



## **PLANNING COMMISSION MEETING**

**March 28, 2018**

### **Meeting Action Summary**

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March 28, 2018 – 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, Pepper

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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 February 21, 2018.

Motioned by Commissioner Culver, seconded by Commissioner Paden, to approve the February 21, 2018 Planning Commission action summary minutes.

Motion carried 9-0-1, with Commissioner Butler abstaining.

## **COMMITTEE REPORTS**

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

Commissioner Culver said the Metropolitan Planning Organization Policy board met and approved Transportation 2040. He said the topic would be on the Planning Commission Mid-Month agenda in May.

Commissioner Willey said the Comprehensive Plan Committee met and reviewed public comment and the committee was going through the document chapter by chapter.

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

- No ex parte.
- No abstentions.

## **GENERAL PUBLIC COMMENT**

No general public comment.

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**ITEM NO. 1A REZONING FROM RM12 & RM12 UC TO RM32; 929 ARKANSAS ST (SLD)**

**Z-18-00024:** Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Submitted by Paul Werner Architects, for DJC Holdings LLC, property owner of record.

**ITEM NO. 1B VARIANCE; 929 ARKANSAS ST; 913, 931, 935 MICHIGAN ST; 1000 EMERY RD (SLD)**

**MS-18-00046:** Consider a variance from the right-of-way width and for terminating Michigan Street without a cul-de-sac for a Minor Subdivision (lot combination) for Sinclair's Addition No. 2, located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented Items 1A-1B together.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said this was a good infill project. He stated the real work would be on the west side of the property and was outside the Oread Neighborhood. He said the property was in bad shape. He said this would solve the existing parking and access around the property. He said 18 of the 21 units would be one bedroom.

**PUBLIC HEARING**

Ms. Candice Davis recapped a letter from Ms. Linda Haskins who lived on 10<sup>th</sup> Street. She said Ms. Haskins requested Planning Commission vote in opposition of the rezoning because it did not take into account the needs of the neighborhood or other property owners. She said the Oread Neighborhood Plan was completed about 7 ½ years ago and the Urban Overlay District and Oread Neighborhood Guidelines were approved last year. She said the documents represented years of work from the neighborhood. She said she supported improvements but wanted to see it worked within the parameters that exist. She did not support the zoning change request.

Mr. Kyle Thompson read the League of Women Voter letter that was not included in the packet due to it being received after the deadline:

*"The League concurs that it is preferable to have an entire parcel located in one uniform district. The staff report comments that "The development pattern along the east side of Michigan Street is not proposed to be altered by the change in zoning or modifying the platted lot lines." However the new proposed parking for the duplex dwellings on Arkansas Street is a significant change to the development pattern.*

*The argument presented by the applicant for terminating Michigan Street without a cul-de-sac is that "Approval of the variance to terminate Michigan Street in a code compliant cul-de-sac would reduce the area allowed to redevelop." Providing an easement in lieu of the right-of-way recognizes the need for reasonable vehicular access and turning movement, exactly the reasons that right-of-way is required.*

*The League appreciates the submittal of a "concept site plan" with this request. That site plan indicates a pattern of development that is inconsistent with the patterns within the Oread Neighborhood. A large parking lot behind duplex housing and parking areas on two*

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*sides of a single-family residence are consistent with intense urban development and not respectful of those lower density uses. It is not clear that covered parking could be developed for the single-family uses in the future.*

*The League recognizes that the current development in this area could be improved but is concerned that the proposal for the highest density zoning in combination with the vacation of right-of-way allows for an intensity of development that is inappropriate given the adjacent lower density properties."*

Mr. Thompson said he was confused by the project and maps and originally thought 929 Arkansas would become RM32.

### **APPLICANT CLOSING COMMENT**

Mr. Werner said the real work would be on the west side, outside of the Oread Neighborhood. He said the cul-de-sac worked and people would be able to get around the parking lot.

### **COMMISSION DISCUSSION**

Commissioner Struckhoff said the site was in need of some serious attention. He felt this was a suitable project with the real work happening on the west side of proposed Michigan Street improvement and parking lot. He said he was sensitive to the slight encroachment of RM32 zoning into RM12 but that this would be an improvement to the area that was very much needed. He felt it was suitable to the existing zoning on the west side of the street.

Commissioner Sands asked if the lots zoned RM12 would change.

Ms. Day said the lot lines would change a little bit.

Mr. McCullough said the zoning would not change.

Commissioner Willey inquired about the sidewalk on the west side of Emery and right-of-way on the east.

Ms. Day said the right-of-way was from the center line of the road. She said the property owner may be asked to dedicate 5' of right-of-way. She said there were no plans at this time to look at sidewalks on the west side of Emery. She said they were still working through the Site Plan so she was not sure yet if a sidewalk would be recommended.

Ms. Day said there would be sidewalk connectivity through the development to the public sidewalk.

Commissioner Paden asked about the width of the sidewalk.

Mr. McCullough said it would probably be a normal 5-6' sidewalk.

