

PC Minutes 8/24/11

ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20; SYNTHETIC TURF AS LANDSCAPING MATERIAL (MKM)

TA-4-6-11: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. *Initiated by City Commission on 5/3/11. Deferred by Planning Commission on 6/22/11.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson, introduced two national experts on synthetic turf, Mr. Rusty Abell from Lubbock, Texas and Mr. Joe Di Geronimo from Sturbridge, Massachusetts. She stated they were not sellers or vendors of any products. She said they were consultants to the FIFA (International Federation of Association Football) and the NFL (National Football League). She said the synthetic turf products used over the years were developed for athletic purposes. As the products have improved they have become more viable and attractive as landscape materials. She displayed some turf examples.

Mr. Abell and Mr. Di Geronimo provided their credentials and presented the history of synthetic turf with a PowerPoint presentation and pictures of turf used in other cities.

Ms. Eldredge said there were inconsistencies in the Development Code regarding the definition of landscape material. She stated in section 20-1701 landscape material was described as living and non-living. Under the non-living category it includes rocks, pebbles, sand, bark, brick pavers, urban mounds, or other items of a decorative or embellishing nature. She said synthetic grass was more attractive than a yard full of pebbles, sand, or bricks and that fundamentally this was a question of aesthetics. She suggested a text amendment be initiated for section 20-1701 to make it clear that synthetic that turf was just as good, if not better, than rocks, pebbles, sand, and bark. She said rubber mulch was now available and nothing prohibited it. She asked that natural or synthetic turf language be added to section 20-1003(e) and the definition in section 20-1009(b) be clarified that no artificial plants or vegetation, other than synthetic turf, may be used. She asked that the standards be compatible with the product used at Frontier Apartments and proposed quality standards for turf. She did not think many people would use synthetic turf due to its upfront cost.

PUBLIC HEARING

Mr. Dan Dannenberg felt it was not fair the public could only speak for 3 minutes when the applicant had 35 minutes. He said he has used low maintenance natural landscaping at his residence to mitigate and prevent erosion. He said he has not watered it since it was installed four years ago. He expressed concerns about heat generation. He stated athletic fields were not the same as an apartment complex. He urged Planning Commission not to approve any changes that would lead to the use of synthetic surfaces in any area of the community.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods, said if approved a lot of questions needed to be answered first. She wondered what costs were associated with installing turf and expressed concern about applicants asking for incentives in order to be able to afford the installation. She wondered what kind of condition the soil would be in after the turf was removed. She felt the applicant should have applied for the text amendment before installing the turf if it was so important to Lawrence. She wondered to what level they would accept synthetic turf.

Ms. Jeanne Pees, Sunset Hills Neighborhood Association, said the neighborhood association was not in favor of it and agreed with the staff recommendation of denial. She said the landscape architects in Lawrence had done a wonderful job of landscaping sites within the boundaries of the Development Code.

APPLICANT CLOSING COMMENTS

Ms. Jane Eldredge said the developer believed he had the authority to install synthetic turf based on a previously approved installation of turf at The Oread Hotel and the unclear definition in the Development Code. She felt the Development Code needed clarification.

COMMISSION DISCUSSION

Commissioner Hird inquired about synthetic turf being used in a limited manor.

Mr. McCullough said synthetic turf had only used at The Oread Hotel. Alternative compliance was used for Dillons on Massachusetts Street and Tractor Supply.

Commissioner Hird asked if their discussion was about the text amendment, not a specific project.

Mr. McCullough said there were implications for Frontier Apartments because they were currently not code compliant by staff's interpretation. He said the developer agreed to come into compliance with the outcome of this amendment.

Commissioner Hird asked if with a text amendment they were not talking about a specific project.

Mr. McCullough said the text amendment would be city wide and would be applied to anything that gained site plan approval.

Commissioner Liese thanked Mr. Dannenberg and assured him that everything he said was of importance and that his perspective was important. He asked Mr. Dannenberg if he had anything else he would like to say.

Mr. Dannenberg said he would not make any further statements but would be sending a letter to the Planning Commission Chair regarding turf and proceedings so that opposing opinions could get a fair and adequate opinion.

