



PLANNING COMMISSION MEETING
May 19 & 21, 2008
Meeting Minutes

May 19, 2008 – 6:30 p.m.

Commissioners present: Blaser, Carter, Chaney, Eichhorn, Finkeldei, Harris, Hird, Jennings, Lawson, and Moore

Staff present: McCullough, Girdler, J. Miller, Patterson, Rexwinkle, Soules, Toomey and Brown

Recognition of Planning Commissioners

MINUTES

Receive and amend or approve the minutes from the Planning Commission meetings of February 25 & 27, March 24 & 26, and April 21 & 23, 2008.

Commissioner Harris emailed her suggested changes to Mr. McCullough.

Motioned by Commissioner Moore, seconded by Commissioner Hird to approve the February, March, and April 2008 Planning Commission minutes with the changes suggested by Commissioner Harris.

Unanimously approved, 10-0.

COMMITTEE REPORTS

Commissioner Moore said the Industrial Committee and information they discussed will be heard during the Wednesday night Planning Commission meeting.

Commissioner Eichhorn said that RZO met and staff has a draft for further review.

Commissioner Harris said that Planning Commission orientation will be in June.

Mr. Scott McCullough said that there would be multiple meetings for the Planning Commissioners in June including Mid-Month meeting, Planning Commission Orientation, and Planning Commission.

Commissioner Hird stated that the Boulevards and Gateway Committee met and provided useful information on Gateway and Boulevard standards. He asked for direction on what the Boulevard committee should accomplish.

Commissioner Eichhorn requested that they discuss Boulevards and Gateways during the June 11th mid-month meeting.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date. Mr. McCullough also introduced the City's new Senior Transportation Planner, Todd Girdler.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Lawson stated that he received communication from Mr. Kirk McClure.
- Abstentions:
Commissioner Jennings will abstain from Item 2, University Park.

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ITEM NO. 1 2009-2014 CAPITAL IMPROVEMENT PLAN

Approve projects to be included in the 2009-2014 Capital Improvement Plan (CIP) for the City of Lawrence.

STAFF PRESENTATION

Ms. Casey Toomay, gave presentation and brief overview of the Capital Improvement Plan. She explained the three new projects added to the CIP.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to find that the projects presented in the 2009-2014 Capital Improvement Plan (CIP) are in conformance with the comprehensive plan of the City and forward a recommendation to the City Commission for adoption.

Unanimously approved, 10-0.

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**ITEM NO. 2 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 42 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. (Deferred from the 03-24-08 Planning Commission meeting)

STAFF PRESENTATION

Mr. Paul Patterson stated that a deferral of the item had been requested by attorney Ron Schneider, representing Bob and Betty Lichtwardt (the deferral request was included as communication in the Planning Commission online packet.)

Mr. John Miller, staff attorney, advised the Planning Commissioners that the deferment decision was up to them and that if they would like to hold a public hearing they had the legal authority to do so.

Commissioner Moore asked if the item would still be heard by the Board of Zoning Appeals if Planning Commission decided to hear the item tonight.

Mr. Miller replied, yes, the item will still be heard by the Board of Zoning Appeals in June.

Commissioner Harris asked if the Board of Zoning Appeals could find what Planning Commission does inappropriate.

Mr. Miller said that it was possible that the Board of Zoning Appeals could find that Planning Commission was incorrect.

Commissioner Harris inquired about the ramifications of their decision.

Mr. Miller stated that there is a 30 day appeal procedure and anyone can appeal the decision of the Board of Zoning Appeals, so the applicant would have the ability to do so.

Planning Commission agreed to hear the item tonight instead of deferring it.

Mr. McCullough stated that the Code requires that when you rezone to a PD Overlay you have to have a concurrent PDP application with that, so they are processed concurrently. At the previous Planning Commission meeting the hearing was opened for the PD rezoning first and was recommend for approval then the PDP hearing was opened. Planning Commission determined that the applicant should go back to the neighborhood and work out issues. Staff agreed that night to hold the PD rezoning request until the PDP caught up with the PD rezoning request. Legal notice was posted in the paper for the PDP. There was no need to do that with the PD since Planning Commission already considered that and made a recommendation for City Commission. He believed that Mr. & Ms. Lichtwardt were appealing that process of separating out the PDP from the PD because they did not believe that they can be separated. They felt that if the PDP was changed substantially that the PD rezoning had to be reopened and reheard. This was not staffs position. Staffs position is that it is still running its process and that the PDP that was previously heard is still the same conceptual plan. The decision making body has not seen either one.

Commissioner Eichhorn asked Mr. Belot if he meet with the neighborhood.

Mr. Belot said that he personally did not meet with the neighbors but that the developers did. He stated that the neighbors also met with staff. He said that the plan was changed to reflect those changes.

Mr. Ron Schneider explained the reasons for their deferral request and referenced the letter that was included in the Planning Commission online packet.

Commissioner Harris was concerned about legality issues and felt that they were following the spirit of the Code but she was not sure if they were following the law.

Mr. Patterson presented the item.

APPLICANT PRESENTATION

Mr. Allen Belot, gave a summary of the project since a few of the Commissioners were not present the last time the item was heard.

Mr. Matt Bond, City Stormwater Engineer, recapped the stormwater issues for the commissioners who were not present during the last meeting.

Commissioner Harris inquired about screening along Iowa Street.

Mr. Belot stated that the garages will face Iowa street and that the existing vegetation along Iowa Street will remain.

PUBLIC HEARING

Mr. Ron Schneider, attorney representing several neighbors, went over the 10 items of concern that were included in his letter to the Planning Commission.

Commissioner Moore asked if the conditions were met would the protest petition be withdrawn.

Mr. Schneider said that there were other people on the protest petition that were not his clients so he was not sure.

Commissioner Lawson asked Mr. Schneider about the moving of the quarry house.

Mr. Schneider said that it is an historic building and caution needs to be taken in order to preserve it.

Commissioner Eichhorn asked if the stone house was not moved would that leave enough room for a lot.

