



PLANNING COMMISSION MEETING

January 27, 2014

Meeting Minutes

January 27, 2014 – 6:30 p.m.

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

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of December 16 & 18, 2013.

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the December 16 & 18, 2013 Planning Commission meeting minutes.

Motion carried 7-0-2, with Commissioners Graham and Rasmussen abstaining.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization met January 16th and received a brief update on the multimodal studies and should have those drafts for review in February. He said they also discussed transportation alternative program grant applications for State funding.

COMMUNICATIONS

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

Mr. Scott McCullough provided Planning Commissioners an article from Lawrence Business Magazine regarding apartment vacancy rates in Lawrence.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Rasmussen said he talked with Ms. Lindsey Landis regarding item 3. He said she sent him an email so he called her to ask what staff would be recommending. He said he also asked her what type of feedback she had received from neighbors. She said she had not received much interest.

- Abstentions:

Commissioner Culver abstain from Item 2 due to relationship applicant has with my employer.

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ITEM NO. 1 RS7 & IG TO OS; .6 ACRE; 547 MAPLE ST & 500 PERRY ST (MKM)

Z-13-00479: Consider a request to rezone approximately .6 acre from RS7 (Single-Dwelling Residential) District & IG (General Industrial) District to OS (Open Space) District. Property contains four lots located at 547 Maple St. and 500 Perry St. and adjacent alley right-of-way. Submitted by Bartlett & West, for the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Mr. Richard Macheca inquired about what the finished product would look like.

Ms. Miller said the Special Use Permit would have those details and would be on the March Planning Commission agenda.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the rezoning request for approximately .6 acre from RS7 (Single-Dwelling Residential) and IG (General Industrial) Districts to OS (Open Space) 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.

Commissioner Rasmussen asked if this would be a Special Use Permit not Conditional Use Permit.

Mr. McCullough said that was correct

Unanimously approved 9-0.

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**ITEM NO. 2 PRELIMINARY PLAT FOR GOING SOUTH ADDITION; 1338 E 1600 RD
(SLD)**

PP-13-00343: Consider a 2 lot Preliminary Plat for Going South Addition, located at 1338 E 1600 Rd/O'Connell Rd for multi-dwelling residential development. Submitted by Grob Engineering Services, for Going South, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Liese asked Ms. Day to comment on the League of Women Voter's letter about parking.

Ms. Day said she spoke with Mr. David Woosley, City Traffic Engineer, and his comment was that there was nothing that he saw in the concept plan that was of a public safety concern. She the design was not unlike other multi-family projects.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly inquired about the lack of right-of-way to the east of the property. He said 28th Street appeared to be stubbed out to the east.

Ms. Day said the north half of the right-of-way was provided with this plat. The south half of the right-of-way would be provided when the adjacent property came into the city and was intended for development. She said the full piece of right-of-way needed to be provided with this project upfront because there needed to be two points of access. She said the access points were 28th Street on the south side and through Prairie View Drive. She stated 28th Street was a future collector street. She showed the streets on the overhead map. She said the drainage would have to be managed with some sort of culvert or bridge over some of the tributary.

Commissioner Josserand asked if Planning Commission would see the final plat.

Ms. Day said no, Planning Commission would not see the final plat.

Commissioner Josserand expressed concern about the distance between some of the units and adequate parking. He requested staff take a look at the issue because it could cause problems of some type.

Commissioner Liese inquired about formally expressing Commissioner Kelly and Josserand's concerns.

Mr. McCullough said the minutes would reflect their concerns. He said it was fairly conventional in terms of the layout but that a closer look could be taken based on their comments.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Graham, to approve the Preliminary Plat for Going South Addition, located at 1338 E 1600 Rd/O'Connell Rd.

