



PLANNING COMMISSION MEETING
March 24 & 26, 2008
Meeting Minutes

March 24, 2008 – 6:30 p.m.

Commissioners present: Blaser, Eichhorn, Finkeldei, Harris, Hird, Jennings, Lawson, and Moore
Staff present: McCullough, Stogsdill, Day, J. Miller, M. Miller, Patterson, Rexwinkle, and Brown

COMMITTEE REPORTS

Commissioner Harris stated that Planning Commissioner Orientation Committee met and set an orientation for June.

Commissioner Moore said that the Industrial Committee met and reports will be received during the Wednesday night Planning Commission meeting.

Commissioner Eichhorn said that RZO needs to schedule meetings.

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.
- Abstentions:

Commissioner Finkeldei abstained from Item 7. Commissioner Jennings abstained from Item 4.

PC Minutes 3/24/08

ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR THE OREAD; 618 W 12TH (SLD)

FDP-10-16-07: Final Development Plan for The Oread, located at 618 West 12th Street. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record.

Item 1 deferred prior to the meeting.

PC Minutes 3/24/08

ITEM NO. 2 FINAL DEVELOPMENT PLAN FOR BRIARWOOD PARK; BRIARWOOD & CASA BONITA (MKM)

FDP-12-20-07: Revised Final Development Plan for the relocation of the postal center for Briarwood Park, located at Briarwood Drive & Casa Bonita. A waiver permitting a reduction in the amount of common open space provided is requested. Submitted by Grant Lechtenberg, for Briarwood Community Association, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Grant Lechtenberg, President of the Briarwood Community Association, was present for questioning.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Jennings, seconded by Commissioner Finkeldei, to approve the requested variance from the minimum amount of common open space provided to allow the development to provide 3.5% of common open space subject to the following condition:

1. That lot 22, Block One of the Briarwood Development may not be withdrawn from the development in the future and that no further reductions in open space will be permitted.

Unanimously approved 8-0.

Motioned by Commissioner Jennings, seconded by Commissioner Finkeldei, to approve the revised Final Development Plan subject to the following conditions:

1. Provision of a revised Final Development Plan to include the following note on the face of the plan: "Lot 22, Block One of Briarwood Addition, the park area for the Briarwood Development, may not be withdrawn from the Briarwood development in the future and no further reductions in open space will be permitted."
2. Execution of a site plan performance agreement.

Unanimously approved 8-0.

PC Minutes 3/24/08

ITEM NO. 3 CAPITAL IMPROVEMENT PROGRAM (CIP)

Receive suggestions and/or proposals for projects to be included in the 2009-2014 Capital Improvement Plan (CIP) for the City of Lawrence.

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item. She referenced the memo from Casey Toomay, City Budget Manager. The CIP will be used in building the budget.

PUBLIC HEARING

No public comment.

NO ACTION TAKEN

PC Minutes 3/24/08

ITEM NO. 4A RS7 TO RS7-PD; 9.27 ACRES; 1301 IOWA (PGP)

Z-02-05-08: A request to rezone approximately 9.27 acres from RS7 (Single-Dwelling Residential) to RS7-PD (Single-Dwelling Residential Planned Development Overlay). The property is located along the west side of Iowa Street between Stratford Road and approximately 200 feet south of University Drive. Submitted by Allen Belot Architect for the applicant Mt. Oread Development LLC, contact David Butler.

ITEM NO. 4B PRELIMINARY DEVELOPMENT PLAN FOR UNIVERSITY PARK; 1301 IOWA (PGP)

PDP-02-02-08: Preliminary Development Plan for University Park, located at 1301 Iowa Street. The plan proposes an infill development containing 40 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.

STAFF PRESENTATION

Mr. Paul Patterson presented items 4A & 4B together.

Mr. Matt Bond, City Stormwater Engineer, showed a map of the existing topography. He explained natural flow and proposed system. He said that the biggest change would be the flow of water. He stated that basins will hold water for 12-24 hours after rain.

Commissioner Harris asked if the entire property drains to the park.

Bond stated that all except a little piece on Iowa Street.

Commissioner Harris asked Mr. Bond if he has read the concerns of the neighbors and if he thought this would help.

Mr. Bond said yes he read the concerns and this will help with the concerns.

(A gentleman from the audience who did not state his name), Chair of Parks and Recreation Advisory Board, stated that having the park used by the public would be good. He would like more details about how the land will be developed.

APPLICANT PRESENTATION

Mr. Allen Belot, agreed with Mr. Patterson's presentation. He felt this was a good infill development. He tried to use the existing topography so as not to do a lot of excavation and by putting the garages in the back would be using the natural elevation. He stated that the alleys are not at the same level so connecting is not practical. He objected to 'walling off' the development from the neighborhood. He did not have a problem with preserving the historic weigh station. His only concern was erosion that has built up dirt around the slab.

Commissioner Lawson asked Mr. Belot to walk the Commission through the entrance and exist of the project with respect to Iowa.

Mr. Belot said he met with KDOT and they approved this plan contingent upon Terrace Road being closed off and moved closer to Kansas University and Bob Billings Parkway.

Commissioner Lawson asked the applicant if they had considered a lower density, especially along the north edge.

Mr. Belot said they did not.

Commissioner Lawson asked if the entrance onto Iowa was supposed to be full access.
Mr. Belot replied, yes.

Commissioner Lawson inquired about the square footage of the houses.

Mr. Belot said the houses would be around 1800 square feet.

Commissioner Lawson inquired about a fence.

Mr. Belot said it was a requirement that the PDP must be walled off and that the home owners association would maintain it.

Commissioner Lawson inquired about the weigh station.

Mr. Belot said the building would be preserved and become part of the park.

Commissioner Harris inquired about Mr. Belot's interaction with the public.

Mr. Belot said he has been working on the project for two years and have met with quite a few people in the past year. He said this project has not been a secret and that it has pretty much been the same plan for the past few years.

Commissioner Harris asked if Terrace Road would be cut off.

Mr. Belot replied, yes.

Commissioner Harris asked if Terrace Road could be turned into a bulb-out for deliveries.

