



**PLANNING COMMISSION MEETING**  
**July 21, 2014**  
**Meeting Minutes**

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July 21, 2014 – 6:30 p.m.

Commissioners present: Culver, Denney, Josserand, Liese, Rasmussen, Struckhoff, von Achen

Staff present: McCullough, A. Miller, Crick, Day, Ewert, Halm

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**PLANNING COMMISSION MINUTES**

Receive and amend or approve the minutes from the Planning Commission meeting of June 23, 2014.

Motioned by Commissioner Rasmussen, seconded by Commissioner Struckhoff, to approve the June 23, 2014 Planning Commission minutes.

Unanimously approved 7-0.

**COMMITTEE REPORTS**

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met last week.

Commissioner Rasmussen said the Horizon 2020 steering committee received the survey results from ETC.

**EX PARTE / ABSTENTIONS / DEFERRAL REQUEST**

- Ex parte:  
Commissioner Struckhoff said he talked to the development team of the Southpoint project. He said they provided benefits of the project.

Commissioner Culver said he met with the applicant and discussed information that was within the Planning Commission packet. He said he had a phone discussion with Mr. Steve Schwada and Ms. Beth Easter.

Commissioner von Achen said she received a phone call from Ms. Candice Davis regarding Southpoint to reiterated her concerns that were included in her letter.

Commissioner Rasmussen said he met with Mr. Dan Watkins to talk about the Southpoint project. He said he also received a number of calls from citizens asking what Planning Commission was going to do.

Commissioner Josserand said he had a meeting with Mr. Dan Watkins and talked about items within the packet. He said he had a brief phone call with Mr. Kirk McClure.

Commissioner Denney said he had no ex parte to report because he had been out of town.

Commissioner Liese said Mr. Steve Schwada contacted him to talk about the format and content of the Mid-Month meeting.

- No abstentions.

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**ITEM NO. 1 FINAL DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR  
(SLD)**

**FDP-14-00207:** Consider a Final Development Plan for Bauer Farm to include a 27,275 SF grocery store and a 11,623 SF commercial retail building, located at 4700 Overland Dr. Submitted by Treanor Architects, for Free State Group LLC, property owner of record.

**STAFF PRESENTATION**

Ms. Sandra Day presented the item.

**APPLICANT PRESENTATION**

Mr. Micah Kimball, Treanor Architects, was present for questioning.

**COMMISSION DISCUSSION**

Commissioner von Achen asked to see the bikeway system map.

Ms. Day showed the bikeway system map layer on the overhead.

**ACTION TAKEN**

Motioned by Commissioner Rasmussen, seconded by Commissioner Denney, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report subject to the following conditions:

1. Applicant shall provide cut sheets for the lighting fixtures for review and approval prior to release of the plan for building permits.
2. Submission of revised Final Development Plan with the following changes:  
Signature block for Planning Commission Chair and the Director of Planning

Unanimously approved 7-0.

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**ITEM NO. 2 PRELIMINARY DEVELOPMENT PLAN FOR THE LINKS AT LAWRENCE; 251 QUEENS RD (MKM)**

**PDP-14-00171:** Consider a Preliminary Development Plan for The Links at Lawrence, a 900 unit apartment complex, on approximately 78 acres located at 251 Queens Rd. Submitted by Blew & Associates PA, for Links at Lawrence, property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Commissioner Liese asked staff to comment about benefit districts.

Ms. Miller said benefit districts were a common practice to pay for streets and that it typically was not an issue seen by Planning Commission.

**APPLICANT PRESENTATION**

Mr. Kim Fugett, Lindsey Company, thanked staff for their help. He said Lindsey Company had been in existence for over 30 years and had close to 40,000 apartment units. He said Lindsey Company had sold less than 3% of their property developments over the years. He said they develop properties to build and manage for a lifetime. He said they revisited the plan in hopes of finding ways to reduce costs and start development. He said they refigured the density counts and we learned the definition of unit was different than what they previously used. He said another change was the removal of the golf course, due to interest in the sport declining. He said the new plan would include walking trails. He said the sensitive land area contained red bellied snakes which were an endangered species. He said they were notified by the State that they would need to mitigate land to protect the snake. He said dropping the golf course would allow a place for the red bellied snakes to live. He said the new plan increased the sensitive area by 9 acres. He said the new plan also allowed for 65% of the site to be common open area. He said the market study said there was still a demand for apartments.

