



City of Lawrence

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CITY COMMISSION

MAYOR
SUE HACK

COMMISSIONERS
MICHAEL H. DEVER
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

February 26, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Hack presiding and members Amyx, Dever, Chestnut and Highberger present.

RECOGNITION/PROCLAMATION/PRESENTATION

With Commission approval Mayor Hack recognized the Lawrence Wastewater Utility as being named a member of the National Environmental Performance Track Program.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the City Commission meeting minutes of February 12, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Mechanical Code Board of Appeals meeting minutes of January 14, 2008; and the Human Resources Commission meeting minutes of August 15, 2007 and November 28, 2007. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve claims to 345 vendors in the amount of \$907,282.34. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Drinking Establishment License for Dempsey's Irish Pub, 623 Vermont; On the Border Mexican Grill & Cantina, 3080 Iowa; and Willie's Bar, 2907 West 6th Street. Motion carried unanimously.



As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to concur with the recommendation of the Mayor and appoint Charles Gruber, and Bridgett Chapin to the Mayor's Task Force on Climate Protection. Motion carried unanimously.

The City Commission reviewed the sole bid for vehicle towing service for the Police Department. The bid was:

BIDDER	BID AMOUNT
Hillcrest Wrecker & Garage	\$29,900

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the sole bid to Hillcrest Wrecker & Garage, in the amount of \$29,900. Motion carried unanimously. (1)

The City Commission reviewed the bids for three rear load refuse trucks for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Roy Conley & Co.	\$364,956
Roy Conley & Co., Alternate	\$366,000
Roy Conley & Co., Alternate	\$373,311
Burnup Equipment	\$457,932
Burnup Equipment, Alternate	\$467,892
American Equipment	\$373,119
Corbin Equipment	No Bid

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Roy Conley & Co., in the amount of \$364,956. Motion carried unanimously. (2)

The City Commission reviewed the bids for one roll-off refuse truck for the Public Works Department. The bid was:

BIDDER	BID AMOUNT
Diamond International of Kansas City	\$86,616
American Equipment	\$87,405
American Equipment, Alternate	\$92,443
Roy Conley & Co.	\$92,431
Roy Conley & Co., Alternate	\$92,449
Corbin Equipment	No Bid

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Diamond International of Kansas City, in the amount of \$86,616. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to set bid date of March 18, 2008 for the North Iowa Street and I-70 (KTA) sanitary sewer and waterline relocation projects. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the purchase of two CX 15 John Deere mowers off the KLM Cooperative Contract from Deems Farm Equipment for \$28,721.32. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to place on first reading Ordinance No. 8197, condemning certain property interests for the West Baldwin Creek Sanitary Sewer Project. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to place on first reading Ordinance No. 8239, enacting Chapter 5, Article 19 of the Code of the City of Lawrence pertaining to Underground Wiring Districts. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to place on first reading Ordinance No. 8240, enacting Chapter 5, Article 20 of the Code of the City of Lawrence pertaining to Siting of Utility Facilities. Motion carried unanimously. (8)

Ordinance No. 8238, establishing the maximum assessments for improvements to George Williams Way from Overland Drive to the north city limits, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (9)

Ordinance No. 8194, annexing property generally located west of Folks Road and south of North 1700 Road, more commonly known as Bauer Brook Estates, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6756, calling for a public hearing on the proposed Transportation Development District. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6757, calling for a public hearing on the proposed redevelopment plan. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt Resolution No. 6758, supporting the Northern Flyer Alliance and extending Amtrak service through Lawrence between Oklahoma City and Kansas City. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive notification from the Kansas Development Finance Authority (KDFA) of its plans to issue approximately \$30 million in revenue bonds to finance renovations and expansion of Kansas Athletics Incorporated facilities. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive a request for a roofing contractor licensing ordinance. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive Downtown Lawrence, Inc., 2007 fourth quarter report. Motion carried unanimously. (16)

CITY MANAGER'S REPORT:

During the City Manager's Report, Assistant City Manager, Diane Stoddard, introduced Michael Eglinski, the new City Auditor, who would be doing various performance audits of programs and services at the City Commission's direction.

Also, she said Lori Madaus, Aquatic Supervisor for the Parks and Recreation Department received the Distinguished Aquatic Professional Award from the Aquatic Branch of the Kansas Recreation and Parks Association; and Bob Stanclift, Adult Sports Supervisor, was recognized by the University of Kansas Athletics Department for a second time as three of the women's softball teams he coached were inducted into the KU Athletics Hall of Fame. (17)

REGULAR AGENDA ITEMS:

Consider the following items related to The Links at Lawrence, a Planned Residential Development containing 40 multi-dwelling buildings with 12 dwelling units per building for a total of 480 dwelling units, located at the intersection of Queens Road & Wakarusa Drive.

- a) **Consider approval of the requested annexation of approximately 81.13 acres for A-11-07-07 for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive.**
- b) **Consider approval of the requested rezoning Z-11-28A-07, a request to rezone a tract of and approximately 80 acres, from A (Agricultural) to RM12 (Multi-Dwelling Residential). The property is located at the intersection of Queens Road & Wakarusa Drive.**
- c) **Consider approval of the requested rezoning Z-11-28B-07, a request to rezone a tract of land approximately 80 acres, from RM12 (Multi-Dwelling Residential) to RM12-PD (Multi-Dwelling Residential Planned Development Overlay). The property is located at the intersection of Queens Road & Wakarusa Drive.**
- d) **Consider approving, subject to conditions and use restrictions, PDP-11-06-07, a Preliminary Development Plan for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive.**

Mary Miller, Planner, presented the staff report. She said The Links at Lawrence was a proposed multi dwelling residential development with a 9 hole golf course. The development included an annexation of approximately 81 acres; a rezoning to RM12 Base District; a rezoning to RM12-PD (Planned Development Overlay District); and, a Preliminary Development Plan for a multi-dwelling development and golf course.

The subject property was located north of West 6th Street just west of the intersection of Wakarusa Drive and Queens Road intersection. Oregon Trail Addition, which was recently platted, was located adjacent to the southwest portion of the property. Adjacent to the southeast portion a residential subdivision was approved, but the plat expired, which then reverted to the UR, (Urban Reserve District) area.

The property was contiguous to the City limits on the south and east side. An annexation was required in order for sanitary sewer services to be extended to this development. Property within the Urban Growth Area was encouraged to annex when it was contiguous to the City limits prior to development. The City's annexation policy required compensation to the City for any Rural Water District facilities that were located on the property to be annexed. The property was within the area served by Rural Water District No. 1 and there were no RWD facilities on this property.

The growth management policies of Horizon 2020 seek to assure that adequate facilities were available or assured for development. The City's Utility Engineer confirmed that the Department of Utilities had a project underway, which was the West Baldwin Creek Sanitary Sewer Interceptor which would run from Pump Station 45 up to Pump Station 48 which was located on Folks Road, just south of the Turnpike. When this line was constructed, there would be adequate facilities for this development. The applicant was aware it would be necessary to time the development with the completion of the interceptor project.

As the property was contiguous to the City limits on two sides and adequate facilities were assured, staff recommended approval of the annexation request and the Planning

Commission voted 8 – 1 to recommend approval of the annexation request at their December meeting. The dissenting Planning Commissioner stated they voted against the annexation based on the multi dwelling nature of the development.

The eastern portion of the property was fairly level and used for agriculture production and the area to the west was dense woods with steep slopes.

The Development Code required that any property that had more than 15% of environmentally sensitive features, must develop as a planned development to ensure the environmentally sensitive features could be protected to the greatest extent possible. Therefore, the applicant was submitting the two rezonings; the rezoning to the base RM-12 district and to the overlay district. The RM-12 district was the least dense multi dwelling residential district.

The applicant was requesting multi-dwelling zoning. The applicant was not proposing development at a density of 12 units per acre, but proposing to develop at a maximum density of 6 units per acre. Both the base and planned development rezonings would be conditioned with a limit on the maximum density of 6 units per acre.

She said the Northwest Plan covered sections 20, 21, 28, and 29. The subject property was located in the central portion of section 29. The objectives of the Northwest Plan, included section 20 and 21 to be left rural in character for the life of the Northwest Plan or until endorsed otherwise. Sections 28 and 29 should be developed as the urbanized area. Higher intensive land uses should be directed toward 6th Street and the trafficway. Lower intensive land uses should be directed to the north portions of sections 28 and 29. A variety of housing types and costs were encouraged in the southern part of sections 28 and 29 and single family residential was encouraged in the central and northern portions of sections 28 and 29.

