



PLANNING COMMISSION MEETING
December 12, 2011
Meeting Minutes

December 12, 2011 – 6:30 p.m.

Commissioners present: Belt, Blaser, Britton, Burger, Culver, Finkeldei, Hird, Liese, von Achen

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

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of November 14, 2011.

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the November 14, 2011 Planning Commission minutes.

Unanimously approved 9-0.

COMMITTEE REPORTS

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

Commissioner Liese said during the December Planning Commission Mid-Month meeting they were not able to have a full meeting because there wasn't quorum. He asked for suggestions about how to achieve better attendance from the Commissioners at the Mid-Month meetings.

Commissioner Belt said due to his current employment he would periodically have scheduling conflicts but more often than not he would be able to attend.

Commissioner Liese said he preferred the morning but was flexible.

Commissioner Burger said she could not attend before 8:00am.

Commissioner Britton said early morning was better for him.

Commissioner Hird asked what they thought of an evening Mid-Month meeting. He felt Mid-Month meetings were important valuable time and that all of the Commissioners attendance was needed. He wanted to find the best option for better attendance.

Mr. McCullough said staff could propose some alternatives and survey the Commission to see what the majority consensus was.

Commissioner Liese suggested the possibility of longer meetings six times a year.

Commissioner Hird said the Agritourism Committee continues to meet monthly and are scheduled for the Mid-Month agenda for January.

COMMUNICATIONS

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

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Liese said about six weeks ago he had a brief conversation with County Commissioner Nancy Thellman regarding where Planning Commission stood with the Northeast Sector Plan.

Commissioner Britton said he had a similar discussion last week with County Commissioner Thellman about the Northeast Sector Plan.

- Abstentions:

Commissioner Burger said she would like to abstain from Item 6 because she did not review the material.

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**ITEM NO. 1 PRELIMINARY PLAT AND VARIANCE; DAN & TRISHA SIMONS
ADDITION; 444 COUNTRY CLUB TERR (MKM)**

PP-10-10-11: Consider a 1 lot Preliminary Plat for Dan & Trisha Simons Addition, approximately 2.36 acres, located at 444 Country Club Terrace and associated variance from requirement in Section 20-810(b) that all lots have frontage on a public street. Submitted by Treanor Architects, PA for Dan & Trisha Simons, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. C.L. Mauer, Landplan Engineering, was present for questioning.

PUBLIC HEARING on Variance Only

No public comment.

ACTION

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the variance requested from Section 20-810(b) to allow the creation of a lot without street frontage.

Unanimously approved 9-0.

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Dan and Trisha Simons Addition; 444 Country Club Terrace and referring it to the City Commission for acceptance of dedication of easements subject to the following conditions of approval:

- 1) If the Planning Commission approves the variance requested from the frontage requirement in Section 20-810(b), a note shall be added to the plat with the section and the date the Planning Commission approved the variance.
- 2) The property owner shall execute an easement for the off-site service line and the Book and Page Number shall be noted on the face of the final plat.

Unanimously approved 9-0.

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ITEM NO. 2 VARIANCE FOR MINOR SUBDIVISION; 1043 INDIANA ST (MKM)

Request for variance from standard street and alley right-of-way associated with a minor subdivision application, MS-11-6-11, Varsity House Addition for property located at 1043 Indiana Street.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC HEARING on Variance Only

No public comment.

ACTION

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to approve the variance request from the requirement to dedicate additional street and alley right-of-way as required by Sections 20-810(d)(4)(i) and Section 20-810(d)(10)(ii).

Unanimously approved 9-0.

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**ITEM NO. 3 CONDITIONAL USE PERMIT FOR GOOD EARTH GATHERINGS; 858 E
1500 RD (SLD)**

CUP-10-5-11: Consider a Conditional Use Permit for Good Earth Gatherings, a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd. Submitted by Tamara Fairbanks-Ishmael, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

The applicant was not present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to address the correspondence received regarding the possible expanding scope and enforcement.