Mr. Belot said there was not enough right-of-way for that.

PUBLIC HEARING

Mr. Bob Lichtwardt was concerned about the valid covenant signed by all property owners. They do not agree with Staffs interpretation that an alley can substitute as a street. He recapped his letter that he submitted as correspondence. He was concerned that there are things about the plan that violate the covenant. He would like for all lot and structures to conform to the Rockledge Addition covenant and that the covenant be put on all plats. He said that if the plan was accepted with the covenant being violated it would jeopardize the neighborhood for future development.

Commissioner Hird stated that the neighborhood had the right to enforce the covenant.

Mr. Lichtwardt said that going to court would not be desirable.

Ms. Betty Lichtwardt, League of Women Voters, referenced the letter they sent. She felt the waivers would set precedence.

Mr. Bill K. ?? (did not sign in), neighbor, spoke about section 20-701j. which requires buffering to protect neighborhoods from less desirable ones. He was opposed to the project.

Lee Eldridge, lives on Oxford, stated he did not want a connection to his street because there are a lot of children who live on the street and he would like to keep the cul de sac in place.

Mr. Paul Kitos, resident of Terrace Road, felt that the development would crowd and pack in houses. He was opposed to the project.

Gweneth Kitos, was concerned about drainage.

Ms. Betty Lichtwardt, 2131 Terrace Road, resident since 1968, was concerned about stormwater runoff and sediments.

Commissioner Finkeldei asked Ms. Lichtwardt what she thought about closing off Terrace Drive.

Ms. Lichtwardt said that all the neighbors agree with that.

Ursela ?? (did not sign in), area neighbor, was concerned about where drivers would turn around if Terrace Drive is closed off.

Commissioner Harris asked Staff if the hammerhead would be installed by KDOT.

Mr. Patterson replied, yes, the alley to the North goes up and it would need to be worked out the dimensions for the hammerhead.

Ms. Susan B. (did not sign in), 2133 Terrace Rd, felt that the development would increase impervious surfaces and increase runoff.

Mr. Steve Heilman, was concerned about drainage.

Ms. Jeannie Pees, President of Sunset Hills Neighborhood Association, said there was a need to have more open dialogue between the developer, Planning Department, neighborhood, and stormwater engineer.

Mr. Mike Goans, representing Lawrence Preservation Alliance, desired to see the weigh house be preserved. He encouraged to have the structure included in the park and covered by the Parks and Recreation Department.

Mr. Joe Mehl, lives on Terrace Road, was concerned about the area being a gully. He said that Sally Lane was too steep for a fire truck or ambulance so it cannot be used as a turnaround.

Ms. Kylee Manahan, 2129 Terrace Road, was concerned about drainage issues.

APPLICANT CLOSING COMMENTS

Mr. Belot said he served on the Board of Zoning Appeals and he did not think that the variance did not set a precedence. He stated that the project met the zoning requirements and that the public alley is meeting all the public requirements. He did not have any objection with screening and buffering.

Commissioner Harris inquired about the setback waivers.

Mr. Belot said that if this was not an infill development he would not ask for the waivers.

COMMISSION DISCUSSION

The Commission discussed the concerns brought up by the public.

Commissioner Finkeldei asked Mr. Bond to respond to some of the public comments.

Mr. Bond showed runoff patters and contours on a map.

ACTION TAKEN ON ITEM 4A

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the proposed rezoning of approximately 9.27 acres from RS7 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) with a Planned Development District Overlay and forwarding to the City Commission a recommendation for approval based on the findings of fact as found in the body of the staff report.

Motion carried 7-0-1, with Commissioner Jennings abstaining.

ACTION TAKEN ON ITEM 4B

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, move to approve the following waivers for University Park Preliminary Development Plan with a change to B (20' to 25'):

- A. Waiver from the minimum lot size for RS7 lots from 7,000 square feet to a range of 4,441 to 10,266 square feet with the average lot size of 5,862 square feet.
- B. Waiver from the required front yard setback from 20' to 25'.
- C. Waiver from the required Common Open Space of 20% (1.77 acres/8.86 acres) to 1.6% (0.14 acres/8.86 acres), after the dedication of approximately 1.61 acres of park land to the City (1.61 acres/8.86 acres = 18.2%).
- D. Waiver from the required 60' peripheral boundary between a Planned Development and abutting properties:
 - 1.) Setbacks vary (from proposed 10', 15', 20' and location of three existing houses along Iowa Street) along the periphery where adjacent properties have rear yard setbacks of 30'.
 - 2.) Minimum PDP lot sizes along periphery boundaries vary from 5,120 square feet to 8,183 square feet with the average lot size of 6,073 square feet. Abutting properties range in size from 7,950 to 12,617 square feet.

Commissioner Harris said she would vote against this and would like to defer it for one month.

Motion carried 4-3-1, with Commissioner Eichhorn, Finkeldei, Hird, and Moore voting in favor. Commissioners Blaser, Harris, and Lawson voted in opposition. Commissioner Jennings abstained.

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the University Park Preliminary Development Plan based upon the findings of fact presented in the body of the Staff Report and forwarding the PDP to the City Commission for approval, subject to the following conditions (This recommendation includes the Planning Commission's approval of the preliminary plat and the City Commission's acceptance of the dedication of rights-of-way and easements).

1. The approved uses for the University Park PD are detached single-family dwellings, common open space, and additional land dedicated to the City's Quarry Park.

