



PLANNING COMMISSION MEETING
April 25, 2016
Meeting Minutes

April 25, 2016 – 6:30 p.m.

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

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 21, 2016.

Motioned by Commissioner Struckhoff, seconded by Commissioner Kelly, to approve the March 21, 2016 Planning Commission minutes.

Motion carried 7-0-1, with Commissioner Liese abstaining. Commissioner von Achen was not present for the vote.

COMMITTEE REPORTS

No reports from any committees that met over the past month.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- No ex parte.
- No Abstentions.

PC Minutes 4/25/16

ITEM NO. 1 CONDITIONAL USE PERMIT; STONY POINT HALL; 1514 N 600 RD (MKM)

Stony Point: **CUP-16-00035**: Consider the renewal of a Conditional Use Permit for Stony Point Hall, a reception and banquet hall, on approximately 13.98 acres, located at 1514 N 600 Rd, Baldwin City. Submitted by Russell and Lucretia Carlson, property owners of record. (*Joint meeting with Baldwin City Planning Commission*)

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. and Ms. Russell and Lucretia Carlson were present for questioning.

PUBLIC HEARING

Mr. Hank Booth, Baldwin City Chamber of Commerce, supported the Conditional Use Permit.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Butler, to approve the Conditional Use Permit, CUP-16-00035, for Stony Point Hall, a *Recreation Facility* use, and forwarding it to the Board of County Commissioners with a recommendation for approval based upon the findings of fact in the body of the staff report subject to the following condition:

The Conditional Use shall be administratively reviewed every 5 years

Commissioner Britton inquired about the removal of the 10 year expiration time frame.

Ms. Miller said the time limit was a good tool for a use that may not be compatible with an area or if the use has impacts that need to be tracked. She said the previous Board of County Commissioners used it pretty much on every Conditional Use Permit. She said the current Board of County Commissioners was a little more selective and used it when they felt there may be an issue down the road.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PC Minutes 4/25/16

ITEM NO. 2 PRELIMINARY PLAT FOR WALNUT ADDITION; 775 WALNUT ST (BJP)

Walnut Addition: **PP-16-00057**: Consider a Preliminary Plat for Walnut Addition, a 7 lot residential subdivision containing 2.018 acres, located at 775 Walnut St. Submitted by Grob Engineering Services LLC, for Lawrence Habitat for Humanity, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

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

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to approve the Preliminary Plat, PP-16-00057, of Walnut Addition, located at 775 Walnut St.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PC Minutes 4/25/16

ITEM NO. 3 PRELIMINARY PLAT FOR FREESTATE DENTAL ADDITION; 4111 W 6TH ST (BJP)

Freestate Dental: **PP-16-00073**: Consider a Preliminary Plat for Freestate Dental Addition, a one lot residential-office subdivision containing 0.850 acres, located at 4111 W 6th St. Submitted by Landplan Engineering, PA, for Freestate Dental Building LLC, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, was present for questioning.

PUBLIC HEARING on Variance

Mr. Doug Garber property owner directly to the east. expressed concern about stormwater runoff.

APPLICANT CLOSING COMMENTS

Mr. Sturm said there was an approved drainage study that staff looked at and it spoke to how the drainage would be handled. He said water would generally be collected and conveyed to the north greenspace and out to the storm sewer system.

COMMISSION DISCUSSION

Commissioner Kelly inquired about the Board of Zoning Appeals variance and if it was related to the right-of-way variance they were looking at tonight.

Mr. McCullough said no, they were two separate issues. He stated the Board of Zoning Appeals variance had been withdrawn.

ACTION TAKEN on Variance

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the variance requested from Section 20-810(e)(5)(i) subject to the following condition:

1. The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

ACTION TAKEN on Preliminary Plat

Motioned by Commissioner Liese, seconded by Commissioner Culver, to approve the Preliminary Plat, PP-16-00073, for Freestate Dental Addition, subject to the following condition:

1. The plat shall be revised to include the following note:
 - a. Revise the plat to show the 50' Parking and Building Setback along W 6th Street.