**PUBLIC HEARING**

Ms. Sunee Mickle, 229 Eisenhower Drive, said she was aware of The Links when she purchased her home but at the time she thought it would be a golf course community. She expressed concern about the plan changing over the years and about overcrowding in the school system.

Mr. Chuck Thompsen, 317 Campbell Drive, said his real estate agent told him the area would be single-family dwellings. He said the whole community was surrounded by apartment complexes. He was concerned about the increase in traffic due to the apartment complex. He asked that Planning Commission revert back to the original drawing that was submitted. He wanted the total density in the area reduced.

Ms. Shari Gerling, 5236 Carson Drive, said she was told about development in the area and that they were supposed to be high end townhomes. She was concerned about sewer and street development being assessed to the neighborhood. She wondered if the developer was responsible for assessments.

Commissioner Liese asked staff to respond to questions asked during the public comment.

Mr. McCullough said this project was in the Lecompton school district so Lecompton school district would need to plan for any increase in children. He showed the possible benefit districts on the

overhead that were included in the packet. He said a special assessment benefit district was an actual district of property with boundaries intended to help finance a major cost for infrastructure improvements. He said it had been known for some years that Queens Road would need to be urbanized and improved. He said there were different ways to address it. He the development policy required developments to pay for infrastructure. He said one of the ways to pay for it was the special assessment benefit district. He said staff would likely recommend to City Commission, at the time they consider forming the district, that any owner occupied structure on the east side of Queens Road, while legally needing to be in the district, would not necessarily have to pay for the assessments. He said that was because they had already paid some of their share with Wakarusa Drive and other infrastructure. He said staff would likely recommend that other properties on the west side pay the special assessment portion. He said the city at large would pick up the east side if owner occupied and the west side would be paid by the development group. He said the district was yet to be determined.

Ms. Gerling asked how the percentage was broken up.

Mr. McCullough said typically it was the area of the lot or the frontage of the lot, so for example, a smaller lot would pay less assessment than a larger lot.

Ms. Gerling asked who would make the final decision.

Mr. McCullough said City Commission would form the district.

Ms. Gerling said she never drives on Queens Road and did not think it was fair to assess a neighborhood that does not use Queens Road.

Mr. McCullough said benefit districts go through a process of determining benefit and that at some point as the area urbanizes people will use the streets adjacent to the their houses.

Ms. Gerling asked who owned Lindsey Management.

#### **APPLICANT CLOSING COMMENTS**

Mr. Hugh Jarrett, Lindsey Company, said on average there were .1 school age children per apartment. He said The Links would be paying more property taxes than the burden put on schools. He said their apartments have a low impact on schools. He said Mr. Jim Lindsey founded the company and had been the primary owner for 35 years. He said Mr. Lindsey's health does not allow him to travel anymore. He said one of the things that had delayed the development was the cost. He said there were not many sizeable areas to develop in Lawrence.

#### **COMMISSION DISCUSSION**

Commissioner Josserand inquired about the buffer on the southern side and how it had changed since 2007.

Ms. Miller said there had been some changes to the Code. She said the 60' buffer was no longer required. She said The Links would have a 25' buffer with landscaping.

Commissioner Josserand asked how the property was zoned in 2007.

Ms. Miller said it was zoned agriculture.

Commissioner Josserand asked if the land to the south was zoned.

Ms. Miller said the Kellyn Addition was not rezoned at that time.

Commissioner Josserand inquired about the height restriction.

Ms. Miller said the applicant was not requesting a height modification.

Commissioner Josserand asked if the original application in 2007 was developed at the maximum density permitted by Code at that time.

Mr. McCullough said it was the 4.2 units per acre. He said the zoning request limited it to 6 units per acre.

Commissioner Josserand asked if the applicant could have requested a higher density than what was requested in 2007.

Mr. McCullough said yes.

Commissioner Josserand inquired about the increase in the number of apartments being requested by the applicant.

Mr. Jarrett said the circumstance was that they generally plan out 2-3 years ahead of time. He said during the lead time things can change. He said the cost of construction with the development increased and they could not get the numbers to work with the site. He said the street and sewer infrastructure costs were also expensive.

