



## **PLANNING COMMISSION MEETING**

**September 26, 2016**

### **Meeting Action Summary**

---

September 26, 2016 – 6:30 p.m.

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

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

---

## **GENERAL BUSINESS**

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

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of August 22, 2016.

Motioned by Commissioner Britton, seconded by Commissioner Butler, to approve the August 22, 2016 Planning Commission action summary minutes.

Motion carried 8-0-1, with Commissioner Culver abstaining. Commissioner Sands was not present at the meeting yet.

## **COMMITTEE REPORTS**

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

Commissioner Kelly said the Horizon 2020 Steering Committee did not have quorum and did not meet last week. Their next scheduled meeting was October 10, 2016.

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

- Receive written communications from staff, Planning Commissioners, or other commissioners:

Receive 2016 Multi-Dwelling Inventory Report

Motioned by Commissioner Struckhoff, seconded by Commissioner Harrod, to receive the 2016 Multi-Dwelling Inventory Report.

Motion carried 9-0, with Commissioner Sands not present at the meeting yet.

- No ex parte.
- Abstentions:  
Commissioner Willey said she would abstain from Item 5 because her husband serves on the board of the church who owned the property.

PC Minutes 9/26/16

**ITEM NO. 1      MINOR SUBDIVISION VARIANCE FOR 407 FLORIDA & 1503 W 4<sup>TH</sup>  
(MKM)**

Variance request for Minor Subdivision, MS-16-00318, of 407 Florida Street and 1503 W 4<sup>th</sup> Street, per Section 20-813(g) of the Subdivision Regulations to allow the creation of a lot that does not conform to the lot size requirements of the underlying zoning district (Section 20-808(d)(2) of the Subdivision Regulations). Submitted by BG Consultants for Virginia D. Wingert and Steven G. Ingram, successor trustees, property owners of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Ms. Virginia Wingert, property owner, was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

**ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the variance request for Minor Subdivision, MS-16-00318, requested from Section 20-810(a)(2)(i) of the Subdivision Regulations be approved to allow the creation of a lot that does not comply with the required frontage/width or area requirements of the RM24 Zoning District to accommodate the lot reconfiguration to remove the building encroachment on the adjacent lot and to reflect the historic use of the properties.

Motion carried 9-0. Commissioner Sands was not present for the vote.

PC Minutes 9/26/16

**ITEM NO. 2 PRELIMINARY PLAT FOR ROCKLEDGE ADDITION NO. 3; 2130 BOB BILLINGS PKWY (SLD)**

**PP-16-00304:** Consider a Preliminary Plat for Rockledge Addition No. 3, a three lot residential subdivision located at 2130 Bob Billings Parkway. This subdivision includes a variance from the Subdivision design standards requiring 150' right-of-way on an Arterial street. Submitted by Landplan Engineering, for Wayne A. Simien Jr. and Katherine E. Simien, property owners of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. CL Mauer, Landplan Engineering, was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner von Achen said considerable attention was given to preserving as much green space as possible on the north and east. She asked staff to show on the aerial how much would be green space.

Ms. Day pointed out the green space on the overhead.

Commissioner von Achen asked if a drainage study was not needed.

Ms. Day said it was exempt from a drainage study. She said there was a large drainage easement that was reviewed by the City Stormwater Engineer.

Commissioner Kelly inquired about the properties to the north and where the road would be going. He wondered what would happen to the other lots.

Ms. Day said nothing would really happen to the lots. They were part of another separate action that went through City Commission to vacate right-of-way. She said presumable those properties would be sold as a cohesive piece. She said if someone wanted to build on them in the future they would go through a similar process to consolidate them into one property.

**ACTION TAKEN**

Motioned by Commissioner von Achen, seconded by Commissioner Carpenter, to approve the variance to reduce the right-of-way for Bob Billings Parkway from 150' to 100' and approve the Preliminary Plat, PP-16-00304, for Rockledge Addition No. 3.

Unanimously approved 9-0. Commissioner Sands was not present for the vote.

