



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MICHAEL H. DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

May 13, 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 Dever presiding and members Amyx, Chestnut, and Highberger present. Commissioner Hack was absent.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Dever proclaimed the week of May 17th – 23rd, as National Safe Boating Week; and recognized the Lawrence Arts Commission 2008 Grant Award Recipients.

The City Commission recognized the Lawrence Arts Commission 2008 Grant Award Recipients.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the City Commission meeting minutes of April 29, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve claims to 281 vendors in the amount of \$2,347,188.88 and payroll from April 27, 2008 to May 10, 2008, in the amount of \$1,730,025.54. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Drinking Establishment License for Buffalo Bob's Smokehouse, 719 Massachusetts; and the Retail Liquor License for Neighborhood Liquor, 1906 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to authorize the City Manager to enter into a lease agreement with E-Z-GO to extend the current golf cart and utility vehicle agreements for Eagle Bend Golf Course through October 2012 at a cost of \$42,979.08 per year. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to set a bid date of Tuesday, June 17, 2008 for Bid No. B08036 the Kaw Water Treatment Plant Building Envelope Repairs Year 2A. Motion carried unanimously. **(2)**

The City Commission reviewed the bids for trash and recycling containers for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
American Equipment	\$75,120.00
Roy Conley & Co.	\$79,492.80
Burnip Equipment	\$110,074.00

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to award the bid to American Equipment, in the amount of \$75,120. Motion carried unanimously. **(3)**

The City Commission reviewed the bids for four (4) 35 yard refuse compactors for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
JV Mfg/Cram-A-Lot	\$66,959
Roy Conley & Co.	\$79,400
Downing Sales & Service	\$82,820

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to Roy Conley & Co. for \$79,400 because the bid from JV Mfg/Cram-A-Lot did not bid a Texoma Waste Control compactor. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve Change Orders 1-4 in the amount of \$50,728.18 to Kings Construction for Project No. 12-CP2-407(BD) the 25th Terrace O'Connell Road to Franklin Road, Street, Storm Sewer, and Waterline Improvements. Motion carried unanimously. **(5)**

The City Commission reviewed the bids for Project No. 01-SR1-108(S) Iowa Street (US-59/K-10), from 646.28' north of 31st Street to Clinton Parkway/23rd Street, milling, overlay, pavement marking, and minor geometric improvements for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$439,613.00
Asphalt Improvement Co.	\$422,854.45
LRM Industries, Inc.	\$437,459.35

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to Asphalt Improvement Co., in the amount of \$422,854.45. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to authorize the City Manager to enter into an agreement for the purchase of certain property interests for \$60,000 for the West Baldwin Creek Sanitary Sewer Project. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to place on first reading Ordinance No. 8270, rezoning (Z-03-08-08) approximately 140 acres for Bauer Brook Estates from A-1 to RS-40. The property is located at the southeast corner of Folks Road & Peterson Road. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning (Z-02-06-08) a tract of land approximately .39 acres, from RM12D (Multi-Dwelling Residential) to RS7 (Single-Dwelling Residential, property is located at 1309-11 West 8th Street, and a portion of 820-22 Canterbury Lane, subject to the following condition:

1. Approval and recordation of a minor subdivision at the Douglas County Register of Deeds.

Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to receive the 2008 First Quarter Report from Downtown Lawrence, Inc. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to receive the 2008 First Quarter Report from Lawrence Freenet. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to authorize the Mayor to sign a Release of Mortgage for Joseph and Lori Edgerton, 141 Michigan. Motion carried unanimously. (12)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the April Building Permit Report from the Development Services Division was available and there had been an increase in building permits.

Also the Transit System Department was awarded additional funding from Job Access Reverse Commute (JARC). A detailed plan of how that money would be used needed to be submitted to the Federal Transit Administration by June.

A revised Lawrence SmartCode was available online at <http://www.lawrenceplanning.org/TNDshtml>.

Finally, Overland Park City Council approved their first TIF project.

Also, during the City Manager's Report, Scott McCullough, Planning and Development Services Director, said he was pleased to introduce the latest member to Planning and Development Services in the Transportation Division. Todd Girdler was the new Senior Transportation Planner and his main function was staffing the MPO and he would be instrumental in their future efforts to designate the MPO into a different type of transportation body. He said Girdler came from working with Topeka and their MPO, and had good local knowledge and good relations with KDOT and other entities.

