



PLANNING COMMISSION MEETING
June 20, 2016
Meeting Action Summary

June 20, 2016 – 6:30 p.m.

Commissioners present: Britton, Butler, Carpenter, Culver, Harrod, Kelly, Struckhoff, von Achen, Willey

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

GENERAL BUSINESS

Introduction of new Planning Commissioners Lynn Harrod & Karen Willey.

PLANNING COMMISSION ACTION SUMMARY MINUTES

Receive and amend or approve the action summary minutes from the Planning Commission meeting of May 23, 2016.

Motioned by Commissioner Kelly, seconded by Commissioner Carpenter, to approve the May 23, 2016 Planning Commission minutes.

Approved 6-0-3, with Commissioners Butler, Harrod, and Willey abstaining.

COMMITTEE REPORTS

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

Commissioner Kelly said the Horizon 2020 Steering Committee met earlier in the week and received early drafts of the format of what the report would look like. He said they looked at the policy around growth and had good discussion about it.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- Ex parte:
Commissioner von Achen said she received a call from Mr. Scott Zaremba regarding the access on/off 23rd Street for item 3.
- Abstentions:
Commissioner Kelly said he would abstain from item 3 since the applicant, Lawrence Public Schools, was his employer.
Commissioner Harrod said he would abstain from item 3 for the same reason.

ELECTION OF OFFICERS FOR 2016-2017

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

Accept nominations for and elect Chair and Vice-Chair for the coming year:

Motioned by Commissioner Britton, seconded by Commissioner Culver, to nominate Commissioner Kelly as Chair.

Motion carried 9-0.

Motioned by Commissioner Culver, seconded by Commissioner Butler, to nominate Commissioner Struckhoff as Vice-Chair.

Motion carried 9-0.

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**ITEM NO. 1 CONDITIONAL USE PERMIT; VINLAND FAIRGROUNDS; 1736 N 700 RD
(BJP)**

Vinland Fairgrounds: **CUP-16-00152**: Consider a Conditional Use Permit for Vinland Fairgrounds, located at 1736 N 700 Rd. Submitted by Vinland Fair Association, property owner of record. *Joint meeting with Baldwin City Planning Commission.*

Item 1 was withdrawn prior to the meeting.

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ITEM NO. 2 RM32 TO GPI; .78 ACRES; 1220 OREAD AVE (JSC)

City Water Tanks: **Z-16-00145**: Consider a request to rezone approximately .78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) District, located at 1220 Oread Ave. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION

Mr. Philip Ciesielski, City of Lawrence Utility Department, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Carpenter asked why the rezoning had not happened before now.

Mr. McCullough said the redevelopment of it triggered the rezoning.

ACTION TAKEN

Motioned by Commissioner Carpenter, seconded by Commissioner Struckhoff, to approve the request to rezone approximately 0.78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Approved 9-0

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ITEM NO. 3 GPI TO IG; 7.7 ACRES; 711 E 23RD ST (MKM)

USD 497 Vehicle Storage: **Z-16-00147**: Consider a request to rezone approximately 7.7 acres located at 711 E 23rd St from GPI (General Public and Institutional Use) District to IG (General Industrial) District. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. on behalf of Douglas County, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Dan Harden, BG Consultants, was present for questioning.

Commissioner Struckhoff asked if there were other fleet storage areas in Lawrence.

Mr. Hardin said not that he was familiar with.

PUBLIC HEARING

Mr. Scott Zaremba expressed concern about egress and ingress. He said the site was not built to move busses back and forth across 23rd Street. He felt it created a conflict.

Ms. Marsha Heeb, 2114 Learnard Ave, expressed concern about the traffic moving through the nearby residential neighborhood. She did not feel the staff report adequately described the homes in the Barker Neighborhood. She felt the character of the neighborhood was not accurately described. She said the property could not be compliant with the Burrough's Corridor ideas due to the impacts on the neighborhood. She expressed concern about the ingress and egress of the site.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to show the route the busses would presumably take.

Ms. Miller said they would have to develop their route. She said they were not allowed to cross 23rd Street. She said the Traffic Impact Study might indicate a particular route.

Commissioner von Achen felt it put Planning Commission in a difficult spot to make a recommendation based on information they did not have.

Mr. McCullough said the Traffic Impact Study would evaluate the routes and intersection.