Ms. Day said typically it would be through a complaint or some other follow up by County staff looking at an enforcement issue. She also stated if the applicant contacted staff wanting to expand the scope it would probably require a new public hearing.

Commissioner Finkeldei inquired about the concern of a retail shop. He said it would not be allowed because it would only be ancillary retail sales.

Ms. Day said that was correct.

Commissioner Liese asked staff to comment on the applicant and the writer of the correspondence with concerns not being present at the meeting.

Ms. Day said the individual that wrote the letter indicated they would not be able to attend this evening. She stated the significant concern she heard from the public was regarding the lake. She said she did not know why the applicant was not present.

Commissioner Liese said he was uncomfortable with the absence of the applicant and letter writer but would reluctantly vote in favor of the item.

Commissioner Burger asked if Good Earth Gatherings currently held classes in the community.

Ms. Day said she did not know.

Commissioner Burger inquired about the precedence of deferring for the applicant to be present.

Mr. McCullough said the letter writer provided testimony through the letter and indicated to staff they would not be able to make it to the meeting. He said if Planning Commission found they were not able to accept staff's recommendation, wanted to revise conditions, or if there was public comment that needed a response from the applicant, then they might want to consider a deferral.

He stated if Planning Commission was willing to accept staff's recommendation then he did not necessarily think a deferral would be prudent in this case.

Mr. McCullough asked Ms. Day if there were any timing issues that she knew of.

Ms. Day said she was not aware of any timing issues.

Commissioner von Achen answered Commissioner Burger's earlier question. She said the applicant currently does teach an herb class once a month at the Unitarian Fellowship.

Commissioner Hird said it was always helpful to have the applicant present but if there was no controversy he did not see anything wrong with trusting the application to the process.

ACTION

Motioned by Commissioner Finkeldei, seconded by Commissioner von Achen, to approve the Conditional Use Permit for a recreation facility, to provide community outreach, education, and ancillary retail sales on approximately 10.5 acres, located at 858 E 1500 Rd subject to the following conditions:

1. Provision of a revised site plan to include the following notes
2. Use of the lake for public, business, commercial, and recreation activities associated with the home occupation is prohibited.
3. Class size shall be limited to not more than 12 students and 1 instructor.
4. No more than one class shall be conducted/offered at a time.

Unanimously approved 9-0.

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**ITEM NO. 4 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
DEFINING OCCUPANCY & CLARIFYING OCCUPANCY LIMITS IN NON-RS
ZONING DISTRICTS (MJL)**

TA-10-15-11: Consider a text amendment to the City of Lawrence Land Development Code, Articles 2 and 17, defining occupancy and clarifying the applicability of occupancy limits in RS and non-RS districts. *Initiated by City Commission on 10/4/11.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

Mr. Bob Schumm said he was interested in this issue because there has not been an efficient way of dealing with people who overload single-family dwelling homes. He said the home across the street from his house had about six individuals living in it right now and were taken court and fined \$100. He said the City Commission's intension was to try and get some language with teeth in the ordinance so the inspectors can do their job. He stated it was not just one neighborhood where this was occurring.

COMMISSION DISCUSSION

Commissioner Finkeldei discussed the definition of family.

Mr. McCullough said the direction from City Commission was to bolster several parts of the current enforcement in terms of occupancy and its link to rental registration. He said the Development Code portion was for cleanup of applicability sections in Article 2 established for all the districts and to define what occupancy meant. He said that was important from an enforcement standpoint because often times when people are found living in a residence they will claim they have another residence so staff has to try and prove they are there a majority of the time. He said staff looked at several alternatives to look at whether or not to create a term occupancy or occupant and how that could fit into the architecture of the Code. He said they kept going back to the definition of family and felt that in discussing this with the Code Enforcement Manager that it was important to maintain the broad terms of living in a dwelling unit, which was existing Code language in the definition of family. He said it gets at the same value but if they can show through prosecution that a person is residing or sleeping at a dwelling unit the majority of the time they would be recognized, from a Code perspective, as an occupant of that address.