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

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**ITEM NO. 3 REVISED PRELIMINARY DEVELOPMENT PLAN FOR BELLA SERA AT THE
RESERVE; 4500 BOB BILLINGS PKWY (SLD)**

PDP-13-00477: Consider a Revised Preliminary Development Plan for Bella Sera at the Reserve, located at 4500 Bob Billings Pkwy. Submitted by GOKU LLC, for Bella Sera LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

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

PUBLIC HEARING

Mr. Scott Morgan said he did not object to Bella Sera but was concerned about the corner of Inverness and Bob Billings Parkway evolving into a nightmare. He felt improvements should be made to the intersection to improve traffic safety.

APPLICANT CLOSING COMMENTS

Mr. Hamby said the applicant would be willing to discuss with staff if needed. He said there were some ongoing changes for Bob Billings Parkway with the construction of the new interchange. He said this plan was a reduction in the planned density that was already approved so he hoped it would be viewed favorably.

COMMISSION DISCUSSION

Commissioner Culver asked how traffic would be looked at.

Ms. Day said Mr. David Woosley, City Traffic Engineer, was preparing a study that would go through Public Works and ultimately be presented to the City Commission. She said they were looking at the entire corridor of Bob Billings Parkway/15th Street, between the South Lawrence Trafficway and Iowa Street, to identify any issues so that City Commission could prepare for their 2015 and 2016 budgets if additional improvements needed to be made to the corridor as a result of the interchange. She said Mr. Woosley had marked down this intersection to look at so it was on the City's radar.

Commissioner Kelly inquired about the parking.

Ms. Day said much of the parking for the units was provided within the buildings. She pointed on the overhead to where the additional parking was located as well as access points. She stated there was a small surface lot outside of the gate area for guest/delivery parking.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelley, to approve the revised Bella Sera Preliminary Development Plan 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 Development Plan that includes the following notes and changes:
 - a. A note stating who shall maintain the common open space.
 - b. Provide an exhibit to show the common open areas with a note on the face of the plan stating the total area of common open space for the pool, patio and courts within the development.
 - c. Show additional fire hydrant locations per City Fire Department review and approval.
 - d. Identifies the permitted uses as (Pre-2006 Zoning Ordinance uses).

- e. Include the calculated density of 5.7 Dwelling Units per acre based on Section 20-701 (f)(3)
- f. Indicate parking requirements for Buildings 2, 3, 4, and 5 are based on Section 20-901 (1 space per bedroom + 1 space per ten units.)

Commissioner Josserand recommended the City Traffic Engineer become involved in the issue presented by Mr. Morgan.

Unanimously approved 9-0.

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**ITEM NO. 4 CONDITIONAL USE PERMIT; GOOD EARTH GATHERINGS; 858 E 1500 RD
(MKM)**

CUP-13-00482: Consider a Conditional Use Permit for Good Earth Gatherings, a recreational facility including education, community outreach, and ancillary retail sales on approximately 10 acres located at 858 E 1500 Rd. Submitted by Tamara Fairbanks-Ishmael, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Tamara Fairbanks-Ishmael described her business as a small part-time business featuring community outreach, education, and related good. She said she would teach classes herself and partner with area businesses to host classes. She said there would be 10-18 students expected and some of the planned topics would be natural fiber dying, safe food preservation, creating tabletop gardens, herbal vinegars, and sustainable living. She said the impact to the neighborhood would be minimal.

PUBLIC HEARING

Ms. Rebecca Lewis, 1548 N 800 Rd, said the declaration of restrictive covenants for this section of land denied the use of any land for noxious or offensive activities. She said she did not want the area and lake to become a for profit recreational facility for the community. She said she did not want to look out and see things happening other than what would be in a regular residential area. She said the property around the area would be subject to increased noise levels which would have a negative impact on the number of water fowl and nesting habitat. She said other wild animals, such as beaver, turkey, duck, geese, wild pelican, and others would also be impacted. She felt parked vehicles on the grass would add heat to the area from reflection of the metal and glass. She said the lake had fallen to new low levels due to the draught. She felt any additional excess heat would add to the decrease in water level and create a fire hazard for dry grass. She felt that increased traffic on E 1500 Road would lead to more deterioration of the blacktop road that was already patched in numerous places. She expressed concern about traffic safety on the narrow hilly road with no shoulders. She urged Planning Commission to deny the Conditional Use Permit.

