



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

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

June 3, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, Hack, and Highberger present.

EXECUTIVE SESSION

Moved by Amyx, seconded by Hack, to recess into executive session for 40 minutes for the purpose of discussing matters relating to employer-employee negotiations. The justification for the executive session is to keep negotiation matters confidential at this time. The Commission will conclude the executive session at approximately 6:10 p.m. and resume the open meeting at 6:35 p.m.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the City Commission meeting minutes of May 20, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Hospital Board meetings of April 16, 2008; the Mental Health Board meeting of March 25, 2008; the Board of Plumbers and Pipe Fitters meeting of April 16, 2008; and the Convention and Visitors Bureau Advisory Board meeting of April 23, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve claims to 356 vendors in the amount of \$758,733.96. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Drinking Establishment Licenses for Scarlet Orchid Restaurant, 2223 Louisiana, Ste. C; Red Lyon Tavern, 944 Massachusetts; Paisano's Ristorante, 2112 West 25th Street; and Royal Crest Lanes, 933 Iowa. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the recommendation of the Mayor and appoint Mel Lisher and Tom Cox to the Board of Electrical Examiners and Appeals, to terms which will expire March 31, 2011; appoint Verdell Taylor and Milton Scott to the Douglas County Community Corrections Advisory Board, to terms which will expire May 31, 2010; appoint Joyce Wolf and reappoint Trudy Rice to ECO², to terms which will expire June 30, 2012; appoint Joan Golden to the Public Library Board, to a term which will expire April 30, 2012; appoint Derek Meier to the Public Transit Advisory Committee, to a term which will expire December 31, 2010; and appoint Ken McGovern to the Mental Health Board, to a term which will expire April 30, 2009. Motion carried unanimously.

The City Commission reviewed the sole bid for 408 residential trash and recycling carts for the Public Works Department. The bid was:

BIDDER	BID AMOUNT
Roy Conley & Company	\$23,832.00

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to award the sole bid to Roy Conley & Company, in the amount of \$23,832.00. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the Planning Commission's recommendation to approve text amendment (TA-04-02-08) to include "Extended Care Facilities" as a use permissible by a special use permit in the IBP (Industrial/Business Park) District and place on first reading, Ordinance No. 8278. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the Planning Commission's recommendations to approve the preliminary plat (PP-03-04-08) for Bryant Addition, located at 1214 East 23rd Street, a one lot nonresidential subdivision, and accepted the dedications of easements and rights-of-way subject to the following conditions:

1. Revise Note #11 to state that Public Improvements proposed include sidewalk and construction of new access point;
2. Add a note stating that a Right-of-Way Work Permit shall be obtained from the City Clerk's Office for all construction work in the public right-of-way.

Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the preliminary plat (PP-03-03-08) for Todd Subdivision, located at 725 Elm Street, and accepted dedication of easements and rights-of-way, subject to the following condition:

1. Add a note to the preliminary plat which states that an Agreement Not to Protest the Formation of a Benefit District to finance the construction of sidewalks and street improvements will be required prior to final plat approval and recordation.

Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve use of Guest Tax Reserve Fund for website programming for Convention & Visitors Bureau in the amount of \$15,000.00. Motion carried unanimously. **(5)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve request from the Lawrence Public Library for a partial transfer of funds, \$46,312.05, from the City's capital reserve fund earmarked for the library for two library capital improvement projects; electrical work \$5,048, performed by Wyre, Inc., and a local area network computer rewiring project, \$41,264.05, performed by Sunflower Broadband. 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 with Alcott, L.C., which provides for the acquisition of property interests and improvements to the private parking lot and sidewalk at the corner of 19th Street and Louisiana Street during geometric improvements and approve Change Order No. 1 in the amount of \$29,000. Motion carried unanimously. (7)

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 Khalid El-Hassan and Saadia Malik, 2820 Harrison Place. Motion carried unanimously. (8)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said items in his report included good news about the May sales tax distributions; downtown road work was beginning on Massachusetts Street from 6th Street to North Park; a letter from the Lawrence-Douglas County Health Board indicated that EPA's more stringent standards might affect Lawrence; and, Fire/Medical Department was applying for equipment grants.

Commissioner Hack said USA Today had an article about Lawrence's sales tax related to Kansas University's National Championship and the impact the championship had on increased spending. (9)

REGULAR AGENDA ITEMS:

Consider adopting on second and final reading, Ordinance No. 8275, establishing STOP signs at the four (4) traffic booth entrances on the KU campus.

Chuck Soules, Public Works Director, said KU would like to establish stop signs at the four entrances of campus which was discussed at a previous City Commission meeting. The Commission's action was to adopt the ordinance on second reading.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Hack, seconded by Highberger,** to adopt Ordinance No. 8275, establishing “stop signs” at four (4) traffic entrances on KU campus. Aye: Dever, Hack and Highberger. Nay: Amyx and Chestnut. Motion carried. **(10)**

Consider the following items related to the Ironman Triathlon, Lawrence Live Concert and Expo, and Rock Calk run on June 13 – 15, 2008.

- a) **Conduct a 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) in the 900 block of New Hampshire on June 13, 2008.**
- b) **Consider request for donation of City services in support of Lawrence Live, the Ironman Triathlon, and Rock Chalk Run from the Police, Fire/Medical, Public Works and Parks & Recreation Departments. The cost of City services will be approximately \$4,915.**
- c) **Consider approval of a Special Event Permit and use of right-of-way permits for the Lawrence Live Concert and Expo and the Rock Chalk Run.**

Mayor Dever called a public hearing regarding the sale and serving of alcohol within 400 feet of a school or church for a proposed outdoor event and concert.

Joseph Rexwinkle, Planning, said the event was planned to be held June 13th although the applicant was asking that the permits begin on the 12th. The event included live entertainment, concerts and athletic vendors. The event would not have food vendors, but encouraged people to spend money at restaurants in the area. Alcohol sales would be provided with controlled access and it would be open to the public.

He said the use of right-of-way would be in an area at 9th and New Hampshire. The Special Event permit was the private properties north of the Arts Center and north of the parking garage.

Jonathan Douglass, Assistant to the City Manager, presented the staff report. The Convention and Visitors Bureau asked for a donation of City services supporting the triathlon for the Lawrence Live and the Rock Chalk Run events which were a 5k and 10k race. The services included fire/medical and traffic control and the use of traffic barricades, and trash barrels. The report indicated the approximate dollar amount of those donated services.

The applicant also requested a Use of Right-of-Way Permit for the 5k/10k race. The race would start just north of 9th and New Hampshire and south of the entrance into the Farmers Market parking lot.