2. As required by subdivision regulations, street and sidewalks connection of University Drive to Oxford Road shall be provided at the previously stubbed out right-of-way from Oxford Road (Terrace Lane), with the improvements connecting to Oxford Road to be provided by the University Park development.
3. Agreement Not to Protest the Formation of a Future Benefit District for geometric and infrastructure improvements to Iowa Street (street widening, sidewalks, and turning lanes) must be executed by the applicant and provided to the Planning Office prior to recording of the Final Development Plan.
4. Provision of a revised Preliminary Development Plan with the following changes:
 - a. The dead-end north-south alley shall be connected to the east-west alley with turning radii to the approval of the City Engineer, unless waived by City Engineer due to slop changes.
 - b. Modify General Note No. 10, update the referenced tract/block numbers, and include the dedication of Tract B4 to the City for additional park land to Quarry Park. Tract B4 to be owned and maintained by the City.
 - c. List the waivers, as approved by the City Commission, within the 'Waivers Block' on both the Preliminary Development Plan and Final Development Plan.
 - d. Provide traffic calming on University Drive to the approval of the City Engineer.
 - e. Update Additional Condition Note No. 1 to reflect current code section.
 - f. Relocation of the residential Lot 12, Block 4 (containing the existing Quarry Weigh Station stone building) to the northwest area of Tract B-4, and dedication of the lot containing the Quarry Weigh Station to the City as park land, and relocation of lots containing waivers.
 - g. Update the referenced tracts on the site summary to correspond with the development plan graphics.
 - h. Modify 'Additional Condition Note No. 5' to agree with the graphic note referencing the signage and fencing for the preservation of the wooded areas.
 - i. Provide curb and gutter on the west side of Quarry Lane connecting to Terrace Road.
 - j. Per Section 20-701(j)(2), at a minimum, screening with a 6' high fence be applied to the northern property boundary of the PDP and the west property boundaries of Block Two, Lot 3 and Block Three, Lot 3 and the property to the south of Quarry Lane.
 - k. Per Section 20-1304(iii)(u) provide at least one north-south and one east-west elevation across the site to show typical site layout and grade.
 - l. Per Section 20-1304(iii)(v) show the required landscape plan in conformance with Section 20-1001(d).
 - m. Provide the standard note that the City will not be responsible for any damage due to trash trucks for the private streets and alleys.
 - n. Per Section 20-1304(d)(3)(s), provide the following note, "We hereby dedicate to the City of Lawrence, the right to regulate any construction over the area designated as common open space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees and owner of the planned development."
 - o. Per Section 20-812(a)(5)(ii), provide the Minimum Elevation for a Building foundation Opening (MEBO's) for lots adjacent to all drainage easements and drainageways.
 - p. Per Sections 20-812(a)(3)(i) and 20-1304(d)(3)(g), provide grades of the proposed streets.
5. Submittal and approval of public improvement plans to Public Works Department and Utilities Department prior to the submittal of the Final Development Plan.

Motion failed 3-4-1, with Commissioners Eichhorn, Finkeldei, and Moore voting in favor. Commissioners Blaser, Harris, Hird, and Lawson voted in opposition. Commissioner Jennings abstained.

Motioned by Commissioner Harris, seconded by Commissioner Hird, to defer the Preliminary Development Plan for one month to allow staff, developer, stormwater engineer, and neighborhood to meet and discuss issues (stormwater issues, covenant issues, road being close to house, definition of alley versus street, resolve hammerhead/turnaround issue)

Motion carried, 5-2-1, with Commissioners Finkeldei and Moore voting in opposition. Commissioner Jennings abstained.

PC Minutes 3/24/08

**ITEM NO. 5 PRELIMINARY DEVELOPMENT PLAN FOR PINE RIDGE PLAZA; 3235
OUSDAHL (SLD)**

PDP-01-01-08: Preliminary Development Plan for Pine Ridge Plaza Addition Lot 1B, located at 3235 Ousdahl. The plan proposes the construction of a 37,550 sq. ft. commercial office/warehouse building on approximately 3.099 acres. Submitted by Grob Engineering, for Western Extralite Company/Fraternal Investors, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Dean Grob, Grob Engineering Services, agreed with the staff report and were still discussing the truck traffic.

Commission Lawson inquired about the purpose of separating the traffic in the parking area. Mr. Grob said they receive semi trailer deliveries so circular turning would be difficult.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldej, seconded by Commissioner Harris, to approve the Preliminary Development Plan based upon the findings of fact presented in the body of the Staff Report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

6. Approval of the following waivers and reductions:
 - a. Yard reductions along the west side to 12 feet rear yard setback;
 - b. Yard reductions along the east side to 15 feet front/peripheral yard setback;
 - c. Yard reductions along the south side to 15' peripheral yard setback for the parking lot;
 - d. Off-street parking from 131 spaces to 90 spaces.

Unanimously approved 7-0. (Commissioner Hird left the meeting prior to the vote)

PC Minutes 3/24/08

ITEM NO. 6A RS7 TO GPI; 9.03 ACRES; 2145 & 2201 LOUISIANA (MKM)

Z-01-03-08: A request to rezone a tract of land approximately 9.03 acres, from RS-7 (Single-Dwelling Residential) to GPI (General Public and Institutional). The property is located at 2145 & 2201 Louisiana. Submitted by Landplan Engineering PA, for Lawrence Public Schools USD 497, property owner of record.

ITEM NO. 6B RS7 TO GPI; 4.09 ACRES; 1430 HASKELL AVE (MKM)

Z-01-04-08: A request to rezone a tract of land approximately 4.09 acres, from RS-7 (Single-Dwelling Residential) to GPI (General Public and Institutional). The property is located at 1430 Haskell Ave. Submitted by Landplan Engineering PA, for Lawrence Public Schools USD 497, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 6A & 6B together.

Commissioner Harris asked if staff recommended approval rather than deferral.

Ms. Miller said yes, all the school properties are zoned GPI but that staff does not have an objection to deferring it.

Commissioner Eichhorn asked if the Text Amendment would take care of all the school districts at once.

Ms. Miller said that was correct.

Commissioner Jennings inquired why the zonings were not included initially.

Ms. Miller said they might have been overlooked since the schools were not being used at the time.

APPLICANT PRESENTATION

Mr. Tom Bracciano, Division Coordinator for USD 497, discovered the land was zoned residential when a neighbor brought it to their attention. He said they would like to have all the school district property zoned GPI. He also said that money could not be made off of the property so it would not be commercial. He said they have no purpose in using the property in any other capacity than educational purposes.

Commissioner Harris inquired how much time it would take for a Text Amendment for GPI district.

Ms. Miller said that a Text Amendment could come back to them for the May Planning Commission.

PUBLIC HEARING

Ms. Karen Shore, Cornerstone Baptist Church, purchased the neighboring land from the school district and was concerned about the property that they had bought being used as parking for school recreational purposes.