The plan recommended should be a reduced gradation in land use intensity from West 6th Street on up to the north. The applicant submitted a unique land proposal which was a low-density multi-dwelling residential development, however the building types were not single

family, therefore did not comply strictly with the recommendation of the code, but staff felt it complied with the intent.

She said the design of the development and the clustering of the residential units would allow for environmentally sensitive lands to be protected. The impact of the sanitary sewer services would be the same as with single-dwelling development. Fewer roads would be required and utility extensions would be more concentrated than with traditional single family residential development. The impact on surrounding properties would be minimized through the design of the planned development.

The Northwest Plan recommended the gradation be reduced from 6th Street to the north. There were a variety of zoning districts currently in the area. Along 6th Street there were more intensive land uses. The middle portion was a mix of multifamily, duplex and single family with a little commercial. The development in the northern portion was basically undeveloped at the time, but had single family RS7 zoning, and lower density RS10.

She said the proposed zoning condition met the intent of the Northwest Plan in reducing the gradation of intensity from 6th Street to the north. Staff recommended approval of the rezoning request to the RM12 and the RM-12 Planned Development Overlay Districts as conditioned and restricting density to a maximum of 6 units per acre.

The Planning Commission voted at the December meeting 7-2 to recommend approval of both rezoning requests with the condition on the restriction of density.

She also said the applicant intended to develop a multi-dwelling residential development that included a club house, swimming pool and 9 hole golf course. Queens Road was located to the east of the property and would need to be extended to a benefit district to the north. George Williams Way was located on the west side and already had a benefit district created to extend to the southern property line. It would need to be extended to this development through a benefit district. The applicant was aware the timing of the development needed to coincide with the development of the road construction.

The applicant was dedicating 80 feet of right-of-way for the extension of Wakarusa Drive, which would be renamed Links Drive in that area. Links Drive would not be required to extend straight through the property, but directed to the southwest to avoid most of the trees and sloped areas.

The golf course would be used by members and residents and also be available to the public as a 'pay n play' basis. A golf course was permitted in the RM15 District and a note on the plan restricting the use of the club house and pool to members only; therefore, specifying the non-commercial nature.

The Downstream Sanitary Sewer Analysis was reviewed by the City Utilities Engineer who stated the capacity for this development would be available when the Baldwin Creek Interceptor Project was completed. The City Engineer indicated the density being proposed was similar to the low density recommended in the area plan, so the development was consistent with the recommendations in the City's 2003 Wastewater Master Plan. The sanitary sewer easement, which cut north and south of the property, was an estimated location and might change when the design plans were finished. The sanitary sewer easement would be 100 foot wide during construction and would narrow down to a 40 foot permanent easement.

She said the development was being designed where the wooded areas would be protected and no building would be constructed on the steep slopes. No construction activity, including storage or parking of vehicles, would be permitted in that area.

The plan indicated that 46.11 acres of common open space was being provided. A minimum of 20% was required by code, which would be approximately 16 acres. A minimum of 50% was required to be set aside as "natural open space." The plan indicated that 14.79 acres were being provided as "natural open space". Adequate common and natural open space was being provided and the plan was improved to show the common open area on the preliminary development plan. There was a small area on the plan where the Headwaters Drive and Links Drive meet that was incorrectly labeled as a lot and that would need to be relabeled or moved.

She said the Planning Commission approved waivers for this property. A preliminary development required a 60 foot peripheral boundary and that peripheral boundary was limited to category, heights, setbacks and minimum lot sizes permitted in the zoning district immediately adjoining the proposed development. The property to the west across George Williams Way was currently zoned agriculture. The applicant was requesting a waiver from the buffer requirement. She said Horizon 2020 and the Northwest Area Plan both recommended the property to the west be developed as low density residential. The applicant requested this waiver primarily so they could keep the buildings moved out of the sensitive area.

The applicant also requested a waiver from the height requirement for the club house to allow it to be built 41.5 feet tall rather than 35 feet. Since the club house was in the interior of the development, it should have no impact on the neighboring properties. The Planning Commission approved both of those waivers.

In addition, the City Engineer approved a waiver from the requirement that an access onto a collector road that intersected with an arterial road be located at least 300 feet from an intersection, basing his waiver primarily on the topographical constraints the applicant would be required to face if he moved his driveway further to the east and also on the assumption that it was possible George Williams Way would be reclassified as a collector through T2030. The driveway would be about 270 feet from the intersection rather than 300 feet.

She said the code requires that parking areas with more than 220 spaces be divided into modules of 72 spaces each. Most of the parking in this lot was either in parking areas less than 220 spaces or had been divided into modules, with the exception of the parking area which was parallel to George Williams Way, which was a condition on the plan. All the parking modules would be landscaped which separated the modules and reduced the impact of the large areas of parking.

The code required safe, adequate and convenient pedestrian pathways. The PDP showed a sidewalk on the north side of Links Drive and a bicycle/recreation path on the

southern side of Links Drive. Sidewalks needed to be shown on the west side of Queens Road and east side of George Williams Way on the plan. A pedestrian pathway was provided to link the park area to the south in Oregon Trail Addition through the property to the north property line. Two crossings were shown across Links Drive for carts and pedestrians.

Public comment was provided to Planning staff, prior to the Planning Commission meeting by the League of Woman Voters. The League listed their concerns as the development's inconsistency with the Comprehensive and Area Plans. Approval of the plan would create a precedent that predictability and demographics were unimportant and gross density was the only determining factor in neighborhood planning. The concepts of preserving sensitive land forms and features were subject to the needs of the development and storm drainage planning was no longer needed to protect our open streams and drainage ways. Consistency was not important when interpreting Area and Comprehensive Plans.

She said the development was consistent with the Northwest Plan in that it provided the reduced gradation from 6th Street on up to the north. It was not strictly compliant with the recommendation that it be single-family residences rather than multi family dwelling, but met the intent.

The development through a cluster subdivision or planned development to protect environmentally sensitive features was a new tool that was provided in the Land Development Code. Horizon 2020 recommended an alternate style of development for this property when it was written and recommended low density residential with perhaps alternate street standards. Horizon 2020 realized that this might create difficulties through extension of services through the area. The proposed development would allow the property to develop with just one road cutting through and the utilities would be more concentrated more than with traditional subdivision design. It would protect a substantial amount of woodland and sloped areas.

Consistency with the Area and Comprehensive Plans were important when interpreting those plans, but flexibility was also necessary, especially when dealing with unique properties and creative development proposals.

The applicant provided a sensitive area site plan, which was included in the agenda and would be incorporated with the Preliminary Development Plan.

Staff recommended approval of the preliminary development plan with the revised conditions that were listed in the staff memo. The revised conditions reflected the timing of development with the road construction improvements and also included a condition that the golf course complied with the Audubon International Environmental Management Practices for Golf Courses.

Commissioner Highberger asked if the road swung to the south to avoid the wooded area.

Miller said there was a very steep ravine and putting a road at that location would create disturbance in that area.

Commissioner Amyx asked Miller to explain the business portion of the proposed development.

Miller said the golf course could be a business, but it was primarily for the use of the members. A golf course was a permitted use in the RM-12 District, which meant people could come and pay to play. Regarding the club house and the pool, a note would be on the plan stating those amenities were for members only and was specified that those were not to be commercial.

Commissioner Highberger asked Miller to explain the Audubon International Standards for Golf Courses.

Miller said it was a program after the golf course was constructed. During construction, the City would require a SWP3 plan, which was the Storm Water Prevention Pollution Plan, which would be how it would be monitored and regulated on the amount of erosion and damage

done by construction. After construction, the Audubon International membership would be required. The property owner would submit an environmental plan showing the situation as it was now and there would be certain features that would be required to submit. They had to submit a yearly inventory or yearly report and that report needed to be kept on file at their office for any interested people for review.

Commissioner Highberger said it was his understanding that the Audubon International had no relationship with the Audubon Society.

Miller said that was correct.

Mayor Hack said Audubon International dealt primarily with stormwater run off and pollution.

Miller said yes to include wildlife habitat, maintaining the land, and to prevent runoff.

