



**PLANNING COMMISSION MEETING**  
**April 21 & 23, 2008**  
**Meeting Minutes**

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April 21, 2008 – 6:30 p.m.

Commissioners present: Blaser, Carter, Chaney, Eichhorn, Finkeldei, Lawson, and Moore  
Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Patterson, and Brown

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**MINUTES**

Minutes from the February and March Planning Commission meetings were not ready for approval.

**COMMITTEE REPORTS**

Commissioner Moore said the Industrial Committee and Amy Miller created a memo that went over the items discussed.

Commissioner Finkeldei said that TAC met and the Wednesday night Planning Commission meeting had a few items that have been approved by TAC.

Commissioner Eichhorn said that RZO met.

**COMMUNICATIONS**

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

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte.
- No abstentions.

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**ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR PINE RIDGE PLAZA; 3235 OUSDAHL ROAD (SLD)**

**FDP-02-01-08:** A Final Development Plan for an office warehouse at 3235 Ousdahl Road; Pine Ridge Plaza Lot 1B. Submitted by Grob Engineering for Fraternal Investors, LLC, property owner of record.

**ACTION TAKEN**

Motioned by Commissioner Finkeldej, seconded by Commissioner Chaney to approve the Final Development Plan for Pine Ridge Plaza Lot 1B based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Provision of a mylar and applicable recording fees to include easement agreement for ROW use.
2. Provision of revised notes for set back reductions to list as follows: "The following waivers and reductions were approved by the Planning Commission on March 24, 2008:
  - a. Yard reductions along the west side from 35 feet to 12 feet rear yard setback;
  - b. Yard reductions along the east side from 30 feet to 15 feet front/peripheral yard setback;
  - c. Yard reductions along the south side from 30 feet to 15 feet peripheral yard setback for the parking lot;
  - d. Off-street parking from 131 spaces required to 90 spaces to be provided."
3. Provision of a revised Final Development Plan to conform to the Commercial Design Standards per staff approval for the building facades.
  - a. Provision of the west building facade that shows building material treatment extended to the rear of the building consistent with the south side application to extend at least 1/3 of the building.
  - b. Provide additional vegetative screening on the southwest corner to provide additional screening to the rear of the building.
  - c. Provide building façade treatment to the north elevation and to include landscape materials to reduce massing and soften façade appearance.
4. Extend internal sidewalks from south driveway public sidewalk to front building sidewalk and relocated bike rack to other location on site such as south end of building.

Unanimously approved 7-0, as part of the Consent Agenda.

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**ITEM NO. 2A PRELIMINARY DEVELOPMENT PLAN FOR THE OREAD; 618 W 12<sup>TH</sup> ST (SLD)**

**PDP-03-03-08:** Revised Preliminary Development Plan for The Oread, located at 618 West 12<sup>th</sup> Street. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record.

**ITEM NO. 2B FINAL DEVELOPMENT PLAN FOR THE OREAD; 618 W 12<sup>TH</sup> ST (SLD)**

**FDP-03-04-08:** Final Development Plan for The Oread, located at 618 West 12<sup>th</sup> Street. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented Items 2A & 2B together.

**APPLICANT PRESENTATION**

Paul Werner was present for questioning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Lawson asked where the applicant was at with City involvement in funding.

Mr. Werner said the TDD and TIF were formed and that the Development Agreement was filed at the Register of Deeds.

Commissioner Lawson asked if that was talked about at any length.

Mr. Werner said that it was discussed the most during the Planning Commission meeting 2 months ago.

**ACTION TAKEN ON 2A**

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser to approve the Preliminary Development Plan for The Oread based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 7-0.

Commissioner Finkeldei asked why condition 4B was reiterated if that is what the Development Code says.

Ms. Day said that it needs to be noted on the plan.

**ACTION TAKEN ON 2B**

Motioned by Commissioner Moore, seconded by Commissioner Carter to approve the Final Development Plan for The Oread based on the findings presented in the staff report and subject to the following conditions:

1. Approval of the Preliminary Development Plan by the City Commission.
2. Submission of mylar and recoding fees.
3. Note book and page number of recorded development agreement on face of the Final Development Plan.

4. Provision of the following notes:
  - a. "The final Development Plan must comply with the Development Code and the Redevelopment Agreement. If the provisions of the Development Code and the Redevelopment Agreement are inconsistent, the more restrictive provision will control to the extent permitted by law."
  - b. Per section 20-1011(f), "All property owners waive their right to approve or disapprove any alterations to the Preliminary Development Plan."
5. Submission of public improvement plans for sanitary sewer and stormwater improvements

Unanimously approved 7-0.