The final request was for a temporary alcohol permit and approval for sale, possession and consumption of alcohol during the concert which required a public hearing and adoption of an ordinance.

Commissioner Amyx said regarding the road work scheduled for Massachusetts Street, he asked if staff took into consideration the routes that would be closed along with those events taking place in downtown area.

Chuck Soules, Public Works Director, said staff rerouted the 5k and 10k run and the other events were taking place in the evening where no conflict would occur.

Douglass said registration for the triathlon would begin Friday afternoon on New Hampshire along with the athletic vendors. He said 9th Street would not be closed.

Mayor Dever called for public comment

Bob Sanner, Convention and Visitor's Bureau, said the event started on Friday at noon and upon ending the concert at 10:30 p.m., that section of New Hampshire should be reopened by midnight.

Commissioner Amyx said the Commission received correspondence from a person who owned the building to the north of the parking garage across 9th Street and asked if Sanner was aware of those concerns.

Sanner said that correspondence was brought to his attention Thursday afternoon and he tried to get in touch with that property owner to explain their plans.

Commissioner Amyx said the property owner had concerns regarding activities that took place behind his building after the last Wilco concert and suggested more presence, behind that building, because of those problems.

David Corliss, City Manager, said Douglass had been in contact with the property owner, as well, and it would be duly noted as staff monitored the concert.

Moved by Hack, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Commissioner Hack said this was a good event that would bring a lot of good things to the Lawrence community.

Mayor Dever said he agreed this event was a big event for the community. There would be a number of world class athletes in the area and it would be exciting to see those athletes compete in those events. He said the event would showcase the city, landscape, and it would be an opportunity for people to learn about the Lawrence community as well.

Moved by Amyx, seconded by Highberger, to find that the proximity of the temporary event is not adverse to the public welfare and safety and place on first reading, Ordinance No. 8281, authorizing the temporary sale, possession, and consumption of alcoholic beverages within 400 feet of a school or church on June 13, 2008 for Lawrence Live Concert. Motion carried unanimously. (11)

Moved by Amyx, seconded by Highberger, to approve the request for donation of City services from Police, Fire/Medical, Public Works, and Parks and Recreation Departments, valued at approximately \$4,915, in support of Ironman Triathlon, Lawrence Live Concert and Expo, and Rock Chalk Run on June 13 – 15, 2008. Motion carried unanimously. (12)

Moved by Amyx, seconded by Highberger, to approve the special Event Permit and Use of Right-of-Way Permit for Lawrence Live Concert and Expo and the Rock Chalk Run. Motion carried unanimously. (13)

Consider the following items related to the proposed Creekstone Development, north of West 6th Street, between Queens and Stoneridge Drive:

- a) **Consider approval of 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 south of Overland Drive between Stoneridge Drive and Queens Road.**

- b) Consider approval of 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 south of Overland Drive between Stoneridge Drive and Queens Road.
- c) Consider approval of Z-02-07D-08, a request to rezone a tract of land approximately 5.669 acres from U (Urban reserve) to Co (office Commercial). The property is located north of 6th Street between Stoneridge Drive and Queens Road.
- d) Consider accepting dedication of easements and rights-of-way for PP-10-09-07, a Preliminary Plat for Creekstone, Stoneridge Drive to Queens Road & 6th Street to Overland drive, a seven lot subdivision containing 34.864 acres.

Mary Miller, Planner, presented the staff report. She said the item before the City Commission was the Creekstone Development Proposal which was located north of West 6th Street. The development proposal included three rezoning requests from the Urban Reserve District to the Commercial Office District, and the RM15 and RM12 Districts, which were medium density and multi-dwelling residential districts. It also included a preliminary plat for a 6 lot subdivision.

She said with the exception of the property adjacent to the two intersections, rezoning requests to the CN2 District had been proposed for those corner sections, and were considered at the April Planning Commission meeting, but the Planning Commission voted to defer the rezoning request and recommended the applicant submit rezoning requests to the CO District, as the CN2 District was not considered in compliance with the Comprehensive Plan and it was not possible to rezone to the CO District using the lesser change table. Rezoning requests for the corner properties to the CO District were submitted and would be considered by the Planning Commission at their July meeting.

The property adjacent to the West 6th Street, between the two intersection areas was 5.67 acres and was proposed to be rezoned to CO District, Commercial Office; 20.92 acres to the north was proposed to be zoned RM15, medium density multi-dwelling residential zoning with reduced density; and 6.99 acres at the north of the subject property was proposed to be

RM12, medium density multi-dwelling residential zoning with a reduced density (12 units per acre rather than 15 units per acre).

The Planning Commission considered those items at their April 21st Planning Commission meeting and voted unanimously to recommend approval of the three rezoning requests and the preliminary plat with revised conditions. Planning staff recommended approval of the residential rezoning requests based on their compliance with the recommendations in Horizon 2020 and the Northwest Area Plan. Staff recommended denial of the Commercial Office rezoning based on Horizon 2020's recommendation that all future commercial uses be developed in nodal patterns to avoid linear or strip commercial development and the recommendation in the Northwest Area Plan that this area be developed with a mix of office/multi-dwelling residential uses.

She said while the CO District permits primarily office uses with limited commercial uses, The Northwest Area Plan designates this area for Office/Multi-family mix. Commercial uses, in any percentage or ratio to office uses, were not recommended for this area. The corresponding zoning district which would fulfill the plan's designation was RMO, which permitted multifamily and office uses. Staff's position has been and continued to be non-supportive of the CO zoning request. However, the CO, with its noted restrictions, was more compliant with the plan than any other commercial zoning districts.

She said at the April 21st meeting the Planning Commission also voted unanimously to approve the Preliminary Plat, subject to revised condition. Condition of approval number ten, which was revised to include the option of financing the right-turn lane on Stoneridge Drive at the Kelly Drive and the left-turn lane on Queens Road either through benefit district financing.

She said a concept plan was provided for the development proposal, which showed the proposed layout and the general uses being proposed in the commercial development. Approximately 360 units were proposed with the multi-dwelling portion.

She said this concept plan was provided with the original development proposal at that time the rezoning request was for the entire property along West 6th Street to be CN2, Neighborhood Commercial Zoning. The zoning being requested had been revised to CO; therefore, the uses as shown in the concept plan would no longer be appropriate. The CO District permits some retail use such as restaurant, fast food restaurant, general retail and convenience store, as shown on the concept plan, but required those uses to be a small portion of larger office development, 10% of the office building or 10% of the office buildings in the complex. The applicant was aware that the uses as shown on the concept plan would not be permitted in the CO District.

Mayor Dever asked Miller to restate the comment regarding the 10% of the office building or 10% of the office building in the complex.