Commissioner Finkeldei inquired about someone who says they are just visiting a residence.

Mr. McCullough said staff started out with the framework of residing 15 of 30 days. He said they didn't want to create a loophole or rule where people could stay a certain amount of days and then come back and start the time over. He said they wanted to be able to keep it broad enough to use for specific enforcement scenarios and also define it in such a way where it can show the court that someone is residing in a certain residence.

Commissioner Finkeldei said he liked the League of Women Voters suggestion about pulling it out of non-RS districts that do not have accessory dwelling units.

Commissioner Blaser asked if it would then make the two areas that can have ancillary in RS non-compliant.

Mr. McCullough said the League of Women Voters comment was that the language was consistent throughout Article 2 and shouldn't be consistent because some of those districts don't allow accessory dwelling units. He said the League was seeing an appearance of conflict between one Code section appearing to allow accessory dwelling units even though from a technical standpoint it doesn't because it refers to another Code section that prohibits them. He said it doesn't lend itself any value to the Code to keep it in there so he agreed with the League's comment about it being stricken from those districts that don't allow accessory dwelling units.

ACTION

Motioned by Commissioner Liese, seconded by Commissioner Belt, to approve amendments, TA-10-15-11, to the City of Lawrence Land Development Code and forward to the City Commission based on the analysis in the staff report.

Unanimously approved 9-0.

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**ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP 14; NORTHEAST
SECTOR PLAN (DDW)**

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Finkeldei asked how many acres were on each side of 24/40 Highway.

Mr. Warner said there was approximately 60 acres on each side.

Commissioner Blaser asked if the airport side, north of 24/40 Highway, was all city land.

Mr. McCullough said it was private and that he believed there was an aviation easement on a portion of it.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, discussed the creation and future of primary jobs. He said the area was a transportation hub and that the Chamber had been working on it for the last three years in a long range technological bioscience corridor that stretches from the Kansas City metropolitan area through Lawrence and Topeka to Manhattan. He said those communities have been working together. He said it was an aviation and agri-science hub. He wondered if the land shown on the Airport Master Plan been added into the Northeast Sector Plan.

Mr. McCullough said he thought the Airport Master Plan was specific to the boundaries within the airport and showed development within the airport itself. He said he would have to review the document to determine if there was anything outside of the airport that was shown in the plan.

Mr. Jerry Jost, Citizens for Responsible Planning steering committee, reviewed the letter and maps they sent. He said the northeast sector has historically been an area that was created by siltation from historical flooding. He stated the largest concentration of class I and II soils was in Grant Township. He did not feel the best place to have an industrial site was in the northeast sector north of the river that has a high concentration of class I and II soils and is prone to flooding. He felt the parcels should stay agricultural but if they were considered for industrial he recommended the following decision criteria be used by the governing bodies (he read from the letter submitted):

1. A clear and comprehensive cost/benefit analysis should be available to the public comparing the development of this area in contrast to other industrial development sites in Douglas County.
2. A comparison of the change in land use of class I and II soils with industrialization of this site with other industrial development sites in Douglas County.
3. At a minimum, the developer pays for all the additional infrastructure costs compared to similar development with other industrial development sites in the county.
4. A clear and comprehensive analysis determining whether the proposed development would have any adverse impact for floodplain management.

Ms. Debbie Milks said she owns an orchard in the area. She asked that farming be treated with the same respect given to industrial uses. She said there have been increased changes with floodplain and water problems in the 20 years she has owned the property. She felt incremental development had an effect on farming businesses in the area. She asked that they treat agriculture as a legitimate use of prime soils.

Mr. Lane Williams referenced the staff report and wondered how a \$12.4 million dollar pump could be incrementally developed.

