



## **PLANNING COMMISSION MEETING**

**October 24, 2016**

### **Meeting Action Summary**

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September 26, 2016 – 6:30 p.m.

Commissioners present: Britton, Carpenter, Culver, Kelly, Struckhoff, von Achen, Willey

Staff present: McCullough, Day, Larkin, M. Miller, Ewert

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## **GENERAL BUSINESS**

### **PLANNING COMMISSION ACTION SUMMARY MINUTES**

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of September 26, 2016.

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to approve the September 26, 2016 Planning Commission action summary minutes.

Unanimously approved 7-0.

### **COMMITTEE REPORTS**

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

Commissioner Culver said the Metropolitan Planning Organization Policy Board met October 5. He said they had several plans updated and approved; the Regional Pedestrian Plan and the 2017-2020 Transportation Improvement Plan. He said they also established the T2040 Steering Committee.

Commissioner Britton said the Horizon 2020 Steering Committee met a week ago to wrap up discussions prior to staff getting into the meat of drafting specific language to bring back to the steering committee in a few months.

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

- Ex parte:  
Commissioner Willey said she toured the 1501 Learnard property and met Mr. Millstein as part of the American Planning Association urban agriculture tour. She said nothing was disclosed that wasn't part of the packet.
- No abstentions.

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**ITEM NO. 1      CONDITIONAL USE PERMIT; PRAIRIE MOON WALDORF SCHOOL; 1853 E  
1600 RD (SLD)**

**CUP-16-00340:** Consider a Conditional Use Permit for child care at Prairie Moon Waldorf School, located at 1853 E 1600 Rd. Submitted by Waldorf Association of Lawrence on behalf of Grant Township, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Ms. Melissa Watson, Administrator of Prairie Moon Waldorf School, was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen asked the applicant to provide a brief summary of Prairie Moon.

Ms. Watson said Prairie Moon used the Waldorf or Steiner approach, which looks at childhood development as seen through the lens of anthroposophy. She said they believed that early childhood needed to be preserved and children should be learning through play. She said it was a play based approach. She said the rooms were set up like a home. She said the teacher moves with the student through each grade and the family gets to know teacher very well.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Carpenter, to approve the Conditional Use Permit, CUP-16-00340, for Prairie Moon School *Preschool Program*, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report.

Unanimously approved 7-0.

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**ITEM NO. 2 SPECIAL USE PERMIT; CENTRAL SOYFOODS; 1501 LEARNARD AVE  
(MKM)**

**SUP-16-00361:** Consider a Special Use Permit for Central Soyfoods, a *Manufacturing and Production, Limited* use to be located at 1501 Learnard Ave. Submitted by Sunrise Green LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Dave Millstein, Central Soyfoods, was present for questioning. He said the business was a sustainable and environmentally sound manufacturing process and provided a great product for consumption.

**PUBLIC HEARING**

Mr. Andrew Lewis supported the project.

Ms. Melissa Frerburger, Sunrise Project, spoke in support of the item.

**COMMISSION DISCUSSION**

Commissioner Carpenter asked staff about 75% of the property being impervious surface.

Ms. Miller said 75% would be the maximum the property could have, including buildings and pavement.

Commissioner Carpenter said under the approved zoning it could double the impervious surface on the lot.

Ms. Miller said anytime impervious surface was added it would trigger a standard site plan. She stated if more than 20% impervious surface was added it would trigger a major site plan, which would mean everything on the site would need to be compliant.

Commissioner Carpenter inquired about language from the staff report that said *'Other features of the site may be required to become compliant with standards of the Development Code as determined by the Planning Director in order to ensure the health, safety, and welfare of the public and/or user of the site.'* He asked what kinds of things would trigger additional requirements for compliance.

Ms. Miller said the access point would not change but a concrete apron would be required to eliminate gravel from transferring over to Learnard. She said other examples would include drainage problems or health & safety issues that could require revisions.

Commissioner Carpenter asked how many businesses were operating on the property.

Ms. Miller said Central Soyfoods, Seeds from Italy, and then the educational component. She did not know how many crop agricultural businesses would operate on the site.

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

Commissioner Carpenter asked if there was anything in the Code that talked about how many businesses could be on site.

Ms. Miller said no. She said crop agriculture was permitted.

Commissioner Carpenter asked if it would be similar to a community garden where several people could rent space.

Ms. Miller said that was correct.

Commissioner von Achen inquired about the applicant not being in agreement with some of the staff report conditions. She asked about Planning Commissions roll.

Mr. McCullough said there were three primary issues of concern for the applicant; the driveway apron, sidewalk benefit district, and the platting. He said the platting issue was a Subdivision Regulation requirement. He said the applicant had submitted an appeal that would go into effect if Planning Commission approved the platting condition of the Special Use Permit. He said the Board of Zoning Appeals would take up that issue. He said the concrete apron and sidewalk were directly related to the Special Use Permit. He said staff encouraged walkability and controlling the gravel and dirt from going into the public right away was important.

