



PLANNING COMMISSION MEETING
November 14, 2011
Meeting Minutes

November 14, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Culver, Finkeldei, Hird, Liese, Singleton, von Achen, and Student Commissioner Cory Davis

Staff present: McCullough, Stogsdill, Larkin, M. Miller, Leininger, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of October 22 & 24, 2011.

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the October 22 & 24, 2011 Planning Commission minutes.

Motion carried 6-0-2, with Commissioners Belt and Culver abstaining. Student Commissioner Davis voted in the affirmative.

COMMITTEE REPORTS

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

Commissioner Hird said the Agritourism Committee continued to meet the first Thursday of each month. He said they made some progress on the draft for consideration by the Commission. He said there was a change in approach of the language.

COMMUNICATIONS

Mr. Scott McCullough, Planning Director, reviewed new attachments and communications that were posted to the online Planning Commission agenda after the initial posting date.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Liese said he spoke with Mr. Jim Baggett regarding Farmers Turnpike and Ms. Marci Francisco regarding the Oread District.

Commissioner Britton said he had a conversation with Ms. Candice Davis regarding the congregate living text amendment. He said he also spoke with Ms. Jane Eldredge regarding the Industrial district text amendment and her desire that it be deferred.

Commissioner Belt said he also had conversations with Ms. Davis and Ms. Eldredge regarding the same topics.

Commissioner Culver said he had communications with Ms. Eldredge and Mr. Kyle Thompson.

Commissioner Blaser said he received a phone call from Ms. Davis and Ms. Eldredge about the same topics.

Commissioner von Achen said she received the same calls from Ms. Davis and Ms. Eldredge

Commissioner Hird said he had a brief conversation with Mr. John Josserand about congregate living. He said he received a voicemail from Ms. Eldredge that he did not have a chance to return. He said she sent a letter summarizing her voicemail. He said he also talked to Mr. Ron Schneider about the Industrial text amendment. He stated Mr. Paul Werner sent an email expressing his desire for more time to study the Industrial text amendment.

- No abstentions.

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ITEM NO. 1 PRELIMINARY PLAT; SADIES LAKE ADDITION; 778 E 1300 RD (MKM)

PP-8-8-11: Consider a one lot Preliminary Plat for Sadies Lake Addition, approximately 207 acres, located at 778 East 1300 Road. Submitted by Grob Engineering for Sadies Lake LC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

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

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Sadies Lake Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. The plat shall be revised with the following changes:
 - a. General Note 6 shall be revised to reference the amended Subdivision Section **20-810(i)(4)** and to remove the language regarding the Temporary Set Aside Agreement provisions as the agreement has not yet been executed.
 - b. Revise the site summary to note the gross area of the plat as 205.837 acres.

Commissioner Hird asked what a dry hydrant was.

Ms. Miller said it was connected to a pond and only utilize when needed. She said it was not hooked on to a waterline.

Unanimously approved 8-0. Student Davis voting in the affirmative.

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ITEM NO. 2A RSO & CS TO CS; 3.3 ACRES; 2600 REDBUD LN, 2620 IOWA ST, 2626 IOWA ST, 2032 W 27TH ST (SLD)

Z-9-24-11: Consider a request to rezone approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) & CS (Strip Commercial) to CS (Strip Commercial), located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street. Submitted by Landplan Engineering for KMAH LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson, agreed with the staff report. He said this would be an infill redevelopment of a busy retail corridor. He said there was strong public interest to see the site put back to productive use. He stated the rezoning applied to a small portion of the property. He said the denial of the applicant's neighborhood revitalization act application slowed down the development of the smaller lot. He said the larger parcel was still planned for development as an Olive Garden. He said the arrangement was not final but if all went well there would be a site plan application submitted for the large lot. He said regardless of the end user the rezoning and preliminary plat were prerequisites to putting the property back to productive use.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to approve the request to rezone approximately 3.3 acres, from RSO (Single-Dwelling Residential-Office) District and CS (Strip Commercial) to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 8-0. Student Commissioner Davis voting in the affirmative.