Kim Fuggett, representing the applicant Lindsey Management Company, said they had been investigating The Links project for about four years and finally, when the northwest property was opened up, they found an opportunity. They were excited about Lawrence and felt like their model met the Lawrence demographics very well. Their model did not depend highly on any one segment of the population and about 20 – 30% of their residents would be students, 10-20% would be over 50 years of age, and the rest of the population would make up a mix between those two categories.

He thanked the Planning staff for doing an excellent job and did not have a lot to add to Miller's report because it was very thorough. However, he would give more information about their background and more details about their particular model.

He said the Lindsey Company had over 26,000 apartment homes today. There were 32 golf courses and 3,600 apartment homes and five under construction. He said this was not their first and they had done this before and were not using Lawrence as a guinea pig because they were experienced in this area. He said the Lindsey Company was vertically integrated in that they designed the complexes and built the complexes with an in-house construction company,

along with owning and managing those companies. There had only been one complex of the 26,000 units that the Lindsey Company had built that had ever been sold. Typically Lindsey built those properties to hang onto for the long term, so they were designed and built on the front end with that in mind.

A pre-application meeting was conducted in early October where they met with City staff and got a handle on what was expected of their company in Lawrence. They tried to adhere to what was expected and only asked for two exceptions. They also met with the neighbors on December 10, 2007 to share the ideas and thoughts with the neighbors and receive feedback.

He said the buildings were located in the areas that were relatively flat and the golf course and retained sensitive areas were in the currently sensitive area zone. The buildings on the west boundary, adjacent to George Williams Way, were the only group of units that were not buffered from adjacent property owners by golf course. The reason was the sensitive area limitations they were dealing with. When providing over 46 acres of open space to begin with, it left very little to build upon. The stretch on the west boundary width only allowed for buildings and did not create the same kind of buffer along the west boundary that was accomplished on three other sides. Three of the four sides were buffered with golf course at a minimum of 150 feet from any of the neighbors. On the west boundary, even though they did not have the buffer, they created a streetscape with the buildings along the street so they could sandwich the parking between the buildings so there was no exposed parking along the streets.

He said looking at the density figures, they had an 81 acre tract of land with 480 units which worked out to 6 units per acre. With the comprehensive plans in place now, the density did fit with the comprehensive plans. If they could make a comparison to single family homes, he thought that was the only exception they referred to. They found a single family subdivision in Lawrence by 6th Street and Monterey Way which was an 80 acre plot to show a comparison of single-family residences at 6 units per acre versus what they were proposing at The Links. It was very obvious the amount of open space and green space they were providing, far above

what one would see in single-family development. He said they had conducted studies on their complexes throughout the properties and found they had 1.6 people per unit. United States Census Bureau statistics noted 2.6 people per household. If there were 480 households on this property, based on those population comparisons, the proposed project would yield 768 persons on that 80 acre tract whereas 480 single family homes provided 1,248 people. They were proposing, in terms of population, 62% of what would be found if it were single family homes.

He said looking at bedrooms, with the 480 units there were one and two bedroom units. Many multifamily complexes would have 3 and 4 bedroom units, especially with a college town where a four bedroom mix was popular. In each building, there were 12 units and 8 of those units were 2 bedroom units and 4 of the units were 1 bedroom units. They had no 3 or 4 bedroom units. It averaged out to 1.66 bedrooms per unit, times 480 units, was 960 bedrooms, whereas the average household at 3.5 bedrooms would be 680 bedrooms, which would be a difference of 720 bedrooms. He said that also converted to traffic counts and knew there had been concerns about the traffic created by this development. He thought it was obvious by those numbers that the traffic counts created by this proposal as opposed to the 480 single family units would be much less.

Hugh Jarrett, Lindsey Management Company, said he put together numbers that had to deal with common open space requirements as set out by the City of Lawrence. Their total common space was 46.11 acres, which was 57% of the site. That 57% was composed of the recreational open space, which was the golf course, other open areas and natural open space. The natural open space was, in this case, also going to be all sensitive areas since mature trees and slopes were classified as sensitive areas. Everything that was a natural open space was also a sensitive area. There was going to be 18% of the site that was going to be totally untouched by the development. The City Code indicated that there were sensitive areas located on the site up to one half of the required open space could be required to be

maintained, which worked out to be 8.13 acres. They were saving 182% of the required sensitive areas to be maintained on this site. On the recreational open space, they were saving 385% of what was required by the City Code. The total common open space they were saving 284% of what the City Code required. He said this was basically their first plan. Throughout their company and through the sites, they took great pride in maintaining green space and making the site as aesthetically pleasing as they possibly could. Not only did it benefit the environment, but it benefited the development because it made it a nicer place to live. They took great efforts on the site to maintain the slopes and open areas and create a nice development for their residents.

He said the golf course was available to the residents, not just members of the club. Anyone who lived in the complex could use the golf course free of charge anytime they wanted. They went to great lengths to save as much as the site and maintain the sensitive areas as much as absolutely possible.

One other issue aside from this they wanted to mention was in the development plan, when they built at the intersection of Queens Road and Wakarusa and Links, they were being asked to build all of the roundabout improvements at the time of construction. However, the rest of Queens down to 6th they were being asked to participate in a benefit district. They wanted to pay their one half of the roundabout improvements, but any of their expenses they build over their one half, they would like to be credited that money back at the time the benefit district would be put into place. Basically, they would do the work and front the money to the benefit district and once the benefit district was put in place, they would be credited that amount back against the rest of their portion of Queens that went to 6th Street. It was not going to be a major issue at Links and George Williams Way, but there might be some temporary items they had to do prior to the full construction of George Williams Way, north of the southwest corner and any amount they advance to the benefit district, they ask they be credited that amount back when the benefit district went on to make the improvements.

Fuggett said each building was 12 units and two stories, 70% brick and any siding used was the hardy plank siding. Each of the apartment buildings basically had two fronts and there was no back to the building. One of the issues along George Williams Way was that there would not be a back of a building facing that street. The club house incorporated the leasing offices, management offices, and the fitness center on the second floor. It also had a residence living quarters. The manager lived onsite and had courtesy security officers onsite at all times.

Commissioner Highberger said he understood there would be 40 buildings. He asked if those buildings would all be similar to each other or identical.

Fuggett said there were two building types, which they called the custom and the classic. The custom building was a little larger in size, and the major difference was on the floor plan the two bedroom units were two bedrooms with two bathrooms and about 1100 square feet. The classic building was a little smaller, about 9,000 square foot unit and different two bedroom plan. He said they used similar materials, matching bricks and brick colors, roof lines, however the porches were different. The smaller buildings did not have separate porches like the larger building.

Commissioner Amyx asked if it was their experience there were not a lot of families that lived in those units.

Fuggett said that was true.

Commissioner Amyx asked about the percentage of families.

Fuggett said they averaged 120 school age children living in the development.

Commissioner Amyx asked what there was for children to do at the complex.

Fuggett said they had the pool area, club house, fitness center, and game rooms in the club house. They had a club room where the tenants could reserve that space for parties. The golf course lent opportunities for recreation. Typically, somewhere on the site they would do a small tot play ground.

Commissioner Amyx said he thought that was important because if they were going to have 100 school age kids per site, it would be important in a facility like this for those children to play other than in the middle of a golf course.

Mayor Hack called for public comment.

Burke Griggs, Stevens & Brand, speaking on behalf of the Lichtwardt's, said he wanted to address the way in which the Planning Commission arrived at the numbers so far presented. Based upon the presentation, it appeared that the 20% rule for planned developments was applied, even though as he stressed last week regarding the Belot Development, 20% was a basement figure. He thought that was the first concern with the Planning Commission.

The second concern had to do with the table at 1101(d)(4), which took in account the features that made sensitive land, not just trees and steep hills but extreme corridors, wetlands, rocky outcroppings. Those features could cut density to as much as 10% of the planned density. The language in 1101(d)(3) which governed the developer's options with planned developments in sensitive areas gave the developer discretion upon whether he or she dedicated land to the City, reserved it for public space, or whether the developer did neither and included that sensitive land within the building envelopes of each structure. That language of using the word "required" was muddy. He said what the Planning Commission might be doing was referencing the 20% requirement in Article 7. He said if they looked at the Planning Commission's comments and what the League of Women Voters had mentioned, it appeared there was a reflexive reference to 20%. This developer had been presenting a sensitive land or open space preservation far in excess of 20%, but he would again say as a point of clarification from his clients who had their own sensitive lands, they did not know quite what to make of Article 11 in this situation.