Mr. Belot replied no.

Commissioner Harris said that some of the requested changes are things that are already in the Code and she questioned why it was important to restate them as conditions since they are already in the Code.

Mr. Schneider said that the zoning and the plan are contingent of each other. He wanted to be cautious with future use of the property and felt that it was the prudent thing to do. He wanted it to state that the homes should be on separate lots.

Mr. Bill Kalinich, neighbor to the south, did a lot of work to circulate the petition. He said that it was easy to get people to sign the petition and that there are conditions under which they would withdraw the

petition but he felt it was unlikely they would get those conditions. Most of the objection was that they feel the project was too crowded and that it was too many houses for too small of space. He also expressed concern about traffic congestion in the area.

Commissioner Eichhorn asked Bill how many lots he would like to see for the project.

Mr. Kalinich said that 20 lots would be better.

Mr. Dean Grob, expressed his concerns about restrictions being put on the property just because it was desired. He did not want restrictions put on the houses and felt that the City Code was sufficient.

Mr. Lee Eldredge, stated that he bought his home on Oxford due to it being on a cul-de-sac. He did not want to see the cul-de-sac be connected. He was concerned about extra traffic.

Commissioner Eichhorn stated that there are some situations in the City where there are back to back neighborhoods and the City would like for them to be connected.

Mr. Steve Hileman, was concerned about the Terrace Road configuration and large trucks using his driveway to turn around. He was also concerned about public parking for the park.

APPLICANT CLOSING COMMENTS

Mr. Belot, addressed concerns expressed by the public. He stated that the Homeowner Association documents are recorded with the final plat and there are certain conditions that have to be met before being filed. He said that the Homeowner Association will deal with a majority of the common maintenance. He said that the stone weigh station can be moved delicately and an engineer will be hired to do an analysis prior to it being moved. Regarding the covenants, less than half of the project falls within the covenants area. He did not feel it was necessary to put more conditions on the plan than are already in the Code. He said the project complies with Horizon 2020, contains 25% lower density than allowed, does not require extension of streets or utilities, Quarry Park will become useable, and the development will be within walking distance of many public facilities.

Commissioner Finkeldei inquired about public concerns regarding a turnaround on Terrace Road and a parking lot for the park.

Mr. Belot said there needed to be further discussion with Fire Department and Public Works. He also stated that there are only five or six curb cuts on University Drive so there would be plenty of on-street parking for anyone going to the park.

COMMISSION DISCUSSION

Commissioner Harris asked if the Commission recommended adding conditions requested by the homeowners, would there be any objections.

Mr. Patterson felt that condition 7 had some merit. He said that Rockledge Addition was only a portion of the project so putting conditions on the entire project might not be appropriate for the other houses outside of the covenant area.

Commissioner Lawson inquired about parking for park.

Mr. Patterson stated that Parks and Recreation have no current plans to add parking spaces to park.

Commissioner Eichhorn was not opposed to adding condition 7 from Mr. Schneider's letter.

Commissioner Harris felt that condition 7 was appropriate and she would recommend adding it. She felt that condition 4 would also not hurt and that the neighbors might be more comfortable with adding it.

Commissioner Eichhorn suggested that the developer, staff, and neighbors work through any screening issues.

Mr. Belot asked that the landscaping be consistent with a Type 1 bufferyard between Quarry Lane and 2136 Terrace Road.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the following waivers and variances for University Park Preliminary Development Plan:

- A. Waiver from the minimum lot size for RS7 lots from 7,000 square feet to a range of 4,441 to 8,183 square feet with the average lot size of 5,729 square feet.
- B. Waiver from the required front yard setback from 25' to 15'.
- C. Waiver from standard requiring sidewalks on both sides of streets, allowing project not to have a sidewalk on the south side of Quarry Lane.
- D. Waiver from the required 60' peripheral boundary between a Planned Development and abutting properties:
 - i. Setbacks vary (from proposed 10', 15' and 20' along the periphery where adjacent properties have rear yard setbacks of 30'.
 - ii. Minimum PDP lot sizes along periphery boundaries vary from 5,044 square feet to 8,183 square feet. Abutting properties range in size from 7,950 to 12,617 square feet.
- E. Variance from Section 20-810(10)(v) to allow for a dead-end private alley located on Quarry Lane.
- F. Variance from Section 20-810(d)(4)(i) to allow for 50' wide right-of-way for local roads with additional adjoining 5' and 10' Utility easements.

Commissioner Harris stated that she would abstain from voting because she was not clear on process of having the item go to the Board of Zoning Appeals.

Motion carried 8-0-2, with Commissioners Harris and Jennings abstaining.

Motioned by Commissioner Finkeldei, seconded by Commissioner Lawson 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 shall only be 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 sidewalk connections from University Drive to Oxford Road on Terrace Lane 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. An 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) shall 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. Provide valley gutter and concrete apron on the west side of Quarry Lane connecting to Terrace Road.
 - b. 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.
 - c. Per Sections 20-812(a)(3)(i) and 20-1304(d)(3)(g), provide grades of the proposed streets.
 - d. Provide a hammer-head or turn-around to be shown on the PDP at the east end of Terrace Road to the approval of the Fire Department and City Engineer.
 - e. Provide for the permanent closure of existing driveways on Iowa Street impacted by this project, upon completion of the University Park street improvements.
 - f. Provide for the required water distribution main along University Drive to the approval of the Utilities Department.
 - g. Deletion of the waiver regarding reduction of Common Open Space, as the waiver is not needed.
 - h. Improvements to the park area as reflected on the Preliminary Development Plan will be completed by the University Park developer.
 - i. Modify General Note No. 5 to read: "Construction of public improvements shown shall be provided through the formation of a benefit district or financed by the developer." (Note - Water line installations for a subdivision are typically done by the developer and not through a benefit district.)
 - j. Provision for additional screening meeting a Type 1 bufferyard between Quarry Lane and 2136 Terrace Road.
 - k. Addition of the following general note to the PDP, "Each Single-Family Dwelling shall be no more than 2 stories in height. A lower drive-out level is also allowed in the back of the dwelling for a garage."
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 carried, 8-0-2 with Commissioner Harris and Jennings abstaining.