Josserand said the infrastructure costs should have been known by the applicant years ago when they first requested the development.

Mr. Jarrett said The Links was a very good product and they wouldn't invest 40 million dollars if they thought it would not work.

Commissioner Josserand asked if the developer drove through the Oread neighborhood to see how many vacancy signs were up.

Mr. Jarrett said companywide they had less than 2% vacancy. He said they provide an extremely good amenity package. He said the property manager and assistant property managers would live onsite. He said the apartments would not be the cheapest or the most expensive in town but that Lawrence had a market for apartments.

Commissioner Culver asked what implications the benefit district had on Planning Commission's recommendation.

Mr. McCullough said there were appropriate conditions to ensure The Links was adhering to the development policies.

Commissioner Denney asked if Planning Commission made a recommendation on the benefit district.

Mr. McCullough said the benefit district was information only and that a decision would be made by City Commission down the road.

Commissioner Rasmussen said he liked seeing the protection of the open space, wooded areas, and stream corridor. He asked what would prevent a developer from expanding into that space.

Ms. Day said any relocation or change in common open space would have to come back to Planning Commission and City Commission for approval.

Commissioner von Achen appreciated the amount of environmentally sensitive lands being protected and the willingness to work with the endangered species regulations. She inquired about the increased impervious surface area and wondered about drainage.

Mr. Buckley Blew, Blew and Associates, said there would be two detention ponds on the east side property where water would be directed to. He said water would also be directed to where it naturally would go. He said they would adhere to all requirements necessary.

Commissioner von Achen inquired about height requirements being reduced from 39' to 35' for the apartments.

Mr. Fugett said the first variance was for a spire on the clubhouse that encroached upon the height requirement. He said the new three story building was below the height restriction so there wasn't a need to ask for that.

Commissioner Rasmussen said he would support a motion to approve the development because he liked this type of land use since it was concentrated and maximized space while preserving open space and wooded areas. He also liked the walking trail that would interconnect to other properties.

Commissioner Struckhoff said he generally supported the proposal. He expressed concern about the amount of impervious surface.

## **ACTION TAKEN**

Motioned by Commissioner Culver, seconded by Commissioner Rasmussen, to approve The Links at Lawrence Preliminary Development Plan (PDP-14-00171) based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Agreements not to protest the formation of a benefit district must be executed by the applicant and provided to the Planning Office before recording of the Final Development Plan for the following:
  - a. Street and sidewalk improvements for Queens Road.
  - b. Street and sidewalk improvements for George Williams Way.
  - c. Geometric intersection improvements for Queens Road and Wakarusa Drive.
  - d. Intersection improvements, geometric and signalization, for Queens Road and W 6<sup>th</sup> Street.
  - e. Intersection improvements, geometric and signalization, for George Williams Way and Rock Chalk Drive.
2. Provision of a revised Preliminary Development Plan with the following changes:
  - a. Provide a continuous evergreen hedge, or 6 ft solid fence or wall along the south side of the parking/drive area in the Southeast Quadrant of the development adjacent to the proposed Kellyn Addition.
  - b. Provide a 12 ft Pedestrian Access Easement for the shared use path within the Utility Easement for the Sanitary Sewer Interceptor Line and add the following note: *"A 12' shared use path will be constructed by the property owner within the pedestrian easement to City standards, at the time of this development. The path will terminate 50' south of the north property line with a mini cul-de-sac. When a connecting trail has been constructed on the*

*property to the north, the developer of this project will construct the remaining 12' wide connecting piece of the shared use path."*

- c. Make minor changes to utilities shown on the plan per City Utilities Engineer's comments.
  - d. Make minor changes to the plan per the City Fire Code Official's comments.
  - e. Add the following note: *"Prior to any construction activity the perimeter of the protected wooded areas adjacent to the construction activity will be fenced at the drip line and signage will be erected that notes that any construction activity, grading, trenching or storage is prohibited within the fenced area."*
  - f. Note the number of van accessible ADA parking spaces provided in the parking data for each phase.
  - g. Revise the Parking Summary to note the bicycle parking requirement as 1 space per 4 auto spaces provided, provide the required additional bicycle parking spaces, and show the location of the bicycle parking on the plan.
  - h. Relocate bufferyard landscaping along the south property line north of the 25 ft utility easement. If necessary widen the bufferyard by relocating the buildings to the north to provide adequate landscaping area.
  - i. Revise plan based on minor technical issues. Staff will provide the applicant with a list.
3. Stormwater Engineer is currently reviewing the revised plans and will provide comments that may result in revisions to the plan, including possibly requiring a detention pond on the southwest corner.

