



PLANNING COMMISSION MEETING

June 25, 2012

Meeting Minutes

June 25, 2012 – 6:30 p.m.

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

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

RECOGNITION

Commissioner Hird presented former Commissioner Singleton with a certificate of appreciation for her service on Planning Commission.

MINUTES

Will receive the minutes from the Planning Commission meeting of May 21, 2012 during the July Planning Commission meeting.

COMMITTEE REPORTS

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

Commissioner Liese said the Metropolitan Planning Organization (MPO) met and reviewed projects and updates.

Commissioner Hird said a few folks met to discuss the Agritourism Text Amendment and had a productive meeting to clarify some issues.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

ELECTION OF OFFICERS FOR 2012-2013

Accept nominations for and elect Chair and Vice-Chair for the coming year.

Commissioner Culver nominated Commissioner Liese as Chair. The nomination was seconded by Commissioner Britton.

Nomination approved 9-0.

Commissioner Blaser nominated Commissioner Culver as Vice-Chair. The nomination was seconded by Commissioner Liese.

Nomination approved 9-0.

Commissioner Liese presented Commissioner Hird an engraved gavel for his service as Chair of Planning Commission during the past year.

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ITEM NO. 1 VARIANCE FOR MIDWEST HEALTH ADDITION (MKM)

Variance associated with Minor Subdivision for Midwest Health Addition, MS-12-10-11, from the required 75' half-width right-of-way dedication and instead maintain the existing 50' half-width for Wakarusa Dr just south of Harvard. Submitted by Landplan Engineering, for Pioneer Ridge LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

No applicant was present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the variance requested from Section 20-810(e)(5)(i) of Subdivision Regulations to allow the right-of-way for Wakarusa Drive to remain at 100 ft throughout the portion of the frontage that is 50 feet south of Harvard Road. Require dedication of right-of-way at the intersection of Wakarusa Drive and Harvard Road per the graphic in Attachment B of staff report.

Unanimously approved 9-0.

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ITEM NO. 2 IG TO GPI; 12.40 ACRES; 138 ALABAMA ST (SLD)

Z-11-27-11: Consider a request to rezone approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

No applicant was present.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve the rezoning of approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

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ITEM NO. 3 WEST 6TH STREET AND WAKARUSA DRIVE AREA PLAN (DDW)

CPA-4-3-12: Consider a Comprehensive Plan Amendment to Chapter 6 of Horizon 2020 to revise the existing commercial centers section, and to Chapter 14 Specific Plans, to revise the West 6th Street and Wakarusa Drive Area Plan.

ITEM NO. 4A RMO TO CN2; 2.42 ACRES; 650 CONGRESSIONAL DR (SLD)

Z-4-6-12: Consider a request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 650 Congressional Drive. Submitted by Williams Management, for BWB-WCSC LLC, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT FOR AN OFFICE/RETAIL BUILDING WITH A DRIVE-THRU; 650 CONGRESSIONAL DR (SLD)

SUP-4-3-12: Consider a Special Use Permit for an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive. Submitted by Williams Management, for BWB-WSC, LLC, property owner of record.

STAFF PRESENTATION

Mr. Dan Warner presented item 3.

Ms. Sandra Day presented items 4A and 4B together.

APPLICANT PRESENTATION

Mr. Brad Finkeldei, attorney for Williams Management, agreed with the staff recommendation. He said the Comprehensive Amendment made sense and was an extension of what was there now. He said it would include four tenants and three tenants had been lined up already.

PUBLIC HEARING ON ITEMS 3, 4A, 4B

No public comment.

APPLICANT CLOSING COMMENTS

Mr. Brad Finkeldei said they held a public hearing and invited the neighbors. He said two residents attended for additional information.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the current western boundary.

Ms. Day said it ended at the property line today.

Commissioner von Achen inquired about car stacking in the drive-thru.

Ms. Day used the overhead to show traffic flow.

ACTION TAKEN on Item 3

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve this comprehensive plan amendment to Horizon 2020 Chapter 6, Commercial Land Use, to revise the western boundary of the Existing Commercial Area W. 6th Street and Wakarusa Drive, and to amend

the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission.