Ms. Barbara Clark asked Planning Commission to consider the 1993 flood when they look at the Northeast Sector Plan.

Ms. Julia Manglitz said there was no such thing as zero impact development in the floodplain. She said there was no way to design around 100 flood event and account for everything.

COMMISSION DISCUSSION

Commissioner Liese asked staff to review the 125 acres versus 300 acres that came about.

Mr. McCullough said the 125 acres was the subject of a rezoning a few years ago. He said in part that was what generated this plan. He said some in the township approached the County Commission to initiate the sector plan. He said when staff formulated the draft plan that Planning Commission approved it was the central issue of what, if any, size of industrial should occur there. He said regarding the 125 acres versus 300 acres staff understands what kind of infrastructure improvements and stormwater improvements would be necessary for that, and that was being offered as a consideration to Planning Commission. He asked if it was more appropriate to fall back to some reduced amount of industrial designation in this area or do the other proponents of industrial in the area lend itself to keeping 300 acres. He said the staff memo was a position that staff offered as a consideration.

Commissioner Liese said he was grateful to the City Commission and County Commission for sending this item back. He said he was new to Planning Commission when the item came before them previously and he did not feel like he understood as much as he wanted to but he voted in favor of the plan. He said he was relieved they could now consider a reduction because he was much more comfortable with what had been proposed.

Commissioner Finkeldei asked staff to reply to Mr. Lane's earlier question.

Mr. McCullough said the North Lawrence Drainage Study was an attempt to address the history of flooding in the area and it did have a set of assumptions that were more intense than what was being proposed with the sector plan. He said a lot of the improvements were build out improvements. He said as he understood it, from discussions with the City Stormwater Engineer, that the most immediate concerns were to increase the pump size of the existing pumps. He said it was not an exact science to say when improvements would be necessary for what development. He said there were a good number of community wide improvements that needed to go into it so he would not expect any one developer to put 12.5 million dollars into raising 24/40 Hwy. He said there were ways to help finance those community needs through such things as a benefit district.

Commissioner Finkeldei said it was important to answer the County Commission and City Commission questions. He felt staff did a good job of laying out the issues regarding cost. He said until you the project was known the cost would be unknown. He said a bunch of small projects was different than one large user. He said an industrial user doing ag-industry was completely different

than someone who was not doing ag-industry. He supported the staff finding of too many variables to determine cost. He said he appreciated staffs answer regarding urbanization. He said the issue of industrial development outside of the airport was a tough one. He supported the staff finding that this was a unique property, small area, and an area close to the airport, turnpike, and 24/40 Hwy. He appreciated staffs comments regarding the area southwest of the airport. He supported staffs analysis regarding drainage. He said language regarding soil conserving ag-industry was passed by both City and County Commission. He felt they should adopt the language in Horizon 2020 which encourages soil conserving ag-industry. He supported leaving 300 acres of industrial to allow for options available.

Commissioner von Achen asked for an explanation of option 1.

Mr. McCullough said in Chapter 7 of Horizon 2020 there is a 'snowflake' map that designates certain intersections and areas of the entire county for industrial purposes. He stated when this area was identified as an industrial area in Horizon 2020 it came with language associated with it that called out and encouraged soil conserving agri-industry uses. He said it wasn't necessarily a defined term in Horizon 2020 but once adopted it became the term of art that was used to build the assumption in the sector plan. He said one of the issues that everybody appeared to agree on was that soil conserving agri-industry needed some clarification and definition. He said part of the sector planning effort was an attempt to better define what that meant. He said the majority consensus of the Planning Commission determined that borrowing that language from Chapter 7 of Horizon 2020 and maintaining this as an industrial straight designation was the appropriate designation for this land. He said because Horizon 2020 designated with the caveat that it's a soil conserving agri-industry use, it was maintained that 'we'll know it when we see it' kind of a concept because it was very difficult to define soil conserving agri-industry. He said with any rezoning effort a user would have to demonstrate compliance with Horizon 2020 and the sector plan. He said the Planning Commission consensus was to leave it open ended in order to give flexibility to staff and Commissions.