He asked if putting a golf course, for example, on previously wooded areas was preservation of space or was it development. Just because they were not pouring foundations did not mean they were not developing it. He thought that was a relevant question. The Clean

Water Act did exempt runoffs from irrigated agriculture and the golf course would qualify as an irrigation use of water, but did not qualify as agriculture from many codes. They were complicated issues.

The first thing had to do with the sensitive lands issue. There was a waterway in this which was a tributary to Baldwin Creek. There were rocky outcroppings and other factors that engaged besides what was reviewed.

The second issue had to do with every environmental lawyer's favorite statute, the Clean Water Act. He only mentioned this for his own clients going forward, they had water on their property and water on this property. If a court were to find there was significant nexus, or real connection, between this waterway and a jurisdictional stream to the United States that engaged dredge and fill requirements under section 404 of the Clean Water Act. It was an extensive and complicated regulatory issue. His clients were seeking some sort of regulatory predictability.

He said he wanted to book end his presentation last week regarding the Belot Development, his own clients' concern with how to go forward with their land because it appeared to be one of the first sensitive land cases considered under the new code. The sensitive land issue with density and jurisdictional stream ways and wet lands, he had clients elsewhere in the county who had been monitored by the Army Corp in situations similar to this. He said on behalf of the Lichtwardt's, they were asking for some clarification of this issue.

Betty Lichtwardt, on behalf of the League of Women Voters, and as a private citizen, said as a private citizen she wanted the City Commission to understand that the manner in which the sensitive lands issue was interpreted should be interpreted in the strictest sense. They were not seeking any type of relief at all. They wanted to be assured that the when they sold their own land, that the interpretation of this would be strict and in fact the trees and streams would be preserved.

The reason they were so concerned was because they did present the City with 40 acres of land that was in the same general area and land flow formation. The reason they gave the land to the City was because the land was unable to be built upon. The land had rocky outcroppings, which consisted of ridges and the slopes on those ridges had extreme erosion. In one instance, a portion on the eastern side of the central ridge collapsed. The entire section of the slope collapsed and happened because the bottom was disturbed and the stream was disturbed and had been diverted slightly. The tributaries of Baldwin Creek took an enormous amount of water and if the stream was disturbed which looked like that was the plan, they would find a terrible mess because this land would not tolerate any type of disturbance and was extremely sensitive. This was why they gave the land to the City because it was a wonderful recreation area, but could not be disturbed.

She wanted to point out that the sensitive area site plan that was presented to the City Commission at the last instance and the site plan should be part of the original application for the request. She said they were asking the City Commission to take a second look at this plan before they approved the plan to make certain, that in fact, that the golf course and what they would have to do provide fill dirt for their golf course and make sure it was not going to disturb the area. They also wanted to make sure the stream itself was preserved and not filled because they would have a terrible time.

She presented copies of the arrangement of sensitive lands map and explained the two letters submitted by the League of Women Voters.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said she had a couple of concerns about this project. The first was as previously stated, the staff interpretation of sensitive land codes were being overly generous and were not adhering to the codes. They were basically avoiding a chapter on sensitive lands. She asked why a City that was smart enough to understand the issues of sensitive lands ignore the codes for the PD development. She said for instance 20-1101(d)(3)(iii), stated:

“Where the following types of lands are included in a proposed development and will not be dedicated to the City or included in private Open Space, the development plan shall be arranged so that every proposed lot has a Building Envelope, meeting the other designs standards of this Code, without encroaching on the designated sensitive lands.”

She said under the Subdivision Regulations it stated:

“Subdivisions shall be designed to preserve natural resources and environmentally sensitive areas, such as streams, wetlands, prominent natural geographic features, and stands of mature trees. See Section 20-1101(c) (2)(iii) b., which requires that development of lands containing more than 5 % defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c)(3) requires that certain sensitive lands be dedicated, included in private open space or otherwise preserved through development design.”

She said the code clearly stated that the development “should” be arranged without encroaching on the designated sensitive lands or otherwise preserved. It did not say it “might” and did not say if staff was not stating, not in Planned Developments.

She was informed the applicant was planning on cutting the top of a hill and use as fill for the stream corridor. She spent the afternoon talking to geologists, hydrologists, civil environmental engineers, the Division of Water Research at the State Agricultural Department.

She had a lot of questions which were:

1. What mix was being used to infill the stream?
2. How far down the hill would be removed?
3. How far was the infill going to be downstream?
4. Was a downstream impact study conducted?
5. When removing vegetation and changing the slope of the stream, the water movement was changed and asked who, what properties, and how much water would impact others that were now protected by the stream?
6. Where did the property line end to the north as compared to the floodways and floodplains because if an important tick down that stream, was within the properties the Department of Water Resources could regulate what went on and if the tick was not included, then they could make suggestions.

She said the damage to the area was irreparable. Moving land and removing large stands of trees could not be replaced. She asked if the City really wanted to approve another golf course when most of the other golf courses faced financial troubles in Lawrence.

Since the City required a sensitive land site plan to answer the questions above and since they did not know the answers above, she asked how they could blindly support such devastating changes without knowing the answer to questions the experts were asking.

She said the reason they had sensitive land protections was because there were lands that were not stable enough to support major development which was why in the Northwest Area Plan specifically stated single family homes.

She said the point was the type of units, not the amount of units was what needed to be adhered to in the codes, especially around sensitive lands. She knew they would like to find a compromise in this situation, but land did not compromise. Single family homes could be fitted around sensitive lands where RM and golf courses could not. She said 6th and Monterey could not be built in this property because of protections of sensitive lands so there was no comparable development.

Another concern was the cost to tax payers. This project, if approved, had a very good chance the developer walking away from it because they did not adhere to the sensitive land chapter and the developer discovered the land was not suitable to building his plans without exorbitant costs. The City would be left holding the financial debts and would be again another perfect example of why the City should not be the banker for development.

The fourth concern was a sensitive land plan should be presented at the initial application before any zoning or plans were developed. The Planning Commission should have the opportunity to review the plan first in order to make sure the City's interests were protected. This property had 57% sensitive land and was going to be cut to 18% that was saved. It was not 100% saved without encroachment or otherwise preserved.

She said finally, Lawrence was not built on a flat, stable, service. The geology of Lawrence changed throughout the area and the City should have a geologist who understood that land was not fixed and permanent object and that land did not compromise.

Mayor Hack asked where Klingenberg received the information about the top of a hill being used as fill.

Klingenberg said she believed it was Matt Bond, City Stormwater Engineer, because she was discussing the drainage issue with Bond.

Vice Mayor Dever asked if the top of the hill would be removed or part of the property would have soil removed and moved.

Klingenberg said she was told the top of the hill would be cut down and used to fill the stream.

Mayor Hack said she did not understand Klingenberg's reference to not being the banker for the development.

Klingenberg said if a benefit district was formed and this project should fail or the developer walked away, the City was left holding the bag.

Mayor Hack asked that the comments from Klingenberg be addressed.

Rich Bishop, JEO Consulting Group, said in the sensitive areas there was very little fill being placed on those grades. He said for one of the fairways which was not in the bottom of the creek, the creek would go along the side. Other than that, there was no fill being placed on those areas.

The creek bed was not intended to be disturbed. However, for the sanitary sewer there was a 40 foot wide permanent easement. The construction easement that had already been cleared and disturbed was 100 feet wide. One of the issues Briggs brought up regarding compliance with the Army Corps of Engineers, they had performed a wetland investigation of that site and there were no waters contiguous to the waters of the United States or wetlands existing in this site.

He said in terms of the water that went through the site, down through the stream bed and to the people to the north, the design was constructed to meet City standards. The water they would be releasing north would generally match what was being released today. The

amount of water that would be released downstream would not change significantly with this development, by way of detaining that water within the lake system.

The other comment was that 57% of the area was sensitive land, but it was actually only 36% of sensitive land. He said they delineated the sensitive area from an aerial photo, with staff, which was a conservative estimate in that the aerial photo showed a drip line of the trees, and if they were to go out and do an inventory of the site and go by the trees, the area would be significantly less than what they were agreeing to.