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ITEM NO. 3 PRELIMINARY PLAT FOR TODD SUBDIVISION; 725 ELM ST (JCR)

PP-03-03-08: Preliminary Plat for Todd Subdivision, located at 725 Elm St. Submitted by JMC Construction Inc, property owner of record.

STAFF PRESENTATION

Mr. Joe Rexwinkle, presented the item.

STAFF PRESENTATION

The applicant was not present.

ACTION TAKEN

Motioned by Commissioner Moore, seconded by Commissioner Hird, to approve the Preliminary Plat of Todd Subdivision and forwarding it to the City Commission for consideration of the proposed dedication of easements, subject to the following condition:

1. Add a note to the preliminary plat which states that an Agreement Not to Protest the Formation of a Benefit District to finance the construction of sidewalks and street improvements will be required prior to final plat approval and recordation.

Motion carried 9-0-1, with Commissioner Chaney abstaining.

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ITEM NO. 4A SPECIAL USE PERMIT FOR BC&R STORAGE; 1300 BLOCK OF N 3RD ST (JCR)

SUP-03-03-08: Special Use Permit for BC&R Storage, located in the 1300 Block of North 3rd Street. Submitted by Grob Engineering Services, for BC&R Storage Company and JGM Properties LLC, property owners of record.

ITEM NO. 4B PRELIMINARY PLAT FOR BC&R STORAGE ADDITION; 1300 BLOCK OF N 3RD ST (JCR)

PP-03-05-08: Preliminary Plat for BC&R Storage Addition, a two-lot nonresidential subdivision located in the 1300 Block of North 3rd Street. Submitted by Grob Engineering Services, for BC&R Storage Company, Inc. and JGM Properties, LLC, property owners of record.

STAFF PRESENTATION

Mr. Joe Rexwinkle presented items 4A & 4B together.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering, felt that a sidewalk was not necessary for the site because the property to the north is in the County. He stated the Kansas Turnpike Authority does not have allowances to put in sidewalks from the I-70 Business Center to BC&R storage so there would be no connectivity. In stated that in 1996 and 1998 beautification projects were done in North Lawrence and the beautification projects did not reach to the BC&R Storage facility. The owner was not opposed to being part of a benefit district but it would be a financial burden to take it on entirely by himself.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei inquired about a benefit district to get the sidewalks installed.

Mr. McCullough explained that benefit districts can be formed of property owners by governing bodies.

Commissioner Finkeldei asked if there were plans to put a sidewalk under the Turnpike bridge.

Mr. Chuck Soules said he had not seen the plans but could call and find out.

Mr. Grob said there were no provisions to put in a sidewalk under the Turnpike bridge.

Commissioner Harris inquired about drainage of the site.

Mr. Rexwinkle said that the impervious surface would increase. The City Stormwater Engineer reviewed the plans and said that the new gravel will be more impervious at first and less impervious over time and that the Stormwater Engineer had no additional concerns with the increased impervious surface.

Commissioner Harris felt that a sidewalk would be beneficial to pedestrians.

Commissioner Hird struggled to find a purpose in putting in a sidewalk that did not connect on either side.

Commissioner Eichhorn agreed with Commissioner Harris and wanted to encourage KTA to look at putting in sidewalks under the Turnpike bridge along North 3rd Street.

Commissioner Chaney said he would have a problem with making the developer put in a sidewalk if the City was not able to put one under the Turnpike bridge.

Mr. Jim Black, one of the site owners, spoke about the North Lawrence Improvement Plan not including his property. He felt that the City should pay for the sidewalk since his property is within City limits. He offered to pay for sidewalks in the future but did not feel the sidewalks were needed now.

Commissioner Harris inquired about how the issue has been treated in other parts of the City that are adjacent to County.

Mr. Rexwinkle said that sidewalk construction is a standard requirement at the time of multi-family and all nonresidential development regardless of where such developments are located. He noted that the property across the street from the site was recently platted and redeveloped and that the developer was required to construct a sidewalk.

ACTION TAKEN ON ITEM 4A

Motioned by Commissioner Jennings, seconded by Commissioner Carter, to approve SUP-03-03-08, a Special Use Permit for exterior storage associated with BC&R Storage Company, Inc. located in the 1300 Block of North 3rd Street, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Receipt of a US Army Corps of Engineers Permit;
2. Execution of a Site Plan Performance Agreement;
3. Publication of an ordinance per Section 20-1306(j);
4. Provision of a Stormwater Pollution Prevention Plan approved by the Stormwater Engineer;
5. Provision of a revised Site Plan to show the following:
 - a. Revise the parking summary to show the required parking figures rounded up for a total of 23 spaces;
 - b. Show proposed sanitary sewer service line to the existing sanitary sewer main;
 - c. The applicant is requesting a waiver from the requirement to construct sidewalks (see Item #4B). If sidewalks are required, amend note #10 on this preliminary plat to state that public improvements will consist of sidewalks;
 - d. Add a note that sanitary sewer manholes will be adjusted to final grade;
 - e. Add a note to identify that the waterline extension is a private fire service line and that the fire hydrant will be painted red;
 - f. Identify the fire lines (and sizes), the 2" domestic service for the existing 60,000 sf building, and the ¾" domestic service for the smaller building;
 - g. Add a note discussing backflow prevention as per City Code Chapter 19, Article 7, Cross Connection Control to address water quality of the proposed private fire service line.

Motion carried 8-2 with Commissioners Eichhorn and Finkeldei in opposition.

ACTION TAKEN ON ITEM 4B

Motioned by Commissioner Jennings, seconded by Commissioner Chaney, to approve the variance request from Section 20-810(d)(4)(i) which requires the dedication of additional road right-of-way in lieu of the dedication of a 10' wide pedestrian and right-of-way easement and a 15' wide landscape easement.

Motion carried 8-2, with Commissioners Eichhorn and Harris opposed.