Commissioner Josserand said the developer proposed a good project but he was concerned about the sheer magnitude of it. He felt that overbuilding multi-dwelling on the fridge of the city taxed infrastructure and had a toxic effect on central city housing.

Motion carried 6-1, with Commissioner Josserand voting in opposition.



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**ITEM NO. 3      COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14 (JSC)**

**CPA-14-00107:** Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from medium-density residential, traditional neighborhood development, and auto-related commercial uses to commercial use; and to designate the node as Regional Commercial from Auto-Related Center at the southeast intersection of US-59 Hwy and N. 1250 Road. Submitted by Landplan Engineering PA.

**ITEM NO. 4A      ANNEX 102.64 ACRES; E SIDE OF S IOWA ST & S SIDE OF N 1250 RD (SLD)**

**A-14-00104:** Consider a request to annex approximately 102.64 acres located along the east side of S. Iowa Street and the south side of N. 1250 Road (Armstrong Road). Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record. *Initiated by City Commission on 4/8/14.*

**ITEM NO. 4B      RS10 & A TO CR & CR-FP; 122.96 ACRES; SE CORNER SLT & US-59 HWY (SLD)**

**Z-14-00105:** Consider a request to rezone approximately 122.96 acres from RS10 (Single-Dwelling Residential) District and County A (Agricultural) District to CR (Regional Commercial) District and CR-FP (Regional Commercial Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA, on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

**ITEM NO. 4C      RS10, A, & VC TO OS-FP; 46.10 ACRES; SE CORNER SLT & US-59 HWY (SLD)**

**Z-14-00106:** Consider a request to rezone approximately 46.10 acres from RS10 (Single-Dwelling Residential) District, County A (Agricultural) District, and County VC (Valley Channel) District to OS-FP (Open Space-Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

**STAFF PRESENTATION**

Mr. Jeff Crick presented Item 3.

Ms. Amy Miller presented the Retail Market Study.

Ms. Sandra Day presented Items 4A-4C.

**APPLICANT PRESENTATION**

Mr. Dan Watkins, attorney representing Collett Development, said there were challenges to developing the property. He said he viewed this as an extension of the South Iowa Regional Commercial Center. He said he had conversations with Mr. Roger Boyd and Mr. John Boyd regarding this area being an extension of the Baker Wetlands. He said he also reached out to KDOT because of its location. He said they were working through some of the issues with them. He said the project would provide new and expanded retail opportunities for the community.

Mr. Robert Collett, Collett Development, thanked staff and Planning Commission for the open dialogue and fair process.

Mr. Chris Challis, Collett Development, said Lawrence had a great downtown and he knew the importance of preserving the main street character. He said he knew how important a gateway was to the community as well. He felt the project location was ideal for retail development. He felt it would be an extension of the south Lawrence corridor. He said discussions with the Corps of Engineers involved conserving the open space portion of the property and putting it into a conservation easement and managed by the Baker Wetlands. He discussed some of the content from the retail analysis regarding retail development.

Commissioner Rasmussen asked if the Corps of Engineers would be granting wetland permits for the project.

Mr. Challis said yes.

Commissioner Rasmussen consulted staff attorney Mr. Randy Larkin and then said he would recuse himself. Commissioner Rasmussen said as of October 1, 2014 he would be a Corps of Engineer employee and would be providing environmental legal support. He said it was possible he could be involved in providing legal counsel on permitting activities for this project after October 1, 2014. He said he did not feel comfortable participating in the project. He did not want to create a legal problem with any conflict of interest.

Mr. Watkins asked if it would be better to have additional members of Planning Commission present.

Mr. McCullough said Planning Commission could consider deferring the item since multiple Planning Commissioners were absent.

Mr. Watkins said he was comfortable moving forward if Planning Commission was.

