially be the same time frame.

Commissioner Carpenter asked if applicant would be open to deferral of the rezoning to do a PD overlay.

Mr. Belot said he wouldn't be opposed to a PD overlay but that it was costly and could determine whether the project was successful or not.

Commissioner Willey asked if the zoning and site plan were concurrently looked at why would they need an overlay district.

Mr. McCullough said the overlay district was the zoning vehicle that locked the zoning into the site plan. He said it was a higher hurdle to make changes and would require it to go back through the process.

Mr. Belot said the PD overlay was similar to a PRD where there was some flexibility. He said if he had to go with a PD overlay and it required a 30-35' setback then the project would not work.

Commissioner Sands asked staff about the traditional setback.

Mr. McCullough said 25' setback in the front, 25' setback in the rear, and 5' setback on the side.

Mr. Belot said he did not object the PD overlay.

ACTION TAKEN

Motioned by Commissioner Sands, seconded to Commissioner Paden, to defer the rezoning to provide the applicant time to move forward with a Planned Development (PD) overlay.

Motion carried 10-0.

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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 MEETING CALENDAR

Review and consider adopting the 2018 Planning Commission meeting dates and submittal calendar.

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to adopt the 2018 Planning Commission meeting dates and submittal calendar.

Approved 10-0.

ADJOURN 8:35pm