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**ITEM NO. 3      PRELIMINARY DEVELOPMENT PLAN FOR UNIVERSITY PARK; 1301 IOWA ST  
(PGP)**

**PDP-02-02-08:** Preliminary Development Plan for University Park, located at 1301 Iowa Street. The plan proposes an infill development containing 41 single family homes on approximately 9.27 acres. Submitted by Allen Belot, on behalf of Mt. Oread Development LLC, for Calvin & Annaliese Engelman, Robert Green Trustee, Joan Huber and 7G's LLC, property owners of record.

*Item 3 deferred prior to the meeting.*

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**ITEM NO. 4 A-1 TO RS-40; 140 ACRES; BAUER BROOK ESTATES (SLD)**

**Z-03-08-08:** A request to rezone a tract of land approximately 140 acres for Bauer Brook Estates from A-1 (Suburban Home Residential) to RS-40 (Single-Dwelling Residential) for public hearing at future meeting. (Initiated by Planning Commission on 3/24/08)

**STAFF PRESENTATION**

Ms. Sandra Day presented the item and stated that the City is the applicant.

Commissioner Eichhorn asked if it was wise to allow the potential for lots splits

Ms. Day said that it cannot be prohibited and that the ability to divide will be hindered by topography.

**PUBLIC HEARING**

Ms. Pat Hays, was a neighbor who was opposed and concerned about traffic on Folks Road.

Commissioner Eichhorn said to Ms. Hays that it was being rezoned to the least dense zoning district for single-family.

Commissioner Moore asked if there was a requirement that the property be annexed.

Ms. Day replied, yes.

Ms. Hays asked if the plats were too big to sell.

Commissioner Moore said that he did not think that any of these property owners were interested in subdividing.

Commissioner Finkeldei said the people who live there did not want to be annexed and rezoned.

Mr. McCullough said the time frame for annexation was extended because services were not available.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve the rezoning of approximately 140 acres from A-1 (Suburban Home Residential) to RS-40 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff report.

Unanimously approved 7-0.

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**ITEM NO. 5A PRELIMINARY PLAT FOR WILLOW SPRINGS TOWNSHIP FIRE STATION NO. 2; COUNTY ROUTE 460 & E 1100 ROAD (PGP)**

**PP-02-02-08:** Preliminary Plat for Willow Springs Township Fire Station No. 2, located on the N side of the intersection of County Route 460 & E 1100 Road, Baldwin City. Submitted by Willow Springs Trustee, for Vida & John Flory, property owners of record.

**ITEM NO. 5B CONDITIONAL USE PERMIT FOR WILLOW SPRINGS TOWNSHIP FIRE STATION NO. 2; COUNTY ROUTE 460 & E 1100 ROAD (PGP)**

**CUP-02-01-08:** Conditional Use Permit for Willow Springs Township Fire Station No. 2, located on the N side of the intersection of County Route 460 & E 1100 Road, Baldwin City. Submitted by Willow Springs Trustee, for Vida & John Flory, property owners of record.

**STAFF PRESENTATION**

Mr. Paul Patterson presented items 5A & 5B together.

Commissioner Eichhorn asked if there was a screen requirement.

Mr. Patterson said no, not at this time.

**APPLICANT PRESENTATION**

Charles Wintermantel, Trustee of Willow Springs Township, was present for questioning.

Commissioner Eichhorn asked Mr. Wintermantel about screening.

Mr. Wintermantel said they would do any screening required.

Commissioner Moore asked if this would affect Fire Rating.

Mr. Wintermantel said yes, it will increase rating and decrease insurance premiums.

**PUBLIC HEARING ON VARIANCE ONLY**

No public comment.

**ACTION TAKEN ON 5A**

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to grant the requested variances for lot area, lot depth, lot width and lot frontage and approve the Preliminary Plat for Willow Springs Township Fire Station [PP-02-02-08] based on the findings found in the body of the staff report and forward the preliminary plat to the County Commission with a recommendation for vacation of portions of road right-of-way and acceptance of dedication of easements and rights-of-way.

Unanimously approved 7-0.