Commissioner Liese asked if Ms. Lewis lived a mile away from Ms. Fairbanks-Ishmael's property.

Ms. Lewis said she did not believe she lived that far away. She thought it was less than ½ mile.

Ms. Miller displayed a map on the overhead showing the properties.

APPLICANT CLOSING COMMENTS

Ms. Fairbanks-Ishmael said she lived in the area as well and would not do anything to make the neighborhood less pleasant than it already is. She said Ms. Lewis' view of her property was completely blocked by trees so she would probably not see much.

COMMISSION DISCUSSION

Commissioner von Achen asked why staff went with a Conditional Use Permit instead of an agritourism designation.

Ms. Miller said staff suggested agritourism but the County Commission put a moratorium on agritourism registration. She said the Zoning & Codes Director felt a Conditional Use Permit would be a better fit for the use.

Commissioner von Achen asked Ms. Fairbanks-Ishmael inquired about outdoor activities.

Ms. Fairbanks-Ishmael said occasionally she may take students on a weed-walk or tour of herbs as part of an herbal education class.

Commissioner von Achen asked if any of the outdoor activities would occur around the lake.

Ms. Ishmael said no.

Commissioner Josserand asked what year it was platted.

Ms. Miller said it was not platted but divided a while back.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner von Achen, to approve a Conditional Use Permit for a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd subject to the following conditions:

1. A driveway shall be installed from the access point provided on the property prior to the commencement of the CUP use.
2. Provision of a revised site plan to include the following notes
 - a. Operating hours will conclude at 9 PM.
 - b. No more than one class shall be conducted/offered at a time.
 - c. Use of the lake for public, business, commercial, and recreation activities associated with the conditional use is prohibited.

Commissioner Britton said he understood Ms. Lewis' concerns but would vote in favor of the motion. He said it sounded like this particular operation would be very limited and he felt there should be leeway for property owners to have activities on their property.

Commissioner Culver noted the concerns expressed by Ms. Lewis regarding the impact of increased traffic and the safety element in which vehicles speed down the road. He felt if there was opportunity or need traffic limits should possibly be looked at for the area.

Unanimously approved 9-0.

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ITEM NO. 5 CONDITIONAL USE PERMIT; LODGING HOUSE & RECREATION; 1804 E 1500 RD (SLD)

CUP-13-00492: Consider a Conditional Use Permit for a Lodging House and Recreation facility to be known as a hostel and banquet hall, located at 1804 E 1500 Rd. Submitted by Shane Powers, for Earl Stagg, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant was present.

PUBLIC HEARING

Mr. Ted Boyle, North Lawrence Improvement Association, expressed concerns about off-site parking and the use of septic tanks instead of sanitary sewer infrastructure.

COMMISSION DISCUSSION

Commissioner Rasmussen asked if one bathroom for 85 people was reasonable. He wondered about any guidelines or recommendations.

Ms. Day said that would fall into a building code requirement through the county regulations. She said she did not know the threshold for the number of restrooms.

Commissioner Rasmussen inquired about shower or bath facilities for the bedrooms. He felt that 150 people for one bathroom might be limited and he wondered how functional it would be.

Mr. McCullough said it would still require building code review and all of the improvements to meet the assembly use.

Commissioner Rasmussen asked if Planning Commission would just be approving the use.

Mr. McCullough said Planning Commission would just be approving the land use, not the building code requirements.

Ms. Day said there may be an occupancy cap through the building code requirements.

Commissioner Rasmussen expressed concern about the lack of bathrooms and shower/bath, particularly for guests sleeping overnight.

Mr. McCullough said condition A addressed some of that, which would be on the plan to operate the business.

Commissioner Liese asked staff to comment on the parking issue that Mr. Boyle spoke about.

