



PLANNING COMMISSION MEETING
December 14, 2015
Meeting Minutes

December 14, 2015 – 6:30 p.m.

Commissioners present: Britton, Culver, Denney, Kelly, Liese, Sands, Struckhoff, von Achen

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 16, 2015.

Commissioner Kelly had a change to the abstention portion of the minutes. His correct employer should have stated USD 497.

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the November 16, 2015 Planning Commission minutes.

Approved 8-0.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) Policy Board met in November and reviewed and approved 2016 Unified Planning Work Program. He said they received several presentations from applicants of a transportation alternatives program grant through KDOT. He said it included Eudora, Baldwin, and Lawrence seeking grant funding from KDOT for pedestrian safety and accessibility within those communities.

He said the Oread Design Guidelines will be posted online this week and then there will be a public forum in January. He said PC will have a joint meeting with HRC in February and March.

He said the Pedestrian and Bicycle Issues Task Force asked several City advisory boards to attend a meeting to seek feedback on how their commission/committees worked with other committees within the City. He said it would help them make recommendations to the City Commission regarding pedestrian and bicycle issues.

Commissioner von Achen said she met with Ms. Eileen Horn and Mr. Dale Nims from the Sustainability Advisory Board to coordinate and plan the upcoming joint meeting in March. She said the program would be based around Horizon 2020, Chapter 16.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

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

- No ex parte.
- No abstentions.

PC Minutes 12/14/15

ITEM NO. 1 IG TO CS; 5,500 SF; 239 ELM ST & 311 N 3RD ST (SLD)

Z-15-00522: Consider a request to rezone approximately 5,500 SF from IG (General Industrial) District to CS (Strip Commercial) District, located at 239 Elm Street and 311 N 3rd Street. Submitted by Paul Werner Architects, for Lawrence Kansas Rentals, LLC and Jon Davis, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea, Paul Werner Architects, said the rezoning would include a café that would be an asset to the neighborhood. She said the café would offer refreshments and some lunch options. She said the parking needed to be addressed for the property and they were looking into several options. She said they did not intend to propose on-street parking to serve the café use. She said they were looking into shared parking agreements or different lots to use as parking. She agreed with the staff report.

PUBLIC HEARING

Mr. Tom Mersmann said he was in favor of the project. He felt it would be an asset to the neighborhood but expressed concern about traffic/parking. He wanted to be sure the alley would remain accessible for him to use his garage and that it wouldn't be blocked by cars parking there.

APPLICANT CLOSING COMMENTS

Ms. Rhea said regarding parking they were looking at a storage building directly north and an empty lot on Locust Street. She said a few other businesses may be able to provide shared parking. She said there was also the City lot that could possibly be used for parking. She said they were not planning on using the alley for parking.

COMMISSION DISCUSSION

Commissioner Denney asked if the alley had been vacated.

Ms. Day said no, she said it was still a functioning alley and would be maintained.

Commissioner Liese asked what it would take to designate an area as a tow zone.

Mr. McCullough said it was typically a request that would go through the Traffic Safety Commission and then City Commission.

Commissioner Liese said he would like to recommend City Commission create a tow zone so that a resident wouldn't be blocked in.

Mr. McCullough said the issue was getting the amount of Code required parking spaces on a private property site to accommodate the use. He said parking on the street was either permitted or not permitted with no parking signs and would affect all parkers, even residents and their guests. He said the nuisance issue of blocking an alley was a policing issue.

Commissioner Denney asked if a driveway was blocked the resident could have the car towed.

Mr. McCullough said as he understood it, yes.

Commissioner Kelly asked if any consideration was given to have the same rules apply as downtown parking, which do not require businesses to provide parking. He asked if this area would be considered an extension of downtown.

Mr. McCullough said no, it stopped with the CD district downtown.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the request to rezone approximately 5,500 SF, from IG (General Industrial) District to CS (Strip Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 8-0.