Commissioner Amyx said regarding the JARC grant, he asked if there would be room for discussion about the size of the equipment recommended.

Corliss said absolutely and knew that issue would be a point of discussion at the City Commission level. He said that matter needed to be fully briefed when the actual grant application came back for City Commission direction.

Commissioner Amyx asked if the City Commission should have a full discussion concerning the transit system at the same time the Commission would discuss the equipment size issue.

Corliss said discussion would be appropriate and Transit issues could be discussed on several other occasions as well. He said during the calendar portion of this meeting, he wanted to discuss whether or not the Commission could squeeze another hour at the end of a Budget Study Session to discuss extra steps on the analysis accomplished on the sales tax issues which related to Transit. He said clearly, they would not want to proceed with a grant application which included a local match for funds if that was not the right size vehicles the City Commission had in mind.

Mayor Dever said he had a conversation with Cliff Galante, Transit Administrator, on Monday and a meeting was scheduled the next day with KU and their representatives to discuss the potential merger coordination and bus sizes. He said Galante pointed out the average cut away bus, right now, was around 25 feet long and the average size of the fixed route buses were 30 feet. The bus looked a lot larger than it was, but was only a 5 foot difference. The difference of fuel economies was about 5.5 miles a gallon for the fixed route 30 foot vehicles and around 7 – 7.5 mpg on the

cutaway bus. There was not a substantial difference in size or fuel economy. They would go over more details and he would ask Galante for a more specific summary.

He said the cost was substantially less and those busses were about 1/10 of the cost. The main difference as far as utility went for cutaway busses, when those busses needed to be repaired sometimes those busses were out of service for up to 30 days. Whereas with the full size busses, a panel could be simply removed and replaced and could be back in service right away and he thought that was something everyone should think about when moving down that road.

Mayor Dever said the City Commission and public needed to know that type of information. It was important they kept up on that information because size mattered and mixing of the size and variation might help them save money. (13)

REGULAR AGENDA ITEMS:

Receive Lawrence/Douglas County Health Department 2007 Annual Report.

Dan Partridge, Director of the Lawrence/Douglas County Health Department, presented the annual report. He said the look and feel of their 2007 annual report was different than what was seen in the past. He said he had a strategic plan that focused on relationships with policy makers, community, and staff.

He said in defining their role as a local health department, he was using the National Association of County and City Health Officials, operational definition of a functional local health department. He said it was a level of service that should be for every citizen in the United States no matter where a person lived. It set the standard of performance for local health departments. They chose to focus on this definition because it had become the tool the Public Health Accreditation Board was using to put

together accreditation standards for local health departments. Their standards would become voluntary and start in 2011 and their goal was to be ready. He said there were 10 standards outlined in the definition, but he would only outline 6 standards.

The first standard was the health department should work to protect people from health problems. In 2007, they began providing HPV vaccines and Rotavirus vaccines. On a side note, medical advances were great but they usually came with a cost. For instance, when he was a child, his parents probably spent less than \$50.00 for a vaccination and as a child today, parents would expect to spend over \$500.00. The cost of medicine and public health continued to rise.

The second standard was to provide health information to the community. In 2007 they were recognized by the federal government for their MRC program and the work to promote and provide education to the public about emergency preparedness.

The third standard was to seek community solutions to health problems. They received national recognition from the National Association of County/City Health Officials (NACCHO) for their partnership with the Bert Nash Mental Health Center to assess and refer mothers at risk for post-partum depression.

The fourth standard was to help people receive health services. One of the barriers to not receiving good health care was not speaking the language. They had that problem in this community and every year the demand for language assistance increases. They had been able to hold the line for the cost for interpreters because they had people on staff that spoke other languages, primarily Spanish.

The fifth standard was to maintain a competent workforce. He said they conducted their first Quality of Work Life survey with positive responses in all

categories. He said the survey asked in a confidential, anonymous way, the employees about how they felt about their work. Again, he said they received positive responses, but the least positive was communication therefore, they focused on improving their communications with staff.

Finally, the sixth standard was to evaluate and improve programs, which was a personal focus as the new director. He said he would rather focus on the question of if the things they were doing were making a difference. In other words, they should not talk about how many shots they gave, but the immunization rate of how many adults received the flu vaccine this year and discuss getting that number up.

The program description they gave in the late summer was their first attempt in shifting that focus to finding different performance measures for their programs. They continued to work on that every day. Those measures would change and involve the budget they would send in this year and for the first time, had something other than counseling services.