Ms. Day said the applicant would be required to work with County Public Works regarding parking on the road or whether the applicant could possibly contract with the property to the north for parking in the field. She said paved surfaces were typically not required in rural areas. She said any projects within North Lawrence were reviewed by the City Stormwater Engineer. She said there was additional review needed for parking.

Commissioner Liese asked if it would then come back to Planning Commission.

Ms. Day said it could.

Commissioner Liese asked Mr. Boyle about his thoughts on parking and if he had talked to the applicant.

Mr. Boyle said the applicant did not contact the North Lawrence Improvement Association. He said the residents on that road were concerned about parking on the narrow blacktop road. He said the entrance to the airport was ¼ mile from that intersection, as well as Don's Diesel and the ambulance/helicopter service.

Commissioner von Achen wondered how the 17 parking spaces would accommodate 85 people.

Ms. Day said Planning Commission could add additional conditions or limitations on the use. She said the applicant was interested in having 85 people but she was not sure if that many people would be allowed for the occupancy of the assembly requirements for the building code. She said it seemed somewhat self-limiting with its own design. She said Planning Commission could add conditions that require the applicant to redesign the site to provide additional parking or add a condition that would cap the maximum occupancy for the assembly use.

Commissioner Josserand said several residents who live on E 1500 Road have hosted functions that he has attended where 200 people parked on that road and everything seemed to work out.

Commissioner Liese said he would like a condition of having a plan with parking and also capacity limitations.

Mr. McCullough urged Planning Commission to defer the item due to the applicant being absent and not able to address their concerns.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Graham, to defer Item 5 to allow the applicant to speak with community members and leaders prior to the meeting.

Commissioner Rasmussen asked Commissioner Liese what he was asking for that was different than staff condition 1.(b)*Revise the site plan to show the location of additional off-street parking spaces per staff approval prior to issuance of an occupancy permit for capacity more than 85 people prior expansion of the assembly use.*

Commissioner Liese said he did not want to approve the plan until they saw that as part of the application for the Conditional Use Permit but that staff recommended deferring the item instead. He said the motion was to defer instead of asking for additional conditions. He said his comments were not relevant now that it was deferred.

Mr. McCullough said he heard discussions about considering stricter conditions on the 85 people. He said he did not want to go down that avenue without the applicant being present.

Commissioner Liese said deferral seemed like a generous option for an applicant that was not present when there were some questions about approval or adding conditions.

Commissioner Rasmussen asked staff what they would tell the applicant as the reason for deferral.

Mr. McCullough said there were a number of concerns discussed, such as the floor plan design, building code issues, if there were plans to seek an adjacent parking agreement or off-street parking. He felt it was prudent to have the applicant present to address some of concerns and questions.

Commissioner Rasmussen did not necessarily think an applicant should be present every time when staff was recommending approval. He said if they were deferring the item he wanted the applicant to know what they wanted to talk to him about.

Motion carried 9-0.

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MISC NO. 1 VARIANCE FOR CERTIFICATE OF SURVEY; 51 N 2190 RD (MKM)

CSR-13-00517: Consider a variance associated with a Certificate of Survey for approximately 44 acres located at 51 N 2190 Rd. The variance is requested from Section 20-806(d)(2)(i) of the Subdivision Regulations [Section 11-106(d)(2)(i) of the County Code] to allow the creation of Residential Development Parcels which do not comply with the RDP dimensional requirements of the Zoning Regulations. Submitted by Stebbins Surveying LLC, for Louis and Betty Eakes, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Louis Eakes said when he first bought the property he was hoping his daughter would move onto the property so he added 250' frontage. He said it was expensive to bring infrastructure into it so his daughter opted out of building there. He said he decided to sell it and he had a buyer that was eager to buy the place.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the variance requested from Section 11-106(d)(2)(i) [Section 20-806(d)(2)(i)/City Code] to allow the Certificate of Survey CSR-13-00517 to create 2 RDPs that have less than the required 90% minimum RDP width of 225 ft, subject to the following condition:

1. The Certificate of Survey shall be revised to note that the Planning Commission approved the requested variance with the

Unanimously approved 9-0.