Miller said there were only certain retail uses that were permitted in the CO district which were general retail sales, quality restaurant, fast food restaurant, and food and beverage sales which included a convenience store. Those uses were permitted with the restriction that those uses occupied 10% of the office building or 10% of the total square foot of the office complex.

Mayor Dever asked if was a total on the plat itself or within a parcel or within the entire approved square footage.

Miller said within the buildings of the office complex. So if the buildings were arranged to form a complex, it would need to be 10% of the buildings.

Mayor Dever asked if it was 100,000 square feet, the building could have 10,000 square feet of retail space.

Miller said each one of those uses would have 10%. If the building was 100,000 square feet, there could be 10,000 square feet of quality restaurant, 10,000 square feet of fast food restaurant.

Commissioner Hack asked it was 10% aggregate or for each use.

Miller said each use. For instance, retail sales, general, was a permitted use but could only be 10% of the building in which it was located or 10% of the total office complex for that use.

Scott McCullough, Development Services/Planning Director, said on a 100,000 square foot building, 40-50% of it could be, if all the aggregated uses were together, a 10,000 square foot convenience store, 10,000 square foot restaurant, 10,000 square foot fast foot restaurant. Staff interpreted the code that about 50% of that could be retail use, but the other 50% had to be office use. It was the total square feet they started with in the complex.

Mayor Dever said they could end up with a 10,000 square foot building and 5,000 of it could be one of the four approved uses in the building.

McCullough said yes, those were the maximum limits for the 10% rule or maximums for the three or four types of retail uses.

Commissioner Amyx asked if they were considering the three center lots for CO Districts, but there were additional commercial on the lot on the east and west and how much total building space could happen on those five lots.

Miller said it would be 50,000 square feet because they did the retail market study, but was not sure of the total because they could have more than one story.

Commissioner Amyx said going back to the nodal plan and the time there were discussions with Mercato about the area at 6th and Wakarusa where the allowed maximum retail space was not permitted, but in fact negotiated down. He said the way he read it, this commercial did not appear on any of the plans.

Miller said no because it was not designated for commercial.

McCullough said the plan staff used was Horizon 2020 which talked about the nodal concepts and policies about commercials and nodes. The specific plan used to guide staff was the Northwest Area Plan and was a plan that was a bit outdated, but still used that plan as a guide and other developments in the area had been used for the purpose of developing in the

area. That particular plan had designated this property as office/multifamily uses. Different language was used and developed a little bit further along the sector plans to give it more specific uses, but reading policies and narrative in that plan, staff's position was that commercial did not enter into that designation where office and multifamily did so the RMO District could be supported, which was the multi-family and office zoning district that correlated to that designation. Certainly the CO District got it further into compliance than CN2, which was why the applicant was trying to reach compromise with the Planning Commission during their lengthy discussion at the Planning Commission level.

Commissioner Highberger asked McCullough to discuss the sequence of the preliminary plat.

McCullough said the preliminary plat was submitted with those rezoning applications and as the hearing process unfolded at the Planning Commission level, the applicant requested and received the deferral of the two corner pieces, but desired to keep moving with the plat. After some discussion at the Planning Commission level, they agreed by condition to move forward with the preliminary plat but condition the preliminary plat on no final plat recordings for lots that did not have final zoning at this time. There was UR zoning at the corner pieces right now which would break it into a phased preliminary plat. The applicant was probably most interested today in the north portion, the multifamily segment, and wanted to go forward on that portion as quickly as possible and did not want to go back and do the plat on the southern portion understanding it might be subject of re-platting the preliminary plat, depending on the rezoning that was approved.

Commissioner Highberger said effectively the plat and the zonings would take effect simultaneously.

McCullough said yes. Staff conditioned the plat on the zoning, which was another way of saying not to do the zoning before platting. They would be concurrent when caught up to each other.

Phil Struble, Landplan Engineering, representative of the Creekstone Project, said there were four issues before the City Commission which were the RM12 rezoning, RM15 rezoning, CO rezoning, and the preliminary plat.

He said regarding the RM12 zoning, they had to get away from maximum densities and get to minimum densities. They were forced to reduce their density on the north part of their property, although the Northwest Area Plan indicated this property was to be up to the RM15 density, because someone adjacent chose to do a less dense plan than the plan showed. He said there was a small buffer of RM12 that looked goofy and did not make sense, but it was how they had to satisfy the transition zoning. In their plan, they could deal with that kind of transition although in an urban setting and growing setting, it was not the right way to plan a community. He said the City Commission was aware of how much money was being spent on things like sewer infrastructure and street infrastructure, but limited density to take access and to pay for it. They were coming back and shooting themselves in the foot as they went through the process.

He said Kelly decided in his plan that what he wanted to do with this property that this worked. In the concept plan, there was a cool green area in the middle that would be a people space. There were a number of walking trails that would make this an enticing neighborhood. He said as a community when talking about maximum densities and minimum densities, they were missing a lot of opportunity to pay for this infrastructure, to get people to that location, and deal with traffic.

He said now they were at a commercial opportunity. He said this project started with the area as CN2 zoning and wanted to that put that zoning in the 6th Street frontage of this property. He said there had been a lot of discussion about Lawrence wanting to be a walk-able community. The definition of a walk-able community was a quarter mile. It was not a quarter mile from your son's house to his best buddy's house, it was from your house to a destination; a school, park, place to shop, a place to do business. They looked at the area, which was an interesting area, and took a quarter mile radius around the project and there were 1,143

planned units and almost 2,200 bedrooms within a quarter mile walking distance of this project. If Lawrence wanted to develop walk-able communities, those people needed to have a place to walk to. Their initial concept was where someone could go buy a newspaper, eat lunch, get a gallon of milk, or bank without getting in your car or interfering with the intersection of Stoneridge, Queens Road, and George Williams Way. If talking about walk-able communities, a person needed to think in terms of those small pockets of commercial nodes. They had gone through the commercial zoning guidelines and found it did not allow for walk-ability. They wanted CN2 zoning because the two things lost when agreeing not to do that type of zoning were gasoline sales and drive thru food in which they were disappointed because those amenities were big when coming to a commercial center.

He said in their conversations with the Planning Commission, CO zoning was suggested, allowing for a bank, general food sales, fast food with no drive thru, and a quality restaurant, which were things people could walk to. That site would not be competing with Wal-Mart or Mercato, but simply trying to find a way to create a walk-able community. He said in his conversations with the Planning Commission, the Planning Commission agreed the walk-able idea was a good idea and something was needed at that location that did not compete with other uses. The Planning Commission agreed with the center as CO zoning and they applied for Commercial Office zoning on the two corners and their last request would be discussed at the July Planning Commission meeting.