Motioned by Commissioner Jennings, seconded by Commissioner Moore, motion to recommend approval of the waiver request from Section 20-811(c)(1)(iii) which requires the construction of a sidewalk along North 3rd Street to the City Commission.

Motion carried 8-2, with Commissioner Finkeldei and Harris opposed.

Motioned by Commissioner Jennings, seconded by Commissioner Moore, to approve the Preliminary Plat of BC&R Storage Addition and forwarding it to the City Commission for consideration of the requested vacation and dedication of easements, subject to the following conditions:

Conditions 1 and 2 were stricken by Planning Commission based upon their recommendation to grant the waiver. Should the City Commission not grant the waiver, conditions 1 and 2 will apply.

1. Should the Planning Commission grant denial of the waiver request requiring the applicant to construct sidewalks, revise note #10 to state that public improvements shall consist of a 6' wide sidewalk along North 3rd Street;
2. Should sidewalks be required, add a note stating that Public Improvement Plans will be submitted and approved prior to final plat approval for a new sidewalk;
3. Should the Planning Commission grant the waiver request to forgo a sidewalk, add a note to the preliminary plat which states that an Agreement Not to Protest the Formation of a Benefit District to finance construction of sidewalks will be required prior to final plat approval and recordation;
4. Add a note stating that a Right-of-Way Work Permit shall be obtained from the City Clerk's Office for all construction work performed in the public right-of-way.

Motion carried 8-2, with Commissioners Eichhorn and Finkeldei opposed.

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ITEM NO. 5 PRELIMINARY PLAT FOR BRYANT ADDITION; 1214 E 23RD ST (JCR)

PP-03-04-08: Preliminary Plat for Bryant Addition, located at 1214 E 23rd St, a one-lot nonresidential subdivision. Submitted by Grob Engineering Services, for Michael Bryant, property owner of record.

STAFF PRESENTATION

Mr. Joe Rexwinkle presented the items.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering, agreed with the staff report except for condition 2 on the staff report.

ACTION TAKEN

Motioned by Commissioner Moore, seconded by Commissioner Harris, to approve the Preliminary Plat of Bryant Addition and forward to City Commission for consideration of the proposed dedication of right-of-way, subject to the following conditions, with the removal of condition 2:

1. Revise Note #11 to state that Public Improvements proposed include sidewalk and construction of new access point;
2. ~~Add a note stating that Public Improvement Plans will be submitted and approved prior to final plat approval for the sidewalk and new access point;~~
3. Add a note stating that a Right-of-Way Work Permit shall be obtained from the City Clerk's Office for all construction work in the public right-of-way.

Unanimously approved 10-0.

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ITEM NO. 6 AMENDMENTS TO IBP DISTRICT, DEVELOPMENT CODE (JCR)

TA-04-02-08: Consider a text amendment to include "Extended Care Facilities, General" as a use permissible by a special use permit in the IBP (Industrial/Business Park) District. Initiated by City Commission on 4/15/08 at the request of Landplan Engineering, P.A.

STAFF PRESENTATION

Mr. Joe Rexwinkle presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, agreed with the staff recommendation.

Commissioner Eichhorn inquired about the use of the project.

Mr. Herndon stated that it would be an extended care facility.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Moore, to approve the proposed amendments (TA-04-02-08 to permit Extended Care Facilities, General in the IBP District with a Special Use Permit) to Chapter 20, Development Code to the City Commission.

Unanimously approved 10-0.

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ITEM NO. 7 ITS ARCHITECTURE REPORT

Acting in its role as the MPO, receive the Final Regional ITS Architecture Report.

STAFF PRESENTATION

Mr. Chuck Soules, Public Works Director, gave presentation.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Moore, seconded by Commissioner Carter, to accept the Lawrence-Douglas County Regional Architecture and Deployment Plan.

Unanimously approved 10-0.

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ITEM NO. 8A MINIMUM MAINTENANCE; N 1 ROAD

MM-12-03A-07: Request to designate minimum maintenance road status for a portion of N 1 Road within Marion Township.

Item 8A deferred prior to the meeting.

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ITEM NO. 8B MINIMUM MAINTENANCE; E 200 ROAD

MM-12-03B-07: Request to designate minimum maintenance road status for a portion of E 200 Road within Marion Township.

Item 8B deferred prior to the meeting.

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ITEM NO. 8C MINIMUM MAINTENANCE; E 600 ROAD

MM-12-03C-07: Request to designate minimum maintenance road status for a portion of E 600 Road within Marion Township.

Item 8C deferred prior to the meeting.

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ITEM NO. 8D MINIMUM MAINTENANCE; E 650 ROAD

MM-12-03D-07: Request to designate minimum maintenance road status for a portion of E 650 Road within Marion Township.

Item 8D deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC A FEDERAL-AID SAFETY PROGRAM

Receive memo/report on Federal-Aid Safety Project approved by City Commission.

Mr. Chuck Soules, presented the item.

Consideration of any other business to come before the Commission.

Recess at 10:00pm until 6:30 P.M. on May 21, 2008.

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Reconvene May 21, 2008 – 6:30 p.m.

Commissioners present: Blaser, Carter, Eichhorn, Finkeldei, Harris, Hird, Jennings, Lawson, and Moore.
Staff present: McCullough, Leininger, A. Miller, J. Miller, M. Miller, Warner, and Brown

BEGIN PUBLIC HEARING (MAY 21, 2008):

COMMUNICATIONS

- No Communications

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte
- No abstentions

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ITEM NO. 9 AMENDMENTS TO SECTIONS 20-1101 & 20-1701, DEVELOPMENT CODE (MKM)

TA-12-27-07: Amend Section 20-1101 and 20-1701 of the Development Code relating to environmentally sensitive lands.

STAFF PRESENTATION

Ms. Miller presented the item and recommended that the Commission not take action this evening since there were a number of public communications which staff has not had a chance to look at.

Commissioner Lawson inquired about significant trees and tree species. He asked if native trees are something that would have been in existence in this geographical area prior to the time of settlement.

