



PLANNING COMMISSION MEETING
October 20, 2014
Meeting Minutes

October 20, 2014 – 6:30 p.m.

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

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

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 22, 2014.

Motioned by Commissioner Culver, seconded by Commissioner Struckhoff, to approve the September 22, 2014 Planning Commission minutes.

Unanimously approved 9-0.

COMMITTEE REPORTS

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met October 16 and reviewed and approved the 2015-2019 Transportation Improvement Program. He stated they also received a draft of the Unified Planning Work Program.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioners von Achen, Denny, Josserand, and Culver all received a call from Ms. Berniece Garber regarding Item 2.

Commissioners Struckhoff and Britton said they both received an email from Ms. Garber regarding Item 2.

- No abstentions.

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ITEM NO. 1 RSO to RM24; 1.1 ACRES; 345 FLORIDA (SLD)

Z-14-00369: Consider a request to rezone approximately 1.1 acres from RSO (Single-Dwelling Residential-Office) District to RM24 (Multi-Dwelling Residential) District located at 345 Florida St. Submitted by Grob Engineering Services LLC on behalf of DCCCA Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Dean Grob, Grob Engineering Services, introduced the applicant, Mr. Nick McGovern.

Mr. Nick McGovern, DCCCA, provided history of the property. He stated the building had significant damage and would need to be demolished by anyone who purchased it.

Mr. Grob said the size of the property would self-limit the development. He said they were requesting RM24 zoning for a potential buyer who believed there was a niche for one-bedroom units for active adults. He shared a concept plan on the overhead. He said he met with the Pinckney Neighborhood Association to show them the concept plan before tonight. He said the project would include 24 one-bedroom units. He said the surrounding area was zoned RM24. He said the parking was based on bedrooms. He said concerns were expressed about it fitting into the neighborhood and he believed the plan could. He said there was only so much that could be put on that one acre. He said regarding the height they would gladly accept a restriction of 2-story. He said some of the street trees could be saved but that some would be removed. He felt the requirements of the site plan could be complied with. He also believed he could comply with the neighbors requests.

PUBLIC HEARING

Ms. Pat Miller, Pinckney Neighborhood Association, expressed concern about the high density of the project. She said the apartment complex further down 4th Street & Wisconsin had a buffer between it and residential. She said there was no parking on 4th Street so if the residents had guests they would park along Florida Street in front of homes. She said high density did not seem conducive to what was currently happening in the neighborhood. She expressed concern about height, setbacks, and the project fitting in with the neighborhood. She also stated she did not know where any active adult would put their stuff because each unit was small.

Ms. Cille King, League of Women Voters, said she had similar concerns as Ms. Miller. She said the property was zoned prior to development and the development that was built was not aligned with RM24. She asked Planning Commission to consider the League of Women Voters suggestions in the letter they sent.

APPLICANT CLOSING COMMENTS

Mr. Grob said RM12 zoning would allow 36 bedrooms on an acre of duplexes.

COMMISSION DISCUSSION

Commissioner Jossierand asked Mr. McGovern asked about financing.

Mr. McGovern said it was a social service organization for the State of Kansas providing different social services.

Commissioner Jossierand asked at what point DCCCA became the owner of the property.

Mr. McGovern said DCCCA merged with the Women Recover Center in 1996 and operations were merged with two properties into one.

Commissioner Josserand asked if DCCCA was a general social service operation, a non-profit, engaged in the advancement of social services of the community.

Mr. McGovern said that was correct.

Commissioner Josserand asked about the increase in density.

Mr. McGovern said they were trying to get the zoning changed in accordance with the perspective buyer.

Commissioner Liese asked if the rezoning was to make the property more marketable.

Mr. McGovern said that was correct.

Commissioner Josserand asked Ms. Pat Miller about the neighborhood's concern about increased density.

Ms. Miller said some of the immediate neighbors were concerned about increased density. She said they were concerned about the viability and stability of the neighborhood. She said an extreme increase in density may negatively impact the immediate neighbors.

Commissioner Culver asked staff about the use of the property to the northwest.

Ms. Day said it was a 4-plex, zoned RSO.

Commissioner Denney asked if the project described would be possible under RSO zoning.

Ms. Day said the RSO zoning was typical for single-family or detached. She said that project was built prior to some of the current zoning that would have normally restricted it. She said it was somewhat non-conforming. She said a large portion of the RSO area was zoned when it was not developed. She said the western RM24 was vacant and zoned at that time in the late 1960s.

Commissioner Liese said it was not vacant land.

Ms. Day said it was not undeveloped land and that there was a structure there. She said the building was vacant, not the land.

Commissioner von Achen asked staff to discuss parking.

Ms. Day said multi-family required one parking space per bedroom and one space per 10 units.

Commissioner von Achen asked if anything beyond that would be on street parking.

Ms. Day said yes.

Commissioner Britton asked how the size and location of the site would be self-limiting.

Ms. Day said she and the applicant had conversations early on about making it work without having to do reductions. She said the buildings were smaller than the existing 4-plex. She said it was limited by one-bedroom units.