He said he did not like the CO zoning because he did not think it would work, but now in his opinion, in viewing the urban plan, it was pretty cool. He said 10% of their square footage could be quality restaurants, 10% could be general retail, and 5,000 square feet could be mixed media. If adding it all up, this type of zoning forced the development, the more commercial added, the more office space was needed. It forced them to look at figuring out some way to construct a two and three story building that had commercial on the first floor and office on the

remaining two floors. He said his client was not in the business of constructing those types of developments.

He said the CO zoning was taboo to him at one time but not anymore. If taking those costs of the benefit districts the City Commission imposed on this piece of property already, it was \$4.00 a square foot or \$160,000 an acre of costs. It was almost \$6 million worth of cost for Stoneridge, Stoneridge and 6th intersection, Overland, Queens Road, Queens Road and Overland, Queens Road and 6th Street intersection, have all been added to this piece of ground. He said those types of cost could not be handled in a single family development. He said they did not sell \$200,000 lots, very often, in Lawrence, Kansas. That type of development could not be done in an office setting. This area needed a mixture of multi-family and commercial office that could absorb those costs. The City Commission already adopted ordinances for that piece of ground. He said the developer was not complaining about the costs of the benefit districts, but the costs were significant and those costs would not go away. He said people wanted cheaper rent and one way to get around that was to allow goods and services in the area. This concept was new to the area and encouraged the City Commission to approve their CO zoning and multi-family zoning and allow the developer to attack this exciting project.

David Corliss, City Manager, said the City Commission had not approved the benefit district for Queens Road or for 6th and Queens, but staff was working on getting some possible benefit districts to the Commission for the improvement of Queens Road, North of 6th Street. He said he did not have any reason to disagree with Struble's cost estimate, those were maximum assessments, but typically hoped to have numbers less than the maximum assessment. He said that property should participate in the costs of Queens Road, but the exact costs for the benefit district had not been determined and the Commission would see that in the future.

Commissioner Highberger asked how the traffic circulation within the parcel would work. He understood there was one public street and asked if there were any private streets.

Struble said all of the streets were private within this project and identified locations of access to public streets. The project was not designed yet, but they looked at 340 – 380 apartment units on this piece of property and their study was entirely commercial, not half commercial and half office. When looking at the traffic study, they came up with turn lanes that fit within the City's plans. He said it was satisfying to go through all those exercises and once they put the whole thing together, they were bordered on all sides by other projects and by significant road projects and today, the planning numbers came together and worked.

Mayor Dever said he saw the submittal and the PowerPoint presentation of the layout of the buildings on the southern portion of the parcel and asked what was being envisioned.

Pat Kelly, developer of the property, asked if the Commission wanted to envision what multi-family as well as commercial buildings would look like.

Mayor Dever said no. He was more concerned what the southern portion of the parcel would look like from the original plan submitted which was no longer applicable.

Struble said one concern was those five lots which was a good solution if zoned CN2 because a bank could be at one corner, a convenience store, and a drive through restaurant next to it. Now, their concept was all CO across that section and it opened the door up for a lot of opportunities. For example, if they took the left two lots and put in a 25,000 square foot building that was three stories on one end, one story on the other end, a Subway on the corner and a bank on the other corner of the building, and the rest of the building was offices, was all brick and faced to the north, but was all four sided architecture which was what commercial code required. On the other three corners they would construct two or three other small buildings and one building was a bank of the same architecture style and the second building might just be an office building. The code talked in terms of it being a complex. Since this was only a preliminary plat, they were not stuck with the lot lines because that area had not been platted. He said it could be one lot. It would not be one building because there was too much grade elevation, but it could be two buildings and also could be five buildings. He said what was

being discussed was a buffer between a multi-family and 6th Street and the appropriate use. He said their layout was identical to the layout was in the Northwest Area Plan; it was just not all office, but half office. He said right now there was not a comparable project in the Kansas City Metro area or in Lawrence.

Mayor Dever said it was important this issue be figured out. He said when presenting a bunch of parcels individually and discussing how the appropriate amount of office would fit along with commercial on this parcel, a person would wonder what it would look like, but he thought his question was answered by the discussion of replatting and spreading it out across the area.

Struble said they had a preliminary plat to proceed, but once they got to this piece of ground they would come up with the right product for this piece of property.

Mayor Dever said they were talking about economics and future cost of the development, but if they were going to sell off, those uses needed to make sense. He did not want them to steer down the path and then not have a good understanding of what they were looking at.

Struble said the City's new zoning code would cause a lot of conversations they did not know a lot about. He said they would be coming in frequently asking to zone a piece of property where they did not know what the picture was going to look like because that was how it was set up. He said as long as the design guidelines were met, they could proceed. He said they needed to work their way through this issue.

Commissioner Amyx said if he understood, the most important part of this project was the RM15 and RM12 zoning. The request was for CO on the east and west corners of the property. It seemed there was a conflict from staff on their recommendation between some office developments versus the CO. He asked what would happen to the project if the recommendation from the Planning Commission was different than having a CO on those two corners.

Struble said that was why he pushed vigorously to get their preliminary plat to proceed because the multi-family, the RM15 and RM12, was the type of zoning their client did. If they did not get CO on those two corners, they would be in a holding pattern on the front piece, but they knew they would be there anyway because it was not their priority project. They wanted to have the preliminary plat approved. The two corners had no zoning still and they could proceed with the multi-family project until they worked their way through why the Planning Commission did not like what the Planning Commission told the developer to do.

Commissioner Amyx said that zoning had not been before the Planning Commission on the east and west corners. He said he did not have any problem with the preliminary plat or the zoning to the north. Right now, it was a question as to the type of zoning and it needed to be looked at as an entire package instead of having the CO in the middle and unknown zoning on the east and west corners because it should be considered as an entire package for the zoning use.

Mayor Dever asked McCullough to clarify the acreage and where the 5.669 acres of land was located.

McCullough said that area was the center portion.

Mayor Dever said he was looking at the preliminary plat and did not seem to add up.

Struble said the difference would be the right-of-way.

Mark Anderson, Barber Emerson LC, said he wanted to read a part of an e-mail that was sent from staff a few months ago when they were proposing CN2 and why they went to CO which read:

"The site is designated in the Northwest Plan for an office, multi-family mix of uses. Horizon 2020 defines offices, a commercial area in which office and service uses predominate. Section 20-209 of the Development Code contains information on the CO (Office Commercial) zoning district."