Commissioner Jossierand said he was a little uncomfortable with multiple Planning Commissioners being absent but that staff and the applicant were comfortable moving forward.

Mr. Brian Sturm, Landplan Engineering, said the site was less than ideal for medium density or traditional residential development. He said the ground was adjacent to special natural amenities and located at the threshold of the city. He said regarding the annexation, the request met the recommendations of Horizon 2020. He said regarding the rezoning, it accommodated retail and floodplain practices. He said a large area of the commercial zoning district that would remain green to offset some of the other impacts by the development. He said the open space was consistent with the Comprehensive Plan.

## **PUBLIC HEARING**

Ms. Laura Routh, 2235 East Drive, said she was disappointed that not all of the Planning Commissioners were present this evening. She said her primary complaint with the proposal was developing in the floodplain. She did not feel this development would be a good gateway to the community. She said the notion that somehow this development would provide a buffer or some benefit to what's left of the wetlands after the construction of the South Lawrence Trafficway, was offensive. She said the amount of runoff that would come from this development would not benefit the wetlands.

Ms. Erica Fox Zabusky, 1026 Ohio St, said it was laughable to think people would drive to Lawrence to shop at a strip development. She expressed concern about the pull factor away from Massachusetts Street. She felt this kind of project on the extremity of town would put stress on the infrastructure and transportation system.

Ms. Mary Jo Shaney, attorney on behalf of K-10/40 Development LC, said the proposal as presented tonight was not consistent with Horizon 2020. She said the proposal leapfrogs over the task force that the City set up in October of 2013 to begin to study and amend Horizon 2020. She felt the goals of Horizon 2020 would be compromised by the proposal. She said the project was 193% larger than the present auto related plan that was in place.

Ms. Betty Alderson, 1400 Lilac Lane, said she thought it had been established years ago that a mall was not wanted by the residents of Lawrence, especially at the proposed location. She felt the development would be harmful to downtown. She also stated that local stores would not be a part of this project.

Mr. Kirk McClure, 707 Tennessee St, said a well functioning market should have growth and supply. He said if they fail to have growth and demand they should not have growth and supply. He said shoppers pay the sales tax, not the vendors. He said without new income and new spending there would be no new sales tax. He said this would not be a regional mall, it would just be another strip mall. He said Planning Commission lacked growth managing tools. He felt the development was very premature.

Mr. Jim Bowers, White Goss Law Firm, representing the property owners of the northwest corner of 6<sup>th</sup> & K-10 Hwy. He discussed the planning process and interpretation of the plan by staff. He requested that the project be tabled or denied. He said the project violates the Horizon 2020 plan and policies which limits the development of commercial retail projects. He said they would be changing the Comprehensive Plan to bring the Comprehensive Plan into alignment with the project. He said the County and the City appointed a steering committee in October 2013 for the purpose of reviewing Horizon 2020. He felt it was inappropriate for Planning Commission to consider this application prior to the completion of the steering committees review and update of Horizon 2020. He said the Comprehensive Plan prohibited new regional commercial centers. He said the project would damage existing retail centers in Lawrence.

Ms. Candice Davis said she was astonished by what had been presented tonight. She wondered why she had just heard of the project a month ago. She said it appeared that planning in the community was a free-for-all. She said the recent Horizon 2020 study that was conducted revealed that downtown needed to be a focus. She said downtown was a unique destination and it was at risk.

Mr. Gary Rexroad said the project was a positive step forward for Lawrence. He said the project had a positive endorsement from the Planning staff. He said when Horizon 2020 was written it provided guidance and it had been followed as much as it could be. He said they had a responsibility to take advantage of opportunities and adjust as they go. He said the project offered a number of things beyond just the straight forward elements. He said it appreciated the environment and wetlands around it. He thought downtown was precious and protected by density. He felt the project represented a great opportunity for sales tax dollars.

Ms. Bonnie Johnson, 2601 Belle Crest Drive, said the reasons to say no to the project included floodplain issues, the revised Southern Development Plan was completed with knowledge of the South Lawrence Trafficway, a recent community survey said growth management was a top issue,

the impact of the South Lawrence Trafficway on 23<sup>rd</sup> Street, and in previous discussions about Menards it was decided that retail should not be at this location. She felt this development might be premature.