Commissioner Amyx asked Scott McCullough, Director of Planning and Development Services, about density of development. He asked about the determination on predictability and assumed it was predictability by adjoining property owners. He said if those property owners saw single-family as being the designation on a plan and if this looked more like an apartment complex, he asked how the determination would be made that this was low density. He said if there was an area that looked like an apartment complex, how was it not an apartment complex.

McCullough said there was discussion about that very issue at the Planning Commission meeting. He said from the moment the applicant walked in to do pre-application meetings, they highlighted the Northwest Area Plan, which were a guide and not one of the City's specific plans that was identified in Chapter 14 because it was a little bit outdated. They did not try to come up with a new interpretation that this met that element of the Northwest Area Plan. They were clear at the Planning Commission meeting to note that they recognized it, but it did not meet the specific provision of the Northwest Area Plan that encouraged single-family structures, but it did meet the density. When staff weighed the high ratios of open space protected, the way it was clustered on the property, the reduction in impervious materials due to the reduced road network, those types of issues, their recommendation was to support the plan, but they did not try to interpret the plan that this meant that particular element of the Northwest Area Plan. Their support for this plan came on the heels with a lot of discussion they had with Planning Commission and City Commission on whether or not those plans should be a guide, to what

degree, and to what flexibility. The Planning Commission especially desired when a creative project like this was presented to them.

Commissioner Amyx said when looking at this overall development and looking at the golf course as open/recreation space, he asked if the golf course was a development.

McCullough said the golf course was counted. The applicant's own sensitive land plan showed the golf course had development and other areas as natural open space, so natural open space would be counted as undisturbed.

Commissioner Amyx asked whether staff was using the standards when applying sensitive areas to The Links Project as they did a week ago with the Belot.

McCullough said yes. He said they were using the same code requirements and same standards. Those projects were completely different, but the same requirements were being used. He said the 20% rule had been mentioned and half of the 20% had to be active recreation. One thing that was apparent with this particular provision of the new code was it needed clarification and the text amendment staff was working on, currently, was meant to clarify intent, requirements, and process. Staff believed they used the code in the way it was intended. There was debate about what level of degree to protect the sensitive lands once identified. What he had heard in the last several weeks was that they needed to work on objective criteria about what sensitive lands included, but also process and clarify when the plans were required, what was required on a sensitive land plan, how they used that plan, and train staff, the development community, and the public about what to expect with that issue.

Commissioner Amyx asked whether that text amendment change would clear up the concerns about their property and how that interpretation could happen about whether or not it was to be disturbed or not.

McCullough said staff would go through the public process to receive public input on many of those issues and staff hoped to clarify those types of issues. He said staff had only a couple of those issues to address and it had been challenge with interpretation in the new code.

This project was unique because staff believed the developer went to extraordinary measures to protect the sensitive lands and even the lands the developer was not protecting, the open space, lakes, golf courses, lend benefit to the community.

Mayor Hack said when talking about The Exchange and other areas, they wanted to make sure the unintended consequences of the sensitive land provision was not preliminary destruction so as not to have to deal with the sensitive land situation. She said something needed to be put in place that protect, but would not give unintended consequences.

She said this particular project was very creative and interesting and a project that the community could be proud and happy with. She said single family was looked at as desirable zoning which was a positive, but this was a case where single-family zoning was not preferable for this because of the impact. They would have fewer roads, less surface run off, less impact to surrounding properties, and less traffic. She said the Lindsey Management Company incorporated a lot of what the City wanted in sensitive land to a project that was going to be very attractive for a long time.

She said it was an unfair comment to say that if this project did not work, the developers would walk away. She did not think a company that had been in business for a long time and was successful, had not done its due diligence for a successful project. She said she did not think the City Commission had blindly supported or not supported anything. The City Commission spent a lot of time going over information. They visited with staff, had a lot of questions, and spent a lot of time talking about those issues and no one had ever blindly accepted a project. She said she supported the project.

Commissioner Highberger said he supported the annexation request. He said he had some concerns about the sensitive lands interpretation. He said there was more than one way of reading the sensitive land interpretation and was glad a text amendment was on the way. If the intent was to preserve sensitive lands, it did not make sense to require or allow sensitive land to be converted to open/recreational space. He said he was not convinced this plan was

the best way to preserve the sensitive areas. He said if they clustered single-family homes with no golf course, they could preserve a larger amount of the sensitive areas.

He said he also had concerns about the preliminary development plan because of the 40 buildings on this piece of property and two of those designs were fairly similar. The City's Master Plan called for a mix of housing types. He said with the 80 acres with three street connections outside the property which did not provide much street connectivity. He said if the plan was approved, he would encourage considering keeping the street name as Wakarusa Drive instead of Links Drive to have some consistency in street names. He said he had too many concerns at this point to approve the PDP.

Vice Mayor Dever said he wanted address the comment on the amount of sensitive lands. It was important to note that when staff drew strictly from aerial photography the borders of the sensitive lands, that the proposed owner and/or the developer supported that conclusion as drawn by the City staff. He said if field checking the trees, and land or even looked back 20 years as to what used to be on that property, a lot of the lands that were delineated were either new growth, cedar trees, or trees that had just came up which was probably because a lot of the area was no longer used for agricultural purposes. He said 70-80% of this land at one point was used for agricultural purposes and the areas that were not developed were the erosion of 40% grade areas. He looked back at 70 years worth of land use and saw this area was tremendously steep. He went and looked at the property and noticed that the City had already done a tremendous amount of damage to the stream area. When they put in the sewers they drew a 100 foot wide swath and cut down trees and set aside the right-of-way. He hoped that the developer did a much better job on protecting those areas than the City did. He was disappointed in that, but it was the way it was done. He said anywhere there was a creek and a sewer was put in, that was typically what happened. Unfortunately they had already disturbed the most natural areas of this property. He took the plan the developer was going to use and field checked what would really be protected. It was some of the most beautiful land imagined.

It was a shame from the road it looked like an agricultural piece of land but back to the west it was an interesting piece of land. He wanted to see someone step up and donate the land to the City and they could build a park at that location.

He said the developer did a tremendous job in trying to protect the most sensitive features and obviously it was economics because taking into consideration a 40 – 50 foot drop between the top of the hill and the base of the creek, it took a lot of money to develop those sites. Although it looked charitable, it made the most sense for what the developer was trying to do.

They talked about whether or not the stream was an intermittent stream or a regular stream and according to the USGS map, it was a full stream, although all the water shed started in section 29 and went downhill toward the north. According to the USGS map it was a full fledged stream. He said ironically there was a section of land that was very beautiful and had tremendous features that no one really could see. One positive thing was that they were able to invite the public to see this property and do the least amount of damage to the areas that were the most beautiful.

As far as the type of density and type of units, it was difficult to understand why they would want to go from a single family zoning to a more intense or dense land use, but looking at the amount of land being build upon, the impervious surfaces, it was less than 25% of the parcel which would be impervious surface and was unusual. When looking at the type of impact it was going to have on the water shed, they picked the right type of development.

He asked McCullough to clarify that this was done on a case by case basis and were not creating any type of change to the rule where they were doing a site specific change and it could be on the record as to why those changes were made.

McCullough said this was an exercise in looking at the Northwest Area Plan as a guide and was the only reason it received support from staff because of this unique type of project. If

this were a conventional multi-family complex without the golf course, open space and high ratio of protection, it would not have gained staff support anyway.

Vice Mayor Dever said correct, that was where density or intensity of the land use would be looked at and this was relatively less intense or dense than a single-family development on a similar sized parcel of land. He said in general, he was concerned about the disruption and wanted to take a good look at what they were talking about. He said whatever was shown on that preliminary development plan, if that was truly what would occur, they had received a good trade off of land that would be able to be accessed by the public and improvements to the property that would conserve a lot of the areas and would be some benefit to the community for having this type of development. Although, ultimately he would like to see the land donated to the City, if possible.

Commissioner Chestnut said he first wanted to compliment Vice Mayor Dever for his excellent analysis of the topography. He said there were a couple of things that should be discussed and talked through. He had looked at it from some different perspectives, but obviously the annexation issue was bordered by two parts of the City. West Baldwin Creek was projected to be online early next year, sometime in spring 2009 and working in tandem with anticipation with some intensity in that corridor.

He said as far as the rezoning with the multi-family, there was a mix of issues. They had an issue of having a lot of parcels with some degree of sensitive land and also had the Northwest Plan in this case and the overall plan. Those things, many times, presented a lot of conflicting issues. In this particular case, one of the things in talking with the staff, he was convinced single family RS-7 would be difficult on this parcel for a number of reasons.