PC Minutes 9/26/16

**ITEM NO. 3                      TEXT AMENDMENT TO DEVELOPMENT CODE;  
TELECOMMUNICATIONS FACILITIES (BJP)**

**TA-16-00335:** Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, Article 5, Section 20-529 Telecommunications Facilities, and Article 17 to revise standards to align with new federal standards that take effect in October, 2016. *Initiated by City Commission on 8/16/16.*

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Culver inquired about disguised wireless facilities.

Mr. Randy Larkin said a residentially zoned district would require a disguised or stealth facility unless a waiver was granted. He said if it was located within 500' of residential it would also have to be disguised. He said on commercial or industrial property it would not have to be disguised.

Commissioner Struckhoff asked if a cellular tower was permitted in a residential area currently.

Mr. Larkin said yes, it would require a Special Use Permit.

Commissioner von Achen inquired about the minimum number of co-locations required.

Ms. Day said any new tower structure had to provide at least three platform levels for equipment. She said they could not mandate a carrier to co-locate.

Commissioner Britton asked if a company could not be told to use an existing co-location.

Mr. Larkin said that was correct. He said a company could not be forced to use a co-location but that they could be encouraged to look at them as an option.

Commissioner Britton asked if there was anything else different for the disguised structure.

Mr. Larkin said the separation would be less because they may not have as much height.

Commissioner Britton asked if clustering towers together would be preferred.

Mr. Larkin said if it would be beneficial for the community to have two towers on one industrial lot that was away from houses it may be better to have it there than a residential area.

Commissioner Kelly asked what would happen if Planning Commission did not pass this.

Mr. Larkin said Federal regulations were passed last year and the States are now following up. He said the regulations would apply starting in October.

Commissioner Willey asked if a similar Text Amendment would occur for the County Code.

Ms. Day said it needed to be initiated.

#### **ACTION TAKEN**

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to approve the proposed amendment, TA-16-00335, amending Articles 4, 5, and 17 of the Lawrence Land Development Code to revise standards to align with the new Federal standards and forwarding to the City Commission with a recommendation for approval.

Commissioner Britton asked if Planning Commission had the option to waive disguised wireless facilities.

Mr. Larkin said yes, Planning Commission could recommend that it be waived.

Unanimously approved 9-0. Commissioner Sands was not present for the vote.

PC Minutes 9/26/16

**ITEM NO. 5      CONDITIONAL USE PERMIT; VERIZON WIRELESS COMMUNICATION  
TOWER; 1287 E 1200 RD (SLD)**

**CUP-16-00312:** Consider a Conditional Use Permit for a new 199' Verizon Wireless communication tower, located north of the Westar Substation at 1287 E 1200 Rd. Submitted by PAMCORP LLC, for Verizon Wireless LLC on behalf of The Kansas District of the Wesleyan Church Inc, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Scott Goble, PAMCORP LLC on behalf of Verizon Wireless LLC, was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Carpenter asked what the maximum height regulations were.

Ms. Day said the county did not have a maximum height. She said new towers usually try to be less than 200' for lighting requirements.

Mr. Goble said less than 200' meant there would not be a light on it which would be more desirable to the community.

Commissioner Kelly inquired about the reduced screening to street trees.

Ms. Day said landscaping at an unmanned site without a water tap would likely die. She said the Parks & Recreation department suggested street trees instead of landscaping that would require more maintenance.

**ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner von Achen, to approve the Conditional Use Permit for a communication tower located at 1287 E 1200 Road and forwarding it to the County Commission with a recommendation of approval based on the findings of fact in the body of the staff report.

Motion carried 8-0-1, with Commissioner Willey abstaining. Commissioner Sands was not present for the vote.

PC Minutes 9/26/16

**ITEM NO. 6A ANNEX 55 ACRES; SE CORNER 31<sup>ST</sup> & MICHIGAN (MKM)**

**A-16-00305:** Consider a request to annex approximately 55 acres located at the SE corner of 31<sup>st</sup> and Michigan Streets. Submitted by BG Consultants on behalf of Reylan Properties LC, property owner of record. *Initiated by City Commission on 8/16/16.*

**ITEM NO. 6B A TO RM15; 30 ACRES; SE CORNER 31<sup>ST</sup> & MICHIGAN (MKM)**

**Z-16-00306:** Consider a request to rezone approximately 30 acres from County A (Agricultural) District to RM15 (Multi-Dwelling Residential) District, located at the SE corner of 31<sup>st</sup> & Michigan Streets. Submitted by BG Consultants on behalf of Reylan Properties LC, property owner of record.