**ACTION TAKEN ON 5B**

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to approve the Conditional Use Permit CUP-02-01-08 for Willow Springs Township Fire Station No. 2 and forwarding it to the County Commission with a recommendation for approval based on the findings of fact stated in the body of the staff report.

Unanimously approved 7-0.

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**ITEM NO. 6A UR TO RM12; 6.99 ACRES; S OF OVERLAND DR BETWEEN STONERIDGE DR & QUEENS RD (MKM)**

**Z-02-07A-08:** A request to rezone a tract of land approximately 6.99 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential). The property is located S of Overland Dr between Stoneridge Dr & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village L.P., property owner of record.

**ITEM NO. 6B UR TO RM15; 20.92 ACRES; S OF OVERLAND DR BETWEEN STONERIDGE DR & QUEENS RD (MKM)**

**Z-02-07B-08:** A request to rezone a tract of land approximately 20.92 acres from UR (Urban Reserve) to RM15 (Multi-Dwelling Residential). The property is located S of Overland Dr between Stoneridge Dr & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village L.P., property owner of record.

**ITEM NO. 6C UR TO CN2; 7.23 ACRES; NE CORNER OF 6<sup>TH</sup> ST & STONERIDGE AND NW CORNER OF 6<sup>TH</sup> ST & QUEENS RD (MKM)**

**Z-02-07C-08:** A request to rezone a tract of land approximately 7.23 acres from UR (Urban Reserve) to CN2 (Neighborhood Shopping Center). 2.6 acres located in the NE corner of 6<sup>th</sup> St & Stoneridge and 4.55 acres located in the NW corner of 6<sup>th</sup> St & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village L.P., property owner of record.

**ITEM NO. 6D UR TO CO; 5.669 ACRES; N OF 6<sup>TH</sup> ST BETWEEN STONERIDGE DR & QUEENS RD (MKM)**

**Z-02-07D-08:** A request to rezone a tract of land approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial). The property is located N of 6<sup>th</sup> St between Stoneridge Dr & Queens Rd. Submitted by Landplan Engineering, for Pear Tree Village L.P., property owner of record.

**ITEM NO. 6E PRELIMINARY PLAT FOR CREEKSTONE; STONERIDGE DR TO QUEENS RD & 6<sup>TH</sup> ST TO OVERLAND DR (MKM)**

**PP-10-09-07:** Revised Preliminary Plat for Creekstone, Stoneridge Dr to Queens Rd & 6<sup>th</sup> St to Overland Dr, a 6 lot subdivision containing 34.864 acres. Submitted by Landplan Engineering, for Pear Tree Village LC, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented items 6A-6E together.

**APPLICANT PRESENTATION**

Mr. Pat Kelly, developer of property, gave a brief history of himself and his background. Introduced Mark Anderson, Mike Fingold, Joy Rhea, and Phil Struble, who were also present.

Mr. Phil Struble, Landplan Engineering, discussed the RM12 rezoning. He felt that they needed to go to more density, not less, but the RM12 will provide transitions to projects that went into with less density than Horizon 2020 allowed. He stated the cost of infrastructure makes more density necessary. He emphasized the walk-ability of the project. He asked that condition 10 on the Preliminary Plat Staff Report be stricken or include the option that the turn lanes can be financed through a benefit district. He would like to proceed with the Preliminary Plat even if the rezonings are deferred/denied.

Mr. Mark Anderson, said there were no other properties in the area that had land with special assessments equal to \$4 a square foot. He said the plans need to work in economic reality and that these improvements are critical for the City.

Mr. Mike Finegold, assisted Mr. Kelly in purchasing the property, stated that they met with Planning Staff in the beginning and were encouraged to use mixed use development.

### **PUBLIC HEARING**

Mr. Alan Cowles, West Lawrence Neighborhood Association, objected to the strip mall rezoning for item 6C. He did not feel it fit the area plan. He mentioned promises that had been made when additional commercial property was added to the 6<sup>th</sup> & Wakarusa area.

### **COMMISSION DISCUSSION**

Commissioner Moore asked where the line between RM12 to RM15 originated from.

Ms. Miller said the size of RM15 was so much larger than the other areas zoned for medium density in the area and the Northwest Area Plan recommends reducing the density from W 6<sup>th</sup> Street to the north so the RM15 area was reduced and an area with lesser density was provided to the north.

Commissioner Carter asked why Mr. Cowles referred to a strip mall.

Ms. Miller said it can be considered strip commercial.

Commissioner Eichhorn asked if the Northwest Area Plan was in Horizon 2020.