He said another focus was telling the story of public health in story form. He said every program had associated with it, a story of a human being and the impact the program had with that person. He said they crafted their agency's story and discussed their past, present and future which could be found on their website and was part of reaching out to the community.

He said the Health Department tried to tell their story in the annual report using the Taylor family. The Taylor's received services through the health department by attending the family based sexuality class and immunizations. He said they also enforced child care and pool inspections.

He said regarding their revenue and expenses, a graph they provided in the report, showed their overall funding streams and the amounts realized in 2007 and showed the change from 2006 to 2007. Overall, revenues were raised 7.1%. The largest revenue was the fees which were up 32%, but under "other" it went down 39%. The federal grant dollars and County had the biggest increases.

He said total expenditures were approximately \$3 million so revenue minus expenses was approximately at a \$60,000 difference. Salaries and wages represented the vast majority of their expense which was 8.4%.

He said there was a question why salaries, wages and payroll seemed high. He said the Community Health Improvement Project was a separate entity, but the Health Department acted as their fiscal agent. He said their financials ran through the Health Department's financials and that entity's numbers were included in that report in which they had several vacant positions in 2006 that were filled in 2007. Also, their Executive Director had been put in a class called "Program", but they did away with that class and tried to be more descriptive in their chart of accounts and that expense went from "Program" to "Salary." Those two things represented 3.9% of that 8.4%.

He said they had a new position for the health department in 2007. They received a grant from the Success by Six Coalition of roughly \$50,000 to hire a nurse to do case management for their internal child health program. It was 11.6% of the increase.

In 2006 a market survey was conducted that increased survey selective positions which represented a 6% increase. The balance of what represented merit adjustments and cost of living was 1.7%

As for payroll, the biggest share was health insurance. They had several families of several employees move from the lower cost to the family coverage which was 8.4% of that difference. Also, there were several retirements in 2006 and as people retire they had to pay KPERS and taxes on those things, which also represented a lot of that jump.

He said during their board retreat, they attempted a SWOT analysis of their challenges and opportunities. Some of the things they identified were revenue declining. State revenue had been the no growth part of their revenue. In the past 10 years they had 5 grants funded by state tax dollars. Of those 3 out of 5 grants, they were receiving less money now than 10 years ago. The other two grants were at 1% and 3%. There was also an increase in the cost of pharmaceuticals and vaccines. They had tried to take advantage of public health pricing and generics and the Health Department was buying the cheapest things they could at this time.

He said regarding quality improvement they could take the opportunity to be a leader in accreditation as a vehicle to assure the Health Department could serve the public needs of this community. He said their focus was identifying gaps and they had done a self assessment and where they were lacking in meeting the standards for accreditation was in community health assessment which needed to be done every 3-5 years and had been over 10 years since they did a comprehensive assessment on the community's health needs.

Other things were health education and the quality and prudent side of those. They needed to do a better job in analyzing their data and evaluating their programs.

All those things fit in the direction the Health Department was going and saw this as a great tool to get further along faster.

Commissioner Amyx said in the budget that was submitted for next year, he asked if there would be a shift in priorities or would it be a maintenance type of budget.

Partridge said the budget sent was regarding maintenance with the exception of asking for a new position of a Community Health Specialist, to help the Health Department with assessments, evaluation and education. Overall, they were asking for a 4% increase. If taking that salary out for that position, they were asking for a 1% increase. They could do that because they had been aggressive this year in trying to get different sources of funding like pool licensure and food service inspection contract with the state. Those two things would bring in about \$100,000 and would be able to do those things with their current staff. It was revenue with no expense.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Chestnut**, to receive the Lawrence/Douglas County Health Department 2007 Annual Report. Motion carried unanimously. (14)

Consider amendments to Chapter 20 of the Development Code for TA-04-05-07 to create a Mixed Use Zoning District.

Consider approving CPA-2007-2, a Comprehensive Plan Amendment to Horizon 2020, to ensure property comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code.

Dan Warner, Planner, said he would briefly discuss the comprehensive plan amendment and Joe Rexwinkle, Planner, would discuss the proposed mixed use district for the Land Development Code. He said staff was proposing to amend Horizon 2020 to include a classification for the mixed use district and wanted to make sure they had

the proper comprehensive plan policy in place to support that mixed use district and in the Land Development Code. Staff was adding a description to Chapter 6, the Commercial Centers Chapter that discussed the mixed use district along with relevant policy that would support that zoning district.