**ITEM NO. 6C A TO RM15-FP; 25.13 ACRES; SE CORNER 31<sup>ST</sup> & MICHIGAN (MKM)**

**Z-16-00307:** Consider a request to rezone approximately 25.13 acres from County A (Agricultural) District to RM15-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District, located at the SE corner of 31<sup>st</sup> & Michigan Streets. Submitted by BG Consultants on behalf of Reylan Properties LC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 6A-6C together.

**APPLICANT PRESENTATION**

Mr. Matt Gough, Barber Emerson, said he agreed with the staff report and was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Britton referenced an article in the Lawrence Journal World about a multi-dwelling inventory report. He wondered about the current vacancy for RM districts.

Ms. Miller said the City did not keep vacancy rates.

Mr. McCullough said the staff report did not include vacancy rates.

Commissioner Harrod asked if the sidewalk on the south side of 31<sup>st</sup> Street would be complete.

Ms. Miller said it wouldn't go all the way to Louisiana Street.

Commissioner Britton inquired about the street access to the residential development approved to the north.

Mr. McCullough said it went to RS zoning and street access would come from the north, not off of 31<sup>st</sup> Street.

Commissioner Willey thanked staff for the floodplain information.

**ACTION TAKEN on Item 6A**

Motioned by Commissioner Culver, seconded by Commissioner Britton, to approve the requested annexation of approximately 55 acres and forwarding the requested annexation to the City Commission with a recommendation for approval based on the findings in the body of the staff report.

Commissioner Carpenter said annexation requests would be more common before changes to the Horizon 2020. He said this one met all the criteria and had infrastructure in place. He asked if Steve's Place was not being annexed.

Ms. Miller said that was correct.

Commissioner von Achen said she was troubled by calling this infill. She felt it could start a slippery slope.

Commissioner Britton said he also did not see this as infill development but did think it made perfect sense for annexation. He liked that it abutted the South Lawrence Trafficway with a clear boundary.

Commissioner Carpenter said this property had value as open space.

Commissioner Harrod expressed concern about losing rural areas and cropland.

Motion carried 9-0. Commissioner Sands was not present for the vote.

*Commissioner Sands arrived at 7:38pm.*

**ACTION TAKEN on Item 6B**

Motioned by Commissioner Culver, seconded by Commissioner Harrod, to approve the rezoning request for approximately 30 acres from County A (Agricultural) District to RM15 (Multi-dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Motion carried 9-0. Commissioner Sands not present for the vote.

**ACTION TAKEN on Item 6C**

Motioned by Commissioner Culver, seconded by Commissioner Harrod, to approve the rezoning request for approximately 25.13 acres from County A (Agricultural) District to RM15-FP (Multi-dwelling Residential with Floodplain Management Regulations Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Motion carried 9-0. Commissioner Sands was not present for the vote.



PC Minutes 9/26/16

**ITEM NO. 7      COMPREHENSIVE PLAN AMENDMENT TO H2020; OREAD  
NEIGHBORHOOD PLAN FUTURE LAND USE MAP (JSC)**

**CPA-16-00309:** Consider a Comprehensive Plan Amendment to Chapter 14 of *Horizon 2020* to amend the Oread Neighborhood Plan Future Land Use Map. Submitted by Landplan Engineering PA.

**ITEM NO. 8A      RM32 & U-KU TO RM32-PD; .918 ACRE; 1029 & 1031 MISSISSIPPI AND  
0 ILLINOIS ST (SLD)**

**Z-16-00310:** Consider a request to rezone approximately .918 acres from RM32 (Multi-Dwelling Residential) District and U-KU (University of Kansas) District to RM32-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 1029 & 1031 Mississippi St and 0 Illinois St. Submitted by Landplan Engineering PA on behalf of 1029 Mississippi LLC, STADPKG LLC, property owner of record.