The purpose of the CO district was defined in section 20-2009a as, "The CO Office Commercial Zoning District was generally intended to function as a medium intensity office zoning district. The district is intended to prevent strict commercial development by allowing office uses, but not allowing other commercial uses, and to serve as a land use buffer between arterial or collector streets and residential neighborhoods. The district allows freestanding office buildings as well as office parks. The CO district would be an appropriate zoning district for this site."

He said for section 20-2006a of the development code, the purpose of the RMO district was to accommodate mixed use development of low and moderate intensity, professional and administrative offices that were compatible in character to medium and high density residential neighborhoods. The district was also to be used as a traditional zoned district, between higher intensity commercial and neighborhoods. The district allows residential uses, administrative professional office uses, which may be combined in the same structure, for example office on the ground floor in front of the building with dwelling on the upper floors towards the rear of the building. The RMO zoning district would be an appropriate zoning district for this site. Limited commercial uses are permitted in both the CO and RMO districts.

He said they changed the CN2 zoning proposal because they were sent this e-mail from the City that stated the CO district would be an appropriate zoning district for this site. He said he did not agree with staff and the recommendation or suggestion, that the CO was incompatible with the area plan. Staff wrote to them a few months back and told them it was compatible and suggested they submitted an application for CO.

He said he was confident the Planning Commission would approve the corners because that Commission approved the center and recommended they resubmit based on CO zoning. He said they would be back in August asking the City Commission to rezone the corners, but asked the City Commission to go ahead and approve what was submitted.

Vice Mayor Chestnut said they certainly needed to deal with the intention of Horizon 2020 and where that document was going. He said one of the biggest concerns was the modifications of changing from CN2 to CO, which was presented as a challenge and there were no comparable projects in the area. He said he was worried about viability and given the fact they were not talking about any access to 6th Street between Queens Road and Stoneridge, which was the way it was laid out and did not think there were issues along with having the reverse entrance with the street going through at that location. He said when looking at CN2 zoning on either corner, he asked if Struble was talking about access other than Queens Road and Stoneridge on 6th.

Struble said they had not asked for any access to 6th Street on any of this property. They acknowledged the fact that Stoneridge and Queens were their access points.

Vice Mayor Chestnut said he was afraid of moving forward with the commercial viability because there was nothing to compare with along with the discussion about putting up the assessments and saying it was not going to work was also a concern.

Struble said he was, too. He said if the City Commission wanted that concern to go away, then he suggested the Commission zoned their development CN2. He said if the City Commission had a viability concern and office along the strip was going to be vacant ground for a long time in today's market. If that was what the City wanted on the entrance into town, then that was what they ought to stick with. He said with CN2 zoning along that area, they could probably fill up in two or three years with different uses. Their traffic study showed very high level of accessibility at those two intersections because if looking at the plans of the two intersections, they did one plan and were involved the concept of another and they were big intersections. Those intersections were designed to handle a lot of traffic, which came back to the pedestrian friendly nature. He asked how many times someone would want to have to cross 6th and Wakarusa to get a newspaper because that was what they were trying to get away from. Commercial always had some viable nature and it was the office component that would be a

challenge for someone to come in and fill the second story and have someone come in and try to rent the third story. The multifamily part was the easy part, but the rest was what they had learned from Horizon 2020, what they had seen in the Northwest Area Plan, and what he had heard from the Planning Commissions and City Commissions over the last twenty years. It was a place they slowly wanted to get to and start doing. Professionally and personally he was looking for opportunities where they could try and tackle those things. He said they needed to figure out how to make it to where people can get to a place where they would not have to drive and walk through the large intersections. He was lucky enough to have a client that was willing to take a little bit of a chance and see if he could find some developer friends of his and people that would want to take this on. They could not get to this place without taking a little bit of gamble. He said there might be a chance that he would come back to ask the City Commission to change the zoning back to CN2 zoning. He said his client had a well defined set of guidelines, and asked to give his client a chance to succeed.

Vice Mayor Chestnut asked McCullough about the e-mail and asked for some discussion for approved uses for RMO versus CO. It sounded like there might be some commercial uses for RMO that needed to be discussed.

He said regarding the CO district and the two stories or possibly three, he asked if there were any concerns about height because that might start to become a streetscape that might be significantly higher than the rest. He did not know if there was anything in the City's Development Code that addressed that concern.

McCullough said he would research the RMO and height issues as further discussion went on.

In terms of the e-mail, there were several conversations throughout the beginning of the process and good faith and honest dialogue about the merits of this project and what the Northwest Area Plan called for and what Horizon 2020 called for. He thought it had always been a matter of degree on how staff had viewed this because the Northwest Area Plan did not

set out ratios, 50% office, 50% multi-family and those sorts of things. When staff finally received a submittal and reviewed it, it did have the CM2 portions and staff judged it as a package deal in terms of the amount of commercial that could be developed along 6th Street. He said that e-mail existed and discussed how CO and RMO could be appropriate for this site and looked forward to continuing discussions about that zoning. He thought the submittal was submitted shortly thereafter and staff processed it.

Mayor Dever called for public comment.

George Sundstrom, Lawrence, said his initial reaction to this issue was that it sounded good until looking at the details. He asked why a drive through restaurant was needed in a walk-able development.

McCullough said he had some information on the RMO District in terms of some of the commercial uses, it did allow veterinary uses, for example private dining establishments with special use permit, series of the office related uses were administrative, professional, and financial institutions and other office uses. The mixed media, food and beverage, general retail sales were uses that were not allowed in the RMO District.

Commissioner Chestnut said he was referring to the e-mail talking more about the RMO and CO as not being interchangeable. RMO had extremely limited commercial applications.

Commissioner Highberger said he agreed with Struble in part and Planning in part. He said his concern was he did not know how to go about that in street design and block design and not sure they could impose massively higher densities in the suburban street network. He thought it had some potential for some problems.

He appreciated the focus on walk-ability and agreed with the applicant on this one because the fact the City Commission approved so much more commercial square footage in that corridor than permitted by the City's Comprehensive Plan and there was no assurance that if there were commercial uses approved, it would not be traditional strip commercial. If he had assurance it would be other commercial, he would be more sympathetic to the request. He

thought the comprehensive plan was clear in this instance and thought it would hard for it to be clearer. He thought the staff recommendation fit the comprehensive plan in terms of the commercial portion. He thought they should consider staff's recommendation. With the middle portion, he would be willing to entertain commercial zoning for the corners for serving the neighborhood. If they were to follow the comprehensive plan, they should go with staff recommendations.

Commissioner Hack asked Commissioner Highberger if he would prefer the RMO and should that be rezoned RMO, the two that were proposed CO go through the Planning Commission and approve those as commercial.

Commissioner Highberger said he could approve those corners as CO zoning.