He said Commissioner Highberger mentioned one which was they desired connectivity. Connectivity or some kind of grid would be difficult based on the topography and would create a lot of run-off and more impervious surface and would be a challenge. He liked that they were reducing the amount of impervious surfaces versus an alternative which was what the initial

plan was with RS-7 zoning. The fact they were doing a planned development overlay and having a lot of stipulations on that to keeping it at 6 units per acre was important.

He said they also needed to talk about how this project developed diversity in housing stock. He had either seen a very dense apartment complex development or single family, low density development. In talking to the applicant in getting more information as well as information from other people in talking about the units and the demographic in what they were trying to do, it was going to serve a market that was underserved in this community. Lawrence had been stipulated as a retirement community and it sounded like this was one of the developments that might have that demographic. He said staff talked about the fact that the plan focused on intensity of use to lower the impact of the features and environment versus focus on specific zoning that might or might not have been recommended. As getting into more and more places with sensitive lands, he agreed with Mayor Hack about unintended consequences if they did not show some flexibility to use the land to its best purposes as far as preserving that space. He said with RS-7 zoning, the development would either be very small which might be unfeasible or would interrupt that entire space. He said he would compliment the applicant because they came in on the front end and tried to do the right thing and do something creative. He recommended approval of the project.

Commissioner Amyx said one of the main concerns he had was the interpretation of the sensitive areas section of the code and the interpretation being the same for every development. He said regarding one of the questions Klingenberg brought up about the run off water, he appreciated the developer's comment to make sure those kind of problems did not exist. He said he also liked that the development had approximately 1.6 people per unit as compared to single-family of 2.6, a difference of 768 people as compared to 1,248 people.

He shared the concern with Commissioner Highberger about the proposed name change. He said it was important to keep the name of the road the same.

He said several years ago, he was involved in a past City Commission where language was not in place that preserved sensitive areas. Particularly, at that time, an area to the west that had species of plant that needed to be protected. He said in this particular case, the applicant had done everything as possible for this open and recreational space. He said he appreciated the work done on this project and it would be a good project for the community.

Moved by Dever, seconded by Chestnut, to concur with the Planning Commission's recommendations to approve the annexation (A-11-07-07) request and place on first reading, Ordinance No. 8225, providing for the annexation of approximately 81.13 acres, located at the intersection of Queens Road & Wakarusa Drive. Motion carried unanimously. **(18)**

Moved by Chestnut, seconded by Amyx, to concur with the Planning Commission's recommendations to approve the rezoning (Z-11-28A-07) request and place on first reading, Ordinance No. 8226, providing for the annexation of approximately 80 acres, from A (Agriculture) to RM12 (Multi-Dwelling Residential) located at the intersection of Queens Road & Wakarusa Drive, subject to the following condition:

1. Maximum density is limited to 6 dwelling units per acre.

Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. **(19)**

Moved by Chestnut, seconded by Dever, to concur with the Planning Commission's recommendations to approve the rezoning (Z-11-28B-07) request and place on first reading, Ordinance No. 8227, providing for the annexation of approximately 80 acres, from RM12 (Multi-Dwelling Residential) to RM12-PD (Multi-Dwelling Residential Planned Development Overlay) located at the intersection of Queens Road & Wakarusa Drive, subject to the findings of fact found in the body of the staff report. Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. **(20)**

Commissioner Amyx said if there were any significant changes to this property, he asked if those changes would come back to the City Commission.

McCullough said this would go through the final development plan which was an administrative process based on a preliminary development plan. There was some criteria for minor revisions, but with staff's recent experience, they would be very careful about modifications, document those modification, and make sure those modifications were within in the code.

Commissioner Amyx said he wanted to make sure if there were any minor or significant changes, he asked about the process and what level of change would make it go back through the Planning Commission.

McCullough said the developer did not have much wiggle room in unit increase because they were right at the cap of 6 units per acre. He said with the western boundary, they had already begun discussions with the developer. As an example of change, there was some discussion at the Planning Commission level that this perception of a wall of units, staff was discussing with the Planning Commission the required buffer wall and any aesthetic changes that might stagger those buildings or break the perceived plain of building the wall at that location. He said they would run into minor issues as the developer engineered the site and that was the intent of having that code provision to let staff look at the site development as the developer proceeded through engineering.

Mayor Hack said the reason for those discussions was not that the City did not trust the development, but because the City had been through a rather difficult situation with a change that was significant, but was not interpreted that way which created angst. She said she was worried about that happening, but it was a good idea as these changes happen to keep the City Commission apprised of the situations which would help head anything off at the path.

Commissioner Chestnut said he suggested, once the final development plan came up, that the City Commission received a summary of what the staff perceived as those differences. He said the Commission would not be involved in the process, but the Commission could read to see if there were any questions for clarification.

Moved by Dever, seconded by Chestnut, to concur with the Planning Commission's recommendation to approve a Preliminary Development Plan (PDP-11-06-07) for The Links at Lawrence, located at the intersection of Queens Road and Wakarusa Drive, 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 **as determined by the City.**
 - b. Street and sidewalk improvements for George Williams Way **extending north of Links Drive.**
 - c. Geometric intersection improvements **(roundabout) for the intersection of Links Drive / Queens Road and / Wakarusa Drive.**
 - d. Intersection improvements, geometric and signalization, for Queens Road and W 6th Street.
 - e. Intersection improvements, geometric and signalization, for **the intersection of** George Williams Way and Links Drive.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Note added to the General Notes on the Cover Sheet, Sheet CO.0 to indicate that 'The density of the development is limited to 6 dwelling units per acre per condition of approval of the RM12 Zoning [Z-11-28A-07].'
 - b. Remove waiver #2 on the Cover Sheet, Sheet CO.0, which requests a waiver from the 800 ft block length Code requirement. This requirement applies to local streets only.
 - c. Dimensions must be noted for the 6' sidewalk on the east side of the extension of George Williams Way and the 5' sidewalk on the west side of Queens Road.
 - d. Figures in the site summary table for bicycle parking must be revised to correct the bicycle parking requirement for the Clubhouse from '1 per 10 auto spaces' to '5 or 1 per 4 auto spaces, whichever is greater', and the number of bicycle parking spaces required for the pool must be corrected to read '3' rather than '4'.
 - e. The pool requires 2 ADA compliant parking spaces and 2 are provided, but they must both be located as near the entrance to the pool as possible.
 - f. The 46.11 acres which is being designated as Common Open Space must be delineated on the plan and noted in the legend. The legend should also indicate that the 31.32 acres containing the shaded golf areas and the pool area make up the open recreation area.
 - g. A note must be placed on the Preliminary Development Plan stating that prior to any construction activity the perimeter of the wooded areas adjacent to the construction activity will be fenced at the drip line and signage erected stating that any construction activity, grading, trenching or storage is prohibited within the fenced area.
 - h. Lot 1, Block Three must be designated as a tract rather than a lot.
 - i. Additional landscaping must be shown on the plan to provide separation between the parking modules, per Section 90-913(j).
 - j. Western parking area, parallel with George Williams Way, must be divided into modules of 72 parking spaces or less.