Commissioner Britton asked about functional density.

Ms. Day said the applicant's concept appeared to meet the requirements.

Commissioner Kelly asked if RSO zoning allowed mixed-use with 15 dwelling units per acre.

Ms. Day said yes, mixed units could be built.

Commissioner Kelly asked the applicant if 15 dwelling units would not work for the prospective buyer.

Mr. Grob said that was correct.

Commissioner Kelly said it did not match the character of the rest of the area. He said there were high density apartments two blocks over and a nice use that seemed to match even though it was higher density.

Commissioner von Achen asked if Commissioner Kelly was saying that the apartment complex was a good use and did fit in. She asked if he was suggesting that would be true at this site too.

Commissioner Kelly said there were some design elements of the apartment complex that helped it conform and fit with the neighborhood.

Ms. Miller said she agreed and said there was buffering around the apartment complex.

Commissioner Kelly said this was a significantly smaller property so achieving design elements may be a challenge.

Commissioner Liese asked Ms. Miller how strong the community response was to this.

Ms. Miller said she heard from a few people and it was consistent with how the entire neighborhood felt.

Commissioner Liese asked staff about options for Planning Commission action.

Ms. Day said RSO zoning had the density of 15 dwelling units per acre. She showed on the overhead a suitability and conformity slide. She went over the existing and proposed zoning and what each could have.

Commissioner Liese said he was torn because he believed DCCCA's desire to sell the property was legitimate. He wanted to see DCCCA have success but he also did not think it would fit the character of the neighborhood. He felt that it would make more sense to be lower density.

Mr. McCullough said what they were talking about was site planning stuff. He said lower density may create more bedrooms and more cars. He said another tool they could use was a Planned Overlay District with the RM24 zoning. He said it could balance the desires of the applicant and the neighborhood with a PD overlay. He said the item could be deferred for everyone to review.

Commissioner Josserand expressed concern about a non-profit wanting to zone for profit.

Commissioner Britton liked the idea of a PD overlay to tie the site plan and zoning together. He said DCCCA was probably wanting to maximize the profit to reinvest into their organization. He said he would likely support a motion to defer and see it brought back with a PD overlay.

Commissioner Struckhoff said he did not have a problem with the density but rather the character of the development and how it would fit into the existing neighborhood. He expressed concern about parking. He said he would support motion to defer and review under a PD overlay.

Commissioner Denney asked if Planning Commission approved the zoning and it goes to City Commission would the site plan come back to Planning Commission.

Mr. McCullough said no. He said site plans were administratively approved with notice to the neighborhood. He said there would be an added cost and time of adding a PD overlay.

Commissioner Denney asked if they approved the zoning tonight could they put restrictions on it, such as parking.

Mr. McCullough said they could condition it to certain zoning standards but staff would not recommend new standards for parking.

Commissioner Culver asked the applicant about his thoughts on an overlay district.

Mr. Grob said he felt an overlay district was better suited for projects looking for a compromise on things such as setbacks. He was not sure what could be gained by a PD overlay. He said he felt like the site plan could be complied with. He said PD overlays were usually a give and take because something does not work. He suggested sending the site plan to City Commission to allow public involvement versus a PD overlay. He said he had no problem restricting the building to two-story. He said a smaller building would allow for it to blend in more with the neighborhood.

Mr. McCullough said the applicant was not asking for a PD overlay but that in this particular case the PD overlay could be a tool used for compatibility issues.

Commissioner Culver felt the PD overlay was a good option and could give reassurance to the neighborhood. He expressed concern about the existing structure that was vacant and had a water leak. He said that was not good for the character of the neighborhood. He said he supported infill development on a site that was blighted.

ACTION TAKEN

Motioned by Commissioner Culver, seconded by Commissioner Britton, to defer and re-present the item to Planning Commission with a PD overlay.

Commissioner von Achen asked Ms. Pat Miller what her specific concerns were with high density.

Ms. Miller said it was more of an aesthetic concern and that high density of 24 separate units was out of character for what was immediately surrounding it. She said the property had been vacant and that the neighborhood would like to see it renovated.

Commissioner von Achen asked if the neighborhood was not concerned about traffic.

Ms. Miller said 4th Street was a wide street. She said egress and immediate access to the site would be more of a concern, as well as parking.

Commissioner Liese asked if there was anything to keep this from being student housing.

Mr. McCullough said not from a zoning perspective.

Mr. Grob said the perspective buyer is not interested in student housing.

Commissioner Britton asked what would happen if the applicant did not want to bring it back with a PD overlay.

Mr. McCullough said the applicant could bring it back without a PD overlay and Planning Commission could vote on it and it would then go on to City Commission.

Commissioner Denney said it was difficult to say no to a RM24 zoning request when the neighborhood was RM24. He thought maybe the whole area should be looked at. He said if they were looking at rezoning the whole thing it might be worth putting conditions on it.

Commissioner Liese said one of the Golden Factors was the character of the neighborhood and that this project did not match.