Commissioner Hird said it looked like the kind of infill project that would be helpful to the city. He said setting Congressional as the boundary made perfect sense and was consistent with what was adjacent to it. He said there was vacant land west of Congressional and he would not be in favor of extending retail to the west of Congressional.

Unanimously approved 9-0.

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve and sign Planning Commission Resolution PCR-12-00013.

Unanimously approved 9-0.

ACTION TAKEN on Item 4A

Motioned by Commissioner von Achen, seconded by Commissioner Hird, to approve the request to rezone approximately 2.42 acres from RMO (Multi-Dwelling Residential-Office) to CN2 (Neighborhood Commercial Center), located at 650 Congressional Drive based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

ACTION TAKEN on Item 4B

Motioned by Commissioner von Achen, seconded by Commissioner Blaser, to approve an office/retail building with a drive-thru for an eating and drinking establishment use at 650 Congressional Drive and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions to be completed prior to the release of the site plan associated with the SUP for building permits:

1. Submission and approval of a photometric plan for the new parking lot.
2. Submission and approval of building elevations compliant with the Commercial Design Guidelines.
3. Submission and approval of a Downstream Sanitary Sewer Analysis per AP-76 prior to the release of the site plan for issuance of a building permit.
4. Provision of a revised site plan to include the following changes:
 - a. Revision of the legal description to reflect the platted lot less the right-of-way acquired for the W. 6th Street project.
 - b. Provision of the deed book and page reference on the face of the plan that amends the cross access for this site to include the vacation of a portion of the existing north access easement.

Unanimously approved 9-0.

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ITEM NO. 5A ANNEXATION OF 12.29 ACRES; 1783 E 1450 RD (SLD)

A-5-2-12: Consider annexation of approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street), for Lawrence Recycle Center. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5B I-2 TO IG-FP; 12.29 ACRES; 1783 E 1450 RD (SLD)

Z-5-7-12: Consider a request to rezone approximately 12.29 acres from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial-Floodplain Overlay), located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5C SPECIAL USE PERMIT FOR LAWRENCE RECYCLE CENTER; 1783 E 1450 RD (SLD)

SUP-5-5-12: Consider a Special Use Permit for Lawrence Recycle Center, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

ITEM NO. 5D PRELIMINARY PLAT FOR LAWRENCE RECYCLE ADDITION; 1783 E 1450 RD (SLD)

PP-5-4-12: Consider a Preliminary Plat for a one lot industrial subdivision for Lawrence Recycle Addition and including a variance from right-of-way and sidewalk requirements, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street). Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 5A-5D together.

APPLICANT PRESENTATION

Mr. C.L. Maurer, Landplan Engineering, and Mr. Chester Jones, owner of Advantage Metal, were present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Josserand inquired about right-of-way variances.

Mr. McCullough said the subjects tonight were existing development and a request was made to vary from the easements so staff met with the City Engineer and the Public Works Department to discuss and explore whether there would be any improvements in the future. He stated staff always recommends the amount of new right-of-way and/or easement necessary to accommodate the traveling public.

Commissioner Josserand expressed concern about over granting reductions of easements costing the City money because they may have to reacquire that right-of-way for transportation improvements. He felt it may prevent development to occur in the next 20 years on that stretch of State Highway.

Ms. Day said typically the intersections were the critical piece in terms of having enough right-of-way for all of the maximum improvements. She said this particular intersection had a lot of right-of-way and that KDOT and the City Engineer also believed there was enough right-of-way farther to the south.

Commissioner Culver inquired about the portion of the staff report that states:

'A portion of the site is contaminated with several chemical associated with the long term use as Kaw Metal Sales and Recycling Company. The south portion of the site is capped by AB-3 limestone gravel referred to as an aggregate cover area. This cap is intended to remain on site. A portion of the area will be further capped by the concrete pad in the southeast area to be used for exterior storage. Staff recommends the addition of a condition related to the KDHE concern are recommended to provide assurance of compliance of the project.'