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PC Minutes 4/25/16

ITEM NO. 4 CONDITIONAL USE PERMIT; PINE FAMILY TREE NURSERY; 1782 E 1500 RD (SLD)

Pine Family Tree Nursery: **CUP-16-00070**: Consider the renewal of a 30.5 acre Conditional Use Permit for Pine Family Tree Nursery, Landscape Center, *Retail Nursery*, located at 1782 E 1500 Rd. Submitted by Landplan Engineering PA, for Pine Family Investments LC, and Sue A Pine, Trustee property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

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

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to approve the Conditional Use Permit, CUP-16-00070, for a *Retail Nursery* and forwarding it to the County Commission with a recommendation for approval subject to the following condition(s):

- 1) Provision of a revised site plan to include the following notes:
"Changes to the site to add additional covered storage may be amended by a future site plan approved administratively. Changes to add retail sales on this site should be amended by a revised site plan approved by the County Commission with notice to surrounding property owners."

Unanimously approved 8-0. Commissioner von Achen was not present for the vote.

PC Minutes 4/25/16

ITEM NO. 5A A & VC TO I-3; 77.5 ACRES; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **Z-16-00067**: Consider a request to rezone approximately 77.5 acres from County A (Agricultural) District and VC (Valley Channel) District to County I-3 (Heavy Industrial) District, located at N 1300 and E 1750 Rds. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5B PRELIMINARY PLAT FOR KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **PP-16-00068**: Consider a Preliminary Plat for Four King's Subdivision, an industrial subdivision containing approximately 77.5 acres, located at N 1300 Rd & E 1750 Rd. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

ITEM NO. 5C CONDITIONAL USE PERMIT; KING'S RECYCLE CENTER; N 1300 RD & E 1750 RD (MKM)

King's Recycle Center: **CUP-16-00069**: Consider a Conditional Use Permit for King's Recycling Center, located at N 1300 Rd & E 1750 Rd. The CUP proposes the operation of a borrow pit and recycling of construction materials, as well as continued residential and agricultural uses on the property. Submitted by Landplan Engineering PA, for Dan King, Denise King, Kent King & Patricia King, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 5A-5C at the same time.

APPLICANT PRESENTATION

Mr. CL Mauer, Landplan Engineering, said the King Family had been in the area for 30 years. He said the area had already been disturbed. He said it contained clay and that there were very few places in Lawrence to get borrow pit material. He said the highway was 30' higher and created a natural berm. He said it created a visual berm for power lines along the South Lawrence Trafficway (SLT). He said ducks were visible on the ponds during the highway construction and not bothered by noise. He talked about the decibel levels on the trafficway and took several readings on his phone while sitting on the SLT near the turnpike entrance. He stated noise would be there whether this project was approved or not. He showed pictures and video on the overhead. The video showed what a driver would visually see driving east and west on the highway.

Mr. Kent King, King Construction, said they wanted to keep the area as rural as possible. He said lean clay was important to the construction trade and that it was a benefit to be able to recycle construction materials. He said it was a resource instead of going to the landfill. He said the crushing machine had a magnet to pull out the steel and would be no louder than the South Lawrence Trafficway (SLT). He said the area had been changed by the SLT. He said Mr. Maurer talked to the neighbors and that they were not against this but did ask for a berm, which would be included.

PUBLIC HEARING

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

Ms. Karen Heeb, South Siders Neighborhood Association, said she was not against the King family but felt the location for rock crushing recycling was not appropriate. She agreed with the information in the staff report. She did not feel that the use fit the Horizon 2020 plan. She said RD Johnson had a recycling plant less than a mile from this location. She expressed concern about increased traffic and noise.

Mr. Joe Comparato, Jambars Futbol Club, said he had no objections to the business but expressed concern about rezoning to industrial for future uses.

APPLICANT CLOSING COMMENTS

Mr. Maurer said regarding the zoning of the area, everything south was zoned VC (Valley Channel) so no other industrial use could be out there.

Mr. Brian King responded to Ms. Heeb's comment about their recycling center being so close to another one by stating that most towns have recycling centers located near each other. He said Topeka had three recycling centers next to each other.

Ms. Taylor Norris responded to the comments about increased traffic. She said their primary working hours would be 7:00am-4:00pm Monday-Friday so the soccer traffic would not be at the same time.

COMMISSION DISCUSSION

Commissioner Pennie von Achen arrived at the meeting at 7:57pm.

Commissioner Sands asked if the area plan extended into this section and what the recommendation was.

Ms. Miller said the area plan did extend to this area but had no recommendations. She said she assumed that was because the South Lawrence Trafficway was proposed to be there.

Commissioner Kelly said the city had already zoned a large portion of the area north of this property for industrial. He asked the applicant if he was making the most of the property for the borrow pit. He wondered if the applicant had interest in moving to the area zoned along K-10 highway.