Mr. Hardin said the Traffic Impact Study was part of the site plan process and he did not want to incur those costs until then. He said City Public Works Department had vehicles larger than school busses.

Commissioner Britton asked staff about the site plan process.

Mr. McCullough said the site plan process would be administrative and notice would be sent to property owners within 200'. He said there was an appeal process and any appeal would go to City Commission. He said the Traffic Impact Study would be looked at within the site planning process.

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He said roads were designed to handle traffic so he would not be surprised if there was a solution. He said the City Traffic Engineer would look at the Traffic Impact Study and the impacts to the intersection. He said he would anticipate public roads would be used to support whatever operation would go on this property.

Commissioner Britton asked if they could require the site plan to come back to Planning Commission.

Mr. McCullough said in very rare occurrences.

Commissioner Carpenter inquired about the property notice being expanded.

Mr. McCullough said an extended courtesy notice could be provided.

Commissioner Kelly asked if further comment could be made about the Traffic Impact Study.

Mr. McCullough said Planning Commission had the ability to seek more information before making a recommendation to City Commission.

Commissioner Britton said the only reason to rezone was because of the fleet storage use. He said the notice range was probably insufficient for this particular piece of property. He suggested extending the property owner notice to 1000' or 500' to get enough of the neighborhoods nearby. He stated in terms of the site plan, he would be comfortable approving the rezoning now but conditioning the site plan approval on a public hearing at Planning Commission. He said if the traffic and impact to the neighborhood was the concern then there should be more of a hurdle to overcome and process to go through than the normal site plan.

Mr. McCullough said City Commission could have the same concerns. He said his preference would be to have more work done on the bus routing that way City Commission could benefit from that information as well. He suggested deferring the item.

Commissioner Culver asked if the information would include a full Traffic Impact Study.

Mr. McCullough said that is what staff would be looking for, as well as routing, and determine whether the streets were acceptable.

Commissioner Culver said if they were going to go through that process he wanted it to be thorough so Planning Commission could make a good decision and not delay it further.

Commissioner Britton asked the applicant for his thoughts on deferral for one month.

Mr. Hardin said he was okay with it.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Willey, to defer one month, directing the applicant to bring information on bus traffic routing and impacts through a Traffic Impact Study to the Planning Commission and extending property owner notice to pick up neighbors located as far north as Learnard Ave and E. 22nd Terr. which will have potential to be affected by the traffic.

Motion carried 7-0-2, with Commissioners Harrod and Kelly abstaining.

Commissioner von Achen said the property to the south was zoned RS10 and was used for stormwater management by the City. She asked if that precluded it from becoming a residential property.

Ms. Miller said it had no frontage on any street so it could become a residential property with a variance but that it would be very rare. She said the property was for filtering water before it reached the wetlands and the intent was to keep it there. She said there was nothing that said it couldn't ever be sold but that it could not be developed separately the way it was now.

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ITEM NO. 4 IG TO CS; 1.56 ACRES; 706 E 23RD ST (MKM)

Microbrewery: **Z-16-00154**: Consider a request to rezone approximately 1.56 acres located at 706 E 23rd St from IG (General Industrial) District to CS (Strip Commercial) District. Submitted by Lockwood Craft Brewing, Co. LLC, for Lawrence Brothers LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Cory Johnson was present for questioning.

Mr. Dean Grob, Grob Engineering, said he submitted applications today for a Special Use Permit and Preliminary Plat to move forward with the site.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harrod inquired about the entrance.

Mr. Johnson said the entrance on to 23rd Street was the only entrance on 23rd Street and that the site extended to 22nd Street.

Mr. Grob said there was a gated entrance on the west side to 22nd Street.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to approve the rezoning request for approximately 1.56 acres from IG (General Industrial) District to (CS) Commercial Strip 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

Unanimously approved 9-0.

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**ITEM NO. 5 CONDITIONAL USE PERMIT; CLEAN RUBBLE FILL; 1736 E 1550 RD
(MKM)**

Clean Rubble Fill: **CUP-16-00105**: Consider a Conditional Use Permit for clean rubble landfill, on approximately 40 acres located at 1736 E 1550 Rd. Submitted by Grob Engineering Services, LLC, for Nunemaker-Ross, Inc., property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering, said the applicant was okay with all conditions except condition 1. He said there were no county roads to use to the site. He said clean rubble fill was not construction debris fill. He said clean rubble fill was well defined by the KDHE. He said the applicant was looking to fill the hole on the site and that this type of facility would not be a huge money maker.