Vice Mayor Chestnut asked if it would be zoned CO or CN2 on the corners.

Commissioner Highberger said he could go with CO zoning.

Mayor Dever asked if the recommendation was to go to CO zoning.

Commissioner Highberger said no, staff's recommendation was RMO, but the Planning Commission recommended CO zoning.

Mayor Dever asked if Commissioner Highberger would be willing to go RMO in the center and CO on the corners, but not CN2. He asked if the CN2 was off the table.

Commissioner Highberger said CN2 was off the table.

Commissioner Amyx said unless the City Commission initiated that type of zoning.

Commissioner Hack asked if the City Commission would need to initiate the RMO zoning for the center part.

Commissioner Highberger said the City Commission needed to deny the request.

Commissioner Amyx said the comments Commissioner Highberger brought up were important. He said he did not have a problem with the zoning to the north and thought the residential portion was fine along with the preliminary plat.

He said the developer did good work to make sure access worked in the area. He said the walk-ability portion made a lot of sense and the only problem he had was what form the commercial at the bottom should be. He did not mind approving the top portion and the commercial on the bottom, wait for the Planning Commission to come back with a recommendation on what to do on the corners and look at it at that point so they could proceed with the northern part of the project. They could deal with the CO and in 60 days it would be back to the City Commission about whether or not they were going to do anything. No one had a problem with the residential; it had to do with the commercial and how much commercial was going to be allowed. He said the City Commission needed to assume that coming from the Planning Commission, based on their recommendation for CO on the three center lots, that the corners would be zoned CO, unless the City Commission initiated some other type of zoning classification.

Mayor Dever said regarding the debate between CO and RMO, he read the Planning Commission minutes and read the findings, but the point where steering a potential applicant to CO and then did not suggest or recommend that type of zoning, when he read the e-mail it was an either/or. It was not they prefer one over the other, or strongly suggest RMO, they came into the negotiations and the change with CO was acceptable to staff. He said it seemed CO was also acceptable to the Planning Commission. He said he wanted to understand where the change of heart came from within the staff or if it was one day in the process and upon further review, the recommendation was changed. He said he would like that to be vetted out.

McCullough said it was a fluid process and had a couple of pre-application letters that were three pages long that addressed several of the issues, even before the e-mail. Staff liked to give good information and liked to encourage things staff could support. He said this was one they took a pretty strong stance on and upon further review after staff saw the CN2 on the corners and CO in the middle, they based their decision on the comprehensive plan and sector plan that had the potential for a lot of commercial in an area that was designated for office multi-

family, not office multifamily commercial. He thought it was the review of the CO and CN2 together at the time they were together and was the request that led them down the path of not supporting the CN and CN2 along this entire frontage.

Mayor Dever asked if in retrospect with the withdrawal of the corner of CN2 be more willing to support CO in that area.

McCullough said it was moving toward fuller compliance as moving from CN2 to CO in the area. It was a matter of interpretation of the Northwest Area Plan of how full of compliance they had to get to with a pure mix of multi-family and office versus office commercial. It was the introduction of the commercial element on this piece of ground that might make it unique to other developments along the stretch of 6th Street between two commercial nodes. In taking all that into consideration, staff positioned themselves in what was seen in the staff report.

Mayor Dever said it was important to all be on the same page and he wanted to make sure he understood why because when talking to staff earlier it did not seem vigorously directed on this and that was his impression, after reading the Planning Commission minutes.

Commissioner Hack said she would agree with Commissioner Amyx in that the RM12 and RM15 made sense at this point, but she was concerned about approving a portion of a commercial area whether it was RM, RMO, or CO without the whole package. She said when the City Commission approved additional square footage at 6th and Wakarusa and a pretty good chunk of retail at 6th and the SLT, the City Commission worked really hard not to strip out that area with commercial. At the same time, there was the walk-ability factor and those two things were colliding, right now, which was why she needed to figure out what the total picture was going to be on that southern portion. She was concerned about adding additional retail on 6th Street and made a pretty clear commitment on those two nodes and where the bulk of it was going to be on the northeast corner. She would support the RM12 and RM15 and would defer the CO until the Planning Commission made its call on those other two portions.

Commissioner Amyx said he agreed with Commissioner Hack and part of a deferral time if the Commission agreed to defer the southern portion of this property, if they could have more information on the uses between the RMO and CO versus the CN District, he thought that would be helpful in using examples of the intensity and what it would look like. He had concern about commitments made on the retail commercial development on the other pieces of property they had spoken about. At the same time, he understood the cost of development of this piece of property because of the benefit district to take care of the costs of the infrastructure improvements. He wanted to make sure Struble was not back in 6 months asking for a heavy commercial district in that area just because he was not able to develop the area in a way that was feasible for the owner of the property, which he understood.

Vice Mayor Chestnut agreed with Commissioners Hack and Amyx. He did not have a problem with the RM12 and RM15. The thing about the commercial part was that it seemed to be rather fluid and there was probably a thought process that CN2 and what available uses there were was the concept of this and had evolved based on what might fit more into the plan. He was concerned and did not want to approve part of that strip because one thing that could possibly happen was to get a better concept of what the CO might look like.

One other thing was Commissioner Highberger's comment and he was not sure he agreed with the math on approving much more retail on both corners as was in the comprehensive plan, but it might be appropriate to resurrect that math because if he remembered right in some of the other considerations, the Commission was looking at the allocation of that square footage and believed that there was a small increment that was left and they could have that discussion later on. He thought it was germane to this discussion because if the Commission was going to try to be in the spirit of the plan and look at the total retail they thought was going to be in nodes, this might be a small modification, but staff had to get comfortable with the interpretation of the plan. He supported the two RM zonings, but deferring the commercial strip until the Planning Commission had time for the CO zoning request and

come forward with a recommendation on the CO across the entire commercial strip along the front and staff would have more time to react and rethink its position on it.

Mayor Dever said he thought those were all wise choices. The concept that Struble pointed out that needed to be made clear was that two worlds were colliding which was a ruling by the gross amount of square footage in a certain area versus the feasibility, walk-ability, of the neighborhood and it was important to think outside the box in what they were trying to achieve and was laudable of those people to try and do something that had never been done. For him, it was more about what the entire parcel was going to look like as opposed to that they were adding additional commercial in the form they were speaking of.

He would like staff to become comfortable with CO being there because he would prefer that if there was something that was missing, it was talking in light of CO across the board or RMO in some portion thereof. He concurred with everyone else regarding the northern portion of land and the approval of A and B.

McCullough said with no final plats with zoning, the preliminary plat could be approved which would allow the northern portion.

Commissioner Highberger asked if there were substantial changes from the preliminary plat to the final plat, was it still administratively approved or would it come back to the City Commission.