Commissioner Eichhorn stated that the school district could not use the church property without permission.

Ms. Marsha Hopkins was concerned about the property being used for other purposes.

Commissioner Eichhorn stated that the current RS7 zoning would allow for residential development.

Mr. Michael Almon, Brook Creek Neighborhood Assoc, had no problem with the school district using their property. He gave the history of the property. He said that at one point it was talked about making that property as a distribution center and have trucks coming and going. He stated that the school district can sell the property. He asked that the item be deferred. He said that that block had been zoned multi family residential and had been rezoned to RS7. He did not that land to become multi-family homes. He also stated that he was not opposed to mobile classrooms, but was opposed to mobile houses.

Commissioner Eichhorn stated that the Planning Commission did not want any of those uses in the GPI district either.

ACTION TAKEN ON ITEM 6A

Motioned by Commissioner Moore, seconded by Commissioner Blaser, to approve the rezoning request [Z-01-03-08] for approximately 9.03 acres from RS7 (Single-dwelling Residential) District to GPI (General Public and Institutional Use) 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.

Commissioner Harris said she would be voting in favor but understood the concerns of the Brook Creek Neighborhood.

Unanimously approved 7-0 approved.

ACTION TAKEN ON ITEM 6B

Motioned by Commissioner Moore, seconded by Commissioner Blaser, to approve the rezoning request [Z-01-04-08] for approximately 4.09 acres from RS7 (Single-dwelling Residential) District to GPI (General Public and Institutional Use) 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 approved.

PC Minutes 3/24/08

ITEM NO. 7 SPECIAL USE PERMT FOR 3015 W 31ST ST (JCR)

SUP-01-01-08: Special Use Permit for a Day Care Center at First Step Facility, located at 3015 West 31st Street. Submitted by Bartlett & West Inc, for DCCCA Inc, property owner of record.

STAFF PRESENTATION

Mr. Joseph Rexwinkle presented the item.

APPLICANT PRESENTATION

George Heckman, DCCCA, was present for questions.

Commissioner Harris asked if there was a time limit on the permit.

Mr. Rexwinkle said no, historically time limits have not been put on day care facilities.

Commissioner Lawson asked if the mothers were residents.

Mr. Heckman said that was correct. Some of the resident women work during the day and need childcare.

Commissioner Eichhorn asked if one of the conditions was that the children be residents.

Mr. Heckman said they do not accept outside children at the daycare facility.

PUBLIC HEARING

No public comment

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve SUP-01-01-08, a Special Use Permit for a day care center at First Step Facility located at 3015 West 31st Street, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Issuance of a Floodplain Development Permit;
2. Execution of a Site Plan Performance Agreement;
3. Publication of an ordinance per Section 20-1306(j);
4. Provision of a copy of the Health Department license prior to operation to be included in the record file of this application;
5. Provision of a revised Site Plan to show the following:
 - a. A general note which states "The Day Care Center is operated by DCCCA, Inc. The special use permit shall be subject to administrative review if a different operator is proposed."
 - b. A general note which states "The Day Care Center shall serve only the dependent children of women residing onsite. The special use permit shall be subject to administrative review if the center begins providing care to children who reside offsite."

Unanimously approved 7-0.

PC Minutes 3/24/08

ITEM NO. 8 SPECIAL USE PERMT FOR 345 FLORIDA (SLD)

SUP-01-02-08: Special Use Permit for Ballard Community Services Early Learning Center, located at 345 Florida Street. Submitted by Peridian Group Inc, for DCCCA Inc, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Kevin Voight, Peridian Group, agreed with staff recommendations.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Blaser, to approve SUP-01-02-08, a Special Use Permit for a day care center located at 345 Florida Street, based upon the findings presented in the body of the staff report and subject to the following conditions:

6. Execution of a Site Plan Performance Agreement.
7. Publication of an ordinance per Section 20-1306 (j).
8. Provision of a copy of the Health Department license prior to operation to be included in the record file of this application.

Motion carried 6-1-0 with Commissioner Finkeldei abstaining from the vote.

PC Minutes 3/24/08

ITEM NO. 9A CS TO IG; .45 ACRES; 1300 BLOCK OF N 3RD ST (JCR)

Z-01-01-08: A request to rezone a tract of land approximately .45 acres from CS (Strip Commercial) to IG (General Industrial). The property is located in the 1300 block of N 3rd Street. Submitted by Grob Engineering Services, for JGM Properties LLC, property owner of record.

ITEM NO. 9B RS-10 TO IG; .54 ACRES; 1321 & 1323 N 3RD ST (JCR)

Z-01-02-08: A request to rezone a tract of land approximately .54 acres from RS-10 (Single-Dwelling Residential) to IG (General Industrial). The property is located at 1321 & 1323 N 3rd Street. Submitted by Grob Engineering Services, for JGM Properties LLC, property owner of record.

STAFF PRESENTATION

Mr. Joseph Rexwinkle presented items 9A & 9B together.

APPLICANT PRESENTATION

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

Commissioner Blaser inquired about the required buffering.

Mr. Rexwinkle said that would be discussed with the SUP.

Commissioner Harris felt that the rezoning made good sense but was concerned about taking out commercial and adding industrial.

Mr. Rexwinkle said that the properties were small parcels and would probably not lend themselves to commercial projects.

Mr. Grob said the narrow strip of land that was zoned CS was not good for anything.

Commissioner Eichhorn asked how many acres BC&R was.

Mr. Grob said 66,000 square feet.

Commissioner Jennings said that BC&R was a good long term business in the community and has not asked for special favors from the city.

PUBLIC HEARING

No public comment.

ACTION TAKEN ON ITEM 9A

Motioned by Commissioner Jennings, seconded by Commissioner Eichhorn, to approve the rezoning of approximately .45 acres from CS (Commercial Strip) District to IG (General Industrial) 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 final plat at the Douglas County Register of Deeds.

Unanimously approved 7-0.