Mr. King said no.

Commissioner Britton asked if the recycling use had a time limit.

Ms. Miller said it would be an allowed use.

Commissioner Britton wondered about building in a time frame for review or expiration.

Mr. McCullough said the applicable process would be the site plan process through the County Commission if it is rezoned to industrial. He said any use would have to comply with the zoning district and any improvements would go through the site plan process.

Commissioner Sands asked about plans for sector plans along the South Lawrence Trafficway.

Mr. McCullough said there were plans for most of the South Lawrence Trafficway. He said it was not anticipated for this property to urbanize.

Commissioner Sands inquired about the area north of 1300 Rd that looked to be temporary in nature for the purpose of supporting the construction of the highway extension.

Ms. Miller said it was owned by KDOT. She said that site had a former Conditional Use Permit for a recycling facility.

Commissioner Kelly said he was struggling with the concept of gateway. He stated the Comprehensive Plan did not provide much guidance to determine a gateway. He said the argument was challenging.

Commissioner Britton said the plan just identifies that it is a gateway. He said it was hard to draw the line of where it starts and stops. He said the soccer fields were a bonus to the aesthetics of a gateway. He said Mr. Maurer's video of what people would see from the South Lawrence Trafficway was enlightening.

Commissioner Kelly said part of their job was planning. He said this may not be taking the best use of planning. He said this industrial use may be okay but other uses would be permitted.

Commissioner Carpenter expressed concern about limitations of water. He said potential uses could pollute ground water. He said this area was near floodplain and in an isolated area.

Commissioner Butler asked where the other recycling center near this location was at.

Mr. Maurer pointed on the map displayed on the overhead. He said it was a mile north of the site they were talking about.

Commissioner Butler asked how long the King's had owned the property.

Mr. Maurer said three years.

Commissioner Carpenter said the property was not in the city and did not have stormwater. He said it would be reliant on possible future rural water and septic system. He expressed concern about a septic system with the other potential uses of industrial.

Mr. Maurer said there were detention ponds in the area. He said the Rural Water District had already purchased an easement from the King's at the corner of 31st Street and 1750 Road. He said the King's would have minimal water usage. He said the crusher and water trucks would use pond water. He said he would prefer to only have a Conditional Use Permit but it required rezoning to I-3.

Commissioner Britton asked why the rezoning was necessary versus a Conditional Use Permit.

Ms. Miller said the use was most similar to concrete plants. She said it was not just like quarrying because it was bringing material to the site.

Commissioner Liese reiterated the staff report findings.

ACTION TAKEN on Item 5A

Motioned by Commissioner Liese, seconded by Commissioner Carpenter, to deny the rezoning request, Z-16-00067, for approximately 77.5 acres County A (Agricultural) District to County I-3 (Heavy Industrial) District and forwarding the request to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

Commissioner Britton felt denial was the appropriate call due to potential industrial uses in the future. He said he heard good arguments to have this operation but that it was for County Commission to determine. He said he was inclined to follow the staff recommendation of denial.

Commissioner Culver said it was a unique piece of land and that rezoning it to heavy industrial was concerning for the long term.

Commissioner Sands felt they had a responsibility to consider what this would look in 10 years.

Commissioner Carpenter said he was not opposed to the King business. He wished there was some other way to continue the use without rezoning this location.

Commissioner Struckhoff said he would support the motion for denial mainly due to the non-contiguous I-3 rezoning request and the possibilities that extend there. He appreciated the recycled materials that the King's produced. He wanted to support the business, but not the zoning at this location.

Motion carried 7-1-1, with Commissioner Butler voting against the motion. Commissioner von Achen abstained due to her late arrival at the meeting.

ACTION TAKEN on Item 5B

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to deny the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, based on the findings of fact found in the body of the staff report.

Commissioner Kelly withdrew his motion for denial, seconded by Commissioner Liese to withdraw the motion for denial.

Motioned by Commissioner Liese, seconded by Commissioner Britton, to defer the Preliminary Plat, PP-16-00068, for Four King's Subdivision, located at N 1300 Rd & E 1750 Rd, until the Board of County Commissioners acts on the rezoning.

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

ACTION TAKEN on Item 5C

Motioned by Commissioner Kelly, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report.

Commissioner Culver asked if condition 3 would still apply to this Conditional Use Permit since it was related to the recycling facility.

