



PLANNING COMMISSION MEETING
August 25, 2014
Meeting Minutes

August 25, 2014 – 6:30 p.m.

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

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

COMMITTEE REPORTS

No reports from any committees that met over the past month.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

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**ITEM NO. 1 SPECIAL USE PERMIT FOR PUMP STATION NO. 10 ADDITION; 3055
LOUISIANA ST (SLD)**

SUP-14-00259: Consider a Special Use Permit for Pump Station No. 10 Addition, located at 3055 Louisiana St. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Dave Wagner, Utility Director, provided an overview of the project.

Ms. Melinda Harger talked about outreach to the neighborhood and community. She said there was a public meeting in January where several options were shown. She said the neighborhood preferred the full berm with green roof option. She said they were working with Baker Wetlands to tie into the nature aspect of the land.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Jossierand thanked staff for their work on the project.

Commissioner Rasmussen asked if there would be something like a 6' fence with barbed wire around the facility. He wondered if the site would be accessible to the public.

Mr. Wagner said the pump station would not be fenced at this time. He said public access would not be encouraged and that it was not meant to be accessed by the public. He said the structure would be secured so that the public could not access the facility. He said if someone breached the structure they would know.

Commissioner Rasmussen asked if the public could still walk their dog, for example, near the facility.

Mr. Wagner said it was not a problem from the exterior of the facility.

Commissioner Liese asked how far the pump station would pump.

Mr. Wagner said 16,000', which equaled three miles.

Commissioner Liese asked about exterior sounds.

Mr. Jim Martin, Professional Engineering Consultants, said that a muffled sound could be heard right outside the building but would not be heard away from the building.

Commissioner Culver asked if it was common practice now to have mechanical equipment below grade or if it was specific to this pump station.

Mr. Wagner said most pump stations now were below grade. He said the electrical support systems were above grade but that the pump was submerged.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to approve Special Use Permit (SUP-14-00259) for Pump Station No. 10 located at 3055 Louisiana Street, a *minor utility*, based upon the findings presented in the body of the staff report and subject to the following condition:

1. Approval of a Floodplain Development Permit prior to issuance of a building permit.

Unanimously approved 10-0.

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ITEM NO. 2 IG TO IL; 1.88 ACRES; 720 E 9TH ST (MKM)

Z-14-00263: Consider a request to rezone approximately 1.88 acres from IG (General Industrial) District to IL (Limited Industrial) District located at 720 E 9th St. Submitted by Flint Hills Development Group on behalf of 720 LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Tom Larkin, Flint Hills Development Group, agreed with the staff report.

PUBLIC HEARING

Ms. KT Walsh, East Lawrence Neighborhood Association, said the neighborhood did not want a fast food drive-thru. She also stated the neighborhood would prefer electric cords instead of generators. She also requested the hours be restricted due to residential areas nearby.

COMMISSION DISCUSSION

Commissioner Josserand asked if restaurant was a permitted use.

Mr. McCullough said yes. He said the fast order food without drive-thru was a permitted use. He said also mobile vending was permitted. He said fast order food drive-in was a different kind of use.

Commissioner Josserand asked Mr. Larkin if the ownership group was local.

Mr. Larkin said the ownership group was 100% local.

Commissioner von Achen asked about the criteria for a work/live situation.

Ms. Miller said work/live was a space within a building that consisted of a dwelling unit that was accessory to a non-residential use and had direct internal access to the non-residential use.

Commissioner von Achen inquired about the urban conservation overlay district.

Ms. Miller said there were two urban conservation overlay districts; Downtown Lawrence and 8th & Penn. She said overlay districts had guidelines for specific uses.

Commissioner von Achen inquired about food trucks.

Ms. Miller said food trucks were not being requested for this property but were requested for 804 Pennsylvania Street. She said it would be possible to site plan any property in a district that allowed fast order food to have food trucks.

Commissioner Liese asked if fast order food/drive-in was the same as fast order food/drive-thru.