Mr. McCullough said that the Northwest Area Plan needed to be updated but that they still use it as a guide.

Commissioner Eichhorn asked if originally the plan was to have CN2 zoning all the way across the project.

Mr. McCullough replied yes, as the first design.

Commissioner Lawson said the retail impact study acknowledges that it was done but he did not see results.

Ms. Miller said there were a few minor errors and that it was reviewed and accepted by Long Range Planner, Amy Miller.

Commissioner Lawson asked what it revealed.

Mr. Struble said the first design had CN2 zoning across the entire front. CO is not as clear cut as other districts, other than saying that there is capacity for more small commercial retail, there was not much more. The study indicated that there was capacity in the retail market for this development.

Commissioner Lawson said that one of the things staff points to is the amount of existing commercial development in that area. He felt that staff was right and asked how many fast food stores and banks does Lawrence need today or in the foreseeable future.

Mr. Kelly said that a walkable community was needed and that the community could benefit from this project.

Commissioner Eichhorn asked what other options they would have if they developed as a mixed use district.

Mr. McCullough said that staff would have to look at it.

Mr. Struble said they are focusing on the walkability of the project and that it is not designed to compete with nearby developments such as Mercato or WalMart.

Commissioner Eichhorn inquired about private streets and would more density come from a PD.

Mr. Struble replied, no. The private street comment came from using standard city note language. They will not be creating private streets with this development. He was not in favor of PD's.

Commissioner Carter had questions about the long term plan and asked if staff's opinion had changed.

Mr. McCullough said that September was when staff took a harder look at it and that staff opinion is based on Horizon 2020.

Commissioner Moore said that if office development was held to the same standard as commercial there would not be any more office development built.

Commissioner Finkeldei asked if the nodal concept in Horizon 2020 was at the corners of collector streets and arterials or arterials intersections.

Mr. McCullough said they are specifically identified by list and map in Horizon 2020.

Commissioner Finkeldei inquired about the designation of the streets.

Mr. Struble said the streets are collectors.

Ms. Miller said that certain intersections are designated for CN2.

Commissioner Finkeldei said that CO and CN2 in the use tables are fairly similar and they both allow retail sales generally. He asked what the difference between retail sales general and retail sales typical was.

Ms. Miller read the definitions out loud.

Commissioner Finkeldei inquired about the possibility of constructing multiple buildings being per lot.

Ms. Miller said that two buildings could probably go on one lot, but they would be small buildings.

Commissioner Blaser said that he wished the area on both sides was built out because he thought it would look different. He was not in favor of commercial.

Commissioner Finkeldei asked Mr. Struble about the plat request.

Mr. Struble said that he would like to proceed with the Preliminary Plat and work on the rezoning later.

Commissioner Finkeldei asked staff about their position on moving ahead with the Preliminary Plat.

Ms. Miller said that there would be constraints on future development if the zoning was not determined. If different zonings were approved, the southern portion of the plat may need to be reconfigured.

Mr. Struble was not worried about that issue and said they were willing to take the risk.

**ACTION TAKEN ON ITEM 6A**

Motioned by Commissioner Lawson, seconded by Commissioner Moore, to approve the rezoning request for 6.99 acres from UR (Urban Reserve) to RM12 (Multi-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.

Unanimously approved 7-0.

**ACTION TAKEN ON ITEM 6B**

Motioned by Commissioner Lawson, seconded by Commissioner Moore, to approve the rezoning request for 20.92 acres from UR (Urban Reserve) to RM15 (Multi-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 .

Unanimously approved 7-0.

**ACTION TAKEN ON ITEM 6C**

Commissioner Moore said he would not vote to deny the item.

Commissioner Eichhorn asked how they would change the code to allow this type of development without it being a strip.

Commissioner Lawson felt that 930,000 square feet was an issue. He respected the concerns regarding the developer costs.

Commissioner Eichhorn said if support could be found that it was not necessarily a bad place to put it and suggested that perhaps H2020 should be changed to permit this.

Commissioner Carter said the market has to take care of itself.

Commissioner Eichhorn said that they need to use findings of fact to support their recommendation.

Commissioner Finkeldei was trying to understand how Horizon 2020 and the Development Code work together. He said that commercial could be supported there but that it did not comply with Horizon 2020.

Commissioner Eichhorn inquired about limitations in CO.

Commissioner Moore did not understand why it was okay to overbuild office.