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**ITEM NO. 6 TEXT AMENDMENT TO THE ZONING REGULATIONS; AGRITOURISM
(MKM)**

TA-13-00451: Consider a Text Amendment to Section 12-319-7 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas to establish criteria and review process for Agritourism uses which may have significant off-site impacts. *(Amendment was initiated by the Board of County Commissioners at their October 16, 2013 meeting.)*

STAFF PRESENTATION

Commissioner Rasmussen disclosed ex parte that he forgot to mention at beginning of meeting. He said when he was reviewing the text amendment he contacted Ms. Karen Pendleton to see what her thoughts were about it but she was unaware of it so he emailed her a copy.

Commissioner von Achen asked who all was notified.

Ms. Miller said a text amendment was difficult to know who to notify. She said she sent it out to the people who were originally involved in the agritourism committee and those that attended the stakeholder meeting. She said she did not have email addresses for people who registered for agritourism so they did not receive it until today. She said the Food Policy Council would like more time to look it over. She said the item could be deferred to allow people more time to review.

Ms. Mary Miller presented the item.

PUBLIC HEARING

Mr. John Pendleton, Pendleton's Country Market, said he had been actively been involved with agritourism for over 30 years. He said Pendleton's has a farm market that sells produce, flowers, plants, and ancillary retail items. He said he also offered pick your own produce, educational school tours, hayrack rides, kids play area, corn maze, and an open air pavilion used by groups. He said the Conditional Use Permit worked well for his business but he did not realize it expired in 2012 and he needed to renew it. He said he came into compliance by applying for the agritourism permit. He said he would now have to apply for a Conditional Use Permit once again under the new regulations. He appreciated the concerns expressed by the neighbors of the KC Pumpkin Patch but did not feel their apprehension should outweigh comments from the rest of the county. He said he was concerned about requiring agritourism operators to reside on the parcel of land containing the agritourism use. He said this regulation would take care of most of the issues of agritourism activities. He did not agree with tying the limit of the size of the business by limiting the parking lot. He said the amount of customers on a rainy day was different than the amount of customers on a really nice warm day.

Ms. Natalya Lowther, Pinwheel Farm, said a power drill would require her to obtain a Conditional Use Permit. She said after daylight activities, such as a group of students using a telescope to look at stars, would also require Tier 2. She said having more than four vendors at a farmers market would require Tier 2. She said exterior lighting such as solar path lights would require Tier 2. She felt a lot of the terms were not defined clearly enough to be enforceable. She said she would have to go to Tier 2 or a Conditional Use Permit. She expressed concern about the lack of consistency between regulations for other types of property uses compared to agritourism uses. She encouraged Planning Commissioners to read the 20 pages she submitted for the packet. She said she started with a Conditional Use Permit four years ago and now it was coming back around to everything that she had done in the past four years was for nothing because she would have to submit another Conditional Use Permit to continue to do what she hadn't even had a chance to start yet.

Mr. Jim Hendershot said several of his neighbors participated in discussions about the KC Pumpkin Patch. He said he supported agritourism but also supported the protection of adjoining, adjacent, and area properties. He said staff had done an admiral job of bringing up various issues at different meetings and taking into account comments from pro and con agritourism. He said he was supportive of the vast majority of the proposed language. He said the proposed language about vehicle safety needed to be clarified more so that if staff determined it was needed they had the authority to require a traffic impact study. He said Tier 2 allowed hours of operation outside of daylight hours and that it addressed lighting but not noise. He suggested that Tier 2 activities with hours after daylight fall under a Conditional Use Permit, such as a large wedding.

Ms. Michelle Kooz said she reviewed the proposals and saw some positive changes. She said Tier 2 would allow for more review to make sure things weren't slipping through the cracks. She felt the old process was too vague. She said the guidelines regarding fencing and berm would keep people where they should be. She liked the limit on parking. She felt the issue of noise needed clarification.

Ms. Diane Menzie felt there had not been enough notification about the issue. She asked for clarification regarding the moratorium.