Commissioner von Achen asked if preferential treatment would be given to soil conserving agri-industry.

Mr. McCullough said yes and that it had enough weight in the comprehensive plan and sector plan that it would be an expectation.

Commissioner Belt asked if both governing bodies were okay with the subjective and nebulous definition.

Mr. McCullough said he presumed otherwise since it was a comment in the list of things that the governing bodies wanted Planning Commission to consider.

Commissioner Burger inquired about the North Lawrence Drainage Study build out scenario map. She said it stated on the page 'not to be used for zoning purposes.' She wanted to clarify it was an interpretation of a consultant as to what the future of this sector plus North Lawrence might look like, not an approval, endorsement, or proposal.

Mr. McCullough said that was correct.

Commissioner Burger asked if Horizon 2020 would require including industrial zoning in every sector plan.

Mr. McCullough said no, however staff uses the chapters of Horizon 2020 as the starting point in sector planning. He said, for example, if industrial designation was stricken from the area then a follow up to the sector plan approval would be to amend Chapter 7 and remove the 'snowflake' designations from that map.

Commissioner Burger asked if the 1000 acres requirement had been exceeded in other sectors.

Mr. McCullough said that was right, not all zoned, but designated for that category.

Commissioner Liese asked for clarification on what the Planning Commission action should be.

Mr. McCullough said going through the individual findings was helpful to the governing bodies. He said ultimately Planning Commission needs to affirm the plan they submitted to the governing bodies or submit a new revised plan to the governing bodies for consideration.

Commissioner Liese asked what a motion would be like in either case.

Mr. McCullough said there were two high level issues to look at. The first issue was soil conserving agri-industry and whether they stand with their recommendation, or revise that and seek further clarification. The second category was the idea of this particular area and whether or not it should remain as proposed with 300 acres of industrial or be reduced.

Commissioner Hird inquired about the parcel sizes of 125 acres.

Mr. McCullough said it depended on 125 acres compared with other designated areas of the community. He said it was probably a small to medium size industrially designated area. He said there were multiple zoning districts that could be employed here and accommodate small, medium, and large industrial sizes. He said there was a project proposed at this location so the market had value in the area.

Commissioner Hird asked staff to describe the process to the new Commissioners and how the 300 acres was arrived at.

Mr. McCullough said the 300 acres went through a public process. He said staff typically looks for boundaries of a land use category, and with the floodplain, airport, interstate highway, industry to the west, this appeared to be the starting point for discussion to complete the industry between the airport and highway. He said staff was asked to dig deeper on all the issues in the staff memo so the findings were based on that.

Commissioner Britton said from his perspective a sector plan was long term and with this particular piece of property it sounded like they ought to be thinking about the environmental and flooding issues first and foremost. He felt they needed to set a high bar to move to industrial and know there would be a return on the investment. He was concerned about the potential for flooding and safety issues for the residents living in the area. He did not see the need for additional industrial when they had already exceeded the 1000+ acres of additional identified industrial. He stated there were specific opportunities around the county, such as Farmers Turnpike area and Farmland Industries. He said he understood this was a unique area because of the airport but he felt it was a more unique area because of the flooding and soil conservation issues. He felt that opening the door to development opened the door for more future development and he was concerned about the long term impact. He wondered how limits could be put in place if development did move to the northeast sector.

Mr. McCullough said because of the elements that this has going for it, such as the limited number of interchanges to I-70, airport, state highways, proximity to Kansas City and Topeka, discussion to date in the governing bodies and Planning Commission has been that this is one of the few recognized areas of choice that the market may want to go to because of the airport and highway interchange.