**ITEM NO. 8B      PRELIMINARY DEVELOPMENT PLAN FOR HERE; 1029 & 1031  
MISSISSIPPI AND 0 ILLINOIS ST (SLD)**

**PDP-16-00311:** Consider a Preliminary Development Plan for HERE @ Kansas, located at 1029 Mississippi, 1031 Mississippi, and 0 Illinois St. Submitted by Landplan Engineering PA on behalf of 1029 Mississippi LLC, STADPKG LLC, property owner of record.

**STAFF PRESENTATION**

Mr. Jeff Crick presented Item 7.

Ms. Sandra Day presented items 8A and 8B together.

**APPLICANT PRESENTATION**

Mr. Brian Sturm, Landplan Engineering, agreed with staff report and conditions. He provided a presentation on the history of the project.

**PUBLIC HEARING**

Mr. Kyle Thompson, Oread Residents Association, expressed concern about game day parking, signage on the lot, and additional curb cuts.

**APPLICANT CLOSING COMMENTS**

Mr. Sturm said curb cuts on Mississippi and Illinois Streets were a necessary evil. He said by expanding and improving the parking lot it would take cars off the street on game days. He said there were not many options for creating a parking lot of this size in the proximity needed for the HERE project. He said it was a great solution for the HERE parking dilemma. He said parking issues in the Oread neighborhood pre-dates the HERE project.

**COMMISSION DISCUSSION**

Commissioner Britton asked staff about the requirement for rezonings to fit with the comprehensive plan amendment. He asked why they would not potentially match up.

Mr. McCullough said this was a unique situation. He said the standard in the parking regulations said any offsite accessory parking lot had to have an equivalent zoning.

Commissioner Britton asked if it would be alright for the comprehensive plan to say medium density and the actual zoning density would be high because parking was available in both.

Mr. McCullough said there were conflicts in the Code no matter which way they go with it. He said they were attempting to align it best they could. He said the staff recommendation was to amend the comprehensive plan with a narrative in the plan that says though this is designated for high density it is only meant as a parking lot to support high density at the HERE location.

Commissioner Britton said either way they go will be waiving something in the Code.

Mr. McCullough said yes.

Commissioner Harrod said the communication letter that was included in their packet had all the concerns addressed. He said regarding the parking lot being blight he disagreed and said the current tennis court was blight.

Commissioner Carpenter said the Oread Design Guidelines provided some protection to buildings more than 50 years old. He asked what review process the two structures went through before demolition.

Mr. Crick said had the Oread Design Guidelines already been adopted the two structures would have gone through the Historic Resources Commission review process.

Commissioner Sands inquired about the planning logic for the 600' entrance.

Mr. McCullough said it would be convenient for the users.

Commissioner Willey felt this was a creative solution to a problem that did not have a perfect solution.

Commissioner Sands said the parking lot would be owned by a private LLC but it was illustrated on KU's master plan. He asked about lighting requirements and safe phones since it would serve KU students.

Mr. McCullough said it would be subject to all the City codes. He said the greenspace between Fambrough Drive and the parking lot would be under the State's ownership and would provide an opportunity for a gateway feature.

Commissioner Britton felt like most of the concerns had been anticipated. He said parking would always be tough in that area. He felt at some point in the future they were going to have to start requiring people to walk and take bus, instead of providing so much parking. He said parking in this particular lot was a solution for the students. He said the Oread neighborhood would always have game day parking issues. He said they did not want for the HERE project to be permanently downgraded in terms of capacity.

**ACTION TAKEN on Item 7**

Motioned by Commissioner Britton, seconded by Commissioner Sands,

To approve the Comprehensive Plan Amendment to Horizon 2020: Chapter 14: Specific Plans, and the *Oread Neighborhood Plan* to revise the Future Land Use map from Low-Density Residential to High-Density Residential for the parcel located at the northeast corner of Illinois Street and Fambrough Drive, with the inclusion of narrative into the *Oread Neighborhood Plan* that this particular property shall only serve as parking for the University of Kansas/HERE Kansas project, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

To approve and sign Planning Commission Resolution PCR-16-00379.

Commissioner Kelly said he had a little heartburn over this. He said the Code required so much parking that could create unintended consequences. He also worried about codifying being able to not park somewhere on game day. It's a common practice but may set an expectation.

Commissioner Harrod said the applicant needed to work with the Oread neighborhood on how a picket or chain link fence on the north side would look.