Commissioner Culver asked if that was part of condition 7 that the applicant agreed to.

Ms. Day said yes, the City Stormwater Engineer had been very closely involved with that. She said it was the southern portion of the property that was subject to the contamination.

Commissioner Blaser asked what would start a benefit district for sidewalks and what the procedure was for that.

Mr. McCullough said it was based on an identified need in the area, typically identified by the City.

Ms. Day said some of that may also come with the future waterline extension. She said the Fire Department would like to see waterlines extended on both sides but that the City does not have immediate plans to do that at this time.

Mr. McCullough said staff does not take this particular waiver lightly and that this was only the second one that he could think of.

Commissioner Blaser asked if the trees and fence on the north side would not be replaced.

Ms. Day said the piece along the north property line, where it abuts a segment of county road, the existing vegetation would probably be disturbed and either be removed or not survive. She said the trees near the proposed improvements for the detention pond would probably be retained.

Commissioner Blaser said he would like to see that site cleaned up since it was a gateway to Lawrence. He asked if the existing building would be rehabbed.

Ms. Day said yes.

Commissioner Liese inquired about number of employees and increased traffic.

Ms. Day said a traffic study was done and staff looked at trying to push the main access drive a little bit further south but there were a number of problems with that. She said regarding the internal circulation of the site KDOT had been following the project as well as the access management. She said there were some improvements with the driveway coming into the site and a secondary driveway for emergency purposes only. She said also with the property the curb line would be extended so there would be a much cleaner piece of right-of-way than what currently exists.

Mr. Maurer said there would be 6-7 employees during the day with somewhere between 20-30 trucks a day, depending on how much was being delivered.

Commissioner Blaser asked if this would also be a heavily used junk yard.

Mr. Maurer said no.

Mr. Jones said it would not be an automobile salvage yard. He said if a car was brought in the fluids would be drained, the car would be crushed and shipped to a shredder in Kansas City. He said the fewer cars at the site the better. He said the parent company of Advantage Metals had been in business for over 125 years and was very environmentally conscious and had strict standards.

ACTION TAKEN on Item 5A

Motioned by Commissioner Hird, seconded by Commissioner Culver, to approve the requested annexation of approximately 12.29 acres subject to payment of rural water district fees.

Commissioner Blaser said he would vote in favor of the project. He felt the site needed to be cleaned up to create a better gateway to the city.

Commissioner von Achen asked if noise was an issue with this project.

Ms. Day said she would assume there would be noise associated with the use but that it was in an IG district where those kind of activities and uses were expected during typical business hours. She said it was an industrial corridor with train tracks and a major intersection of the highway so it was already a busy noisy place.

Commissioner Josserand said he would vote to approve the project and expressed concern about the gateway aspect of that area.

Commissioner Belt asked if Mr. Ted Boyle, North Lawrence Improvement Association, had any comments.

Ms. Day said Mr. Boyle may have called with general questions when it was submitted as a Conditional Use Permit.

Commissioner Liese said he would vote in favor of all aspects of the plan.

Unanimously approved 9-0.

ACTION TAKEN on Item 5B

Motioned by Commissioner Hird, seconded by Commissioner Britton, to approve the request to rezone approximately 12.29 acres, from I-2 (Light Industrial) County Zoning District to IG-FP (General Industrial - Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission.

Unanimously approved 9-0.