Mr. McCullough said the County Commission directed Planning staff to look at the agritourism amendment process. He stated the County Commission placed a moratorium on receiving applications for any agritourism requests. He said any amendment to the County Code goes through the Planning Commission with a recommendation to County Commission. He said this process was implementing the County Commissions direction.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Graham, to defer the Text Amendment, TA-13-00451, to allow for continued discussion and notification of stakeholders.

Commissioner Liese thanked the audience for attending the meeting.

Commissioner Rasmussen asked if notice sent out to all the registered agritourism businesses in Douglas County.

Ms. Miller said notice was not sent to the ones that were just registered with the State. She said notice was sent to the agritourism businesses registered with the County, which was about six.

Commissioner Rasmussen requested that all agritourism businesses registered with the State and County be notified. He asked if people had to go through the agritourism process or if it was voluntary.

Ms. Miller said an agricultural use did not need to register as agritourism. She said staff did not regulate agriculture. She said a hunting facility, for example, could be agritourism and could register with the State but would not be required to register with the County. She said hopefully in the future there would be incentives to register with the County, such as a County webpage promoting agritourism with links. She said a hunting facility with ancillary retail sales would require a Conditional Use Permit today or registration as an agritourism activity. She said a you-pick berry patch did not need to register because it was agriculture. She said products raised on a farm could be sold as an agricultural use. She said if someone had picnics and live music while people picked berries it would become more of a recreational use.

Commissioner asked about selling jam at a berry patch.

Ms. Miller said if the jam was made it would be a value added agricultural product and could be permitted. She said if items were sold that the commodities were not raised on site it would need a Conditional Use Permit. She said if jam was made with berries that were brought in it would need to be registered.

Commissioner Rasmussen asked if the sugar and pectin in jam would be okay to bring in but not the berries.

Ms. Miller said it would not be expected that all the commodities would be grown on site.

Commissioner Rasmussen asked if an agricultural use, as defined under State law, did not have to go through this process.

Ms. Miller said that was correct.

Commissioner Rasmussen asked if an agritourism use registered with the State had to go through this process.

Ms. Miller said if it was anything besides agricultural it would.

Commissioner Rasmussen asked if a registered agritourism business under the State law had to also register with the County.

Ms. Miller said before agritourism regulations were in place if a business was registered with the State and had ancillary retail sales or wedding receptions a Conditional Use Permit or rezoning would have been required.

Commissioner Rasmussen inquired about future options.

Ms. Miller said the options would be agritourism registration, Conditional Use Permit, or rezoning.

Commissioner Rasmussen asked why pumpkin patches were called out separately because he thought they would be similar to you-pick berry patches.

Ms. Miller said usually pumpkin patches have other activities associated with them, such as hay rack rides and ancillary items. She said if it was just a pumpkin patch it would not need to register.

Commissioner Rasmussen asked about picking chestnuts at a location that also had hay rack rides.

Ms. Miller said it would be a similar use to a pumpkin patch.

Commissioner Rasmussen inquired about the three room limit on a bed and breakfast use. He said a you-pick farm would have way more cars than a three room bed and breakfast.

Ms. Miller said it was partly based on the bed and breakfast being a year round activity. She said she also based it on how the City and the State viewed bed and breakfast facilities that were three or more bedrooms. She said it was more of a building code issue.

Commissioner Rasmussen inquired about landscaping around the parking area.

Ms. Miller said it would just include landscaping the parking area that was visible from a nearby residence.

Commissioner Rasmussen said the Schaake's Pumpkin Patch parking area could be seen from the main road. He asked if they went through this process if they would have to plant shrubs or other landscaping

Ms. Miller said yes, shrubs or vegetation.

Commissioner Rasmussen said not allowing exterior lighting concerned him although he understood the intent. He felt a porch light on an out building should be allowed.

Ms. Miller said there could be lighting on buildings but not for the agritourism use. She said the intention was to stop from having nighttime activities.

Commissioner Rasmussen inquired about the registration process and how applicants would submit site plans.