Commissioner Britton asked if there were other options along the I-70 corridor or on the airport itself.

Mr. McCullough said the airport was an area that they were trying to get airport related uses at. He said the spinoff was that if the airport got some viable land uses and industry that they might need some land outside of the airport to support those businesses.

Commissioner Finkeldei said the basis of this was the adoption of Chapter 7 in Horizon 2020. He said the airport was specifically designated as having industrial around it. He said Planning Commission, County Commission, and City Commission have all changed members and that it was possible that the County and City Commission don't believe Horizon 2020 was accurate anymore and that it should be changed and the airport should be removed from the industrial conversation. He suggested that if that happened it should happen through an amendment process to Horizon 2020 not in the sector plan that implements it. He said he supported the 300 acres of industrial, not going down to 125 acres.

Commissioner Liese said he voted in favor of the Northeast Sector Plan previously but had reservations about environmental and flooding issues.

ACTION

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to maintain all of the Northeast Sector Plan as voted by Planning Commission last year, including the agri-industry designation, except reducing the 300 acres of industrial to 125 acres.

Commissioner Blaser welcomed the opportunity to look outside the box. He agreed it was hard to try and decide if the airport would be more or less expensive. He was concerned about the intensity of industrial. He suggested making the north side of 24/40 Hwy industrial and the south side agri-land, which might lend itself better to bio-science uses.

Commissioner Hird said Planning Commission spent a lot of time on the Northeast Sector Plan and he was sensing some Commissioners wanted to start over.

Commissioner Blaser said he was not suggesting they start over. He felt the whole 125 acres should not be industrial.

Commissioner Hird said he would be uncomfortable in arbitrarily picking where industrial should go without studying it further. He said Planning Commission spent so much time on this and it was a difficult process that he did not want to rush through a decision. He said he could support the motion but that he sensed that we're heading toward further study of the issue.

Commissioner Blaser wondered if the conserving of agri-land could be made part of the industrial.

Mr. McCullough said the way the plan reads now is that where there are class I and II soils it is encouraged to be soil conserving agri-industry. He stated at one time, in the third draft, there was a

new category called soil conserving agri-industry. He said after that discussion it got changed to just industrial with the Chapter 7 language.

Commissioner Liese said if they could reduce the risk to the land and the people by reducing the amount of land potentially used for any kind of industry they would be doing something good for all community members.

Commissioner Culver said he would support the motion. He said when looking at the definition of soil conserving agri-industry it was hard to describe what that would look like, how it would be marketed, and if that would limit opportunities and defeat some of the purposes of the sector plan. He inquired about Mr. Booth's earlier comment regarding the Airport Master Plan including land outside of the airport.

Mr. McCullough said he would have to ask Mr. Booth which map he was looking at. He said there was a map that showed some purple for future acquisition for the airport, not necessarily for outside development potential. He said to his knowledge it was not a land use plan for outside of the airport boundaries.

Commissioner Finkeldei said he would not support the motion. He felt the acreage should remain 300. He expressed concern about which 125 acres were included in the motion. He said if they were recommending a reduction they needed to respect the land owners enough to have staff look at the issue with the specific acreage and where it was located before voting on it.

Commissioner Belt felt the entirety of the plan was about mitigating loss and reducing risk.

Commissioner Britton expressed concern for setting a long term precedent that the area was moving in that direction. He wondered what sort of tools they had to make it clear that they were not looking to expand this type of development out there.

Mr. McCullough said the Northeast Sector Plan and the Comprehensive Plan were tools. He said outside of the Planning regulatory process there were conservation easements that a property owner could put on their own property to preclude development. He said they could not turn away applications to amend the Comprehensive Plan or to request such things as rezoning and platting. He said staff tries to set the expectation through the Comprehensive Plan and sector plans that those are the highest tools used to judge requests.