Commissioner Kelly amended the motion, seconded by Commissioner Liese, to approve the Conditional Use Permit, CUP-16-00069, for King's Recycling Center, located at N 1300 Rd & E 1750 Rd, subject to the conditions in the staff report, except for conditions 3 and 6 which were related to the recycling facility.

1. The Conditional Use Permit shall be administratively reviewed every 5 years. The Conditional Use Approval for the borrow pit use shall expire 10 years from the date of the Board of County Commissioner's approval.
2. Commercial truck traffic to the facility is limited to the following roads:
E 1750 Road/Noria Road; N 1400 Road (Old K-10 Highway); E 1700 Road; K-10 Highway east or west.
- ~~3. Only clean construction rubble shall be stockpiled or processed on the site.~~
4. Well water usage is limited to the office and employees until the property is serviced by a Rural Water District.
5. The borrow pit shall be excavated no deeper than Elev. 800 Ft. (NAVD).
- ~~6. Provision of a revised CUP plan with the following changes to the landscaping, per Planning approval:~~
 - ~~a. Provide a mix of evergreen and deciduous trees for screening landscaping along N 1300 Road.~~
 - ~~b. Revise the landscaping shown along E 1750 Road to include evergreen trees west of the street trees that are shown and to extend the landscaping to the north property line.~~
 - ~~c. Label the species of the trees along E 1750 Road to match those listed on the Master Street Tree Plan, when approved.~~
 - ~~d. List Conditions No. 1-5 on the plan.~~

Motion carried 8-0-1, with Commissioner von Achen abstaining due to her late arrival at the meeting.

PC Minutes 4/25/16

ITEM NO. 7 IG TO CS; 3.82 ACRES; 1235 N 3RD ST (KES)

Z-16-00066: Consider a request to rezone approximately 3.82 acres from IG (General Industrial) District to CS (Strip Commercial) District, located at 1235 N 3rd St. Submitted by Allen Belot Architect, for Don E. Westheffer Trustee and Wanda L. Westheffer Trustee, property owners of record.

STAFF PRESENTATION

Ms. Katherine Simmons presented the item.

APPLICANT PRESENTATION

Mr. Allen Belot, Allen Belot Architect, said the property had been cleaned up significantly in the past few years. He said the property owner wanted to take advantage of the Event Center use.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner von Achen, to approve the rezoning request, Z-16-00066, from IG (General Industrial) District to CS (Commercial Strip) District, located at 1235 N 3rd Street, 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.

Unanimously approved 9-0.

PC Minutes 4/25/16

ITEM NO. 6 TEXT AMENDMENT TO ZONING REGULATIONS & SUBDIVISION REGULATIONS; ACCESSORY DWELLING UNITS (MKM)

TA-15-00461: Consider Text Amendments to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* and the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* to add Accessory Dwelling Units as a permitted use and to establish standards for the use. *Initiated by County Commission on 9/2/15.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the proposed amendment, TA-15-00461, to revise Sections 12-303, 12-306, 12-307, 12-308, and to add Section 12-319.9 in the Zoning Regulations and to revise Sections 11-104 and 11-106 in the Subdivision Regulations [20-804 and 20-806, City Code] and that the Planning Commission forward a recommendation for approval to the Board of County Commissioners.

Commissioner Kelly asked why rental was allowed but not bed and breakfast.

Ms. Miller said it could be permitted as an agritourism use or under certain zoning districts. She said having someone different stay every night was seen as more of a commercial use and not compatible with that zoning district. She said long-term rentals were allowed.

Commissioner von Achen said it seemed like a reasonable step to take and asked why this text amendment had not come before now.

Ms. Miller said there had been public inquiries. She stated it had been discussed and was in the works. She said it did not come to the point of a text amendment until recently.

Commissioner Britton inquired about notice to surrounding neighbors.

Ms. Miller said if there was a home business or Conditional Use Permit on the property there would be mailed notice.

Unanimously approved 9-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

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

MISC NO. 1 OREAD DESIGN GUIDELINES

Receive staff memo regarding Oread Design Guidelines.

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to initiate a text amendment to correct and clarify Article 13 of the Land Development Code to clearly cite and delineate the intended notice requirements.

Motion carried 9-0.

Mr. McCullough reminded Planning Commission about the May 11, 2016 Mid-Month meeting. He said Commissioner Carpenter would provide a brief summary about the American Planning Association conference that he attended. He said they would also have a discussion about non-conformities and the impact from a lending perspective.

ADJOURN 9:41PM