Commissioner Carpenter said a precedent had already been set on Learnard for another property owner to not protest sidewalks. He said the Barker Neighborhood has consistently worked to keep sidewalks off Learnard. He said Learnard was very narrow and may not be appropriate for a sidewalk because it would change the character of the street. He said the neighborhood also wanted the gravel kept on the lot to drain some of the water onsite instead of draining to the street. He said the neighborhood did not want Learnard widened. He felt speed bumps would be nice. He felt that doubling the square footage of the property could require historic Learnard to be widened. He said he would vote in favor of the conditions.

## **ACTION TAKEN**

Motioned by Commissioner Carpenter, seconded by Commissioner Britton, to approve the Special Use Permit, SUP-16-00361, for Central Soyfoods, a *Manufacturing and Production, Limited* use to be located at 1501 Learnard Avenue as Phase 2 of the Sunrise Green Project, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Property must be platted through the Major Subdivision process prior to release of SUP plans to Development Services for processing of building permits.
3. Property owner shall provide an executed Agreement Not to Protest the Formation of a Benefit District for sidewalk improvements along E 15<sup>th</sup> Street and Learnard Avenue when connecting sidewalks are available in the area, to the Planning Office for recording with the Douglas County Register of Deeds, prior to the release of the SUP plans.
4. The property owner shall work with the Fire Code Official to address their comments and insure the project complies with the Fire code. Plans must be approved by Fire Code Official prior to release of plans.
5. Execution and recording of an access easement to allow the shared use of the west access drive on E 15<sup>th</sup> Street.

6. Submittal of a revised Special Use site plan with the following changes:
  - a. Parking table revised as shown in Section 1 of the Site Plan portion of this report.
  - b. Site Summary Table revised to correct the 'proposed impervious surface' figure.
  - c. Show the gravel driveway apron on Learnard Avenue being replaced with concrete.
  - d. Include a building elevation.
  - e. Addition of the following notes:
    - i. *"Existing vegetation along the west, southwest, and east sides of the property shall be retained to serve as a buffer from the adjacent residential uses. If this landscaping is removed or damaged to the point the Planning Director determines it no longer provides an effective buffer, Type 3 bufferyard plantings as required in Section 10-1005 of the Development Code will be planted in these areas by the property owner and street trees will be installed along Learnard Street, per the approval of the city Horticulture Manager."*
    - ii. *"Sidewalks are not required with this project, but an Agreement Not to Protest the Formation of a Benefit District for the future extension of sidewalks along E 15<sup>th</sup> Street and Learnard Avenue, when sidewalks are extended in these areas, has been recorded in Book\_\_\_\_\_ Page\_\_\_\_\_."*
    - iii. *"Central Soyfoods shall comply with the standards included in the definition of the Manufacturing and Production, Limited use: no more than 20 employees, exterior storage is prohibited, and the use shall have few or no offensive external effects."*
  - f. *Location map shown at a larger scale to more clearly show the location of the property.*

Commissioner Kelly felt the conditions were appropriate and understood the applicants concerns. He said he would vote in favor of the motion.

Unanimously approved 7-0.

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**ITEM NO. 3                      TEXT AMENDMENT TO DEVELOPMENT CODE; PUBLIC NOTICE PROCEDURES (SMS)**

**TA-16-00180:** Text Amendment to the City of Lawrence Land Development Code, Article 13, regarding Public Notice Procedures. *Deferred by Planning Commission on 8/22/16.*

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Willey inquired about the fee.

Mr. McCullough said a fee strategy had not been developed yet. He said it would probably not be established until next year. He said it would be close to what it costs for postage and staff time.

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to forward a recommendation of approval to the Lawrence City Commission for a Text Amendment, TA-16-00180, to the Land Development Code, Chapter 20 of the Code of The City of Lawrence, Kansas to modify Article 13 to:

1. correct reference errors/housekeeping updates as noted;
2. modify the sign posting requirements for UC Overlay District rezoning processes;
3. modify the notice area for all development applications that require mailed notice to include courtesy letters to property owners within 400 feet of the subject property; and
4. implement a mailing fee to be paid by the applicant to recover notification costs incurred.

Commissioner Willey asked if the 1000' county notice area was not changing.

Mr. McCullough said that was correct.

Unanimously approved 7-0.

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**ITEM NO. 4                      TEXT AMENDMENT TO DEVELOPMENT CODE; PARKING & ACCESS  
STANDARDS (SMS)**

**TA-13-00235:** Continue discussion related to proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards. *Action on this item will not occur until after the commission completes their discussion on several of the elements of the code language and a final draft is available for their review.*

*Item 4 was deferred prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

Planning Commission Mid-Month meetings will be November 2 and 30.

The regular Planning Commission meeting in November will occur on Wednesday, November 16.

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**ADJOURN 7:29pm**