Ms. Miller said she assumed that native trees meant native to Kansas before settlement.

Commissioner Hird asked, in regard to prairie remnants, what relatively untouched or undeveloped meant.

Ms. Miller said that a prairie is managed by burning it and that managed was what they were talking about. Land that had been plowed would not be considered relatively untouched and would no longer be prairie.

Commissioner Hird asked if individually significant trees would mean there was one on the property.

Ms. Miller said that was correct.

Commissioner Harris asked what is the goal of saving individually significant trees.

Ms. Miller said that individually significant trees can be established big trees, which are old and sturdy.

Commissioner Harris inquired about harvesting trees.

Ms. Miller gave the example of harvesting trees on a Christmas tree farm.

McCullough said this was not about individual lots and homes, it is about development projects. If a property owner has 10 acres and they were not developing the property then they could use the trees as desired. Staff has identified some of the loop holes associated with development activities and this Text Amendment is trying to tighten those loop holes. Staff was not asking for recommendation, just guidance on where the thresholds should be in protecting the sensitive lands.

PUBLIC HEARING

Ms. Betty Lichtwardt, League of Women Voters, was concerned about preserving sensitive lands. She felt that the Text Amendment needed revisions and she gave suggestions.

Ms. Joyce Wolf, on behalf of Jayhawk Audubon, summarized the letter that was included in the Planning Commission online packet.

Commissioner Moore asked how she would define a mature tree.

Ms. Wolf said that it would depend on the species of tree and that an arbitrary figure for all species cannot be picked.

Mr. Bob Lichtwardt, property owner who owns several wooded lots, showed photos that illustrated the kind of land he discussed. He believed parts of his woodland do not qualify for preserving under the current code proposed. He felt that the Development Code should enforce the preservation of trees. He said that there are other areas of the city that have woodlands that need preserved.

COMMISSION DISCUSSION

Commissioner Hird inquired about clear-cutting of trees.

Ms. Miller stated that the removal of trees in a three year period would be clear-cutting.

Commissioner Harris asked why the reasons for saving sensitive lands were not in the standards.

Ms. Miller said that staff deliberately omitted discussing the reasons for saving sensitive lands because different people may have different objectives for saving sensitive lands. It could be an area of argument. She thought that it might be better to include in the environmental chapter of Horizon 2020. A forester would be primarily concerned with tree species and health while a biologist's objective may be wildlife habitat.

Commissioner Harris was concerned about wildlife habitat.

Ms. Miller clarified that it was 20% of the site, not 20% of the woods that would be saved. If the site contained 20% of trees then all of the trees would be saved.

ACTION TAKEN

No action taken.

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ITEM NO. 10 AMENDMENTS TO ARTICLE 4, DEVELOPMENT CODE (MKM)

TA-03-01-08: Amend Article 4 of the Development Code relating to uses permitted in the GPI District.
(Initiated by Planning Commission on 3/24/08)

STAFF PRESENTATION

Ms. Miller presented the item.

PUBLIC HEARING

Mr. Michael Almon, Brook Creek Neighborhood Association, recapped his concerns that he sent in a letter that was included in the Planning Commission online packet.

COMMISSION DISCUSSION

Mr. McCullough asked the Commission for discussion and general direction.

Commissioner Finkeldei agreed with Mr. Almon that institutional uses needed to be defined.

Ms. Miller asked if they would be looking to give schools greater flexibility.

Commissioner Finkeldei replied, yes.

Commissioner Harris suggested changing the wording 'commercial parking.' Staff was directed to revise the text amendment and bring it back to the Planning Commission for consideration in June.

ACTION TAKEN

No action taken.

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ITEM NO. 11 CPA-2004-02 (AAM) audio 1:18:35

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. Complete details of the project were included in the staff report. She recommended approval with two staff changes.

Commissioner Harris asked why the Industrial Committee removed prime farm land from the locational criteria.

Ms. Miller said that the sentiment of the Industrial Sub-Committee was that it should be removed from the general locational criteria partly because it would be a complete change in how it has been handled in other chapters of Horizon 2020. She went on to say that part of the problem was defining prime agricultural farmland and that the Committee felt that it did not lend itself very well to general locational criteria.

Commissioner Moore said that the Committee spent about two months trying to fully define what it was. He did not feel it was consistent to have it in the Industrial Chapter when it was not in the other chapters.

PUBLIC HEARING

Ms. Jane Eldredge, went over the issues she wrote a letter about that was included in the Planning Commission online packet.

Mr. Charles NovoGradac, of Chestnut Orchard, suggested language for Horizon 2020 to tighten up some of the unclear language regarding prime farmland. (He gave Ms. Miller a letter after the correspondence deadline, which he read from at the meeting.)

Ms. Nancy Thellman, discussed UGA boundaries. She asked for the language in Chapter 7 to be kept regarding prime farmland. She agreed with Charles NovoGradac's letter. She also said that if they want developers to see environmental issues it should be easily found in one place instead of thinking that people will cross reference.

Ms. Marguerite Ermeling, suggested some wording changes, including quantifying the word "substantially" with respect to the general location criteria, as well applying the sentence in the Airport site paragraph that starts with "As this area develops..." to all sites and retaining the last sentence in the I-70 and K-10 site.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, felt that protection of prime farmland should be added to all chapters of Horizon 2020. She said that the Farmer Turnpike/I-70 interchange was a gateway to Lawrence and Lecompton, and felt that the word 'gateway' should be added to all locations. She expressed concerns regarding infrastructure cost.

Ms. Barbara Clark, Grant Township resident, expressed concerns. She felt that the definition of prime farmland should be narrowed in scope. She showed a map of the prime soil in Douglas County.

Ms. Betty Lichtwardt, League of Women Voters, expressed concerns about the effects of industrial use on growth. She was concerned about residential sprawl.

Mr. Michael Almon, Sustainability Action Network, expressed concerns regarding sustainability of the food network.