Mr. Roger Boyd, manager of the Baker Wetlands, said he had no objections to the development. He said the open space component would soften the impact to the agricultural land that would still be in place. He said the open space would also provide the opportunity for educational trails.

Ms. Heidi Simon, 5723 Westfield Drive, asked Planning Commission for support of the project to move it forward. She said the development would help balance the wants and needs of the community. She said the developer was not asking for special financing and would only bring revenue.

Mr. Brad Finkeldej, 821 Sunset Drive, said from a land use point of view if you look at a map of Lawrence to see where retail should go, the intersection of SLT and K-10 made perfect sense. He said Planning Commission created this location for retail and also created a new subcategory in Horizon 2020 of auto related. He said the location was considered to be a perfect location for the most intense use retail. He felt this was a downgrade in zoning compared to what the Southern Development Plan stated. He said there was a provision that said no retail development south of K-10, except for the auto related zone. He referenced a 2006 blog in which Mr. McClure said that if Walmart was approved it would cause vacant space, blighted shopping areas, and widespread vacancy. Mr. McClure also said that if Walmart was approved as a grocery store it would cause Dillons and Hy-Vee to close. In 2007 Mr. McClure said overbuilding would create vacancy. In 2008 Mr. McClure said Bauer Farm would create vacancies and blighted areas. In 2009 Mr. McClure said there would be damaging oversupply, blight, and vacancy. In 2012 and 2014 Mr. McClure said they had the same problem. Mr. Finkeldej did not feel they had a problem with blight downtown or losing businesses. He felt Planning Commission should support the project.

Mr. Michael Almon, 1311 Prairie Ave, said the proposed site was the site of the 1978 cornfield mall was which was wisely rejected. He said Horizon 2020 does not support increasing the size or number of new commercial center but may consider small new inter neighborhood centers as part of new planned neighborhoods. He said the proposed project would be a two auto oriented strip malls across the street from each other. He said Horizon 2020 does require a nodal plan for a new regional commercial center be created. He felt the developer had moved too soon. He felt the sewer systems would be overloaded.

Ms. Janet Gerstner, 413 Vine Drive, expressed concern about the proposal. She was concerned about diluting the existing market. She said three retailers would relocate from existing locations. She did not feel the project would pull shoppers and that retailers would not be different than Topeka or Kansas City. She felt the developers would be rewarded for not adhering to plans. She wanted to sustain downtown and she felt this project may damage it. She stated it may also undermine the new Rock Chalk Park.

Ms. Marci Francisco, 1101 Ohio St, said commercial areas should be easily reached by transit. She felt the development would add traffic to the extension of Louisiana Street.

Mr. Tim Bateman, 6212 Berando Ct, said he wanted a strong downtown. He did not think adding retail to other locations in town would hurt downtown. He felt the project may help to keep shoppers from going other places. He said the project could help increase sales tax dollars.

Ms. Cille King, League of Women Voters, said regarding retail she did not think this was a draw. She said the stores would be scaled down versions and smaller than the ones in Topeka and Kansas City.

### **APPLICANT CLOSING COMMENTS**

Mr. Watkins said nobody wants downtown to suffer. He said the community had worked through many issues over the years to mitigate concerns regarding development in Lawrence. He said the location was the perfect site for retail.

Mr. Challis said the plan did not include a faux main street experience. He said the project did not focus on small specialty shops. He said downtown Lawrence was extraordinarily successful and was a great destination. He said it was not the same battle as the cornfield mall. He said the project was not looking to recreate downtown.

Mr. Watkins did not feel putting a moratorium on the project until Horizon 2020 was revised was the appropriate way to go.

### **COMMISSION DISCUSSION**

Commissioner Liese said Planning Commission had three options; vote, delay, or choose to end the meeting.

Commissioner Josserand said there was a fourth option of asking questions.

Mr. McCullough said Planning Commission should consider all the information obtained from the public hearing and staff report. He said they had quorum and it was their duty to act on the request. He said deferral was an option but typically that was for additional information. He said Planning Commission was making a recommendation to City Commission. He said if they needed additional information the items could be deferred to get specific information.

Commissioner Liese asked what happened if they did not extend the meeting.

Mr. McCullough said he would not advise that as an option.

Commissioner Josserand said Planning Commission had the ability to defer.