PC Minutes 12/14/15

ITEM NO. 2 UR TO RMO; 1.04 ACRES; 4111 W 6TH ST (BJP)

Z-15-00523: Consider a request to rezone approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 4111 W 6th St. Submitted by Paul Werner Architects, for Freestate Dental Building, LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Ms. Joy Rhea, Paul Werner Architects, said the applicant wanted to develop the site in a similar fashion to the surrounding uses. She said the plan was for a two-story building on the site, similar to the buildings to the east and west. She said the fear was that a one-story building would be overlooked along 6th Street since it would be sandwiched between 2 two-story buildings. She said it was still in the planning stages and it was possible they may want to do a mixed use on the second floor. She felt the RMO zoning was a better option to allow for the mixed-use development. She said they planned to get the building as close to 6th Street as possible to allow distance between the residential homes behind the building to the south. She stated the development would be a great addition to 6th Street.

PUBLIC HEARING

Ms. Kim Bergmann said she would prefer that the building be one-story. She said the building to the east was more like a small two-story home. She expressed concern about trees being removed and her property value declining. She also expressed concern about drainage in the area.

Mr. L.D. Lawrence expressed concern about devaluation of his property. He also expressed concern about the tree line being removed. He stated a fence had not been completed at the property to the east of this site.

APPLICANT CLOSING COMMENTS

Ms. Rhea said regarding the drainage, the City Stormwater Engineer required that no water from the site should go to the south. She said all water would go to a curb inlet on 6th Street. She said regarding screening, they had not gotten to the site planning process yet so she was not sure what trees would come down and which would stay, but that they would try to save what they could. She said the sewer line would go through the drainage easement and that they would try to avoid removing mature stands of trees if at all possible.

COMMISSION DISCUSSION

Commissioner Britton asked staff to talk about the process for site planning.

Mr. McCullough said there was an additional step after rezoning, which was the site planning process. He said the site plan would include notification of surrounding property owners within 200' of the subject property. He encouraged the public to provide input and express any concerns and that staff would try to mitigate those concerns to the best of their ability.

Commissioner Liese asked staff if a two-story building versus a one-story building had anything to do with the trees.

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

Mr. McCullough said it was more of an aesthetic opinion and did not have anything to do with trees in staff's opinion. He said trees would be affected by placement of the building, setback, parking, and utility trenches.

Commissioner Liese asked why the fence wasn't completed for the property to the east.

Mr. McCullough said he could not recall the details of why the fence had a gap in it. He said staff could check to see if it was a site plan infraction.

Commissioner Denney inquired about joint access with the property to the east. He asked if it was part of the rezoning request.

Mr. McCullough said that would be part of the site plan process.

Commissioner Denney asked if rezoning would not have any effect on the number of cutouts on 6th Street.

Mr. McCullough said that was correct. He said it was under the purview of the administrative site plan process and the City Traffic Engineer review. He said City Commission would be the final arbitrator if there was not agreement between the Code, applicant, and staff.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to approve the request to rezone approximately 1.04 acres, from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential - Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Denney asked if the RMO zoning allowed multiple dwellings on the property.

Mr. McCullough said yes.

Commissioner Denney asked if there could be a group of apartments on the second floor of the building.

Mr. McCullough said that was correct.

Commissioner von Achen said she would support the motion but encouraged the architect to preserve as many trees as possible for a buffer to the neighbors to the south.

Commissioner Britton said he would support the motion. He said it was a piece of property that development was inevitable along 6th Street.

Unanimously approved 8-0.

PC Minutes 12/14/15

ITEM NO. 3A A TO RS10; 3 ACRES; 1041 N 1700 RD (KES)

Z-15-00524: Consider a request to rezone approximately 3 acres from County A (Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Rd. Submitted by BG Consultants on behalf of Wedman Construction Inc, property owner of record.

ITEM NO. 3B PRELIMINARY PLAT FOR WESTWOOD HILLS 9TH PLAT; 1041 N 1700 RD (KES)

PP-15-00527: Consider a Preliminary Plat for Westwood Hills 9th Plat, located at 1041 N 1700 Rd. The residential subdivision contains approximately 3 acres and proposes 6 single-dwelling lots along the east side of Dole Drive (extended). Submitted by BG Consultants Inc on behalf of Wedman Construction Inc, property owner of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented items 3A and 3B together.