Ms. Miller said yes. She said an example of a drive-in would be an A&W or Sonic and a drive-thru would be a McDonalds.

Commissioner Britton said he was sensitive to the neighborhood concerns and asked if they should remove the fast food drive-in use and make it available with a Special Use Permit.

Commissioner Culver asked the applicant about his thoughts on that.

Mr. Larkin said it was pretty evident with his plan that it was the opposite direction of what he wanted. He said he had plans for food trucks but not on this property. He said he did not want to add additional road blocks to have a food truck.

Mr. McCullough said fast order food drive-in did not include food trucks.

Commissioner Liese said a Special Use Permit would just be for a drive-thru use and would not prohibit food trucks.

Mr. Larkin said he was okay with that.

Commissioner Rasmussen said he preferred a Special Use Permit rather than restricting it all together because he felt it stifled creativity.

ACTION TAKEN

Motioned by Commissioner Britton, seconded by Commissioner von Achen, to approve the rezoning request for approximately 1.88 acres at 720 E 9th Street from IG (General Industrial) District to IL (Limited Industrial) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report with the following condition to restrict uses and maintain consistency with the overall 8th and Penn Neighborhood Redevelopment Zone:

1. The *Financial, Insurance, and Real Estate Offices* use shall be restricted in the District to prohibit the following financial office uses:
 - a. Payday advance or other short term loan businesses defined generally as an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.
 - b. Car title loan businesses defined generally as an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.
2. The *Fast Order Food with Drive-In* use is permitted in this District only upon approval of a Special Use Permit.

Commissioner Denney asked if a McDonalds would be permitted if it didn't have a drive-thru.

Mr. McCullough said that was correct.

Commissioner Rasmussen asked if the Special Use Permit was only for this property, not for every IL district.

Mr. McCullough said yes, just this piece of property.

Commissioner Kelly said he would support the motion and thanked the applicant for working with the neighborhood.

Unanimously approved 10-0.

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ITEM NO. 3 SPECIAL USE PERMIT FOR WWTP; 2300 W 41ST ST (MKM)

SUP-14-00262: Consider a Special Use Permit for the Wakarusa Wastewater Treatment Plant, located on approximately 531 acres at 2300 W 41st St. Submitted by City of Lawrence, property owner of record.

Item 3 was deferred prior to the meeting.

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 MINOR SUBDIVISION VARIANCE FOR SHANK HILL ADDITION NO. 2; 1016 & 1020 E 1292 RD (MKM)

Variance request from the minimum lot width requirement with minor subdivisions in the unincorporated portion of Douglas County. The variance is associated with Shank Hill Addition No. 2, a two lot Minor Subdivision for property located at 1016 and 1020 E 1292 Road (MS-14-00361).

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, was present for questioning.

COMMISSION DISCUSSION

Commissioner Denney asked how long the garage had been there.

Mr. Grob said it had been there a while and was one of the first houses built there.

Commissioner von Achen inquired about the line in which 212' was measured. She asked if it could be under 225' anywhere on the property.

Ms. Miller said the frontage should be 250' but that this was platted way before those regulations were adopted. She said now that the lot line was being changed the 212' was not conforming and needed a variance.

Commissioner Rasmussen asked what would happen if the variance was granted and five years from now the property owner decided to shift the property lines. He wondered if the property owner would have to come back for another variance.

Mr. McCullough said this was unique to this measured distance.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Britton, to approve the variance requested from Section 20-810(a)(2)(i) of the Subdivision Regulations [Section 11-110(a)(2)(i) of the County Code] to allow a land division through Minor Subdivision MS-14-00361 with Lot 1 having a 95% minimum lot width of approximately 212 ft rather than the 225 ft required by Code, subject to the following condition:

The following note shall be added to the Minor Subdivision:

"At their August 25, 2014 meeting, the Planning Commission approved a variance from Section 20-810(a)(2)(i) of the Subdivision Regulations to allow a 95% minimum lot width of approximately 212 ft for Lot 1."

Unanimously approved 10-0.

ADJOURN 7:33pm