Mr. Struble said they would not be opposed to CO across the whole front of the project.

Commissioner Finkeldei asked what was the reason for recommendation of denial of the CO.

Mr. McCullough said that CO allows many retail uses by right and the development is arranged in a strip pattern. Staff recommendation was to reduce that.

Commissioner Finkeldei said that CO is certainly more limiting than CN2, but still allows commercial uses. He asked if having CO across the whole area would change staff recommendation.

Mr. McCullough said that would not change staff recommendation.

Commissioner Finkeldei agreed that CN2 does not comply with Horizon 2020 and said that the CO district does not have nodal requirements. He was inclined to support CO across the whole area but not CN2.

Commissioner Moore inquired about how this development complies.

Commissioner Carter asked if the lesser change table would allow approval of CO.

Mr. McCullough replied, no.

Mr. John Miller stated that the lesser change table did not include CO. The applicant would have to reapply for CO. The Planning Commission can make a recommendation of approval for CN2.

Mr. Struble asked for deferral of the two CN2 commercial parcels but to move ahead with the Preliminary Plat.

Mr. McCullough said that there would be a lot of 'what ifs' in doing that.

Mr. Struble asked if there was a way for them not to bring in a final plat for those phases without the rezoning.

Mr. McCullough said that staff could work with that if the Commission desires and recommended that a note be added to the plat that requires zoning to be approved before the final plat can be submitted.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to indefinitely defer the rezoning of approximately 7.23 acres from UR (Urban Reserve) to CN2 (Neighborhood Shopping Center). 2.6 acres located in the NE corner of 6<sup>th</sup> St & Stoneridge and 4.55 acres located in the NW corner of 6<sup>th</sup> St & Queens Rd.

Unanimously deferred 7-0.

#### **ACTION TAKEN ON ITEM 6D**

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve the rezoning request for 5.669 acres from UR (Urban Reserve) to CO (Commercial-Office) District and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 7-0.

#### **ACTION TAKEN ON ITEM 6E**

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the Preliminary Plat and forward to City Commission with the following revised conditions of approval:

1. Provision of a note on the preliminary plat to acknowledge that the applicant/property owner would be required to execute several agreements at the final plat stage for recording with the final plat, including:

- a. an agreement not to protest the formation of a benefit district for signalization and geometric intersection improvements at Queens Road and W 6<sup>th</sup> Street;
  - b. an agreement not to protest the formation of a benefit district for improvements to Queens Road; and
  - c. an agreement not to protest the formation of a benefit district for geometric improvements to Queens Road and Overland Drive.
2. A note must be placed on the plat stating that building permits for the multi-dwelling development will be restricted to 35 if only one access point is provided and restricted to 100 until 2 remote access points have been established, per the Fire Code.
  3. A note must be placed on the plat stating that the Utilities Department will be notified if the access points are changed from that shown on the plat to allow coordination with utility placement. The applicant must also notify the Public Works Department regarding any change to the proposed access points.
  4. Private streets are permitted only with planned developments. Any proposed streets on Lot 1, Block One must be public and must be shown on a revised plat with dedicated right-of-way and any necessary easements.
  5. Provisions of Financing of Roads, Sewer, Water and other Public Service Notes 1 and 2 must be revised to remove any reference to 'private' streets.
  6. Minimum Elevation of Building Openings (MEBO) must be noted for each lot which is adjacent to a drainage easement.
  7. A note must be placed on the plat stating that no building permits will be issued until streets are installed, hydrants are in service and signs are in place.
  8. A concept plan must be submitted which illustrates that the lot size and configuration will permit compliance with the Commercial Design Standards.
  9. Dedicated turn lanes must be shown on the plat, northbound right-turn lane at Stoneridge Drive and Kelly Drive and northbound left-turn lane at Queens Road and Kelly Drive.
  10. Notes must be added to the 'Provisions of Financing' notes stating that 'The northbound right-turn lane on Stoneridge Drive at Kelly Drive will be constructed at the developers expense or through benefit district financing' and "If Queens Road has been built prior to the construction of Kelly Drive, the developer is responsible for the construction of the northbound left-turn lane on Queens Road at Kelly Drive." 'If Queens Road has not yet been built when Kelly Drive is constructed and the City Engineer determines that the road is within the stages of planning and development that an agreement not to protest the formation of a benefit district may be appropriate, an agreement not to protest the formation of a benefit district may be executed.'
  11. Final Plat will not be approved until the rezoning for individual lots has been approved, excluding UR.