- k. Note added stating that the use of the club house and pool is restricted to members only or to residents of The Links at Lawrence and their guests.
- l. Note added stating that the temporary easement for the sanitary sewer interceptor will be 100' during construction (30' additional on each side of the easement shown), and permanent easement will be 40', as shown.
- m. The golf cart and pedestrian crossings shown across Links Drive subject to the City Traffic Engineer's approval. Safety measures the City Traffic Engineer determines are necessary such as signage and pavement treatment, will be shown on the plan and implemented on site.
- n. Typical parking detail note on page CO.1 regarding typical curbing must be revised to read 'typical curbing' rather than 'typical curb or sidewalk'.
- o. General note added stating that the horizontal separation between all sanitary sewer lines and water lines is 10' or more.
- p. Any approved waivers or modifications must be noted on the face of the plan.
- q. Note 23 on Landscaping plan, (Sheet L1.2) must be revised to read 'All parking areas are screened from street R.O.W. with a 10' wide landscaping area containing shade or ornamental trees at the rate of 1 tree per 20 linear feet of parking area and coniferous shrubs (Seagreen junipers) as shown and berming. Such berming shall be a minimum of two feet in height. (new text is in bold print)
- r. The ADA parking spaces must be located as near the activity as possible. The 2 parking spaces required for the pool area must be located near the pool. One is currently located near the cart barn.
- s. Parking detail on page CO.1 must be revised to show dimensions for ADA accessible parking spaces as required in Section 20-913(e) of the Development Code. All van accessible parking spaces must have an 8' access aisle abutting the passenger access side of the designated parking space.
- t. Access restrictions must be shown and noted on the Plan. The area on Links Drive between the westernmost driveway and George Williams Way must be marked with hatch marks to indicate 'no access' and Links Drive must be marked with hatch marks to indicate 'no access' for 300' from the Wakarusa Drive / Queens Road intersection and a note added to the plan that no access is permitted in these areas.
- u. A General Note must be added stating that the City Engineer approved the reduced driveway spacing of 270' rather than the 300' feet required by Code at this location.
- v. Dimensions must be shown between the two driveways being provided on Links Drive, near George Williams Way. Per Code, these driveways must be spaced at least 250' apart or a waiver must be obtained from the City Engineer.
- w. Note added to the plan that the golf course will be developed and maintained according to the Audubon International Environmental Management Practices of Golf courses. **When the golf course has been constructed the property owner must apply for and maintain membership in the Audubon Cooperative Sanctuary Program. A copy of original site assessment and environmental plan must be provided to the Planning Office and the yearly report must be kept on file at the golf course office and made available to the public**
- x. **An area shall be designated on Links Drive for a future bus stop, per the approval of the City Transit Administrator.**
- y. **The following notes related to the timing of development must be added to the plan: "Building permits shall not be granted until the following have occurred:**

1. An all-weather road accessing the site shall be constructed that is acceptable to the Fire Marshal.
2. An agreement or agreements designating responsibility for repairs to Links Drive that are caused by construction vehicles or activity related to the construction of the onsite infrastructure and buildings shall be provided to the Public Works Department.
3. All other City Codes shall be met.”

“Occupancy permits shall not be granted until the following have occurred:

1. Links Drive shall be constructed, including intersection improvements to Queens Road/Wakarusa Drive and George Williams Way, to City Standards and shall be accepted by Public Works staff.
2. Funds shall be escrowed or a Benefit District formed for improvements to Queens Road adjacent to the east property line.
3. All other City Codes shall be met.”
 - aa. The extension of Wakarusa Drive through the Links Development shall retain the name Wakarusa Drive, rather than being renamed Links Drive.
 - bb. Playground areas must be designated on the plan for approximately 100 school age children, which is the number the applicant estimated would reside at the development.

Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. (21)

Consider approval of Z-10-69-05, a request to rezone two tracts of land totaling approximately 4.41 acres from RM24 (Multi-Dwelling Residential) to RSO (Single-Dwelling Residential-Office) [Note: the request originally rezoned the tracts from RM-2 (Multiple-Family Residential) District to RO-1B (Residence-Office) District], and consider adopting on first reading, Ordinance No. 8236, rezoning the two tracts of land totaling approximately 4.41 acres from RM24 to RSO. The property is generally described as being located north of W. 7th Street, west of Wisconsin Street (south half of 1803 W. 6th St., and 1710 W. 7th St.).

Scott McCullough, Director of Planning and Development Services, presented the staff report. He said this was a continuation of some discussions recently and was a rezoning from RM24 to RSO. The RM24 district was a multi-family district that allowed up to 24 dwelling units per acre. The RSO district was a single-family residential district that allowed some amount of attached dwellings, duplexes, those types of uses, with some community office uses and community facilities. The property was located on the west corner of 7th Street and Wisconsin.

The subject properties of the rezoning included a vacant parcel on the eastern leg and the western parcel was developed with the Eagles Club. The rezoning was initiated in 2005 as

a result of the implementation of the HOP District Plan, (Hillcrest, Old West Lawrence, and Pinckney Neighborhood Plan).

One of the main concepts of the plan was to keep 6th Street commercial in nature and transition from the commercial uses to a transition zone which would then transition into the single-family neighborhood to the south in that instance.

The history of the HOP Plan came out of a site plan application for multi-family development at 7th and Wisconsin. At this time the neighborhoods requested a plan be created and adopted to redevelop the area, to address redevelopment in the area, to look at updating zoning in the area, and to protect and enhance the area.

In May 2005, the City Commission approved the plan and directed staff to proceed with the rezonings which would implement the plan. One of the goals of the plan was to create a task force to review rezoning and land use compatibility. The task force identified the need to rezone 39 properties or portions of properties. He said the property in question was zoned RM2 and was requested to go to the RO-1B zoning district which its equal, in today's code, was RSO District.

He gave the approved and pending status of those properties to the City Commission. He said there were two areas that were not rezoned for different reasons. He said one of the areas was delayed because of the new code to see if there was a mixed use district that would help implement the plan goals. He said there were duplex and triplexes on two parcels.

He said there was an issue of creating non conforming uses for at least one of the four lots at this location. There was a protest petition of at least one or two property owners and was a decision to remove those four lots from the rezoning effort.

The rezoning was heard by the Planning Commission on January 28th, 2008 and received a unanimous decision to recommend approval of the rezoning. He noted that neither owner was present, but notification was submitted to both owners of the properties. There were approximately 10 plus neighbors from the neighborhood at the Planning Commission meeting.

The RSO district was consistent with the recommendations of the HOP Plan. It was a result of an important goal of the HOP Plan. The RSO District was consistent with the future land use map in Horizon 2020 and was also consistent that it would lower the allowed residential density while adding professional office uses for possible development as an option in the area.

Commissioner Amyx asked about the Eagles property and whether it was allowed to be at that location by a use permit or would that property be turned into a non-conforming use.

McCullough said that property would receive an automatic special use permit with this zoning and would remain as long as they did not expand or redevelop to a different use.

Commissioner Chestnut said the original zoning that converted from RM24 was RM2 which was 21 units but that zoning was in 1966 and carried forward since then and made that conversion in the new code.

McCullough said it was through the City's conversion to the new code.

Mayor Hack called for public comment.

Emily Hill, Hillcrest Neighborhood Association, and member of the HOP Area Plan Task Force, said their neighborhood was present in December when the City Commission unanimously made the decision to initiate the rezoning, which would be a critically important step in implementing the district plan and made their case in great detail to the Planning Commission. Their neighborhood turned out in force and was hardened and relieved the Planning Commission approved the City Commission's unanimous decision by approving it unanimously for a second time.

She said their neighborhood had been working on this issue for four years and has come out in force multiple times and assumed that tonight this would be on the consent agenda as it usually was when something like this was unanimously approved by the Planning office. She said City Commission was aware of how much neighborhood involvement and support this effort had for 4 years and thought everyone should be pleased because it demonstrated that

neighborhoods could, if they believed it was important, spearhead and push forward a very long term planning project. Their neighborhood felt good about the progress made and hoped the City Commission would continue to support their neighborhood.

Mayor Hack said the neighbors had done an exemplary job working through this project and complimented staff as well. It was a massive project and the results were good.

Commissioner Amyx said the neighborhood should be commended by putting together a plan that made a lot of sense in a very important corridor.

Commissioner Highberger said he wished the SmartCode was available during this process because they might have gotten a different result. He supported the proposed change.

Vice Mayor Dever said it was great to see the neighbors work together and get something done that would be to the benefit of the neighborhood.

Commissioner Chestnut said one of the things he enjoyed about this was that it was comprehensive and a good example of taking a sizeable area and working at the relationships instead of having spot zoning.

Moved by Amyx, seconded by Highberger, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the request for rezoning (Z-10-69-05) request and place on first reading Ordinance No. 8236, rezoning the two tracts of land totaling 4.41 acres from RM24 (Multi-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), property generally described as being located north of West 7th Street, west of Wisconsin Street (south half of 1803 West 6th Street and 1710 West 7th Street), based on the findings of fact found in the body of the staff report. Motion carried unanimously. **(22)**

PUBLIC COMMENT:

Hubbard Collingsworth, Lawrence, said regarding the regular agenda item that was deferred indefinitely, he asked if there could be a specific time frame allocated about when this item would come back to the City Commission.