Joe Rexwinkle, Planner, presented the staff report. He said regarding the history of the mixed use zoning district, on April 23, 2007, the Planning Commission initiated that amendment and held four public hearings in the course of exactly a year. On April 23, 2008 the Planning Commission recommended approval of the final draft of the language which was before the City Commission.

He said primarily, the need arose out of four issues which were:

- Conditions are changing which result in increased interest in mixed use development;
- Development communities are responding to the demand;
- Conventional development regulations separate uses; and,
- In response, many communities are development mixed use districts and development standards.

The goals of the mixed use district were:

- To respond to changing conditions;
- To accommodate a mixture of residential and nonresidential uses;
- To be pedestrian-oriented;
- To be transit-supportive;
- To accommodate redevelopment of nonresidential areas into mixed use districts;
- To accommodate mixed use development on a site by site basis throughout the community.

The rezoning process included:

- Rezoning requested and designation of development zones proposed;
- Request considered for recommendation by PC;
- City Commission has decision-making authority; and

- Rezoning process is the same as for other districts except a request for MU zoning requires the designation of development zones.

He said regarding the context and form of the district, staff took a one block area that was equivalent to the size of a block in the older part of Lawrence, or the downtown area and the form structure that was governed by the mixed use district. He said the primary zone and primary frontage permitted the most intense development, tallest structures with vertical mixed uses, and ground level nonresidential uses. The public frontage standards govern the width of the sidewalks, sidewalk dining, street trees and street furniture. He said if going around the block it transitioned from a taller structure along the primary zone and frontage to a middle height structure which was the secondary zone and secondary frontage. The tertiary frontages tended to have detached structures and single family detached homes in that zone. That zone was also appropriate in that there was a mixed use development site that was adjacent to existing development that was of that scale and form so if adjacent to detached structures that would be the proper zone to designate.

He said one of the questions that came up at the Planning Commission level was if there needed to be a block, how big did the site need to be and was it on a site by site basis. The intent of the district clearly spelled out they could have one lot or one small site and has the transitions and zones on the same site. This was termed as a step down type of development where there was one structure that was taller on one end of the building than the other. It could be accomplished on a smaller site.

The appropriate location for a mixed use district was:

- Must locate within ¼ mile of a Designated Transit Route;
- Near intersection of major streets;

- Within ¼ mile of university campuses
- Within ¼ mile of downtown
- Immediately adjacent to parks or open space; and
- Redevelopment of existing nonresidential sites.

He said when looking at the layers of appropriate locations for a mixed use district there were clusters that were more suited than others, but it gave staff, property owners, and the various Commissions, guidance. He said staff recommended approval of the language.

Commissioner Highberger asked if there was anything that would prevent limiting the amount of commercial space that had mixed use zoning.

Rexwinkle said there was no language that limited the amount of commercial space.

Mayor Dever said when saying adjacent, did that include properties that were adjacent, but roadways between or did those properties need to be physically adjacent.

Rexwinkle said they would deem properties across the street and define that as being adjacent. Abutting would be something that was physically touching the properties.

Commissioner Amyx asked Rexwinkle to go over the nonconforming use part of this proposed amendment.

Rexwinkle said the potential existed because there were a lot of form based developments in the zoning district to create non conformities mostly regarding nonconforming structures and the setbacks of the structures or the height. Not so much regarding the use because the district was pretty broad in terms of the uses it permitted. One of the comments received from the Planning Commission stage from a member of

the public was regarding that possibility. That would only happen with a property owner that willingly requested to rezone to the mixed use district. Adoption of that zoning district would not automatically create any nonconformity because there were not going to be any property zoned mixed use until a property owner requested it. It was a possibility and the language that was originally requested by the applicant and by that person was asking for language that said even after the property was rezoned as mixed use and after it was destroyed, it could be rebuilt on the same footprint it was built before which that nonconforming language would treat development in the mixed use district differently than any other development district because there was a whole article in the nonconforming code and the current language stated that if it was destroyed up to 60% it had to be replaced or replaced in compliance with the standards of that zoning district. Staff supported keeping that district with some modification.

Commissioner Amyx said regarding 14th and Massachusetts Street, across from Central Junior High, the Mass Street Music location, back in the 1980's there was discussion about changing zoning from legal nonconforming to the C-2 district, neighborhood commercial district, which created an uproar because of the uses that could be allowed in that C-2 district. He asked if the new mixed use district could take that legal nonconforming and apply this type of zoning or designation to clean up an area with multiple uses at that location.