ACTION TAKEN ON ITEM 9B

Motioned by Commissioner Jennings, seconded by Commissioner Blaser, to approve the rezoning of approximately .54 acres from RS10 (Single-Dwelling Residential) District to IG (General Industrial) 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 final plat at the Douglas County Register of Deeds.

Unanimously approved 7-0.

PC Minutes 3/24/08

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 3 Initiate rezoning for Bauer Brook Estates

Consider initiation of rezoning of approximately 140 acres in Bauer Brook Estates from A-1 to RS-40 for public hearing at future meeting.

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to initiate the rezoning of approximately 140 acres located west of Folks Road, along both sides of Bauer Brook Court, from A-1 (Suburban Home Residential) to RS40 (Single-Dwelling Residential District) for consideration at a future Planning Commission meeting.

Unanimously approved 7-0.

MISC NO. 4 Initiate TA to GPI District

Initiate a text amendment to the GPI District permitted use table

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to initiate the proposed amendments to the above-described sections of the Land Development Code for consideration at a future public hearing.

Unanimously approved 7-0.

Consideration of any other business to come before the Commission.

Recess at 11:06pm until 6:30 P.M. on March 26, 2008.

PC Minutes 3/26/08

Reconvene March 26, 2008 – 6:30 p.m.

Commissioners present: Chaney, Eichhorn, Finkeldei, Harris, Hird, Jennings, Lawson, and Moore.
Staff present: McCullough, Stogsdill, Day, Leininger, A. Miller, Moore, and Brown

BEGIN PUBLIC HEARING (MARCH 26, 2008):

COMMUNICATIONS

- No Communications

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte
- No abstentions

PC Minutes 3/26/08

ITEM NO. 10 TRANSPORTATION 2030 (DCM)

Receive the Final Draft of **Transportation 2030 (T2030)** for final approval. T2030 has undergone its mandatory 30 day comment period and is prepared for final approval. T2030 is the updated version of T2025 and will serve as the long-range transportation plan for the City of Lawrence and the surrounding area of Douglas County.

STAFF PRESENTATION

Mr. Jim Tobaben, Planning & Engineering Manger for Parson's Brinkerhoff Americas, presented the highlights of the draft T2030 plan. He noted the minor changes to the draft T2030.

Commissioner Finkeldei thanked Mr. Tobaben and Commissioner Harris for all their work on T2030.

PUBLIC HEARING

Ms. Jane Eldredge, Barber Emerson, wanted the designation of 'beyond T2030' taken off the Future Land Use Scenario Map. She wanted planning documents to be consistent. She requested that either the wording 'beyond T2030' be removed or the map be removed.

Mr. Alan Black, League of Women Voters, heard that some members of City Commission want to terminate the Transit system. He asked if the MPO could do anything about the transit system being ended.

Commissioner Finkeldei stated that the MPO can ask for more money from the State but cannot delegate funds to it.

Mr. McCullough stated that because the long range transportation plan is related to federal dollars, if the City were to reduce a program such as transit the MPO would have to go through the public process of revising the transportation plan.

Ms. Gwen Klingenberg, thought that removing the label from the T2030 map that Ms. Eldredge spoke about would tell ECO2 that their work is worthless. She felt it was important to leave the label on the map.

Mr. Michael Almon, Kansas Sustainability Network/Peak Oil Action Committee, was disappointed that his comments were not included in the final draft of T2030. He said the issue of peak oil is an over arching issue and effect all the elements of the plan.

Commissioner Eichhorn stated that Mr. Almon's letter was on the table as they went through T2030 and some of his suggestions were incorporated into the T2030, but maybe not worded exactly the way Mr. Almon would have wanted. He stated that they tried to address density issues.

Ms. Dawn Hawkins was upset about a roadway being considered through the wetlands (SLT). She felt it was a precious resource that cannot be ruined.

Mr. Tobaben said that he did reach out to many stakeholders and Haskell University and Kansas University were on that list. He did not receive a response from Haskell.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the final copy of T2030, including the changes received today and Commissioner Harris' suggestion to change map 5.1 to travel land map, and also change the title of the map.

Commissioner Harris stated she would not support the motion and did not support the recommendation to put a highway through the wetlands because there are plans to make K-10 6 lanes which might require the SLT to be expanded to 6 lanes as well, among other reasons.

Motion carried 7-1, with Commissioner Harris in opposition.

PC Minutes 3/26/08

ITEM NO. 11 TRANSPORTATION IMPROVEMENT PROGRAM (DCM)

Receive the draft **FY 2008-2012 Transportation Improvement Program (TIP)**. The official 30 day public comment period for the TIP began March 19th, 2008 and will end April 17th, 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.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Jennings, acting in its role as MPO, receive the Draft Transportation Improvement Program (TIP) during the public comment period.

Unanimously approved 8-0.

PC Minutes 3/26/08

ITEM NO. 12 CPA-2004-02 (AAM)

CPA-2004-02: Consider revision to a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use.

STAFF PRESENTATION

Ms. Amy Miller presented the item. She gave a brief history and background of the item.

PUBLIC HEARING

Mr. Alan Black, League of Women Voters, clarified the letter they sent regarding locational criteria. There was a statement that a site 'be annexed before development if adjacent to municipal boundaries" that implies that if it is not adjacent to municipal boundaries that it can be developed. It opens the door to scattered development throughout the county.

Ms. Bonnie Johnson, stated that this chapter is a revision or update and that with revisions or updates generally you update statistics or other area plans. She said that they needed to be careful that the changes are not too big. She commented about page 7-7 the paragraph about the Farmers turnpike as a big decision that has not been discussed by the community as a whole. She stated that the live work campus may be a good idea but needs to be discussed by the community more. She also stated that under the location criteria, the criteria of page 7-5, should be compatible with future land use.

Mr. Ron Schneider, on behalf of Scenic Riverway Community Association, stated that staff has done a fine job and that it is an improvement. He made suggestions about prioritization.

Mr. Charles NovoGradac, owns Chestnut Orchard, referenced ECO2 saying the local government cannot delegate planning function to others not accountable. He encouraged industrial development to be built outside of prime farmland.