McCullough said if it was substantial, the preliminary plat was reprocessed and returned to the City Commission for acceptance.

Vice Mayor Chestnut thanked the applicant for investing in the community. He knew it was new and they were struggling with the plate tectonics of walk-ability versus all of the plans and was difficult for the City Commission to make all of these decisions, but thanked the applicant for choosing Lawrence.

Moved by Amyx, seconded by Hack, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning (Z-02-07A-08), of

approximately 6.99 acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential). The property is located south of Overland Drive between Stoneridge Drive and Queens Road; and authorize staff to draft an appropriate ordinance to be placed on a future agenda. Motion carried unanimously. (14)

Moved by Hack, seconded by Hack, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the rezoning (Z-02-07B-08), of approximately 20.92 acres from UR (Urban Reserve) to RM15 (Multi-Dwelling Residential); the property is located south of Overland Drive between Stoneridge Drive and Queens Road; and authorized staff to draft an appropriate ordinance to be placed on a future agenda. Motion carried unanimously. (15)

Moved by Amyx, seconded by Hack, to defer the rezoning (Z-02-07D-08), of approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial). The property is located north of 6th Street between Stoneridge Drive and Queens Road; Motion carried unanimously. (16)

Moved by Amyx, seconded by Hack, to concur with the Planning Commission's recommendations to approve the Preliminary Plat (PP-10-09-07) for Creekstone, Stoneridge Drive to Queens Road and 6th Street to Overland Drive, a seven (7) lot subdivision containing approximately 34.864 acres; and accept the dedication of easements and rights-of-way subject to the following conditions:

1. Provision of a note on the preliminary plat to acknowledge that the applicant/property owner would be required to execute several agreements at the final plat stage for recording with the final plat, including:
 - a. an agreement not to protest the formation of a benefit district for signalization and geometric intersection improvements at Queens Road and W 6th Street;
 - b. an agreement not to protest the formation of a benefit district for improvements to Queens Road; and
 - c. an agreement not to protest the formation of a benefit district for geometric improvements to Queens Road and Overland Drive.
2. A note must be placed on the plat stating that building permits for the multi-dwelling development will be restricted to 35 if only one access point is provided and restricted to 100 until 2 remote access points have been established, per the Fire Code.

3. A note must be placed on the plat stating that the Utilities Department will be notified if the access points are changed from that shown on the plat to allow coordination with utility placement. The applicant must also notify the Public Works Department regarding any change to the proposed access points.
4. Private streets are permitted only with planned developments. Any proposed streets on Lot 1, Block One must be public and must be shown on a revised plat with dedicated right-of-way and any necessary easements.
5. Provisions of Financing of Roads, Sewer, Water and other Public Service Notes 1 and 2 must be revised to remove any reference to 'private' streets.
6. Minimum Elevation of Building Openings (MEBO) must be noted for each lot which is adjacent to a drainage easement.
7. A note must be placed on the plat stating that no building permits will be issued until streets are installed, hydrants are in service and signs are in place.
8. A concept plan must be submitted which illustrates that the lot size and configuration will permit compliance with the Commercial Design Standards.
9. Dedicated turn lanes must be shown on the plat, northbound right-turn lane at Stoneridge Drive and Kelly Drive and northbound left-turn lane at Queens Road and Kelly Drive.
10. Notes must be added to the 'Provisions of Financing' notes stating that 'The northbound right-turn lane on Stoneridge Drive at Kelly Drive will be constructed at the developers expense or through benefit district financing' and "If Queens Road has been built prior to the construction of Kelly Drive, the developer is responsible for the construction of the northbound left-turn lane on Queens Road at Kelly Drive." 'If Queens Road has not yet been built when Kelly Drive is constructed and the City Engineer determines that the road is within the stages of planning and development that an agreement not to protest the formation of a benefit district may be appropriate, an agreement not to protest the formation of a benefit district may be executed.'
11. Final Plat will not be approved until the rezoning for individual lots has been approved, excluding UR.

Motion carried unanimously.

(17)

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.

Paul Patterson, Planner, presented the staff report. He said this item was heard by the City Commission on September 28, 2004, at that meeting the site plan was approved subject to 3 conditions. One of the conditions for the site plan was for a fenced outdoor patio area, approximately 25 feet by 26 feet in an area with an 8 foot high wooden fence. The patio area would allow their patrons to go outside and smoke, which followed the smoking ban which was passed earlier in 2004.

The item was on the regular agenda because there was a noise complaint. The noise complaint might have been more because of the pub bus that came late at night that accepted patrons and took the patrons back to the vicinity of their homes.

The location at 1307 West 7th was the southeast corner of 7th Street and Michigan. The lot contained a house owned by the same owners of Louise's West and backed up to residential to the south. A veterinary clinic was to the west and an apartment complex across the street. The fence was 8 feet high and typically they would have a 6 foot high fence. It was recommended by staff for an 8 foot fence for security.

The applicant, in reviewing the site plan, requested a removal of the conditions restricting the allowance of drinks on the patio. When the site plan was passed back in 2004, one of the conditions was that the patrons would be able to go outside and smoke but their drinks would not be allowed in the patio area, but the applicant wanted to remove that restriction so the patrons who go out to smoke could bring their drinks with them because unprotected drinks were sometimes a safety problem in today's environment.

Commissioner Amyx asked if there would be an occupancy limit on the patio area.

Patterson said there was an occupancy limit on the bar of 73 people and that limit would not change. In their original application, it was understood that the same number of occupants would remain.

Commissioner Amyx asked if the patio area was considered part of the bar.

Patterson said the patio area would be considered part of the bar. They were not changing any existing conditions on the structure that already existed. They would need to update their permit with the State Alcohol Beverage Control to include the patio area which was a fairly simple update.

Commissioner Highberger asked what types of notices were sent to the neighbors and property owners.

Patterson said staff sent a notice to the property owners approximately 3 lots away from this establishment and to the neighborhood association.

Paula Mather, Louise's West, said they started this process and were learning as they went along as far as the smoking ban and what needed to be done and were hoping the City Commission could remove this restriction. She thought it was a personal safety issue and leaving a drink was not a good idea. They had been in business there for 35 years and the patio had been there for almost 4 years and hoped this little tweak could be made to their site plan and nothing else would change.

Mayor Dever called for public comment. There was no public comment.

Commissioner Amyx said his only concern was the occupancy would not change and was only an extension of the building. He thought safeguards had been put in place with the extra high fence and notification had been given to folks in the area and also the neighborhood association. He thought it worked.