COMMISSION DISCUSSION

Commissioner Finkeldei inquired about Ms. Eldredge's letter in which she suggested the removal of the sentence regarding the Union Pacific Railroad Corridor "Where consolidation of industrial sites is impractical, it is recommended those properties be converted to residential and/or neighborhood commercial uses." He asked if the committee had discussed it.

Ms. Miller said that the committee had not discussed that because it was similar language that existed in the original Chapter 7 and also similar to some of the Burroughs Creek Corridor Plan language.

Commissioner Finkeldei inquired about the significance of gateway language.

Ms. Miller read the Transportation 2030 K-10/I-70 site language that says 'in the future this area will be an important gateway to the City that has the opportunity to develop as a work/live campus type center or industrial business research park.' She stated that when Transportation 2030 was created they did not necessarily have the foresight of this version of Chapter 7 but that it was identified as a major gateway.

Commissioner Finkeldei asked about special criteria for gateways.

Mr. McCullough stated that there were no standards for gateways; it connotes special aesthetics or special consideration.

Commissioner Eichhorn inquired about setbacks.

Mr. McCullough stated that the Gateways and Boulevards Committee was created to discuss these issues.

Commissioner Eichhorn stated that when going through the area plan process, the area is going to be a gateway of some sort so it would be logical that the language stay in there.

Mr. McCullough said that it is the third of three interchanges with an interstate highway so Transportation 2030 recognizes that.

Commissioner Finkeldei asked about the I-70/K-10 plan saying 'work/live campus' but does not mention 'warehouse or office.' He wondered if that was intentional.

Ms. Miller said that it was intentional because they hope the area will be developed as a park in the future.

Commissioner Finkeldei asked about the staff recommended changes to the prime farmland paragraph. He did not feel that was a definition since it says 'generally defined as'. Previously it said 'primary' and he asked why staff was recommending this change.

Ms. Miller said that the staff recommended change was in response to Mr. NovoGradac's letter and that staff felt re-wording that paragraph made it clearer to understand.

Commissioner Jennings inquired about Mr. McCullough mentioning the third turnpike entrance as a gateway. He stated that no improvements have been made north of the turnpike on either of the other two entrances. He was trying to figure out why people would turn north rather than south at this interchange.

Mr. McCullough said that the sector plan being done for the northwest area shifts that urbanization north of the highway to the west side and therefore development will eventually be north of the interstate. Also, there is nothing that would preclude development going north of the interstate in Grant Township.

Commissioner Harris asked staff to comment on Mr. NovoGradac's comment about the site around the airport seemed to be talking about the Pine's area.

Ms. Miller replied, no, it talks about it in a general sense. The language that was settled on was 230+ acres and identified with general boundaries. The language says that the area around the airport is best suited for industrial development generally lies southwest of the airport and north of I-70. She said that it was talked about in a general sense on purpose.

Commissioner Harris asked if there was a reason that southwest was chosen instead of southeast.

Ms. Miller said that part of it lies in the transportation network aspect. She said that they looked at general criteria that showed buffers around the interchanges at specific intervals and that would have been outside of that. In addition, there was more floodplain on the eastern side that would have limited large parcel development.

Commissioner Harris felt that it might be premature to identify K-10/I-70 when the project is not a done deal at this time.

Mr. McCullough said that there have been some requests in process so it has given the opportunity to judge them by locational criteria.

Ms. Miller said in looking at the sites they looked at it not only in a perspective of what has been seen and heard, but also from starting from scratch and looking at the general locational criteria. The acreage was specifically identified because it met those locational criteria.

Commissioner Hird asked about the last sentence of the I-70 description.

Ms. Miller said the intent in the future is to develop it as a park or work/live campus type setting.

Commissioner Eichhorn said that the sector plan being discussed had more than 150 acres.

Ms. Miller said that was correct.

Commissioner Lawson asked why the reference to warehouse distribution was being excluded.

Ms. Miller said that in the future they would like to see it developed as a whole, one plan working together, not fragmented parcels. She said they liked the idea of co-location.

Mr. McCullough said the amount of land at the sector plan in its draft form lays out as an industrial employment center so there will be the opportunity for a mixture of industrial uses which could include warehouse distribution centers or work/live type campus centers. The best case scenario for good urbanization for that area would be an employment center that could include thousands of people

working in that area when at full build out over many years. The work/live campus centers would be a good concept at some point in that area.

Commissioner Harris asked about adding gateway language and interfacing language to each new industrial site.

Ms. Miller said that gateway language was included in the Airport site and the I-70 & K-10 site. Other sites were identified as happening farther out in the future so there was no language in those sections. Ms. Miller said she was not sure about the interfacing language.

Commissioner Harris said that there is a sentence regarding interfacing language that talks about having the industrial site interface with the surrounding development as it develops.

Commissioner Finkeldei said it is in the final sentence under Airport. Interfacing with surrounding properties and neighborhoods are also encouraged. He asked if that was true for every site.

Mr. McCullough said that is true for everybody.

Mr. Miller said there was similar language in the opening goals and policies as well.

Commissioner Finkeldei felt that language should be in the front of Horizon 2020 instead of every chapter.

Commissioner Moore said that if the land is valued because it is a resource then the future use should not matter to the fact that it is a resource.

Commissioner Finkeldei said that the reason it would be put as a locational requirement would be to keep industrial development from prime agricultural farmland. He questioned if the goal was to exclude industrial development on agricultural prime farmland or was the goal to exclude development of prime agricultural farmland. He clarified what Commissioner Moore was saying that if the goal was to protect prime farmland, putting it in the locational requirement of the industrial chapter does not get you to that goal. It should be somewhere in Horizon 2020 as a community goal to preserve prime farmland from soccer fields, residential development, commercial development, airports, wastewater treatment plants, etc.

Commissioner Lawson said it is valued as a resource and they need to take the first step of understanding that value by establishing it as a locational criteria for this and all future related development.

Commissioner Carter asked if it was realistic criteria. He wondered if they map it out and say it is locational criteria would there be any industrial sites left.