Commissioner Denney wondered if the project rose to the level of Planning Commission being involved in the details. He said he was inclined not to support the motion.

Commissioner Liese said deferring the item would allow every Planning Commission member to physically go and see the character of the neighborhood.

Commissioner Britton said the main reason he would support the motion was because he wanted to see the one bedroom plan married to the zoning.

Motion carried 8-1, with Commissioner Denney voting in opposition.

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ITEM NO. 2 RSO TO CN2; 0.8 ACRES; 4101 W 6th ST (MKM)

Z-14-00300: Consider a request to rezone approximately 0.8 acre from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W 6th St. Submitted by Doug and Berniece Garber, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Berniece Garber said she had been renting the property for several years. She said when she purchased the property she was told it was the same zoning as across the street. She said there had been a restaurant come forward with interest in the site. She stated the City had changed the Comprehensive Plan for other development, such as the new recreation facility at Rock Chalk Park.

PUBLIC HEARING

Mr. LD Lawrence, 600 Prescott Drive, said he built his home 16 years ago when there was a veterinary clinic and was assured it would stay there. He said the back lot used to have a lot of mature trees but that now all he sees is an office building. He said the fence that was supposed to be constructed was not complete and that when he approached Mr. Garber about it he was told he was welcome to finish it for \$300. He expressed concern about vandals and the amount of foot traffic that comes through his yard and neighborhood. He said people had been living in the second story of the building.

Ms. Kim Bergmann, 601 Prescott Drive, said there was a lot of trash between the building and fence. She said if it became a restaurant there would have to be more lighting which she did not want. She opposed the project.

APPLICANT CLOSING COMMENTS

Ms. Garber said if additional lighting was added it would be directed toward 6th Street. She said she was not aware of any vandalism.

Mr. Doug Garber said Mr. Lawrence implied that the fence needed to be completed but that it was a drainage easement and was built the way it should be. He said the property owner to the west was probably in favor of the project and would probably be willing to sign a letter.

COMMISSION DISCUSSION

Commissioner Jossierand said he asked the applicant, Ms. Garber, on the phone this afternoon if she was in the real estate industry and she indicated she was.

Commissioner Britton said normally the difficulty of neighborhood opposition was that there was support by the staff report. He agreed with the staff report that it did not comply with the Comprehensive Plan and how the city was being developed.

Commissioner Denney said he was usually the one to say a property owner should be able to do what they want with their property but in this case the intensity of CN2 zoning at that location would be a safety problem. He said the site abuts a residential area, not in the nodal plan for commercial development, and does not conform with the Comprehensive Plan.

ACTION TAKEN

Motioned by Commissioner Denney, seconded by Commissioner Graham, to follow the staff recommendation of denial for the rezoning request from RSO (Single-Dwelling Residential) District to CN2 (Neighborhood Commercial Center) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report

Commissioner Graham agreed with Commissioner Denney's comments. She felt traffic would be an issue if it was rezoned to commercial.

Commissioner Kelly said he would support the motion. He stated the area was problematic in city planning because the property had residential behind it but was on a state highway across from commercial.

Commissioner Struckhoff said he would support the motion.

Commissioner Kelly asked about CN1 zoning.

Mr. McCullough said the vacant parcel to the west might set precedent. He said there were a number of vacant properties along 6th Street.

Commissioner von Achen said going west on 6th Street there was commercial on both sides of the street so she understood why someone would want to put commercial there. She said she would support the motion but wished the applicant could use the building.

Motion carried 9-0.

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ITEM NO. 3 DOUGLAS COUNTY NATURAL RESOURCES INVENTORY

Presentation of Douglas County Natural Resources Inventory.

Mr. Tom Huntzinger, Upper Wakarusa Watershed Restoration, said the goal was to protect the public water supply and to talk to land owners and encourage them to participate in conservation practices.

Ms. Heidi Mehl provided a Powerpoint presentation and provided Planning Commissioners with a brochure (*the brochure was added to the packet*).

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 2015 PLANNING COMMISSION MEETING CALENDAR

Review and consider adopting the 2015 Planning Commission meeting calendar.

Motioned by Commissioner Josserand, seconded by Commissioner Culver, to adopt the 2015 Planning Commission meeting calendar.

Motion carried 9-0.

MISC NO. 2 CONSIDER INITIATING TEXT AMENDMENT; MAKERSPACE

Consider a request to initiate drafting a potential text amendment.

Commissioner Josserand reviewed the memo he sent that was included in the packet. He said he was contacted by a citizen that was interested in using underutilized space as makerspace.

Mr. McCullough said when Planning Commission initiates something staff takes it to Planning Commission or City Commission with a memo that more fully describes the Code issues. He said it would not come back to Planning Commission until January so his recommendation was to let staff provide more information.

Commissioner Josserand felt services for entrepreneurs needed to be improved and that it was not a low priority.

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to direct staff to bring a memo back to Planning Commission in November to initiate at Text Amendment.

Motion carried 9-0.

ADJOURN 9:26pm