

LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of May 5, 2016 – 6:30 p.m.

Members present: Fertig, Gardner, Gascon, Holley, Mahoney, Wilbur
Staff present: Ewert, Guntert

ITEM NO. 1 COMMUNICATIONS

Mr. Guntert said communications were received from the applicants for items 3 and 5 withdrawing their items.

No board members had ex parte to disclose.

Items 3 and 5 were deferred prior to the meeting.

ITEM NO. 2 MINUTES

Minutes from the April 7, 2016 Board of Zoning Appeals were not available for approval.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 NUMBER OF PARKING SPACES, INTERIOR PARKING LOT
LANDSCAPING, AND PERIMETER BUFFERYARD SETBACK VARIANCES
FOR A NEW DENTAL OFFICE DEVELOPMENT; 4111 WEST 6TH STREET
[DRG]**

B-16-00130: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the code required number of off-street parking spaces for a new dental health care office from 30 stalls required in Section 20-902 of the City Code to a minimum of 27 stalls. The second variance seeks to reduce the amount of interior parking lot landscaping required in Section 20-1003(c)(1) of the City Code from 1,080 square feet (based on the code standard 40 square feet of landscaping per parking space) to a minimum of 360 square feet. The third variance involves a reduction in the 10 feet minimum width of a Type 1 Bufferyard required in Section 20-1005(c) of the City Code, to a minimum of 4.6 feet along the 60 feet width of the parking area adjacent to the south property boundary. The property is located at 4111 West 6th Street. Submitted by Joy Rhea with Paul Werner Architects, for Freestate Dental Building, LLC, the property owner of record.

Item 3 was withdrawn by the applicant prior to the meeting.

**ITEM NO. 4 CITY OF LAWRENCE WATER STORAGE TANKS – SITE AREA AND
STRUCTURE SETBACKS FROM ALL PROPERTY LINES; 1220 OREAD
AVENUE [JSC]**

B-16-00132: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 5 acre minimum site area requirement listed in Section 20-601(b) of the City Code to a minimum of 0.78 acres. The second request is for a variance to reduce the

40 foot minimum front setback requirement listed in Section 20-601(b) of the City Code to a minimum of 27 feet. The third request is for a variance to reduce the 40 foot minimum interior side setback requirement listed in Section 20-601(b) of the City Code to a minimum of 20 feet from the north property line, and 15 feet from the southern property line. The fourth request is for a variance to reduce the 40 foot minimum rear setback requirement listed in Section 20-601(b) of the City Code to a minimum of 27 feet. The property is located at 1220 Oread Avenue. Submitted by Philip Ciesielski with City of Lawrence Department of Utilities, for the City of Lawrence, Kansas, the property owner of record.

STAFF PRESENTATION

Mr. David Guntert presented the item.

Fertig asked what the likelihood was that the City would approve the rezoning.

Mr. Guntert said the staff recommendation would be in support of the rezoning.

Gardner inquired about the setback on the north side being larger.

Mr. Guntert said the tank diameter would be smaller.

Wilbur asked if the plan included making the tank taller.

Mr. Guntert said it was his understanding the tank height would remain the same as the existing.

Gardner said the picture of the tanks looked like the smaller tank was peeking out from the larger tank

Mr. Guntert said the aerial photo was askew.

Holley said the request seemed fairly straight forward.

APPLICANT PRESENTATION

Mr. Philip Ciesielski, Assistant Director of City of Lawrence Utilities Department, said the two tanks were constructed in 1931 and 1954. He said this project would replace both tanks. He said he was working with the Historic Resources Administrator for the color scheme. He said they anticipated bidding the project in August. He stated the tanks would be phased in. He said he was working with KU for some additional property and use of construction staging. He believed all of the landscaping would be preserved along Oread Avenue. He said the cost of the project was around five million.

COMMISSION DISCUSSION

Gardner inquired about fencing.

Mr. Ciesielski said the tanks would not be fenced. He said they would have anti climb devices.

Gardner inquired about automatic lighting.

Mr. Ciesielski said one motion controlled light would be over the door to the pump station. He said there were no provisions at this time for co-locations of cellular tower equipment. He said the tanks were short and he did not believe there was a demand to put antennas on them.

Gardner asked if the small difference between height required one tank to use the pump station.

Mr. Ciesielski said both tanks would be tied into the pump station.

PUBLIC COMMENT

No public comment.

ACTION TAKEN

Motioned by Gardner, seconded by Gascon, to approve the requested variances to reduce the 5 acre minimum site area requirement to a minimum of 0.78 acres, to reduce the 40 foot minimum front setback requirement to a minimum of 27 feet, to reduce the 40 foot minimum interior side setback to a minimum of 20 feet from the north property line, and 15 feet from the southern property line, and to reduce the 40 foot minimum rear setback requirement to a minimum of 27 feet; subject to the approval of the property's rezoning to GPI District by the Lawrence City Commission.

Unanimously approved 6-0.

**ITEM NO. 5 VARIANCE FROM THE MINIMUM NUMBER OF PARKING SPACES
REQUIRED FOR A MIXED USE COMMERCIAL AND RESIDENTIAL
DEVELOP; 512 EAST 9TH STREET [DRG]**

B-16-00131: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a reduction in the required number of off-street parking spaces needed for a mixed use commercial and residential development per Sections 20-902, 20-903 and 20-904 of the City Code. The applicant wants to create an additional 1,636 square feet of private workspace/studios on the second level of the north building, which is occupied by Lawrence Creates Makerspace. Expanding the building area requires additional off-street parking spaces, which they are unable to provide. The property is located at 512 E. 9th Street. Submitted by Eric Kirkendall, with Lawrence Creates, Inc., with the permission of the property owner of record, Hill Family Investments.

ITEM NO. 6 MISCELLANEOUS

- a) Consider any other business to come before the Board.

Adjourn 6:51pm