Mr. Michael Almon, Brook Creek Neighborhood and Burroughs Creek Corridor Committee, stated that three neighborhoods conceived the plan to assist in revitalization because the Santa Fe railroad ceased and the industrial corridor is not needed anymore. He said that East Lawrence is very protective of mixed use.

Ms. Marguerite Ermeling, was concerned about major land use policy changes. She said that identifying new areas before the sector plan was done was premature. She felt that Ms. Eldredge's letter discussed major changes.

Mr. Lane Williams, member of CRP, raised questions about the description of the airport location, regarding that the acreage has access to existing rail lines. He said that the airport has expanded as much as it can to his understanding and cannot be expanded to receive cargo flights. He also expressed concerns of accessing highways 24/40.

Ms. MaryAnn Stewart, lives in North Lawrence, expressed concerns about flooding.

Ms. Barbara Clark, gave the definition of prime farmland from the USDA. She was concerned about prime farmland being used for industrial.

Ms. Beth Johnson, Chamber of Commerce, stated that she has provided numbers on prospective companies that have been turned away because of not having industrial sites. She said that the

Industrial Chapter was not perfect but has made good strides in making it more flexible. She stated that industrial sites are not always brick and mortar and not always dirty and smelly.

Ms. Jane Eldredge, Barber Emerson, felt that this is a vast improvement but felt that some points need more work. She stated that prime farmland was a community thing and discussion about the definition should be included.

Ms. Nancy Thellman, responded to Beth Johnson's invitation to consider the economic development over prime farmland. She said that they are trying to work on that and there is tremendous energy within the community. There are more people looking into local farming. Rising fuel costs brings the need for more economical ways to bring food to the table.

Mr. Dave Ross, President of Scenic Riverway Association, read Don Fuston's letter about RWD#6 having the ability to deny water use.

Ms. Gwen Klingenberg, President of Lawrence Neighborhood Association, stated that Farmers Turnpike is an important gateway to the city. Allowing the site to develop before a sector plan could lead to a dirty, smelly, and ugly development at that intersection. She was concerned about traffic impacts.

Mr. Rick Stein, neighbor, was concerned about mixed conversations about Chapter 7 and the annexation of the Schwada property.

Mr. Michael Almon, stated that agriculture is economic development and that prime farmland is our food future. He said the fastest growing sector is the farmers market. He discussed why local farming is important and that peak oil was increasing the cost of food.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to respond to concerns about incorporating ECO2.

Ms. Miller said it was referenced at the instruction of City Commission. The revisions to the chapter were from 2004. The locational criteria are not the same as ECO2 because they are different references.

The Commission discussed public concerns.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Moore, to defer CPA-2004-02 revision to a Comprehensive Plan Amendment to Horizon 2020, Chapter 7, so that the Industrial Committee can consider comments brought up at tonight's meeting and bring back to Planning Commission in May.

Motioned carried 8-0.

PC Minutes 3/26/08

ITEM NO. 13 ANNEXATION OF 154.9 ACRES; NW CORNER N 1800 RD & E 900 RD (SLD)

A-02-02-08: Annexation of approximately 154.9 acres, located at the NW corner of N 1800 Road & E 900 Road. Submitted by Steven Schwada, agent for Stonewall Farms LLC; JDS Kansas LC; Pert LC; Penny J Tuckel; Axrom LLC; Venture Realty Corporation; Arco Sales Corporation; Venture Properties Inc; Industrial Square Corp; JDSS Limited Company; Radol LC; Tuckel Russell L JR; Northland Ventures LC; and Oread LC, property owners of record. Referred by City Commission on 2-12-08.

Due to the late hour, Chairman Eichhorn indicated that he would like to limit the public comment on this item to one half hour after the applicant's presentation.

STAFF PRESENTATION

Ms. Sandra Day presented the item. She indicated that the annexation request had been referred to the Planning Commission by the City Commission and described the property location and surrounding land uses. She noted that the staff report included a recommendation that the Commission forward a recommendation to the City Commission to defer annexation until a Sector Plan for the area was completed. The staff report also requested that the Planning Commission formally initiate a Sector Plan and Comprehensive Plan amendment to study the subject property and surrounding area. At the conclusion of her presentation, she outlined alternate options for Commission action this evening including:

- Forward application with recommendation to deny Annexation;
- Forward application with recommendation to defer annexation; or
- Forward Application with recommendation to approve annexation with a condition that no additional entitlements (zoning) are approved until the sector plan is adopted.

APPLICANT PRESENTATION

Ms. Jane Eldredge, attorney representing the property owners, identified a fourth option which was approval of the requested annexation subject to rezoning to an appropriate City designation. She indicated that the property owners had made this request at the suggestion of the City Manager. She asked the Commission to reaffirm their previous decision on the County industrial rezoning decision. The annexation would not be completed until a new rezoning was done. Ms. Eldredge noted that the request conforms with the existing Chapter 7 of Horizon 2020 and with the annexation policies contained in the plan.

Comm. Harris asked Ms. Eldredge to explain her difference of opinion with staff regarding consistency with annexation policies.

Ms. Eldredge said there is no map in the existing Chapter 7 and Horizon 2020 calls for voluntary annexations. She referenced the statute for island annexations. She reiterated that the proposed land uses are compatible and that there is no need for a Sector Plan.

Chairman Eichhorn asked staff to provide more information regarding the annexation policies.

Ms. Day stated that annexation of property outside of the Urban Growth Area was premature. She referenced a denial several years ago of an annexation request for property west of K-10 that was located in Service Area 3 of the UGA. Examples of recent island annexations have been for specific public uses such as pump stations and the Wakarusa Water Reclamation Facility.

Comm. Moore asked why the UGA line was drawn in the middle of the road in this area. He noted that the line is through a section on the south side of the UGA rather than in the road.

Staff did not know how the boundary in this area was originally determined.

Comm. Harris asked why East Hills Business Park was developed as an island annexation.

Planning Director Scott McCullough indicated it was an island annexation, in part due to Farmland Industries, and that the City has grown out to it. He noted that many policies have changed in the twenty years since East Hills Business Park was annexed.

Ms. Eldredge mentioned that it was developed as a partnership with DCDI.