Rexwinkle said yes. In terms of use, it would be helpful for a lot of existing mixed use type of developments. The intersection Commissioner Amyx mentioned was an older area and was mixed use in nature. In terms of use, it would help and as far as the development standards themselves, would be compliant in his estimation, but would

have to see a plan before staff could guarantee it would apply those standards. As far as use went, it would be compliant.

Commissioner Amyx said it was important to look at all the current non conforming locations in the community and come up with a mixed use plan for those particular sites, having something that was usable not only for today but to have future investment in those sites.

Vice Mayor Chestnut said in discussing where mixed use development would be appropriate, he said it was like tying the “must” to the designated Transit routes, and asked what would happen if the transit route changed.

Rexwinkle said that was a good question. He said staff tried to make sure this was supportive and mutually beneficial with Transit and that it worked well with Transit, but that it was not oriented around it so it was a completely useless district if Transit was changed or altered. Originally that was term was designated Transit stop and was changed from stop to route because the stops were not seen as permanent enough to develop an entire mixed use development around that location if it did not stay permanently at that location. This was something, the way the language was written, there could be a few minor amendments to the district language if the transit routes were to disappear or be moved. There could be minor changes to the language and would not unravel everything because it was not oriented around Transit.

Mayor Dever asked if he could explain the minor modifications that would be required.

Rexwinkle said Article 2, where this was located, would be altered and could potentially make the “and” an “or” in the list so that if they were within a quarter mile or

one of the other things that was a suitable location or they could take it out entirely. There were definitions they would need to change, which would probably be eliminating that definition. There was some development bonuses that he neglected to go over that would have to be altered because some of the incentives for using the district for certain types of development were based upon the availability of Transit.

Mayor Dever said if a route was changed or moved and none of the other items were applicable to that parcel of land, he asked if that land would no longer be eligible. He said if the land was currently overlaid with a mixed use designation, he asked what would happen if someone finished out a space and the route moved and was no longer within a quarter mile of that route.

Rexwinkle said he could not answer that question. He said he did not think it would be a non conforming issue. Those were location criteria that helped decision makers make the decision of whether or not to support that zoning. He did not think approving a mixed use district on a bus route and then five years later the bus route was not there anymore, if they received reductions in the amount of parking because they were on a bus route, they might deal with parking issues later regarding the amount of parking available and the property owners might not be pleased if their tenants were on a bus route and it was taken away. From the zoning perspective, it would not create any non conforming issues.

Scott McCullough, Director of Planning and Development Services, said that was a good synopsis, but it was also important to keep in mind the idea of it being Transit supportive came through the public meetings with the Planning Commission. He said if

more flexibility needed to be added, staff could do that and still have a more viable zoning district to create some good mixed use projects.

Commissioner Amyx asked if the criteria written to establish where it was appropriate to have a mixed use district was just a guide.

McCullough said those items are written as “shall” statements. They “shall” be within a quarter mile of a route and “shall” be within one of the other location standards.

David Corliss, City Manager, said it could widen in a way so it was a requirement at the time of adoption that if something changed, and things would change on Transit routes in the future, that it would not penalize the property owner so they suddenly would not have a non conforming use. It was a good discussion to have about some of those items, but with those uses, staff wanted to target for the maximum benefit and it made sense to have it in a relationship to Transit routes and if things changed, staff did not want to penalize the property owner.

Commissioner Amyx asked if there was a way to do that if the City Commission proceeded with the adoption and add the language later that allowed for that flexibility.

Corliss said text amendments were being worked on, but the ordinances were not drafted yet. He said staff could come back to the City Commission with language to show what had been changed.

Commissioner Amyx said the reason why he brought that issue up was because staff and the Planning Commission had done a lot of work and he did not see a need to send it back to the Planning Commission, if staff could up with language that would give the flexibility needed.

Vice Mayor Chestnut said the MU district needed to have a focus on transit. He said the University and downtown would not be moving, but the bus routes might move. He said the open space could change.

He said the other question was regarding intersections on major streets and asked if staff would be using arterial definitions from Public Works.

Rexwinkle said he used the term “major” as general term in his presentation, but the language stated “arterial streets” as classified on the major thoroughfares map.

Mayor Dever said he was wondering where this brew pub special use permit came from.