Commissioner Blaser said he visited Frontier Apartments and was underwhelmed by the synthetic turf. He said there were cigarette butts folded under the turf. He also stated that after rain there were waves in the turf that looked like old carpet that needed to be stretched. He said one of the seams was very obvious like it was about to come apart.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Belt, to deny amendments to Articles 10 and 17 of the Land Development Code to add synthetic turf as landscaping material based on the analysis provided in the Staff Report.

Commissioner Finkeldei agreed with Commissioner Blaser that he was not impressed with what the synthetic turf at Frontier Apartments looked like, however he did think the turf at The Oread worked well. He said he would probably support the use as alternative compliance.

Commissioner Belt inquired how staff determined the 18" border width language under option B of the staff memo.

Mr. McCullough said it was a reasonable border to a landscape island.

Commissioner Liese inquired about the approval criteria for alternative compliance.

Ms. Miller read from the Development Code:

To be approved, an alternative compliance landscape plan shall be equal to or exceed traditional compliance in terms of quality of materials and visual effect, effectiveness in meeting the purpose established in Section 20-1001, and material durability and hardness. Alternative compliance is limited to the specific site under consideration and does not establish precedent for acceptance of alternative compliance plans on other sites.

Commissioner Hird asked if under the alternative compliance provisions artificial turf could be used in limited applications.

Mr. McCullough said staff made that interpretation with The Oread Hotel. He said the Development Code language was strong about the use of living materials.

Commissioner Liese said he visited the Frontier Apartment site and had the same visual experience that other Commissioners had commented on. He said the color of the turf did not look like grass. He said he would be okay with approving some synthetic turf as alternative compliance but the visual effect of the Frontier Apartments made him sure he would not vote for a text amendment.

Commissioner Burger said she had a similar reaction to the aesthetics of the turf at the Frontier Apartments. She said the turf at The Oread was done well. She wondered about the impact of turf to wildlife. She also wondered how the space between the sidewalk and curb, where there was natural grass still growing, would be maintained to look similar to the turf. She said this was not a locally manufactured product, unlike the sod that could be purchased within Douglas County. She wondered how trees would grow when surrounded by turf material. She said the research that staff and the applicant did was very informative. She said this was so different from athletic fields that it was not an issue. She thanked public members for their comments.

Commissioner Britton said there was no clear benefit to this kind of change, environmentally or aesthetically. He said he would support the motion.

Commissioner Culver said he could support limited use of synthetic turf under alternative compliance. He stated he would be interested in knowing the quality of turf used at The Oread versus Frontier Apartments.

Commissioner Hird said in January he attended the Bowl Championship Series (BCS) in Arizona and the University of Phoenix rolls their entire football field outside the stadium to grow natural grass and then they roll it back in for games. He said the application of synthetic turf to athletic facilities was a far different issue. He said Ms. Eldredge was correct by saying it was largely an issue of aesthetics. He said he visited Frontier Apartments and if it was an example of the best that could be done with artificial turf then he would vote no. He said the developer of the project had done some outstanding landscaping in Lawrence. He wondered what would happen when the property was sold to the next owner and how it would be maintained. He stated he read every page of the documents that Ms. Eldredge submitted. He said he had no problem allowing a certain amount of synthetic turf as an alternative compliance tool. He did not think the text amendment proposed should be passed. He stated he would support the motion.

Ms. Eldredge said the applicant would be happy to withdraw the request and submit an alternative compliance request.

Commissioner Liese said it was important to vote on the motion and express to the community whatever the outcome was.

Commissioner Hird asked staff if it was appropriate to withdraw the request and if the applicant could come back with another suggestion.

Mr. McCullough said the process for text amendments was a little different. He stated City Commission would initiate any text amendments. His advice was to go ahead and vote on the motion and the applicant could send a letter of withdraw to City Commission.

Commissioner Hird asked Ms. Eldredge if that was her understanding as well.

Ms. Eldredge said that was not her understanding but she did not want to take the time to debate it. She said there were 20 people around Frontier Apartments that liked the synthetic turf and felt it enhanced the neighborhood.

Motion carried 6-2, with Commissioners Culver and Finkeldei voting against the motion.