Beth Johnson, Lawrence Chamber of Commerce, said that East Hills was developed through a partnership with the City and County. She indicated it was an island annexation, and is still an island today. Through the partnership, City services were extended to serve the business park.

Comm. Finkeldei noted that the staff report says it is premature to annex land outside of the UGA. Why was the recommendation made to defer until the Sector Plan is completed? He asked if the Sector Plan will recommend changing the UGA boundary.

Mr. McCullough said the staff recommendation recognizes the need to plan first. Currently this location is not identified for development and staff needs to make recommendations based on adopted policies and plans. He indicated that staff is willing and actively pursuing looking at some changes to policy documents. He noted that staff is on a fast track for completing a sector plan. Staff recognizes that there is a willing land owner, and a need for industrial development.

Comm. Finkeldei asked if the sector plan would assume movement of the UGA.

Mr. McCullough replied yes. It will be an honest look at the growth area. The boundary is up for discussion.

Motion by Comm. Finkeldei, second by Comm. Chaney, to extend meeting to midnight.

Motion carried 7-1 (Lawson)

PUBLIC HEARING

Mr. Ron Schneider, an attorney representing a number of property owners, stated that Staff's recommendation is correct. The appropriate action should be to deny the application. Development should come after planning. He reiterated that this property is outside of the UGA. This community spends a lot of time discussing the meaning of the Urban Growth Area; if we are going to change it, we need to consider the impacts of that decision. Services (basic utilities) are more than a mile away. We need to consider the cost of other service calls including fire, police and other enforcement obligations.

Mr. Schneider stated that the applicant is really seeking a conditional annexation. Zoning seems to be being asked for in advance. Kansas statutes require the County Commission to review island annexations and the applicant should be required to disclose intended uses. The County Commission would be asked to make a determination before zoning is known. He indicated that this property has been rumored for use for a truck stop and neighbors in the area have concerns about that type of use.

Mr. Schneider summarized statements from the Growth Management Chapter of Horizon 2020 and noted that the plan was based on the presumption that annexation should be logical and contiguous and that areas outside of the UGA should not be annexed. He stated that East Hills is distinguished from this

application because a public partnership is clearly different from a private development proposal. He stated that annexing this property outside of the UGA and with need for significant extension of services is clearly unprecedented and he encouraged the Planning Commission to deny the request.

Mr. Dave Ross, President of the Scenic Riverway Association, stated that the request was premature. He stated that property owners presented a valid protest petition against the rezoning of this property four years ago with over 50% of the necessary property owners. That proposal was denied. Following the recent County rezoning request, more than 86% of necessary property owners filed a valid protest petition. He suggested that this annexation request was just a way to get around the County Commission.

Mr. Ross expressed concerns with the intensity of the requested I-2 zoning. He indicated that the developer has indicated he cannot use I-1 zoning because he needs to keep his options open. The association has a concern with the unknown and indicated that is like providing the developer with a blank check. He reiterated that annexation and zoning before a sector plan is done by the City is premature and that this request should be denied. He also commented that the property is within three miles of Lecompton and wondered if there had been any comments from the City of Lecompton.

Mr. Rick Stein, a resident in the area, read the introductory language in Horizon 2020. He listed key features of the plan that states the plan promotes development in the UGA of well planned areas; the plan calls for progression of land uses to prevent abrupt changes; and that the UGA identified the limits for the planning period. Mr. Stein stated the need to plan for the area with a sector plan, adjust the UGA, look at infrastructure and look at what it will cost the City and County to serve this area.

Ms. Marguerite Ermeling, a resident in the area, stated the request is premature since there is an open rezoning request for the same property. She indicated that the applicant knows what the users are, but the community members don't. She asked whether the community should grow to the northwest when the growth rate has slowed and we are planning to grow south with the decision to locate the new WWRF to the south. She read policy statements from the Growth Management chapter of Horizon 2020 and recommended denial based on time frame. She also stated that residents in the area have offered to meet to discuss proposed uses and reiterated the need for design standards for industrial development. She indicated she agreed the area had great potential, but stated that it should be planned before decisions were made.

Ms. Gwen Klingenberg, President of LAN, displayed a map previously shown which illustrates where existing infrastructure is located. She indicated there are a large number of people who live between the extent of the City and this property and know nothing about this request. She indicated that they will be responsible for paying for the extension of infrastructure to this area and should be involved in the planning effort. This area will be a gateway to two cities, both Lawrence and Lecompton and it is too important to make decisions without planning it. She urged the Commission to deny or defer the request.

Ms. Beth Johnson, Lawrence Chamber of Commerce, indicated that a local user has already expressed interest in this site. She has also heard from Kansas City consultants who have shown interest in this location. She said the interest for I-70 sites is present. She favored aggressive annexation. Twenty years ago leaders faced the same dilemma and had the forethought to plan for the future. East Hills Business Park is the result of that effort. This action tonight is just starting the process.

Mr. Schneider asked the Chair to note that multiple people were here for this item but had to leave due to the late hour.

Mr. Bill Kelinhoffer, resident, said that he has lived in the nearby bluffs for 15 years. He would not have moved here if he had known the area would develop as proposed. He said he was surprised to find out he might have industrial as a neighbor and that he looks right at the ridge on this property.

CLOSING COMMENTS

Ms. Eldredge stated that Horizon 2020 is a policy plan. The strategies in Chapter 7 identifies the need to increase jobs and provide more employment locations. The Commission needs to look to the Industrial Chapter's direction on annexation. The site planning and zoning processes provide the tools for quality development, but we need the means to get the end user. She stated that rural infrastructure can support some interim users and she directed the commission to the memo from the Planning Director indicating that infrastructure cost issues are items the City Commission will consider in their decision-making process.

Ms. Day noted that Chapter 7 limits development to designated locations on the Future Land Use Map.

Chairman Eichhorn indicated the annexation does not change the pending zoning of the property.

Ms. Day noted the property would need to be rezoned to a city designation and that there is not a complete development package before the commission at this time.

COMMISSION DISCUSSION AND ACTION

Chairman Eichhorn asked about the concerns from Rural Water District No. 6 and what that limitation might mean for this property.