APPLICANT PRESENTATION

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

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked if development would occur as services became available.

Mr. Hamby said there were full services at the site.

ACTION TAKEN on Item 3A

Motioned by Commissioner Sands, seconded by Commissioner Liese, to approve the rezoning request, Z-15-00524, from A (County Agriculture) District to RS10 (Single-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 and subject to the following condition:

1. City Commission approval of Annexation (A-15-00525)

Unanimously approved 8-0.

ACTION TAKEN on Item 3B

Motioned by Commissioner Sands, seconded by Commissioner Liese, to approve the Preliminary Plat, PP-15-00527, for Westwood Hills 9th Plat, located at 1041 N 1700 Rd.

Unanimously approved 8-0.

PC Minutes 12/14/15

ITEM NO. 4 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; NE CORNER 6TH ST & WAKARUSA DR (SLD)

PDP-15-00529: Consider a revised Preliminary Development Plan for Bauer Farm, located at the NE corner of 6th & Wakarusa Dr. The plan proposes revisions to the remaining undeveloped commercial and multi-dwelling residential areas of Bauer Farm. Submitted by Treanor Architects PA for Free State Holdings, Inc., Bauer Farm Residential LLC, Free State Group LLC, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Matt Murphy, Treanor Architects, was present for questioning.

PUBLIC HEARING

Mr. Tom Mulinazzi, expressed concern about increased traffic and parking. He also expressed concern about high school kids walking across the Theatre Lawrence site to eat at the fast food restaurants.

APPLICANT CLOSING COMMENTS

Mr. Murphy said a traffic impact study was done and this should not significantly increase traffic in the overall development.

COMMISSION DISCUSSION

Commissioner Sands inquired about a reduced drive-thru cap that was previously approved.

Ms. Day said that went back to the first iterations of Bauer Farm when it was designed as a very walkable integrated mixed-use. She said over the various versions and changes of the site that type of development had been stepped away from.

Mr. McCullough said at that time the west side of Bauer Farm was more mixed-use with residential, office, and quaint retail.

Commissioner Britton said that area crept away from the initial idea and that development pushed how it actually got built. The original concept was undercut for actual opportunities of development.

Commissioner Denney said he would support this because he felt there wasn't much they could do. He said it was a situation where they were led down a particular path via a complicated route.

Commissioner von Achen wondered what would come before them next for Bauer Farm. She asked staff to comment.

Ms. Day said the significant shift for this development happened when they moved away from the mixed-use on the northwest side by approving Sprouts and removing all residential uses on that side. She said there were only three lots left to develop.

Commissioner Kelly said he would vote against this. He expressed concern about another fast food opportunity being built across from the high school. He did not feel they should abandon the goals for the community just because the plan didn't go as the developer had hoped.

Mr. McCullough said the biggest reason for the change was the recession after this initially gained approval.

Commissioner Britton said there was some level of disappointment with the outcome of this project but that he did use some of the services at the location. He said the fast food drive-thru aspect bothered him a bit since there were already multiple at the site.

Commissioner Culver said he did think a compromise was found regarding to the third potential drive-thru use and he did not think a third was appropriate. He was optimistic that this was being developed instead of going under. He said he would support a motion.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the revised Preliminary Development Plan for Bauer Farm Planned Development to include one additional bank drive-thru use and one additional fast order food drive thru use for a total of seven uses with drive-thru, and including the site waivers and variances outlined in this report, based upon the findings of fact presented in the body of the staff report.

Motion carried 5-3, with Commissioners Kelly, Sands, and von Achen voting in opposition.

Ms. Denny Ewert left the meeting at 8:03pm.

PC Minutes 12/14/15

ITEM NO. 5 TEXT AMENDMENT FOR URBAN AGRICULTURAL (MKM)

TA-15-00346: Consider a Text Amendment to the City of Lawrence Land Development Code, to add Urban Agriculture as a permitted use and establish standards. *Initiated by City Commission on 6/23/15.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Ms. Eileen Horn, Douglas County Food Policy Council, said that they supported the majority of the content. She discussed revising the standard for Urban Farm because they felt it imposed a burden and barrier that wasn't there previously.