Unanimously approved 7-0.

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**MISCELLANEOUS NEW OR OLD BUSINESS**

**MISC A**

Revision to the 2008 PC Mid-Month Calendar

**MISC B**

Extension requests for the following two final plats:

PF-06-15-06      Mercato Addition 1<sup>st</sup> Plat, N of Hwy 40 & E of Hwy K-10  
PF-03-04-07      Mercato Addition 2<sup>nd</sup> Plat; 6200 W. 6<sup>th</sup> St.

Jane Eldredge was present for questioning.

**ACTION TAKEN**

Motioned by Commissioner Lawson, seconded by Commissioner Chaney, to approve a one-year extension for both plats for Mercato. Mercato Addition First Plat (PF-06-15-06) would be effective until April 17, 2009 and Mercato Addition Second Plat (PF-03-04-07) would be effective until May 15, 2009.

Unanimously approved 7-0.

Consideration of any other business to come before the Commission.

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**Recess at 9pm until 6:30 P.M. on April 23, 2008.**

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Reconvene April 23, 2008 – 6:30 p.m.

Commissioners present: Blaser, Carter, Chaney, Eichhorn, Finkeldei, and Moore.

Staff present: McCullough, Stogsdill, Leininger, J. Miller, Moore, Rexwinkle, Warner, and Brown

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**BEGIN PUBLIC HEARING (APRIL 23, 2008):**

**COMMUNICATIONS**

- No Communications

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- No ex parte
- No abstentions

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**ITEM NO. 7 RM12D TO RS7; .39 ACRES; 1309-11 W 8<sup>TH</sup> ST & 820-22 CANTERBURY LANE  
(JCR)**

**Z-02-06-08:** A request to rezone a tract of land approximately .39 acres, from RM12D (Multi-Dwelling Residential) to RS7 (Single-Dwelling Residential). The property is located at 1309-11 West 8<sup>th</sup> Street and a portion of 820-22 Canterbury Lane. Submitted by Sarah Hill-Nelson, for Hill Family Investments LLC and Ruth J. Dutcher, property owners of record.

**STAFF PRESENTATION**

Mr. Joe Rexwinkle presented the item.

**APPLICANT PRESENTATION**

Eric Nelson, husband of Sarah Hill-Nelson was present for questioning.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Moore, seconded by Commissioner Finkeldei, to approve the rezoning of approximately .39 acres from RM12D (Multi-Dwelling Residential - Duplex) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff report and subject to the following condition:

1. Approval and recordation of a minor subdivision at the Douglas County Register of Deeds.

Unanimously approved 6-0.

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**ITEM NO. 8      TRANSPORTATION IMPROVEMENT PROGRAM (DCM)**

Receive and approve the **FY 2008-2012 Transportation Improvement Program (TIP)**. The official 30 day public comment period for the TIP began March 19<sup>th</sup>, 2008 and will end April 17<sup>th</sup>, 2008. The final FY 2008-2012 Transportation Improvement Program (TIP) will come before the MPO Policy Board in April for final approval. The TIP is a multi-year listing of federally funded and regionally significant non-federally funded improvements to the Lawrence-Douglas County transportation system.

**STAFF PRESENTATION**

Ms. Davonna Moore presented the item.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Moore asked if there were funding issues due to the delay of the TIP.

Ms. Moore replied, no.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, acting in its role as MPO, approve the FY 2008-2012 Transportation Improvement Program (TIP).

Unanimously approved 6-0.

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**ITEM NO. 9 RIDESHARE MEMORANDUM OF UNDERSTANDING (DCM)**

Receive the **Rideshare Memorandum of Understanding (MOU)** with Mid-America Regional Council (MARC) concerning the online rideshare matching program. The MOU outlines the Lawrence-Douglas County MPO cooperative efforts with Lawrence Transit and MARC regarding rideshare services.

**STAFF PRESENTATION**

Ms. Davonna Moore presented the item.

Commissioner Eichhorn inquired about the review period.

Cliff Galante, Transit System, stated that the City and Mid American Regional Council with the MPO jointly procured transit money. The review will involve the annual maintenance fee for use of the service, which is split. He stated that they are trying to get St Joseph, MO and Topeka to be involved with the Ride Share program and split the cost.

Commissioner Finkeldei stated that the funding is in the UPWP which the MPO approves every year.