Mr. McCullough said that was correct.

Commissioner Josserand said the numbers in the retail market study, retail development report, and letter from Mr. McClure, over the past 8-10 years show declining sales tax revenue.

Ms. Miller said when adjusted for inflation the sales tax collections have declined.

Commissioner Josserand asked if that was unhealthy.

Ms. Miller said when determining the health of the market all of the factors needed to be looked at, not just one indicator.

Commissioner Josserand asked Mr. Finkeldei to comment about too much retail space on the market.

Mr. Finkeldei said it was an issue of whether or not you believe the market corrects. He said too much retail could be built in one place that could cause something else to happen. He said the question becomes if you look at the health of the environment. He said Mr. McClure said for years

that it would cause vacancy and blight but today he said there wasn't vacancy problems, but rather retail problems. He said there had been adaption within the city and market so there have been historically low vacancy rates over the last 10 years. He said a healthy vacancy rate was fine.

Commissioner Josserand said he forgot to mention earlier that he had ex parte communications with Mr. Chris Challis. He asked staff if this kind of development would be considered four sided development.

Mr. McCullough said it would be considered with the site plan application. He said four sided architecture at a gateway location was typically the buildings you could see from the road.

Commissioner Josserand asked Mr. Finkeldei about other retail areas.

Mr. Finkeldei said there were discussions about commercial areas, for example Walmart in Bauer Farm, and how much retail should go there. He said Horizon 2020 had a limit on it depending on the size of the node. He said regional centers had different characteristics than commercial centers.

Commissioner Liese inquired about building on a floodplain.

Mr. McCullough said the proposal was to fill a portion of the floodplain which the Code allowed so it would be Code compliant. He said any development in the area would seek the same type of development.

Commissioner Liese asked staff to talk about the public comment that accommodations should be made so as not to threaten the environment and Baker Wetlands.

Mr. McCullough said that would be a change of philosophy and Code for the entire City of Lawrence to prohibit development in the floodplain. He said it would be Code compliant.

Commissioner Liese asked staff to talk about traffic on Louisiana Street.

Mr. McCullough said there would be an impact to the traffic system and that was being studied right now. He said it would be a little pre-mature to study every part of the technical studies. He said Louisiana, Michigan, and 31<sup>st</sup> Streets could expect traffic as the area urbanizes.

Commissioner Denney expressed concern about pedestrian connectivity.

Mr. McCullough said there would likely be a sidewalk required on the new Michigan Street.

Commissioner Denney asked if Michigan Street would go all the way through to 31<sup>st</sup> Street.

Ms. Day said yes. She said regarding pedestrian connectivity, the SLT project included extensive extension of the recreation path. This proposed project would have an expectation to tie the interior sidewalks back to the overall recreation path for full connectivity. She said during previous discussions about Menards there was a clear expectation that the commercial along the north and south sides of 31<sup>st</sup> Street would be the limit of where the commercial would go.

Commissioner Culver inquired about the comments made regarding the Horizon 2020 task force.

Mr. McCullough said generally speaking there was a public process going on to identify issues that may need to be addressed in a major revision to the current Comprehensive Plan. He said many of

the sites they were discussing tonight had undergone Comprehensive Plan Amendments to change what was adopted into what the proposal would accommodate. He said the plan update itself was in a public identification phase and that the steering committee would work on what issues to land on for ultimately a plan amendment process in 2015 and 2016. He said he had not been directed to place a moratorium on Comprehensive Plan Amendments as they come forward.

Commissioner Culver inquired about the project being an extension of South Iowa.

Mr. McCullough said the crux of the project was mostly about changing the medium density residential on the east side of the proposed project from residential to commercial. He said essentially it had commercial designation with the auto related commercial use. He said the plan intent was a very intense commercial use.

Commissioner von Achen asked staff to comment on Mr. Almon's observations about wastewater and runoff.

Ms. Day said the design of a new wastewater and pump station was already in process and would be seen by Planning Commission next month. She said when those two facilities go online they will be capable of accommodating the site. She said runoff would be part of the H&H study, drainage study and more specifics of the site development in the future.

Commissioner Liese asked about the concern expressed about a shopping center not being a gateway.