Commissioner Lawson said there is a big gap in understanding the definition proposed with respect to the specificity of the two classes of soils. Soil classes were established many years ago with a very scientific approach. He felt that the soil had real true economic value.

Commissioner Finkeldei said he was not struggling with protecting prime farmland, the issue was where to put it, as general locational or specific criteria. To protect the land the best it should be in the specific criteria in the site plan. He felt that based on what they were discussing tonight, to protect the land, the airport would be eliminated from the plan.

Commissioner Eichhorn said that the general locations were succinct. By having language that says 'lies out of prime agricultural land' would be very succinct and direct and move someone on to another area quickly. He felt that by putting it in the general criteria would move someone down the line quicker.

Commissioner Finkeldei felt that if they are trying to protect something then it should be as specific as possible.

Commissioner Carter was concerned about the difference between a goal and specific criteria. If you take type 1 and 2 soils on a map and looked at where it might make sense then it could completely eliminate industrial growth. He supported the goal but was not ready to make it a criteria without knowing more.

Commissioner Jennings had no interest in paving over prime farmland. He was concerned about certain property being a certain percent of prime farmland. He felt that an unpractical small corner piece of prime farmland might exclude that land from being developed.

Commissioner Eichhorn said the general criteria would be of adequate parcel size, generally over 40 acres.

Commissioner Moore inquired about the K-10/I-70 class 2 soil being 40% of the site.

Ms. Miller said that in the March version of Chapter 7 prime agricultural farmland noted for each site and what percentage. It did not follow the specific definition that limits it to class 1 and 2 soils. The definition from NRCS includes more than just class 1 and 2 soils. So, it would not be an apples to apples comparison.

Commissioner Lawson said the quality of class 1 and 2 soils are of greater productivity and economic value than others.

Commissioner Jennings said that prime farmland will not be found at the top of a hill and that is where this location is at.

Commissioner Hird was frustrated by all the different definitions and maps for prime farmland. He said that prime farmland was important to the community. He also expressed concern about excluding consideration of any particular site.

Commissioner Harris said that when they first started talking about this topic that she recommended those sites be mapped and see what they came up with. If they did not find any industrial sites then they would need to reconsider it. She thought that it would be worth the time to see what it would look like.

Commissioner Blaser was concerned about excluding consideration of any particular site. He felt that industrial land was needed but that soil needed to be included in site specific criteria. He agreed with Commissioner Hird's frustrations. He agreed with staffs suggestion of inserting the language in the section where proposed. He felt that it gave the Planning Commission the flexibility to recognize that it is a more important consideration at some sites and less of a consideration at other sites. He said it could be based on percentages of prime farmland or type of soil and felt that the Planning Commission needed the flexibility. He felt that staffs solution tackled that and adequately expressed the concern about this being a valid consideration.

Commissioner Harris said that if they really want to protect the land they need to be serious about having a mechanism to do it. She agreed that there are some instances when they might want to look at what percentage of the project is prime farmland and then make a determination that way.

Commissioner Blaser felt that they had to include soil as site specific to protect class 1 and 2 soils.

Commissioner Finkeldei said that if the goal is to protect prime farmland from development, the way to do that is not to define it in Horizon 2020, but rather add prime farmland to the Development Code.

Commissioner Eichhorn said that they do not follow all the policies in Horizon 2020, it is a general guideline. If the emphasis is on prime farmland then it needs to be put it in as many places as possible.

Commissioner Carter agreed with Commissioner Harris on seeing a map of sites.

Commissioner Eichhorn asked if class 1 and 2 soils could be defined and how long that would take to add a text amendment to the chapter.

Ms. Miller recapped what direction the Planning Commission wanted staff to take: adopting chapter as presented, have staff look at an actual definition, incorporating that into the general locational criteria and bringing it back to Planning Commission with a map for discussion. She said that this would work best by bringing it back as a discussion item to get feedback and then make changes based on that direction. She stated that depending on what the Planning Commission decided to do it could change a lot of the wording in the chapter. Ms. Miller said the soonest that it could come back to the Planning Commission would be July.

Commissioner Harris agreed with the League of Women Voter's that the proximity to transportation language was not as specific as it could be. She wondered if the wording 'feasible access' would work better. Commissioner Harris also said she liked keeping the gateway language for Lecompton.

Commissioner Harris felt that interfacing language should be added to overarching goals. She liked the goal of I-70 and K-10 being a campus area in the future but assumed that any zoning would trump that goal.

Mr. McCullough said that the zoning would hopefully reflect what the plan puts forth as the zoning and development together. He said that there should be discussion from Planning Commission whether or not warehousing distribution should be incorporated in there. He stated that they do not want to lose the encouragement of a work/live campus type environment. He said that staff recognized that this is an important point for employment center industrial development. He also stated that they want it to be master planned as much as possible instead of piecemealed in.

Commissioner Hird said that the K-10 and Hwy 40 language refers to the interchange over time serving as a gateway to Lawrence and is best suited for warehouse and distribution uses, industrial uses, work/live campus type centers, and industrial/business/research parks. He asked if there was any reason why the language could not be mirrored for the language on the I-70 and K-10 area.

Ms. Miller said that one of the reasons was the potential for the large acreage at the I-70 and K-10 site. There is potential for a much larger area to be identified.

Mr. McCullough said that the language pasted in I-70 and K-10 would not be off the mark of what might develop in that area. Staff wants to encourage a work/live campus facility. It would not be out of line to use the same language.

Commissioner Hird recalled a subcommittee meeting where they discussed not intending the language on the I-70 and K-10 location to serve as a limitation. He did not see any reason that the same language from the K-10 and Hwy 40 area could not be used for K-10 and I-70. He felt that there should be consistency.