Mr. Galante said that they have about 2,000 people total that are registered for the Rideshare program, 400 of which are from Douglas County. He said that one of the challenges is to get the word out and market it. He stated that commercials have been run on public radio and that seemed to have been effective.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Carter, seconded by Commissioner Moore, acting in its role as MPO, authorize the MPO Chair to sign a Memorandum of Understanding between the MPO, City of Lawrence, and Mid-America Regional Council concerning the continuation of the rideshare matching program.

Unanimously approved 6-0.

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**ITEM NO. 10 METROPOLITAN PLANNING ORGANIZATION (DCM)**

Receive the **Metropolitan Planning Organization (MPO) Redesignation Agreement**. The Redesignation Agreement begins the official process of MPO redesignation. The purpose of the agreement is to form a new MPO Policy Board and establish MPO Board composition.

**STAFF PRESENTATION**

Ms. Davonna Moore presented the item.

Commissioner Eichhorn inquired about compliance.

Ms. Moore stated that the FHWA would like to see Planning Commission as a group chose an MPO member.

Commissioner Finkeldei stated that this has gone thru TAC several times.

Mr. McCullough stated that State and Federal representatives have emphasized the partnership aspect of change.

Commissioner Eichhorn inquired about the timeframe to go to other bodies.

Mr. McCullough stated that UPWP identified next quarter because there would be a transition period with new staff and that the MPO redesignation would hopefully come by July or August.

Commissioner Finkeldei stated that County Commissioner Johnson asked for the redesignation to happen before he leaves office in January.

Mr. McCullough said he did not think that would be a problem.

**NO ACTION TAKEN**

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**ITEM NO. 11 CPA-2007-2 (DDW)**

**CPA-2007-2:** Consider amending Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

**ITEM NO. 12 AMENDMENTS TO CHAPTER 20, DEVELOPMENT CODE (JCR)**

**TA-04-05-07:** Consider amendments to Chapter 20, Development Code to create a Mixed Use Zoning District. Initiated by the Planning Commission on April 23, 2007.

**STAFF PRESENTATION**

Mr. Dan Warner and Mr. Joe Rexwinkle presented items 11 and 12 together.

**PUBLIC HEARING ON ITEM 11**

Mr. Bill Muggy, Jayhawk Bookstore, thanked staff for their work and expressed support for the items.

**PUBLIC HEARING ON ITEM 12**

No public comment.

**ACTION TAKEN ON ITEM 11**

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the comprehensive plan amendment to *Horizon 2020* by amending Chapter 6 to add policy language in support of a mixed use district in the Land Development Code and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Unanimously approved 6-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve and sign Planning Commission Resolution 2007-04.

Unanimously approved 6-0.

**ACTION TAKEN ON ITEM 12**

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve TA-04-05-07, to create a mixed use zoning district, as revised, to the City Commission for approval.

(On February 27, 2008, the Planning Commission voted 5-2 to defer the amendments to *Horizon 2020* and the Development Code until April and directed staff to make three specific revisions to the draft Development Code language.) The specific changes requested were as follows:

- 1) To revise Section 20-223(b)(1) as follows: "Within one-quarter mile of a Designated Transit Stop Route; and
- 2) To revise Section 20-223(b)(3) to provide a cross-reference to the downtown boundaries as described in Chapter 6 of *Horizon 2020*; and
- 3) To revise Section 20-403 to require a Special Use Permit for Brewpub uses in the MU District;

Unanimously approved 6-0.

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**ITEM NO. 13 CPA-2007-6 (MJL)**

**CPA-2007-6:** Amend Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

**ITEM NO. 14 CPA-2007-7 (DDW)**

**CPA-2007-7:** Amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

**ITEM NO. 15 ADOPTION OF THE LAWRENCE SMARTCODE (DDW)**

**ADOPTION OF THE LAWRENCE SMARTCODE**

TA-11-24-07: Pursuant to the provisions of K.S.A. Chapter 12, Article 7, consider making a recommendation on the adoption of "Lawrence SmartCode" enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at [www.lawrenceplanning.org](http://www.lawrenceplanning.org).

**STAFF PRESENTATION**

Mr. Dan Warner and Ms. Michelle Leininger presented items 13, 14, and 15 together.

Commissioner Finkeldei inquired about the makeup of CRC and was concerned about having only two members of Planning Commission on it.

Mr. Warner said that Planning Commission ultimately approves plats, but as a subcommittee they could handle the plat efforts within the SmartCode.