Rexwinkle said that was a request from the Planning Commission to add that as a special use and it was because this district encouraged residential uses in the same structure as the nonresidential uses and thought it should be a special use consideration given the fact there might be residential uses above or next to a brew pub.

Mayor Dever asked about other potential conflicting uses.

Rexwinkle said the Planning Commission was zeroed in on eating and drinking establishments such as bars, lounges, and nightclubs were not permitted. He said that special use permit for a brew pub was the only one permitted.

Mayor Dever called for public comment.

Bill Muggy, Jayhawk Bookstore, said he applauded planning staff and the Planning Commission in terms of trying to get this zoning 13 months ago from a concept to tonight’s action. This new zoning would affect him directly and he looked forward to being able to not only provide the on-going services that he had in his existing business,

but also realize that as things changed, whether it was in the a service a business might have to the community or university, the types of needs within the community change and certainly needed that capability within the dynamic atmosphere of the community. He looked forward to realizing the concerns the neighborhoods have had, particularly when he tried to make some movements within his needs, would rest assure to the community and neighbors that a lot of thought and planning had gone into this and a lot of things that had to be addressed in the past as changes that needed to be picked away one at a time could now be seen up front and be able to be addressed in overall site plans. He thanked them for the opportunity and for an overdue zoning need.

Vice Mayor Chestnut asked Rexwinkle to compare this zoning versus what kind of ability they would have with this zoning downtown.

Rexwinkle said downtown zoning district was a unique one that only applied to downtown and had different design standards that applied to the development that was permitted. The downtown zoning did not have parking requirements and minimum setback requirements. It was similar to the mixed use district in terms of form and parking issues, but was different because of its scale. It was different than other mixed use districts because of its size. There were some similarities in terms of the variety of uses that could be permitted in form and scale.

Commissioner Highberger said he was excited about this mixed use district and was happy to see this progress. They needed to recognize the value of mixed use areas and made neighborhoods great places to live. He was happy and thought it was a step in the right direction for the SmartCode.

Moved by Chestnut, seconded by Highberger, to approve the amendments to Chapter 20 of the Development Code for TA-04-05-07, creating a mixed use zoning district. Motion carried unanimously. (15)

Moved by Chestnut, seconded by Highberger, to approve a Comprehensive Plan Amendment (CPA-2007-2) to Horizon 2020, to ensure property comprehensive plan language is in place for a proposed Mixed Use District in the City of Lawrence Land Development Code. Motion carried unanimously. (16)

Moved by Chestnut, seconded by Highberger, to place on first reading Ordinance No. 8272/County Resolution No.____ , amending Horizon 2020 to ensure proper comprehensive plan language is in place for a proposed mixed use district in the City of Lawrence Land Development Code. Motion carried unanimously.

Corliss said he assumed it included staff working on the wording on the designated traffic routes. He said when it came back in ordinance form there would be a requirement the MU district be within a ¼ mile of a designated transit route when initiated, but if the route changed, they did not want to hurt that property owner.

Conduct a public hearing establishing the maximum assessments for improvements at the intersection of 6th Street and Congressional Drive.

Mayor Dever called a public hearing establishing the maximum assessments for improvements at the intersection of 6th Street and Congressional Drive.

Chuck Soules, Public Works Director, presented the staff report. He said the improvements were signaling the intersection, install a median south of 6th Street on Congressional to identify people were leaving a more developed commercial area to a residential area. The estimated costs for construction were \$331,000. Staff was going

do the island design work which was a raised median approximately six feet wide with colored/stamped concrete.

The Commission's action was to hold a public hearing and approve Ordinance No. 8273 establishing the maximum assessments.

Commissioner Amyx asked if there were any comments from the Prairie Commons neighborhood.

Soules said staff sent notices to everyone and never heard back from a concerned individual, but he believed the individual was satisfied with how things were progressing.

Commissioner Amyx asked if the properties had agreements not to protest benefit districts for those improvements.

David Corliss, City Manager, said obviously Wal-Mart and the southeast corner had signed those agreements, the northwest corner had at different times as it went through the land use processes. He did not know if the most recent development plan on that site was current, but they knew that was going to be one of their development requirements. He believed that was accurate.

Mayor Dever called for public comment.

Upon receiving no public comment, **it was moved by Highberger, seconded by Amyx**, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Chestnut, to place on first reading Ordinance No. 8273, establishing the maximum assessments for improvements at the intersection of 6th Street and Congressional Drive. Motion carried unanimously. **(17)**

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 05/13/08 • Commissioner Hack will be absent.
- 05/20/08 • Commissioner Hack will be absent.
- 05/27/08 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.***
- (a) 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)
- (b) 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)
- (c) 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).
- (d) 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).