Mr. McCullough said they were trying to encourage the work/live campus for the area but they are not focused on one parcel at this point and are trying to look at the sector plan. He did not think there was a conflict to mirror some of the language from I-70 and Hwy 40 that talks about the area serving as a gateway over time and best suited for warehouse distribution uses and such. He thought that they may want to tweak the language to encourage the work/live campus center in the area but that it is not a conflict from the land use standpoint to include the other type of industrial uses.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve and forward to City Commission the amendment to *Horizon 2020*, Chapter 7 – Industrial and Employment Related Land Use and authorize the chair to sign PC Resolution 2008-04 regarding this amendment, as proposed with the following changes:

- Two changes as presented by Staff (from Ms. Miller's presentation as follows)
 - Page 7-8: Reword Existing 2nd to last Paragraph on the page as follows:
"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, has been a substantial topic in the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are *capability class* (non-irrigated) 1 and 2 as identified by the National Resources Conservation Service."
 - Page 7-14: Remove Item 1.e under Policy 2.1:
"e. be located outside prime agricultural farmland as defined by United States Department of Agriculture."
- Union Pacific Railroad Corridor, on page 7-4, final sentence in that paragraph change to '*When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses*'
- In the general locational criteria, on page 7-4 and page 7-14, under Policy 2.1, change the term '*proximity*' to '*feasible access*' with respect to transportation networks
- In the airport paragraph, on page 7-6, the language in the final two sentences in paragraph one, involving '*as this area evolves into community gateway...*' Make that applicable to all properties.
- In the I-70/K-10 paragraph, change the second to last sentence to say: '*It may be possible to develop the site to a limited extent prior to the availability of urban services, including warehouse distribution and/or industrial business uses; however intense development should wait until such time that the land is annexed and urban services are able to be provided.*' Leave last sentence as it stands.

Commissioner Hird made an amendment to replace the last sentence of the I-70 and K-10 paragraph on p. 7-7 with the following sentence taken from the last sentence in the paragraph under the K-10 and Highway 40 section on p. 7-7: '*Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.*' This amendment is in place of Comm. Finkeldei's change to the I-70 and K-10 paragraph mentioned in the main body of the memo.

Commissioner Finkeldei agreed to Commissioner Hird's amendment and also suggested a revision to staff's change regarding the 2nd to last paragraph on p. 7-8. The revision changes the first sentence in

that paragraph to say "The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to this community."

Commissioner Moore seconded the amendments.

Motion carried 7-2 with Commissioners Blaser and Harris in opposition.

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ITEM NO. 12 CPA-2008-1 (MJL)

CPA-2008-1: Amend the Southeast Area Plan, Recommendations section; Land Use, Land Use Descriptions, Commercial Zoning Districts to change CC400 District to CC200 District.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Blaser, to approve the amendment to *Horizon 2020*, to change Chapter 14 – Specific Plan, Southeast Area Plan section 3.11 Commercial, Zoning Districts to change the CC400 District to the CC200 District, add authorize the chair to sign PC Resolution 2008-05.

Unanimously approved 8-0.

(Commissioner Lawson left the meeting prior to the vote)

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MISC 1 VARIANCE REQUEST; MINOR SUBDIVISION; 1325 W CAMPUS RD (MKM)

Variance requests from the Subdivision Regulations for MS-04-05-08; Minor Subdivision for 1325 West Campus Road. Variances are being requested from the amount of street right-of-way necessary for Naismith St. and the street tree requirements.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Cheryl Beaver, sorority chapter president, stated that there has been a change in parking over the past few years. She would like to ease the parking problem.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Carter, seconded by Commissioner Moore,

Unanimously approved 8-0.

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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.

STAFF PRESENTATION

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

Commissioner Eichhorn suggested removing the bullseyes from the North Lawrence part of the map in the proposed Chapter 15.

PUBLIC HEARING

Ms. Barbara Clark, showed map.

Ms. Gwen Klingenberg, felt that the CRC was needed. She expressed concern about individual lot planning. She was also concerned about building heights and the wording of ‘shall’ and ‘should.’ She did not feel that this Code was trust worthy.

Ms. Jeanne Pees, Sunset Hills Neighborhood Association, felt that public input was an important part of the process.

Ms. Carolyn Crawford was concerned about notification to neighbors and letters being sent in regular mail. She felt letters should be mailed classified.

Mr. McCullough stated that property owners are notified by the City using regular mail regarding rezonings.

Ms. Betty Lichtwardt, League of Women Voters, was concerned about provisions of the regular Code that are needed are not in the SmartCode. She was also concerned about public involvement. She stated there was nothing in the SmartCode that has street standards and guaranteed access. She said she was concerned about what was missing from the SmartCode, not what was included.

COMMISSION DISCUSSION

Mr. Warner referenced standards for streets on page 60 of the SmartCode. He said that the SmartCode does have provisions for variance or warrants (waivers).

Commissioner Harris was concerned about neighborhoods not being notified.

Mr. McCullough stated that the adjacent property owners and neighborhood associations are notified, as well as a public notice signs being posted for public hearing projects.

Commissioner Hird asked if it would be a hardship to send mail notices via registered or certified mail.

Mr. McCullough said the hardship would be the cost.

Commissioner Harris felt that the neighbor notification should be expanded.

Commissioner Hird agreed with Commissioner Harris and felt that if the property owner notification was expanded that the mailing would not have to be registered or certified.

ACTION TAKEN ON ITEM 13

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the comprehensive plan amendment to Horizon 2020 Chapter 15, with the removal of the two North Lawrence bullseyes from the map and the removal of G3 from the legend, and authorize the chair to sign PC Resolution 2008-01.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 14

Motioned by Commissioner Finkeldei, seconded by Commissioner Moore, to approve the comprehensive plan amendment *Horizon 2020* by amending Chapter 14 - Specific Plans to add a reference to the Lawrence SmartCode Infill Plan for the City of Lawrence and unincorporated Douglas County 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, and approve and sign Planning Commission Resolution 2008-02.

Unanimously approved 8-0.

ACTION TAKEN ON ITEM 15

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the proposed Lawrence SmartCode enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, and forward to the City Commission, with a change clarifying the platted requirement lot and requiring 200 feet notice to neighbors.

Unanimously approved 8-0.

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MISCELLANEOUS NEW OR OLD BUSINESS

MISC 2 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.

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN @ 11:50pm