Commissioner Kelly said it seemed odd they approved the Oread Design Guidelines but now are saying they are okay demolishing old houses.

Commissioner Culver said the unforeseen circumstances of this project presented a unique situation. He felt this was one of the better solutions and would be an improvement over the blighted lot sitting there today. He said he would support this. He felt this should only serve the parking needs of the HERE project.

Commissioner Struckhoff said he would support this because it was a good solution for a bad situation. He said this seemed like a good project from the beginning but it expanded over time. He felt KU needed a reduction in parking.

Commissioner von Achen said they didn't want parking to be intrusive in the Oread neighborhood so it was necessary to have this many parking spaces required. She said this was the best solution and she would support it.

Commissioner Sands said the proposal fit almost all the golden factors. He said it adheres to the comprehensive plan. He said he was inclined to support this.

Commissioner Carpenter said he could not support this. He said a choice was made by the applicant and it was not a completely unseen circumstance. He felt this was a problem caused by HERE and he did not feel a great need to solve their problem. He felt the realignment of Fambrough Drive was just a baited reward for HERE to get what they want. He did not feel this was the right solution.

Commissioner Britton felt it was the City's responsibility to find solutions to community problems and he did not know of a better solution.

Commissioner Kelly said they promised the Oread neighborhood the project would provide parking. He felt the realignment of Fambrough Drive was a benefit. He said he would vote in favor.

Commissioner Butler felt this was a good solution to a bad problem. She said she would reluctantly support this.

Motion carried 9-1, with Commissioner Carpenter voting in opposition.

#### **ACTION TAKEN on Item 8A**

Motioned by Commissioner Sands, seconded by Commissioner Britton, to approve the request to rezone approximately 40,000 SF, from RM32 (Multi-Dwelling Residential) District and U-KU (University – Kansas University) District to RM32-PD (Multi-Dwelling Residential Planned Development) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Motion carried 9-1, with Commissioner Carpenter voting in opposition.

#### **ACTION TAKEN on Item 8B**

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the Preliminary Development Plan, PDP-16-00311, for HERE @ Kansas off-site parking for an Accessory Parking lot, including a waiver, for parking spaces that are less than 600' from the main entrance to the building based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised plan that includes a note restricting the use of the property to an Accessory Parking Lot (surface parking lot) only.
2. Provision of a revised plan to include a typical section of screening wall to obstruct the view of the vehicles to be setback plus or minus 5' of the established building plane along Illinois and Mississippi Street.
  - a. The screening wall should include architectural elements as described in the body of this report.
3. Provision of revised plan to show ornamental fencing along the north property line, including a typical section, that provides basic security without blocking out the light for the tenants living in the south facing units.

Motion carried 9-1, with Commissioner Carpenter voting in opposition.

PC Minutes 9/26/16

**ITEM NO. 4                      TEXT AMENDMENT TO ZONING REGULATIONS; SMALL SCALE  
INDUSTRIAL USES (MKM)**

**TA-16-00323:** Consider a Text Amendment to Section 20-319-4 Conditional Uses Enumerated of the Zoning Regulations to add small scale industrial uses, with standards, to the list of uses which are permitted when approved as Conditional Uses.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**APPLICANT PRESENTATION**

Mr. Mike Jilka agreed with the staff recommendation. He said Mr. Dwane Richardson had operated the business for 30 years and it was continuing to grow.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Willey said she was a huge fan of rural home businesses.

Commissioner von Achen expressed concern about the potential for 15 employees and the traffic it would generate.

Mr. Dwane Richardson said he had no close neighbors and was on a hard surface road.

Ms. Miller said the Conditional Use Permit would allow a maximum of 15 employees.

**ACTION TAKEN**

Motioned by Commissioner Willey, seconded by Commissioner von Achen, to approve the proposed amendment, TA-16-00323, to revise Section 12-319-4 in the Zoning Regulations to add Small Scale Industrial uses to the list of Conditional Uses and to establish standards for the use and that the Planning Commission forward a recommendation for approval to the Board of County Commission.

Commissioner von Achen had concerns about 15 employees being too many.

Unanimously approved 10-0.

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

---

**ADJOURN 10:08pm**