Ms. Miller said the County usually provides an aerial to the applicant and the applicant can draw over the aerial showing where parking and the agritourism activity would be.

Commissioner Rasmussen said the proposed language says the parking areas have to be dimensioned.

Ms. Miller said that was correct, just like Conditional Use Permits, to give an idea of how big the parking area was. She said the purpose was to be able to calculate how many parking spaces would be there. She said if there were no dimensions it would be hard to know how many parking spaces could be in the parking area.

Commissioner Rasmussen said a Tier 1 applicant would have to prepare a site plan identifying all the structures, where the agitourism use would be, the parking spaces and dimensions, handicap parking, identify water and sanitation facilities, note the hours of operation, identify the anticipated number of attendants, provide notification to all property owners within 1000', have the director of Zoning and Codes review it and possibly apply conditions. He did not feel there was much difference between Tier 1 and Tier 2.

Ms. Miller said site plans were similar because the same general information was requested. She said the notification was a little more with Tier 2 and also required County Commission approval.

Commissioner Rasmussen said under the Tier 1 registration provisions it references section 7.08 Tier 2.

Ms. Miller said that was a typo and that it should reference section 7.09.

Commissioner Rasmussen inquired about imposing more requirements on agritourism and why staff does not think that.

Ms. Miller said staff was trying to be more up front. She said when a person applies for registration the Zoning & Codes Director may request additional descriptive information as needed, such as a site plan. She said the person reading the regulations would know ahead of time what they would need to provide. She said today people do not know ahead of time what was needed.

Mr. McCullough said there was no direct relationship between the State registration of agritourism and local land use code. He said agritourism registration was a vehicle and tool to regulate land use.

Commissioner von Achen asked if someone chose to do a new agritourism Conditional Use Permit would they follow all the requirements of Tier 1 and 2 in addition to other requirements that the Conditional Use Permit might involve.

Mr. McCullough said all the processes let either staff or the County Commission, in terms of agritourism, review the application request and place conditions on it. He said a Conditional Use Permit would come before Planning Commission and then a recommendation would be sent to the County Commission. He said most of the agritourism codes were related to the process versus actual conditions, such as parking and setbacks.

Commissioner Josserand thanked staff for their work on this. He felt in general the Tier 1 and Tier 2 was going in the right direction. He felt a larger group of people needed to be notified.

Commissioner Kelly felt there needed to be ways to define and make it easier to understand the difference between Tier 1, Tier 2, and a Conditional Use Permit. He felt they could reduce the list of descriptions and focus on the activities. He felt a bed and breakfast was different and probably should not include language about only daylight hours. He said regarding motors maybe the language should say motors for entertainment purposes. He said he was not supportive of the language regarding landscaping around parking areas. He would like to see more work on the traffic language. He agreed with Commissioner Rasmussen's comment about there not being much difference between Tier 1 and Tier 2.

Commissioner Liese said the purpose of the regulations was to make agritourism easier but he felt they needed to be careful not to let someone take advantage of the regulations. He thanked staff for their work. He said they needed to be sensitive to plunking a business down in a rural neighborhood. He felt screening of the parking area could be helpful.

Commissioner Culver said it was a tough task to balance having options and being an onerous process. He said it was hard for him to limit members of the community to three minutes when they speak because their information was valuable.

Commissioner Liese said it was helpful when community members write a letter in advance to supplement their public comment.

Motion carried 9-0.

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**ITEM NO. 7 CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; E OF N 400 RD
& E 1000 RD AND S OF N 400 RD (SLD)**

CUP-13-00480: Consider a Conditional Use Permit for a meteorological tower located east of the corner of N 400 Rd & E 1000 Rd and on the south side of N 400 Rd. Submitted by Tower Associates, for Donald & Jane Schwartz, property owners of record.

Item No. 7 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Mr. McCullough advised Planning Commission that the proposed HERE project at 1101 Indiana Street would be the topic of discussion at their February Mid-Month meeting.

ADJOURN 9:34pm