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ITEM NO. 2B PRELIMINARY PLAT; MEADOW LEA ESTATES; 2600 REDBUD LN, 2620 IOWA ST, 2626 IOWA ST, 2032 W 27TH ST (SLD)

PP-9-9-11: Consider a two lot Preliminary Plat and variances related to street design standards included in Section 20-810 of the Subdivision Regulations regarding minimum street right-of-way and street termination for Meadow Lea Estates, approximately 3.3 acres, located at 2600 Redbud Lane, 2620 Iowa Street, 2626 Iowa Street, and 2032 W 27th Street. Submitted by Landplan Engineering for KMAH LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson, was present for questioning.

Public Comment on Variance Only

No public comment.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Liese, to approve the variance with regard to the minimum right-of-way width for Iowa Street from 150' to 100'.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

Motioned by Commissioner Blaser, seconded by Commissioner Liese, to approve the Preliminary Plat of KMAH and Lawrence 27th Addition and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way subject to the following condition:

Provision of a 10' easement along 27th Street and a 10' easement along Iowa Street to accommodate existing and future utilities.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

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**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
INDUSTRIAL DISTRICTS (MJL)**

TA-10-16-11: Consider a text amendment to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district.

STAFF PRESENTATION

*Planning Commission heard item 4 before item 3.
Commissioner Finkeldei arrived at the meeting at 7:00pm*

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

Ms. Margerette Ermeling, asked for deferral.

Ms. Beth Johnson, Lawrence Chamber of Commerce, felt more needed to be done. She asked for deferral.

Mr. Jim Baggett said the intensity of IG was apparent to everyone but that one sentence taken out of the original zoning that says incompatible with residential. He felt that compatibility reference to a lot of different categories would be helpful for people to understand.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, referenced the League of Women Voters letter and agreed 100% with their comments. She said definitions should be looked at and considered working on. She asked for a deferral to allow more time for stakeholder review.

Ms. Jane Eldredge, Barber Emerson, said landowners and stakeholders were excluded from discussions before Planning Commission. She asked Planning Commission to direct staff to meet with stakeholders.

COMMISSION DISCUSSION

Commissioner Liese asked staff about the process of meeting with stakeholders.

Mr. McCullough said it was initiated by City Commission with some direction to present to the Planning Commission with haste. He said staff drafted the amendment and met with the Chamber of Commerce, members of the Scenic Riverway Association, and Lawrence Association of Neighborhoods. He said staff was happy to meet with any and all stakeholders to continue the discussion.

Commissioner Liese asked why the use permitted would be allowed in light industrial and general industrial but not in the middle.

Mr. McCullough said staff did an exhaustive search about uses that already existed in the IL and IG. He said one of the criteria was that we did not want to create any non-conformities.

Ms. Leininger said staff was trying to keep manufacturing and industrial uses in the IM district and trying to keep some of the non-industrial traffic out of those areas.

Commissioner Liese inquired about the staff wording of 'impactful to surrounding neighborhoods.'

Mr. McCullough said it was in the purpose statement of Article 2. He said it was the only zoning district in the purpose statement that passes judgment on its compatibility with another land use category. He said in staffs' opinion that was not appropriate as a purpose statement.

Commissioner Liese inquired about the phrase requiring 'good transportation access.'

Ms. Leininger said good transportation and access was important for all districts so it was not something that gave to the purpose of the district.

Commissioner Liese said he was in favor of maintaining the statement about impact surrounding neighborhoods in a very intense application. He said regarding food service facilities he felt that fast food availability would be important in a developing industrial area.

Mr. McCullough said staff talked about that and believed through the sector planning process good locations for those types of support uses can be identified. He said they were trying to build a district that creates an atmosphere for primary jobs, not secondary jobs of retail and food industry.