ACTION TAKEN on Item 5C

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve a Special Use Permit, SUP-05-05-12, for a Scrap and Salvage Operation located at 1783 E 1450 Road, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Provision of a copy of a letter from Kansas Department of Health and Environment confirming compliance of the project with KDHE requirements.
2. Receipt of a US Army Corps of Engineers Permit.
3. Execution of a Site Plan Performance Agreement.
4. Submission and approval of a stormwater pollution prevention plan (SWP3) must be provided for this project, Per City Code Chapter IX Article 9-903(B) prior to issuance of a building permit.
5. Approval of a local Floodplain Development Permit prior to release of the site plan for issuance of a building permit Per City Code 20-1308(a).
6. Submission and approval by staff of a plan detailing the use and arrangement of activity and storage for the exterior storage area compliant with the Floodplain Development Regulations.
7. Provision of a revised site plan per the approval of the Stormwater Engineer to include the following notes and changes:
 - a. Add the following notes to the site plan:
 - i. *"A large portion of the subject property is located within the one percent annual chance (100-year) floodplain according to the Federal Emergency Management Agency, Flood Insurance Rate Map, Map Numbers 2004C0088D & 2004C0176D, Effective Date: August 5, 2010. The base flood elevation (BFE) = 823."*
 - ii. *Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.*
 - iii. *"The "retention area" and the connecting drainage swale will be maintained to provide 540 cubic yards (0.33 acre-feet) of additional floodplain volume within the site boundary."* [Change "retention" area to "detention" area].
 - iv. *"This site falls under guidelines set forth by the Kansas Department of Health & Environment, refer to KDHE Project No. C4-023-71903 & EUCA No. 07-EUC-0001 for reference."*
 - v. Add a note to the site plan that indicates borrow soil for fill needs to comply with KDHE BER Policy #BER-RS-048.
 - b. Show the flow line elevations of the 36" CMP under the gravel road on the north side of the property.
 - c. Show the existing curb inlet locations on the west side of N. 3rd Street. Show the elevations of the top of the curb inlets as well as outfall elevations. Show the corresponding cross road pipes extending to the east under N. 3rd Street including material type and diameter.
8. Provision of a revised Site Plan to show the following:
 - a. The applicant is requesting a waiver from the requirement to construct sidewalks (refer to preliminary plat discussion). If sidewalks are required the drawing must be amended to show the sidewalk.
 - b. Provision of a fencing detail per staff approval consistent with the Industrial Design Guidelines.
 - c. Show building entrances.
 - d. Revise off-street parking summary per staff report and provide one (1) additional parking space.
 - e. Provision of a note on the face of the site plan that states chain-link fencing is prohibited along Highway 40/59 except for the portion north of the north driveway. Future replacement of the fence north of the driveway shall be consistent with the approved gateway treatment of the site.

- f. Provision of a note that states: *"All mechanical equipment shall be screened in accordance with Section 20-1006 of the Development."*
 - g. Label areas on plan that will be openspace. Include a general note that states turf areas will be open space.
9. Provision of a revised landscape plan to include the following notes and changes:
- a. Show 8 street trees along the north property line at a ratio of 1 tree per 40'.
 - b. Provision of a note that states: *"Existing trees used for screening or other required landscape standards lost or removed for any reason shall be replanted consistent with the size and species requirements of the landscape plan."*
 - c. Update the interior landscape summary to reflect the increase in off-street parking standards for this use.
 - d. Update the street tree summary to include the 314.62' of frontage along the north property line [8 street trees].
 - e. Revise the plan schedule to show minimum tree size of 4" caliper and minimum container size of shrubs as 5 gallon 18 – 24".
 - f. Provision of a note that specifies the planting materials to be used for all turf areas.

Unanimously approved 9-0.

ACTION TAKEN on Item 5D

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the variance request from Section 20-810(e)(5) which requires the dedication of 25' additional road right-of-way; and instead permit 5' additional road right-of-way dedication and a 15' pedestrian and utility easement. Approve the variance request from Section 20-811(c) which requires the construction of a sidewalk; and instead require the in lieu of the execution of an agreement not to protest the formation of a benefit district for future sidewalk improvements along Highway 40/59 and N 1800 Road. Approve the Preliminary Plat of the Lawrence Recycle Addition subject to the following conditions:

- 1. Revise drawing to include the date of the variance approval on the face of the preliminary plat.
- 2. Provide a note on the face of the Preliminary Plat regarding public improvements and financing per section 20-809 (4)(ii).

Unanimously approved 9-0.

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MISCELLANEOUS NEW OR OLD BUSINESS

Commissioner Liese reminded Planning Commission of the orientation on July 13th.

Commissioner von Achen said she would not be present.

Consideration of any other business to come before the Commission.

ADJOURN 7:50pm