Commissioner Eichhorn was concerned about open meeting issues.

Commissioner Moore asked if the two Planning Commission members would be on a committee with other members and the committee as a whole would make a decision.

Mr. Warner replied that was correct.

**PUBLIC HEARING ON ITEMS 13, 14, & 15**

Ms. Bobbie Flory, Lawrence Homebuilders Association, supported the retention of the CRC for the SmartCode. She said the administrative approval process was an incentive and if it is removed then it will not matter. When the administrative process is removed it leaves the developer with concerns and that the appeal of the SmartCode are the rules.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, liked the new draft and supported the CRC being taken out. She was concerned about public right of ways and preserving natural resources.

Ms. Beth Johnson, Chamber of Commerce, was in support of the SmartCode being parallel with the Code.

### **COMMISSION DISUCSSION**

Commissioner Finkeldei did not like the idea of having two Planning Commissioner members on CRC. He felt the committee should be all staff. He felt that by putting two Planning Commission members on the committee that it would put too much power on people who are appointed.

Commissioner Eichhorn said he did not think that they need another advisory board to allow the process to go through. He did not feel that CRC was the way to go and did not think it was necessary for Planning Commission members to serve on a board.

Commissioner Carter agreed with Commissioner Eichhorn.

Mr. McCullough said that there was value in Planning Commissioners reviewing plats and that staff recommend Planning Commission members serve on the committee because they are the appointed lay people that represent the community.

Commissioner Blaser said he did not see the need in having two Planning Commission members on CRC.

Mr. John Miller said that the Plat has to be approved by Planning Commission, so if CRC is not a subcommittee of Planning Commission then plats would have to be approved by Planning Commission.

Commissioner Finkeldei said that he would be in favor of having four Planning Commissioners serve on the CRC board, instead of just two, because he felt it was too much power for two members.

Mr. McCullough reminded them that CRC has voting members but also designees of City departments. It would be the committee as a whole, not just the two Planning Commission members making the decision. He said the preference was to have Planning Commission members on the CRC but that staff can explore options.

### **NO ACTION TAKEN ON ITEMS 13, 14, & 15**

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**ITEM NO. 16    COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)**

Receive the comprehensive plan annual review.

**STAFF PRESENTATION**

Ms. Michelle Leininger presented the item.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Eichhorn, to initiate Comprehensive Plan Amendments for future public hearings to address the identified updates section of the staff report.

Unanimously approved 6-0.

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## **MISCELLANEOUS NEW OR OLD BUSINESS**

### **MISC NO. 1      Status Update on K-10 & Farmers Turnpike Plan (MJL)**

Update on K-10 & Farmers Turnpike Plan.

#### **STAFF PRESENTATION**

Ms. Michelle Leininger gave an update on the K-10 & Farmers Turnpike Plan. She stated the draft would be released in early May and that there would be a public meeting on May 15<sup>th</sup>, and be heard at Planning Commission in June.

### **MISC NO. 2      Update on CPA-2004-02 (AAM)**

Receive memo from Staff regarding status of Comprehensive Plan Amendment for Horizon 2020, Chapter 7: Industrial and Employment Related Land Use.

#### **STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

Commissioner Moore said it has been a struggle on the industrial committee. He said it was hard to define prime agricultural farmland but that this is the industrial chapter, not the prime agricultural farmland chapter.

Commissioner Eichhorn understood the necessity of having an objective, so that someone cannot come forward and cherry pick certain things. He felt that by taking it out of the chapter someone might come in and say that their project meets all the criteria, but those spots should be removed from consideration so it excludes the site completely.

Commissioner Finkeldei said that maybe they should be working on something in Chapter 9 of H2020 that talks about preservation of open space. He felt that putting it just in the industrial chapter and not the commercial chapter seems out of step. Somewhere in H2020 there should be a goal to preserve prime farmland as a community, but probably not in the industrial chapter so that it can apply to commercial, housing, etc.

Commissioner Moore said that it was not a goal when it is just put it in the industrial chapter.

Mr. McCullough suggested adding it to Chapter 1 for the overall goal.

#### **PUBLIC HEARING**

Mr. Charles NovoGradac, owns Chestnut Orchard, urged the Commissioners to not to let the issue of prime farmland drop.

Commissioner Eichhorn said that the issue would not be buried because it is extremely important.

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**ADJOURN 9:22pm**