Commissioner Singleton thanked staff for their work. She was in favor of more meetings with developers. She thought it would be helpful to have a Mid-Month meeting that stakeholders could be invited to.

Commissioner Finkeldei said the staff recommendation was for approval instead of deferral for a major change, which struck a lot of people wrong. He felt different stakeholders needed to be involved. He said the use table was strange looking and needed to be looked at long-term. He said regarding vehicle sales and rental staff should look at the heavy equipment sales and rental. He said he was not a big fan of special use. He said it struck him funny that small collection recycling would not be allowed in industrial areas.

Mr. McCullough said staff would provide definitions next time.

Commissioner Culver said having some clarification on uses that aren't progressive would be helpful within the language of this. He suggested providing a summary or notes from stakeholder meetings to the Planning Commission to help understand what was discussed with those groups. He also suggested sharing that information with other stakeholders to bring more cohesiveness to the process.

Commissioner Finkeldei inquired about the process of down zoning.

Mr. McCullough said it would be a full rezoning process.

Commissioner Hird said the use table permitting some things in IL and IG but not in IM looked peculiar. He said it was interesting in the general discussions of the base districts that IL activity primarily occurs within enclosed structure, but that in IG and IM there was no reference to enclosed or exterior. He asked staff to take a sharp view of the number of uses allowed with a Special Use Permit. His personal preference was to allow it or not because the Special Use Permit process was very cumbersome to some that want to develop.

Commissioner Liese thanked staff for their time and work.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to defer text amendment, TA-10-16-11, to Chapter 20 of the City Code, Land Development Code, to review the uses of the existing industrial districts and explore creating a new district that permits uses with intensities between the IL (Limited Industrial) district and IG (General Industrial) district.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

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ITEM NO. 3 CONGREGATE LIVING & MULTI-DWELLING STRUCTURES (SDM)

Consider land use information related to recently adopted code amendments for Congregate Living and Multi-Dwelling Structures. *Requested by City Commission at their October 4, 2011 regular meeting.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item.

Commissioner Hird said the staff report was very well prepared.

Commissioner Finkeldei asked staff to walk them through how the determination was made.

Mr. McCullough said there had been two applications since the January adoption that used the parking standard of .5 parking spaces per bedroom. He said the criteria was built off of compiling a number of different data sets. He said staff met with the Appraisers office and decided which data sets to use that would give the most accurate information to generate the numbers.

Commissioner Finkeldei inquired about unlivable basement space.

Mr. McCullough said the gross square footage assumed that it could all be converted to livable space, not necessarily currently livable.

Commissioner Liese inquired about attics.

Mr. McCullough said attics were introduced into the discussion as another type of space that usually does not start out livable but could be something within the envelope of the structure that could be converted into boarding house space.

PUBLIC HEARING

Ms. Candice Davis expressed concern about the footnoted exception that counting unfinished spaces was close to the average size of a home in the Oread Neighborhood. She said the .5 parking was less than the original boarding house parking standard of .75. She said it essentially negates the standard of one parking space per bedroom currently in the Code. She expressed concern about further parking issues in the neighborhood. She said the Oread Residents Association favors an interpretation where the exception does not count unfinished living spaces.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, supported the idea. She said the point of an exemption was to have a unique reason why you shouldn't have to follow the regular rule of one parking space per bedroom. She said the way it was written was not unique.

Mr. Kyle Thompson said the map shown at City Commission meeting showed every house on his block qualifying under the exception. He said east of the University 50-90% of the houses on each block would qualify to become boarding houses under this exception. He said within a block radius of his house there were four empty houses and he did not think encouraging higher occupancy was a good idea.

Ms. Ellie Lecompte expressed concern about parking issues with a limited number of on street parking. She discussed managing blight and said she would like to see blight managed instead of

housing being completely reformatted. She said they should be registered rentals and regularly inspected. She said rental registration would allow funds to hire another inspector.