Commissioner Hird said his recollection of the Planning Commissions discussion was that this would be an industrially designated area, not that it was an exception to another rule, but there were good reasons for the community at large in some industrial development by the airport. He said he had a hard time supporting the motion without knowing which 125 acres it was.

Motion failed 4-5, with Commissioners Britton, Burger, Finkeldei, Hird, and von Achen voting in opposition. Commissioners Belt, Blaser, Culver, Liese voted in favor.

Motioned by Commissioner Hird, seconded by Commissioner Finkeldei, to defer and direct staff to present alternatives regarding acreage that could be included in the Northeast Sector Plan as industrial.

Commissioner von Achen asked that the motion include rewording of option 1.

Commissioner Hird said that would not be part of his motion and that he would prefer to leave the wording alone.

Motion carried 9-0.

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ITEM NO. 6 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE & DOUGLAS COUNTY CODE; SUBDIVISION REGULATIONS (SMS)

TA-3-3-10: Consider Text Amendments to the joint city/county subdivision regulations in the City of Lawrence Land Development Code, Chapter 20, Article 8 and the Douglas County Code, Chapter 11, Article 1 to revise process requirements for division of property through Certificates of Survey, Minor Subdivisions and Major Subdivisions. Modifications include reformatting this article/chapter to eliminate duplicative text and to delete terminology not used. *Initiated by City Commission on 2/16/10. Re-initiated by Planning Commission on 5/23/11. Deferred by Planning Commission on 10/26/11.*

STAFF PRESENTATION

Ms. Sheila Stogsdill presented the item.

Commissioner von Achen inquired about a temporary set aside agreement.

Ms. Stogsdill said it was a protection measure for Certificates of Survey in the Urban Growth Area. She said it was like a conservation easement but not necessarily permanent. It protects or preserves the areas in the future development area of a Certificate of Survey. She stated once the property was annexed into the city it would expire if there was no action to replat the property or the city to actually acquire that through easement. She said originally the thought was that some of those sensitive lands would be areas prime for adding to the park network so they didn't want them to be specifically developed before they came into the city. She said if there was no proactive action by the city to acquire that within two years then the protection was lifted so the property owner had full use of it.

Commissioner von Achen asked if the clock started ticking after annexation.

Ms. Stogsdill said that was correct.

Commissioner Hird inquired about the language regarding parent parcel.

Ms. Stogsdill said staff was thinking of it from the standpoint of property owners that didn't have 20 acres so they wouldn't have enough to create that parent parcel. She said the League of Women Voters suggested the scenario where someone who had 21 acres and someone who had 19 acres, so with 40 acres there was the potential that multiple parent parcels could be carved out of that original tract.

PUBLIC HEARING

No public comment.

ACTION

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the proposed revisions and forward a recommendation for approval of the proposed amendments TA-3-3-10 [*December 12, 2011 Edition*] to Chapter 20, Article 8 of the Land Development Code to the City Commission and Chapter 11, Article 1 of the County Code to the County Commission for consideration and action, including revised language as proposed by the League of Women Voters for Section 20-806(b)(1):

Original Tract – shall be composed of a Parcel or a combination of all adjacent Parcels under a single ownership [not separated by public Right(s)-of-Way]

that share common boundary lines or two separate ownerships that share a common boundary line, for the purpose of creating one Parent Parcel.

Motion carried 8-0-1, with Commissioner Burger abstaining.

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ITEM NO. 7 LONG RANGE PLANNING 2012 WORK PROGRAM

Receive Long Range Planning 2012 Work Program.

Mr. McCullough reviewed the Long Range Work Program.

Commissioner Hird asked for volunteers to work with the consultant on the Oread Neighborhood Overlay District.

Commissioners Belt and Hird both volunteered.

Motioned by Commissioner Liese, seconded by Commissioner Hird, to accept the Long Range Plan as described with consideration of moving up the sand dredging study.

Unanimously approved 8-0. Commissioner Burger was not present for the vote.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 10:01pm