- (e) 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).

- 06/03/08
 - Conduct public hearing regarding the sale and serving of alcohol within 400 feet of a school or church for a proposed outdoor event and concert (Lawrence Live) on the 900 block of New Hampshire.
 - Consider modification to site plan conditions (SP-08-53-04), Louise's West, 1307 W. 7th Street, for outdoor patio smoking area to remove the restriction of not allowing drinks on the fenced-in patio area.

- 06/17/08
 - Receive update from KDOT and HNTB on the design effort for the replacement of the 23rd Street Bridge.

- TBD
 - Downtown 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 adoption of Tax Increment Financing and Transportation Development District policies.

ACTION: Adopt policies, if appropriate.

- Receive staff memo regarding green burials.
- Approve rezoning Z-02-07A-08, a request to rezone a tract of land approximately 6.99 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential). The property is located S of Overland Dr between Stoneridge Dr & Queens Rd. Adopt on first reading, Ordinance No. 8265, rezoning approximately 6.99 acres (Z-02-07A-08) from UR to RM12. (PC Item 6A; approved 7-0 on 4/21/08)

- Approve rezoning Z-02-07B-08, a request to rezone a tract of land approximately 20.92 acres from UR (Urban Reserve) to RM15 (Multi-Dwelling Residential). The property is located S of Overland Dr between Stoneridge Dr & Queens Rd. Adopt on first reading, Ordinance No. 8266, rezoning approximately 20.92 acres (Z-02-07B-08) from UR to RM15. (PC Item 6B; approved 7-0 on 4/21/08)
- Approve rezoning Z-02-07D-08, a request to rezone a tract of land approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial). The property is located N of 6th St between Stoneridge Dr & Queens Rd. Adopt on first reading, Ordinance No. 8267, rezoning approximately 5.669 acres (Z-02-07D-08) from UR to CO. (PC Item 6D; approved 7-0 on 4/21/08)
- Accept dedication of easements and rights-of-way for PP-10-09-07, a Preliminary Plat for Creekstone, Stoneridge Dr to Queens Rd & 6th St to Overland Dr, a 7 lot subdivision containing 34.864 acres. (PC Item 6E; approved 7-0 on 4/21/08)
- Consider a request for a marked crosswalk together with pedestrian refuge islands on Louisiana Street adjacent to Dakota Street (Considered by the City Commission and referred back to the Traffic Safety Commission on 05/06/08).

COMMISSION ITEMS:

Moved by Highberger, seconded by Chestnut, to adjourn at 7:45 p.m. Motion carried unanimously.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MAY 13, 2008

1. Golf Cart & Utility Lease Agreement – E-Z-GO, for Eagle Bend Golf Course for \$42,979.08.
2. Bid Date Set – Kaw Water Treatment Plant, Envelope Repair Year 2A.
3. Bid – Trash & recycling containers to American Equipment for \$75,120.
4. Bid – Four 35 yard refuse compactors to Roy Conley & Co, for \$79,400.
5. Change Orders 1-4 - 25th Terrace, O,Connell to Franklin for \$50,728.18.
6. Bid – Iowa St, N of 31st to Clinton Pkwy improvements to Asphalt Improvement Co., for \$422,854.45.
7. Purchase Agreement – W Baldwin Creek Sanitary Sewer for \$60,000.
8. Ordinance No. 8270 – 1st Read, Rezone (Z-03-08-08) 140 acres, A-1 to RS-40, SE corner of Folks & Peterson.
9. Rezone – (Z-02-06-08) a tract .39 acre, RM12D to RS7, 1309-11 W 8th, 820-22 Canterbury Ln.
10. 2008 1st Quarter Report – Downtown Lawrence Inc.
11. 2008 1st Quarter Report – Lawrence Freenet.
12. Mortgage Release – 141 Michigan, Edgerton.
13. City Manager's Report.
14. Lawrence/Douglas County Health Dept 2007 Annual Report.
15. Text Amendment (TA-04-05-07) Mixed Use Zoning District.
16. Comprehensive Plan Amendment (CPA-2007-2) – Language for Mixed Use District.
17. Ordinance No. 8273 – 1st Read, Max Assess, 6th & Congressional.