Mr. Dennis Brown, Lawrence Preservation Alliance, said he agreed congregate living could be a solution for certain structures but not a one size fits all application that could be addressed by the Code. He recommended the exception be set at .75 spaces. He said Oread Neighborhood had the most development pressure than any other area of town. He said the Overlay districts would be able to identify and account for the few true hardship properties that could only be preserved by congregate living. He said a recent preservation issue, the Varsity House, had enough parking to not need the exception. He said for the exception they were better off minimizing, not maximizing, what it qualifies for.

Ms. Marci Francisco said one problem with the exception is that it gives exception for a large structure on a lot and there is no difference between the size of the lot and how many parking spaces are needed. She expressed concern that the change might allow an existing congregate living structure to put more bedrooms within the structure. She wanted the exception to be as tight as possible.

Mr. John Josserand discussed the number of boarding houses and displayed on the overhead Lawrence population density. He expressed concern about the possibility of 89 boarding houses.

Mr. Aaron Paden felt the exception might need to be revisited. He said it was a matter of smart density and how it was developed.

Mr. Tom Harper said he walked away from the City Commission meeting thinking that the City Commission thought 89 houses were too many and that it was Planning Commissions job to scale it way down. He said the Oread Neighborhood was so dense already and this would increase the density.

Mr. Josserand said from an economic standpoint .75 parking was nice and .5 was great.

COMMISSION DISCUSSION

Commissioner Finkeldei said in his mind what he voted for he did not intend to include the basements or attics. He said 89 boarding houses was a large number and not what he intended when he voted. He said there were certain structures that were not likely to be converted back to single-family or remain single-family. He said they were trying to limit it to just a few houses. He said the average structure size was 2,171 square feet excluding basements and 3,100 square feet including basements. He did not think basements should be included in the count. He said the 3,500 square feet, not counting basements and attics, was adequate.

Commissioner Singleton agreed with Commissioner Finkeldei.

Commissioner Blaser inquired about the next step.

Mr. McCullough said it would be forwarded to City Commission.

Commissioner Blaser recommended they stay with the 3,500 square feet and .5 parking but do not use attics and basements in the calculation.

Mr. McCullough said if 3,500 square feet, excluding basements, was a possible new interpretation that would leave about 2.3% of Oread properties eligible for the .5 parking space.

Commissioner Liese inquired about rental registration.

Mr. McCullough said it has been a topic of discussion several times at the City Commission level.

Commissioner Culver agreed with excluding basements and attics. He wondered if it would be worthwhile to look at 3,250 square feet.

Mr. McCullough said there were a number of ways to look at it.

Commissioner Britton said he supported an interpretation that excluded basements and attics. He wondered if the best way to do that was through a text amendment.

Commissioner Belt felt 89 boarding houses was a large number. He said the University of Kansas was a key player in the discussion and he would like to see them involved.

Commissioner Hird felt 89 boarding houses were way too many. He encouraged City Commission to consider limiting the exemption to homes built before a certain date. He said the idea was that it had to be big structures we're interested in keeping and maybe a date requirement could be part of the equation. He felt it made more sense for the people trying to protect the Oread Neighborhood to include the basement in the calculation and raise the square footage number. He felt that by not including the basement in the calculation it was inviting mischief for someone to do something that was unintended, such as packing more bedrooms in.

NO ACTION TAKEN

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**ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST
SECTOR PLAN (DDW)**

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*

Item 5 was deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Adopt the 2012 Planning Commission meeting calendar.

Commissioner Liese asked if it was possible to change the meeting dates in February to the 27th and 29th.

Motioned by Commissioner Liese, seconded by Commissioner Hird, to accept the 2012 Planning Commission meeting calendar with the change suggested by Commissioner Liese.

Motion carried 9-0. Student Commission Davis voted in the affirmative.

Consideration of any other business to come before the Commission.

ADJOURN 9:14pm