Commissioner Kelly said the property on the east side of Michigan was within the Oread Neighborhood and currently zoned RM12-UC. He said to the west of Michigan was not in the Oread Neighborhood and zoned RM32. He asked if the developer could build an RM32 building under the current zoning.

Mr. McCullough said the zoning would allow an RM32 building but the cul-de-sac would have constraints. He said staff does not encourage split zoning and they view it as a clean up to match zoning lines.

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Commissioner Willey said the new access and parking lot was much better for emergency access. She said overall it was a fairly urbanized area and infill would add to that in a good way. She said she was inclined to support the rezoning.

Commissioner Sands asked Ms. Davis about making considerations for the neighborhood. He asked what her specific concerns were.

Ms. Davis said initially it looked like it would impact lots on Arkansas Street but that did not appear to be the case now.

Commissioner Sands said the Oread Design Guidelines were recently approved and now they were changing it.

Commissioner Kelly said there was nothing changing the Oread Design Guidelines. He said he supported it because they were honoring those guidelines. He said it would add parking to an area where parking was an issue. He thought it was a nice way of keeping the Oread Neighborhood in RM12. He said the project was cleaning it up and adding benefits such as better parking, draining, curbs, and sidewalks.

Commissioner Paden wondered if it really fit. She thought it felt more like a West Lawrence development with a parking lot.

Mr. McCullough said there were multi-dwelling and parking lots in the area. He said Planning Commission had a zoning before them and what she was referring to was more of a site plan issue.

Ms. Day showed on the overhead an aerial of the area.

Commissioner Carpenter said the rezoning appeared to be cleaning up the boundary. He thought the boundary was odd by not including Michigan in the Oread neighborhood. He said it was a very creative cul-de-sac design and felt it was a good solution.

#### **ACTION TAKEN on Item 1A**

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve the request to rezone approximately .82 acres, located at 929 Arkansas St, from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0.

#### **ACTION TAKEN on Item 1B**

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve the variance requested for a Minor Subdivision, MS-18-00046, to reduce the right-of-way, required per Section 20-810(a)(5) for a local street, from 60' to 50' and to approve the variance to terminate Michigan Street in a dead-end in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road.

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Unanimously approved 10-0.

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**ITEM NO. 2 REZONING FROM PUD/UPR TO RM15; 2111 KASOLD ST (SLD)**

**Z-18-00023:** Consider a request to rezone approximately 6.49 acres from PUD/UPR (Planned Unit Development) District to RM15 (Multi-Dwelling Residential) District, located at 2111 Kasold Dr. Submitted by Paul Werner Architects, for Quail Creek LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said the project started by the owner wanting to upgrade the pool and clubhouse facilities to keep up with other apartment facilities. He said the property falls within the 400 acre Alvarado Planned Unit Development. He said rezoning to conventional zoning made it easier and more manageable. He said adding more units would help offset the cost of improving the pool and clubhouse. He showed elevation plans on the overhead.

**PUBLIC HEARING**

Mr. Richard Funk, 2101 Quail Creek Dr, expressed concern about parking and traffic. He suggested that there be 1 ½ parking spaces per bedroom. He said the City Traffic department had already identified the area as having parking issues.

**APPLICANT CLOSING COMMENTS**

Mr. Werner said an advantage of the new parking requirements was that they had to meet today's standards which were higher. He said parking would be provided for the new units. He felt the Quail Creek Drive parking issues were due to the townhomes on Quail Creek.

**COMMISSION DISCUSSION**

Commissioner Sinclair asked if the project could happen as currently zoned but would have to include the entire Alvarado PUD.

Ms. Day said yes, it would have to have a fully developed plan come through the public process.

Commissioner Willey asked if there was precedent of releasing properties from Alvarado.

Ms. Day said yes. She said there were a number of subdivisions within the area that were simply single-family detached homes.

Commissioner Struckhoff inquired about the number of parking spaces.

Ms. Day said staff had not reviewed the site plan so she could not confirm where the parking was at but that it would be looked at during the site plan review.

Commissioner Culver said the rezoning made sense to take it out of the large PUD and provide the zoning that fit. He felt it made sense to allow the applicant/owner to make updates and maximize the density they had by meeting the requirements of parking and looking at the topography so it doesn't impact the surrounding area.

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Commissioner Sinclair asked about traffic concerns raised by the public. He asked if a Traffic Impact Study would be required.

Ms. Day said yes.

Commissioner Butler agreed the zoning made sense but felt the neighbors had valid concerns regarding traffic and parking.

Commissioner Willey asked if the site plan would have a public hearing.

Ms. Day said no, site plans were administrative but had an appeal process.

Commissioner Carpenter asked if sidewalks would be added.

Ms. Day said it was possible.

Mr. McCullough said it would depend on what type of site plan was submitted. He said if it was a major site plan then it would trigger the threshold of adding sidewalks. He stated additional parking would impact stormwater so it was certainly something to consider.

Commissioner Willey asked if new parking standards applied to the whole project or just new units.

Mr. Werner said parking would be for the entire project and new visitor parking would be added. He said around 60 additional parking spaces would be added. He said the additional spaces should create a better parking situation.

Commissioner Paden asked about parking changes with the new 2006 Code.