PUBLIC HEARING

Mr. Ted Boyle, North Lawrence Improvement Association, expressed concern about truck traffic going through North Lawrence. He also expressed concern about clean rubble impacts to well water.

COMMISSION DISCUSSION

Commissioner von Achen asked staff to put the proposed truck route on the overhead.

Commissioner Britton asked if equipment would be stored out there.

Mr. Grob said a piece of equipment would be moved in as piles accumulated to push it down.

Commissioner Harrod asked if it was the Nunemaker-Ross family who owned the property to the south.

Mr. Grob nodded yes.

Commissioner Willey asked if the native grass had to be spelled out with the specific type. She didn't want to see it restricted unnecessarily.

Ms. Miller said the language could be changed.

Commissioner Carpenter asked about KDHE requirements for clean rubble.

Mr. Grob said there was not a permitting process. He said it was a highly visible spot so it would be difficult to bring in other material without people seeing it.

Commissioner Britton asked if safety impacts of the larger route were considered.

Ms. Miller said the main thing that staff looked at was the safety of North Lawrence residents.

Mr. McCullough said they could set up an annual joint inspection with KDHE to check the clean rubble fill.

Commissioner Struckhoff felt trucks should go around rather than thru North Lawrence. He supported condition 1.

Commissioner von Achen said all residents of North Lawrence shouldn't bear the burden of truck traffic.

Commissioner Carpetner said the truck routes in North Lawrence should be reevaluated at some point.

Britton inquired about the renewal process for the Conditional Use Permit.

Mr. McCullough said that was addressed by condition 4. He said the approval may be extended by the County Commission if a written request showing good cause was submitted prior to the expiration date.

Commissioner Culver said he was supportive of the staff recommendation.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner Struckhoff, to approve the Conditional Use Permit request for a clean rubble landfill at 1736 E 1550 Road subject to the following revised conditions: (new language is shown in **bold**):

1. Truck traffic associated with this use is not permitted on City streets except to access that portion of 9th Street as part of the following approved route: Hwy 40/59 – Hwy 24/40 – E 1600 Rd – N 1650 Rd – N 9th Street
2. Only 'Clean Rubble' shall be used to fill the Borrow Pit. 'Clean Rubble' shall be defined using the Kansas Department of Health and Environment's definition as follows: *"....the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."* **The landfill shall be reviewed annually by Planning and KDHE to insure that only clean rubble, as defined by KDHE, is being used for fill.**
3. When the Borrow Pit has been filled as shown on the plan, top soil shall be applied and the property seeded with brome or fescue type grasses, **or with other seed mix approved by the NRCS (Natural Resource Conservation Service)**. Top soil application and seeding shall be completed within 1 year following the completion of filling and grading activities on the site.
4. The Conditional Use Permit shall expire 5 years after the date of the Board of County Commissioners approval. The approval may be extended by the County Commission if a written request showing good cause is submitted prior to the expiration date.
5. Submittal of a revised plan which lists Conditions 1-4 above as the Conditions and Restrictions of Use.

Mr. Grob said the County inspected the feedlot each year and that the applicant had no objection.

Unanimously approved 9-0.

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ITEM NO. 6 EXTENSION REQUEST FOR PRELIMINARY PLAT FOR GOING SOUTH ADDITION; 2726 O'CONNELL RD & 2700 BLOCK O'CONNELL RD (SLD)

Extension request for PP-13-00343, a Preliminary Plat for Going South Addition, located at 2726 O'Connell Rd and 2700 Block O'Connell Rd. Submitted by Grob Engineering Services, for Going South LLC and Heart of America, Teen Challenge, Inc., property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

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

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Culver asked if the extension would be for 24 months.

Ms. Day said yes.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Britton, to approve the extension request for PP-13-00343, a Preliminary Plat for Going South Addition, located at 2726 O'Connell Rd and 2700 Block O'Connell Rd.

Unanimously approved 9-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Mr. McCullough said they were looking for possible Planning Commission training dates.

Commissioner Britton said they were looking at late August or late September. He said he could not do September 17 and 18 but that September 9 or 23 would work for him.

ADJOURN 8:31pm

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