Ms. Eldredge indicated there are existing facilities on the ground. She noted that there is sufficient water supply to support a warehouse use.

Chairman Eichhorn noted that the proposed Sector Plan is on fast track. He asked Ms. Eldredge to comment on the proposed schedule and potential to defer action until the plan is completed.

Ms. Eldredge indicated we seem to have some difficulty getting a revised Chapter 7. Past experience has shown that it will take a lot of time to move through the process. In the past Sector Plans have been initiated on an agenda with input and direction from the Governing Bodies. She also noted that Staff has initiated the plan, without a public hearing.

Comm. Finkeldei asked Staff if industrial uses were to be approved at these locations, would we prefer them to be built to city of county standards.

Ms. Day indicated the preference would be to build to city standards.

Comm. Finkeldei said that he understood Staff's position, but he had already voted, through the previous County rezoning, to support industrial uses at this location. From his perspective, it would be better to annex the property and have it develop to City standards. He pointed out the delays with The Exchange and the additional time it took to adopt the Revised Southern Development Plan. From his perspective, the Planning Commission has already taken a 7-2 vote to support industrial development at this location. He said that he supports the Sector Plan going forward, but cannot support deferring this annexation until that planning effort is completed.

Comm. Jennings said that 50 years ago the West Lawrence Turnpike interchange was new. The Hallmark Plant was built and we have seen a lot of good development follow. He doesn't see the difference with this next Turnpike exit. If the opportunity years ago had been lost, he wondered where

we would be today. He noted that, as a community, we couldn't move fast enough on the American Eagle proposal and now there are 600 jobs in Ottawa. He assumed that folks that live in Lecompton would like jobs closer to where they live. He said manufacturers will want this site because of the cost to move freight. This site will keep some trucks off of K-10 which will alleviate some of the potential traffic concerns we have heard about that area. He noted that the commission had heard a lot about the downsides to industrial development near the East Turnpike interchange.

Comm. Harris commented that this location was different than The Exchange and the issues addressed in the Revised Southern Development Plan. Planning around medium density residential is easier than for uses around industrial development. She noted that the Northwest Plan shows low density residential development and people have relied on that plan. Those property owners should be included in the planning process for this area. She said that she agreed this particular location should not be low density residential.

Chairman Eichhorn stated that he did not believe the community would lose this location for development and he was confident that Planning Staff could move the plan through the process in a timely manner.

Comm. Jennings said that neighbors in the area shouldn't expect a specific plan for the property until uses are identified. The type of uses will affect the ultimate development of the property.

Comm. Hird restated the options before the commission – approve, defer or deny.

Planning Director McCullough reminded the commission that their action was to make a recommendation to the City Commission.

Comm. Hird said that he was weighing whether annexing the property now offended the planning process and whether there was a reason to make an exception. With deference to Staff, he noted that Lawrence has a history of activism which could easily affect the timeline for the plan. He said that he agreed with Comm. Jennings and did not think anything was lost if the sector plan was a parallel process.

Comm. Lawson asked Comm. Finkeldei about formulating a potential motion and suggested it should indicate that the City Commission should take a look at cost issues.

Planning Director McCullough indicated that the Sector Plan process allows public input on the surrounding uses and to weigh in on how much of the area is appropriate for industrial uses. The process will identify the broader issues that affect community growth.

Comm. Hird asked if that input could occur during a City zoning request.

Mr. McCullough indicated that we cannot plan in a vacuum, it must be context sensitive planning.

Comm. Hird stated he was in favor of moving the request forward and noted it was still not a foregone conclusion. There was still more opportunity for input regarding the annexation at both the City and County Commission meetings and again whenever a zoning request is considered.

Comm. Lawson asked whether Comm. Hird was supportive of a Sector Plan effort at all.

Comm. Hird responded that he was in favor of a dual effort.

Comm. Lawson noted that his only concern with the Sector Plan was that it was one more opportunity for delay and it is important that we move ahead with creating additional industrial base for the community.

Chairman Eichhorn asked whether the City Commission would take public comment on the annexation request.

Mr. McCullough indicated they would. He stated that Staff was in favor of moving forward and had proposed a very aggressive timeline. He was concerned about comments he heard that the planning process is a hurdle to development.

Comm. Harris indicated she believed the comments were based on past experience with planning efforts. She made a motion to defer the annexation request until consideration of a Sector Plan, based on the findings in the staff report. Chairman Eichhorn seconded the motion, noting he supported industrial development in this area but thought it was important to plan the area first.

Motion failed 2-6 (Harris, Eichhorn in favor; Chaney, Finkeldei, Hird, Jennings, Lawson, Moore in opposition.)

Comm. Finkeldei motioned to recommend to the City Commission that the annexation be approved based on several Industrial Development strategies outlined in Horizon 2020, Chapter 7 which encourages job growth, and because Chapter 4 contemplates growth outside of the UGA when it states that the plan does not seek to limit land for industrial development. He stated that this property presented a unique opportunity. Comm. Chaney seconded the motion.

Comm. Harris stated that she would not support the motion because the request is not consistent with Horizon 2020 based on the findings in the staff report.

Comm. Chaney stated that the request meets the criteria for future industrial and is one of the best sites for this development.

Motion carried 6-2 (Chaney, Finkeldei, Hird, Jennings, Lawson, Moore in favor; Harris, Eichhorn in opposition.)

Comm. Finkeldei motioned to initiate the Sector Plan and Comprehensive Plan Amendment for the K-10 & Farmer's Turnpike Sector Plan. Comm. Hird seconded the motion.

Unanimously approved 8-0.

PC Minutes 3/26/08

MISCELLANEOUS NEW OR OLD BUSINESS

MISC NO. 1 Status Update on MU District

Staff will provide update and, if time allows, Commission can discuss and provide feedback. Action will not occur until April Planning Commission meeting.

MISC NO. 2 Status Update on SmartCode

Staff will provide update and, if time allows, Commission can discuss and provide feedback. Action will not occur until April Planning Commission meeting.

PUBLIC COMMENT SECTION

ADJOURN 12:25pm