Ms. Helen Schnoes, Douglas County Food Policy Council, said the standard for Urban Farm implies an assumed level of intensity in the action of the sales that may not actually reflect what that urban farm may be conducting. She recommended allowing the slaughter for home use of chickens, and clarifying weed regulations and on-site sales. She said the Food Policy Council supported the text amendment.

Mr. Derek Tufty was in favor of reducing regulatory hurdles.

Ms. Jill Elmers, Moon Over the Meadows Farm, said her property was zoned RS10 but was in a rural area. She felt the Urban Farm standards went farther than needed.

Mr. Michael Almon, Sustainability Action Network, requested the discussions continue. He provided additional standards in a letter included in the packet. He said the property maintenance code precipitated this text amendment. He felt they should define implements in the terminology to clarify that they aren't debris. He felt they should reinforce the Food Policy Council's comments. He said excess produce sales can't wait until three times per year sales.

Mr. Quentin Cole wondered if permanent on-site sales would be allowed in CN1 zoning. He also wondered about having a food outlet next to a garden.

Mr. Travis Weller felt the Urban Farm Special Use Permit would be an additional barrier to new farmers from starting a business. He said most of North Lawrence was zoned RS7.

Mr. Skyler Adamson, Fruit Tree Project, said animal slaughter would be much more humane than large operation production. He felt animal slaughter would take down barriers to access to healthy food. He felt it would strengthen the food system. He felt they needed to get the weed issues resolved. He also felt the Code was not ready yet and there was much work to be done.

COMMISSION DISCUSSION

Mr. McCullough said staff was looking for comments from Planning Commission regarding what level of process they would want for the industry.

Commissioner von Achen asked if on-site sales would be permitted by right.

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

Ms. Schnoes said they looked at other communities and the City of Minneapolis removed the temporary sales permit.

Ms. Horn said on-site sales could allow someone to start to build a business. She said having a simpler process for people to streamline the process would be helpful.

Ms. Miller said a temporary seasonal sales permit was an option.

Mr. McCullough said land use impacts of sales on the property would include such things as scale and traffic.

Commissioner von Achen wondered if three times a year would be problematic for farmers and doesn't address the reality of gardening.

Commissioner Britton inquired about CN1 zoning and that many retail sales would be allowed with a site plan.

Ms. Miller said CN1 would allow retail sales.

Commissioner Denney said the areas used for farming were different, such as out in the country versus imbedded in a neighborhood. He was bothered by them both being held to the same standard. He felt there was a difference between crop agriculture and small animal agriculture and wondered when it became an Urban Farm.

Ms. Miller said it would become an Urban Farm that an individual is no longer able to do it and employees/volunteers need to be brought in.

Commissioner Denney felt they needed to strengthen the distinction of what made it an Urban Farm.

Commissioner Kelly said on-site sales would primarily be in residential neighborhoods. He had a hard time figuring out where they shift from the trend of Home Occupation to Urban Farm. He said he wanted to be supportive of the entrepreneurial spirit but at some point it flows into running a business, which was different.

Ms. Schnoes said there would be ranges of spaces used for sales. She said a permit could be issued for more permanent structures. She said the frequency of sales could flip it from Home Occupation to real commerce.

Commissioner Kelly said the Special Use Permit would not be a barrier to entrepreneurship but to provide protections for farmer and neighbor.

Commissioner Liese inquired about shearing sheep to make wool or building a bird house.

Ms. Miller said processing would be a Home Occupation.

Commissioner Denney asked if a Home Owners Association would restrict it.

Ms. Miller said she did not know about an HOA.

Mr. McCullough said covenants/restrictions would be a civil matter.

Commissioner Sands wondered how the City would enforce vaccinations of animals.

Ms. Miller said that was one of the things they were looking into. She said the Department of Agriculture gives out tags for animals that have been vaccinated so that could be an option.