Mr. Sturm said there would be a parking lot like any commercial or retail development. He showed renderings on the overhead. He said the buildings would have a mixture of materials and the architecture would highlight the stores as a place shoppers would want to visit. He said there were development standards in place for the K-10 corridor that require 50' of greenspace between the edge of K-10 right-of-way on the north and any development. He said the topography would lend itself for people driving on K-10 to see the greenspace and then the stores. He said it would be the most modern retail center in the community. He said it was a chance for Lawrence to put forth its retail design guidelines, corridor, and landscaping guidelines.

Commissioner Jossierand asked the developer if they anticipate requesting economic incentives from the City.

Mr. Challis said the retail development did not require incentives and they did not intend to ask. He said part of the project included potentially realigning 35<sup>th</sup> Street. He said there are times when a project may add additional infrastructure beyond that which the project was demanding itself. He said he did not know what the engineering report would turn out to be.

Commissioner Struckhoff said that just because Horizon 2020 was in the process of a revision did not mean developments would come to a halt. He said a development like this will and must come to Lawrence. He said since first adopted the Comprehensive Plan had been amended 47 times. He said the plan reflected the will of the community. He said this was a massive project and the kind that Lawrence had envisioned for the northwest corridor. He said his main problem with the proposal was the location. He said he could not support the project at this location.

Commissioner Culver said he was concerned about setting a precedent for outward development south. He said he could not support the project at this location.

Commissioner von Achen said she was afraid that such a large project would undermine commitments made to other retail projects in other areas of the community. She reviewed the staff responses to the Comprehensive Plan Amendment. She did not feel the responses overwhelmingly supported the plan. She said she would not support the proposal.

Commissioner Liese reviewed the Golden Factors.

Commissioner Denney said there were two factors; whether there should be a change to the Comprehensive Plan and from there everything else follows. He said the time to change the plan is when there was an error or when circumstances change. He said perhaps the plan did need to be clarified. He said it was unrealistic to consider K-10 a barrier. He said without looking at the zoning issue he was supportive of changing the Comprehensive Plan. He did not feel the project would cause harm to downtown. He said downtown was an entertainment and specialty destination. He said in the long run it should be businesses that decide where they put their business ventures. He said if he remembered correctly the result of the denial of the cornfield mall was the Tanger Outlet and Riverfront mall. He said he did not want to see car lots at the proposed location and a shopping center would be a better gateway. He said he would support the proposal.

Commissioner Josserand thanked the applicant for a thoughtful plan. He said the staff recommendation for the Comprehensive Plan was a little weak. He wondered if the project would negatively impact other retail within the community. He felt that too much retail had a toxic effect on existing development. He was not sure they should aspire to be a retail demand center. He did not feel new retail space necessarily created new retail sales. He said approval of this proposal at this time could be unbalancing of more even development. He said the area may be right for development later on.

Commissioner Liese said he was pleased to hear Mr. Challis say that the development was not designed to compete with downtown. He said he would support a motion for deferral to obtain more information about any changes that may be made to Horizon 2020. He said he would also vote in favor of all four proposals if that was the motion. He said the alternative to the proposal was a gigantic parking lot.

### **ACTION TAKEN on Item 3**

Motioned by Commissioner Struckhoff, seconded by Commissioner Josserand, to deny the Comprehensive Plan Amendment, CPA-14-00107, to Horizon 2020 Chapters 6 and 14.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition.  
Commissioner Rasmussen abstained.

### **ACTION TAKEN on Item 4A**

Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to deny annexation, A-14-00104, of 102.64 acres on the east side of South Iowa and the south side of N 1250 Rd.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition.  
Commissioner Rasmussen abstained.

### **ACTION TAKEN on Item 4B**

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00105, 122.96 acres at the southeast corner of SLT and US-59 Hwy.



Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition.  
Commissioner Rasmussen abstained.

**ACTION TAKEN on Item 4C**

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00106, 46.10 acres at the southeast corner of SLT and US-59 Hwy.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition.  
Commissioner Rasmussen abstained.

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**ITEM NO. 5 TEXT AMENDMENT FOR PARKING & ACCESS STANDARDS (SMS)**

**TA-6-14-09/TA-13-00235:** Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

*Item 5 was deferred prior to the meeting.*

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

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**ADJOURN 12:28am**