Mayor Hack said what they heard today was the people at the Open Shelter were interested in visiting with individuals in the surrounding area to the proposed property and as soon as that was completed and the Open Shelter felt they worked through what was needed, then the item would come back to the City Commission. The City Commission's action was to send the item to the Planning Commission. The City Commission would not have made any decision pro or con about this particular location. In terms of the time, it was not up to City staff but up to the Open Shelter.

Commissioner Chestnut said dovetailing into that comment there were two pieces of information to post. One was the email sent to Loring Henderson that addressed the milestones. Also, there was correspondence from the Open Shelter addressing some of those milestones as well. He said that information would be helpful.

FUTURE AGENDA ITEMS:

03/04/08

- **CONSENT AGENDA ITEM** - Adopt on first reading, Ordinance No. 8235 establishing the City Commission quorum at four (4) Commissioners. Pursuant to Charter Ordinance No. 25, the City Commission quorum of four (4) Commissioners must be annually re-established by ordinance by March 31. A supermajority vote is required to pass the quorum ordinance.
- Consider approving, subject to conditions and use restrictions, PDP-03-02-05, a revised Preliminary Development Plan for Bauer Farm. The proposed planned commercial, office and residential development contains approximately 43.71 acres. The property is located on the north side of W. 6th Street (U.S. Highway 40) between Wakarusa Drive, Folks Road and Overland Drive. Submitted by Landplan Engineering, P.A., for Free State Holdings Inc., Free State Holdings LLC, Free State Group LLC and Bauer Farms Residential LLC, property owners of record

ACTION: Approve, subject to conditions and use restrictions, PDP-03-02-05, if appropriate.

- Discussion of Snow Removal Ordinance.
- Receive status update on Lawrence Freenet proposal for "Freenet-Kids".
- Presentation of Transportation 2030 Plan.

- Receive report from Health Care Access

03/11/08

- Receive report from ECO2.
- Receive briefing from attorneys on the City's attempts to acquire the Farmland Industries property.
- Consider the following items related to the Farmland Industries Redevelopment Plan:
 - a) Consider approval of the Farmland Industries Redevelopment Plan. (PC Item No. 14; approved 9-0 on 11/28/07)

ACTION: Approve Farmland Industries Redevelopment Plan, if appropriate.

- b) Consider adopting on first reading joint City Ordinance No. 8218/County Resolution No. ____ regarding the Farmland Industries Redevelopment Plan and CPA-2007-05, amending Horizon 2020, Chapter 14 Specific Plans.

ACTION: Adopt on first reading joint City Ordinance No. 8218/County Resolution No. ____, if appropriate.

TBD

- Receive annual report from the Lawrence Citizens' Advisory Board.
- Fire/Medical Department Apparatus Replacement Plans
- Receive follow-up staff report on sales tax options
- Consideration and discussion of proposed Neighborhood Revitalization Act plans. The Lawrence Association of Neighborhoods has indicated an interest in establishing a task force to review applications of the NRA.
- Consider amendments to Sections 20-804, 20-805, 20-808, and 20-815 of the Development Code for TA-09-21-07 to clarify that access shall be taken from a hard-surfaced road. (PC Item 13; approved 8-2 on 10/22/07. Approved by County Commission on 11/14/07.) *City Commission is awaiting additional comments from the County Commission before placing this item on a City Commission Agenda.*
- Consider approving request from Aquila, Inc., to transfer its franchise to Black Hills/Kansas Gas Company, LLC, and authorize the Mayor to sign the Franchise Transfer Consent Letter.
- Consider County request regarding special assessments in the East

Hills Business Park.

- Discussion of City/County funding relationships
- Approve, subject to conditions, SP-03-25-06, a site plan for improvements to the northwest corner of 9th and Vermont Streets (Carnegie Library). Submitted by Peridian Group, Inc., for the City of Lawrence, property owner of record.
- Receive status report regarding the timing and scope of sanitary sewer projects, and consider the following items:
 - a) Consider authorizing staff to advertise a Request for Proposals (RFP) for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan.

ACTION: Authorize staff to advertise a Request for Proposals (RFP) for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan, if appropriate.

- b) Consider authorizing staff to distribute a Request for Proposals for a Construction Management Agreement for the expansion of the wet weather storage capacity at Pump Station 09 (Four Seasons).

ACTION: Authorize staff to distribute RFP, if appropriate.

The Airport Business Park items have been deferred indefinitely at the applicant's request.

Airport business park land use and public financing issues. ***Because valid protest petitions have been received, a super-majority vote (4 votes) would be needed regarding the rezoning items.***

Consider approval of the requested annexation of approximately 144.959 acres and direct staff to draft an ordinance for A-06-05-07, for Airport Business Park No. 1, located at E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16A; approved 5-2 on 10/24/07)

- (a) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-09-07, a request to rezone a tract of land approximately 99.31 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District with use restrictions. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family

Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16B; approved 6-1 on 10/24/07)

- (b) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-10-07, a request to rezone a tract of land approximately 43.48 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16C; approved 6-1 on 10/24/07).
- (c) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-11-07, a request to rezone a tract of land approximately 26.22 acres, from A (Agricultural) & B-2 (General Business) Districts to IL-FP (Limited Industrial-Floodplain Overlay) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16D; approved 6-1 on 10/24/07).
- (d) Consider accepting dedication of easements and rights-of-way for PP-06-07-07, a Preliminary Plat for Airport Business Park No. 1, located at E 1500 Road & US Hwy 24/40. The Planning Commission will also consider a number of waivers from the Development Code with this request. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16E; approved 6-1 on 10/24/07).

- Sidewalk dining regulations and guidelines.
- Rural Water District contracts.
- Economic Development study session follow-up items.
- Consideration of ordinances to change the composition of the Convention and Visitor's Bureau Advisory Board.
- Consider natural gas franchise Ordinance for Atmos.
- Receive 2007 annual report from the Convention and Visitors Bureau.
-
- Receive update on the Lawrence Community Shelter UPR.
- Oread Neighborhood Study Session follow-up items.

Moved by Chestnut, seconded by Amyx, to adjourn at 8:45 p.m. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF FEBRUARY 26, 2008

1. Bid – Vehicle Towing Service for PD to Hillcrest Wrecker for \$29,900
2. Bid – 3 Rear Load Refuse Trucks for Public Works to Roy Conley for \$364,956.
3. Bid – 1 Roll-off Truck for Public Works to Diamond Int'l for \$86,616.
4. Bid Date Set – N Iowa ST & I-70 sanitary sewer & waterline relocation projects on March 18, 2008.
5. Purchase 2 CX 15 John Deere mowers off KLM Cooperative Contract from Deems Farm Equip for \$28,721.21
6. Ordinance No. 8197 – 1st Read, condemning property interests for W Baldwin Creek Sanitary Sewer Project.
7. Ordinance No. 8239 – 1st Read, Underground Wiring District, Chpt 5-19
8. Ordinance No. 8224 – 1st Read, Siting of Utility Facilities Chpt 5-20.
9. Ordinance No. 8238 – 2nd Read, Max Assess for GWW from Overland to N City Limits.
10. Ordinance No. 8238 – 2nd Read, annex W of Folks & S of N 1700 Rd., Bauer Brook Estates
11. Resolution No. 6756 – Public hearing, Transportation Development District.
12. Resolution No. 6757 – Public hearing proposed redevelopment plan.
13. Resolution No. 6758 – Supporting Northern Flyer Alliance, extend Amtrak through Lawrence between Oklahoma & Kansas City.
14. KS Development Finance Authority – \$30 million revenue bonds, KS Athletics Inc. Facilities.
15. Roofing contractor licensing ordinance.
16. DLI 2007 4th Quarter Report.
17. City Manager's Report.
18. Ordinance No. 8225 – 1st Read, Annex (A-11-07-07) 81.13 acres, intersection Queens & Wakarusa.
19. Ordinance No. 8226 – 1st Read, Rezone (Z-11-28A-07) 80 acres, A to RM12, intersection Queens & Wakarusa.
20. Ordinance No. 8227 – 1st Read, Rezone (Z-11-28B-07) 80 acres, RM12 to MR to RM12PD, intersection Queens & Wakarusa.

21. Prelim Dev Plan – (PDP-11-06-07), The Lings at Lawrence, intersection Queens & Wakarusa.
22. Ordinance No. 8236 – Rezone (Z-10-69-05), 2 tracts, 4.41 acres, RM24 to RSO, N of W 7th, W of Wisconsin
23. Text Amendment – Development Code –Transient & Homeless Shelter.