Commissioner Denney wondered why they would allow slaughtering for small animals, but not sheep or goats.

Ms. Miller said those were options. She said it may be easier to contain a chicken if something goes wrong, versus a goat or sheep.

Commissioner Liese wondered about people who don't slaughter correctly.

Commissioner Sands said it was not unreasonable to expect people to take the meat they raised to a professional butcher, just as a hunter would do.

Commissioner Liese felt there could be potential problems with slaughtering depending on who was doing it. He expressed concern about kids hearing or seeing the impacts.

Commissioner Britton was in favor of slaughtering inside or in a screened area. He hated to inhibit a potential sector because of the "what ifs." He said if they didn't require a Special Use Permit now it may be harder to regulate down the road.

Mr. McCullough said that was a fair option to pursue.

Commissioner von Achen said they were two generations from when everyone slaughtered chickens in town. She said the humane handling of animals was important but that they were trying to shield people from the reality of where food comes from.

Commissioner Liese said most states have pretty strict rules about the slaughtering of animals. He wondered how they would make sure they were followed.

Commissioner Britton they needed to bring it back to the land use impacts, such as impacts to a neighbor of seeing, smelling, and hearing slaughtering.

Commissioner Culver said they needed to let the experts in the room work with staff to keep in mind that changing conditions of urban agriculture will be on-going. He said they may have to revisit the issue in the future as they learn how it impacts the community.

Commissioner Denney felt that the slaughtering of small animal agriculture should be clarified whether it's for sale or just for personal use. He was concerned about 1 residence out of 1000 that impact on the community is different if they are slaughtering 20 chickens and 10 rabbits. He said if 1 in every 100 residents may become a community hazard. He wanted it to be limited to personal consumption and not see hanging racks of rabbits in the street for sale.

Commissioner Kelly expressed concern about starting loose and then tightening later. He wondered if existing farms were grandfathered.

Ms. Miller said that was an option. If it was permitted and we pass a rule saying a Special Use Permit was needed then they could receive a Special Use Permit automatically.

Commissioner Struckhoff said on-site doesn't work for every neighborhood. He said he was not sure which way to start, with loose or tight restrictions. He said there were a self-selected sample of people who raise animals for food supply.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Culver, to defer the text amendment to the February Planning Commission meeting for additional language development.

Motion carried to defer 8-0.

They took straw votes on the following:

Special Use Permit required for Urban Farms in RS7 and up; Crops only:
Straw vote 3-5, with Commissioners Kelly, Liese, and Sands in favor. Commissioners Britton, Culver, Denney, Struckhoff, and von Achen were not in favor.

Special Use Permit required for Urban Farms in RS7 and up; Small animals:
Straw vote 5-3, with Commissioners Britton, Denney, Kelly, Liese, and Sands in favor.
Commissioners Culver, Struckhoff, and von Achen were not in favor.

On-site sales; No restrictions:
Straw vote 0-8.

On-site sales; Moderate/not high restrictions on sales:
Straw vote 8-0.

Slaughter for sale; allowed with restrictions:
Straw vote 6-2, with Commissioners Britton, Culver, Denney, Kelly, Struckhoff, and von Achen in favor. Commissioners Sands and Liese were not in favor.

Slaughter for sale; personal consumption:
Straw vote 6-2, with Commissioners Britton, Culver, Denney, Kelly, Struckhoff, and von Achen in favor. Commissioners Sands and Liese were not in favor.

Commissioner Denney said they should concentrate on what type of stand/display they could have, which could become self-limiting.

PC Minutes 12/14/15

ITEM NO. 6 SPECIAL USE PERMIT FOR FAST ORDER FOOD, DRIVE-IN; 4300 W 24TH PLACE (SLD)

SUP-15-00521: Consider a Special Use Permit for approval of a neighborhood commercial shopping area that includes buildings to house *Fast Order Food, Drive-in*, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-thru uses indicated. Two drive-thru uses are for *Fast Order Food*. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

Item 6 was deferred prior to the meeting.

ADJOURN 10:20pm