Ms. Day said today multi-dwelling projects require guest parking at a ratio of 1 space for every 10 units. She said prior to 2006 no guest parking was required. She said the new calculations were more equivalent to what was being built.

### **ACTION TAKEN**

Motioned by Commissioner Culver, seconded by Commissioner Paden, to approve the request to rezone approximately 6.49, from PUD/UPR (Planned Unit Development) to RM15 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Willey asked if street trees would be added.

Ms. Day said landscaping would be part of the site plan review.

Commissioner Willey said the sidewalks would be a bigger gain if something else needed to give.

Unanimously approved 10-0.

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**ITEM NO. 3      CONDITIONAL USE PERMIT FOR O'CONNELL YOUTH RANCH; 1623 N 1320 RD (BJP)**

**CUP-18-00021:** Consider a Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd. Submitted by O'Connell Youth Ranch Inc, property owner of record.

**STAFF PRESENTATION**

Ms. Becky Pepper presented the item.

**APPLICANT PRESENTATION**

Mr. Donald Riggs, was present for questioning and agreed with the staff report.

**PUBLIC HEARING**

Ms. Diana McNish, 1643 N 1300 Rd, inquired about access and septic.

Mr. Riggs said everything had been approved by the State Health Department.

**COMMISSION DISCUSSION**

Commissioner Culver asked why a separate Conditional Use Permit was requested instead of amending the existing one.

Ms. Pepper said the structure was built as part of the other Conditional Use Permit but would be used as a separate activity. She said in case there were issues it could be revoked without effecting the current Conditional Use Permit.

Commissioner Carpenter asked if the ranch was license by state. He asked if it created a conflict.

Mr. Riggs said yes, it was licensed by the state and that there was no conflict. He said the existing roads would not change. He said the lagoons had been approved by the State. He said well water was provided on the site. He said there would be no light going beyond 20' from the edge of the parking.

Commissioner Struckhoff inquired about screening.

Ms. Pepper said some landscaping was provided but was not required by the County Code. She said from the existing barn going to the north was about 400'.

Ms. Bernice Vervynck, 1637 N 1300 Rd, asked about well water and if it would lower the water table.

Ms. Pepper said that was part of the review and there were no concerns received.

Mr. Riggs said there would be two functions, maximum, a month with 100 people. He said there was no preparation kitchen so use of water would be minimal. He said the events would be catered and the kitchen would only be a warming kitchen.

**ACTION TAKEN**

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Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve the Conditional Use Permit for an Event Center space for O'Connell Youth Ranch, located at 1623 N 1320 Rd, and forwarding a recommendation for approval to the Board of County Commissioners.

Unanimously approved 10-0.

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**ITEM NO. 4      PRELIMINARY PLAT FOR MAPLE STREET SUBDIVISION; 772-782  
MAPLE ST (LRM)**

**PP-18-00020:** Consider a Preliminary Plat for Maple Street Subdivision, located at 772-782 Maple Street. Submitted by BG Consultants Inc, on behalf of Lawrence Kansas Rentals LLC, property owner of record.

**STAFF PRESENTATION**

Mr. Luke Mortensen presented the item.

**APPLICANT PRESENTATION**

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

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the Preliminary Plat of Maple Street Subdivision, located at 772-782 Maple Street.

Unanimously approved 10-0.

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**ITEM NO. 5      PRELIMINARY PLAT FOR MERCATO 2<sup>ND</sup> ADDITION; 6200 W 6<sup>TH</sup> ST  
(MKM)**

**PP-18-00028:** Consider a Preliminary Plat for Mercato 2<sup>nd</sup> Addition, a seven-lot subdivision on approximately 116.8 acres located at 6200 W 6<sup>th</sup> St. Submitted by Landplan Engineering, for Kentucky Place LC, JDS Kansas LC, Venture Properties Inc, Tat Land Holding Co LC, Sojac Land Company LC, Scotsdale Properties LC, Tanglewood LC, property owners of record.

*Item No. 5 was deferred prior to the meeting.*

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**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1      AMENDMENTS TO PLANNING COMMISSION BY-LAWS**

Receive update on Planning Commission By-Law amendments.

Mr. McCullough reviewed the update to the By-Laws. He noted that City Commission requested the general public comment be received at the beginning of the agenda.

Commissioner Willey said Planning Commission would need to be clear that the dedicated time to speak for specific agenda items was not during general public comment.

Commissioner Sands asked about the time limit for general public comment.

Mr. McCullough said it was not specifically spelled out in the bylaws but it should be in line with the allowed 3 minute period for agenda items.

Motioned by Commissioner Willey, seconded by Commissioner Struckhoff, to affirm approval of the Planning Commission bylaws and uphold the revision made by City Commission about moving general public comment to the beginning of the agenda.

Motion carried 9-1, with Commissioner Butler voting in opposition. Commissioners Carpenter, Culver, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey voted in favor.

Commissioner Struckhoff advised that on April 23, 2018 Planning Commission would need to nominate a temporary Chair as he and Vice-Chair Willey would be at the National American Planning Association conference in New Orleans.

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**ADJOURN 8:17pm**