Commissioner Highberger said he really enjoyed drinking a beer outside sometimes and knew how important that could be to the business, but also as a resident in the Oread Neighborhood, he hated to listen to people who were drinking outside every weekend, late at night, and it did not improve the quality of life much. Although, there was no feedback from the neighbors, he saw this as a problem and would vote against it.

Moved by Hack, seconded by Chestnut, to approve the site plan (SP-08-53-04) for an outdoor patio smoking and to remove the restriction of not allowing drinks on the fenced-in patio area for Louise's West, located at 1307 West 7th Street, subject to the following conditions:

1. Execution of a site plan performance agreement per Section 20-1433;
2. Issuance of a building permit provides for no addition to the building footprint and an eight foot fence;
3. Provide the following notes on the site plan:
 - a. Live or recorded music shall not be planned to create a nuisance for the neighborhood;
 - b. The property owner shall be responsible for policing the area to keep it clean from litter and trash generated by this use;

- c. The property owner shall be responsible for insuring the containment of alcoholic beverages on the premises. The applicant has stated that alcohol will not be permitted in the outdoor smoking area;
- d. The applicant agrees to remove the fencing and outdoor patio area if there are legitimate complaints from neighbors pertaining to trash, litter or noise problems; complaints to be reviewed by the City Commission;
- e. Any outside lighting to be shielded so as not to glare offsite; and,
- f. No increase to the existing maximum occupancy level will result from the fenced outdoor smoking area.

Aye: Amyx, Dever, Chestnut, and Hack. Nay: Highberger. Motion carried. (18)

Consider approving Special Use Permit, SUP-03-03-08, for BC&R Storage located in the 1300 Block of North 3rd Street.

Consider approving Preliminary Plat PP-03-05-08, for BC&R Storage Addition, a two-lot residential subdivision located at the 1300 Block of North 3rd Street.

Joe Rexwinkle, Planner, presented the staff report. He said the Special Use Permit was for exterior storage and according to the Development Code, if having an exterior storage that exceeded a total area of 50% of the floor area of the principle use, then a Special Use Permit was needed. The Planning Commission recommended approval of both the Special Use Permit and the Preliminary Plat. There were a couple of items associated with the Preliminary Plat, one item was a right-of-way variance the Planning Commission had final authority and they granted the variance. The other item was the sidewalk waiver request the applicant requested for their property, but staff recommended denial of that request and the Planning Commission recommended approval. The City Commission would ultimately make that decision on the sidewalk waiver.

He said the property was located just north of the Turnpike on North 3rd Street. It was a large property with about 850 feet frontage. There was currently exterior storage with a number of trailers used for storage and the applicant wanted to expand. The applicant was also proposing a 66,000 square foot building addition for some interior storage. The applicant was proposing to plat it as two lots with a smaller lot and a larger lot. It had been rezoned to General Industrial within the past couple of months which was approved by the City Commission. The

area was shown for exterior storage, which exceeded half the square footage of the building which was why the applicant was asking for the Special Use Permit. The Special Use Permit also required a landscape buffer yard along the length of public frontage along 3rd Street and the buffer yard met all the requirements.

He said the plat proposed two lots and the second lot to the south was much smaller. The applicant was not proposing any direct access to that lot from 3rd Street, but would propose a cross access easement so that access to that lot could be obtained through the larger lot.

The applicant was proposing the vacation of an unused utility easement and the dedication of an additional easement which was a utility easement and 10 foot road easement and pedestrian easement for a sidewalk should a sidewalk be required. Regardless of whether or not the sidewalk was required, it would still be dedicated for roadway. There would be a 15 foot wide easement for the landscape buffer yard.

The applicant requested a variance from the right-of-way dedication and the Planning Commission's final action was to grant approval. The waiver was the final action at City Commission and the Planning Commission recommended approval of the waiver.

He said for all non duplex or single family uses, sidewalks were typically required and construction at the time of site development. The other option for getting a sidewalk was to require the developer to provide an agreement not to protest a benefit district at a later date to finance the construction of that improvement. Typically, that option was only used for someone who came in with a single family house and wanted to re-plat a line. If they did not have a sidewalk, they would ask for that agreement not to protest. He said with all other uses it was required at the time of development. There was a recent site plan and plat for the Slow Ride Bar and Grill which was right across the street from this site and they were required to construct a sidewalk at the time of development.

Staff also checked with the KTA and showed an aerial map where there were existing sidewalks. He said there were about 400 feet of right-of-way for KTA and an additional 300 feet

and 100 feet before getting to Lot 2. If the applicant was required to construct the sidewalk, they would have a gap of approximately 800 feet. The two property owners would typically be required to construct it at the time they came in for a development request whereas the right-of-way for KTA would be City project to construct a sidewalk along 3rd Street.

Staff recommendation for the special use permit was three things to consider on the plat. The plat itself was approved by the Planning Commission. The sidewalk waiver would be final authority with the City Commission and staff recommended denial although Planning Commission recommended approval. There were a couple of conditions clearly stated in the staff report and he did not believe the condition needed to be stated for the record by the City Commission. The City Commission was also asked to accept the dedication of the easements and the vacation of the easement for the former utility easement. On the special use permit, staff recommended approval.

Commissioner Amyx said regarding the sidewalk issue, the City was probably going to pay that portion because of a city project on the KTA right-of-way and asked if the other two properties to the south of this site were developed in the future, would the City ask for agreements not-to-protest.

Rexwinkle said staff would require the construction of the sidewalk unless the applicant was to request the waiver, which was what this applicant had done. They were agreeable to providing the agreement not-to-protest, but did not want to construct the sidewalk with their development. They would rather wait and form a benefit district. If the property to the south came in to replat or for a site plan, staff would institute the same requirement of construction of the sidewalk with the development, but the applicant would have the option of requesting a waiver.

Mayor Dever asked if there was a waiver or if the property to the south wanted to develop a sidewalk at one point in time, did they have to respond immediately to the request to install it. He asked if there had been waivers so far.

Rexwinkle said he did not believe there had been under their new subdivision regulations. There might have been waivers historically, but not in the past year or two.

Scott McCullough, Director of Planning and Development Services, said it would be a typical benefit district as they did with streets and other public infrastructure. Staff would go through the formation of the benefit district to see who would be involved with that benefit district and then go through the public process to form the benefit district to create the maximum assessments to construct the improvements.

Mayor Dever asked if it was cleaner for the developer to construct those sidewalks at the time of the construction.

McCullough said it was standard practice for those sidewalks to be built today, but this was the first waiver staff had seen with the new Development Code. It was exactly how they were getting a lot of the City sidewalks constructed today in both developed properties as they came in for major development projects and Greenfield developments were all required to put in sidewalks with their development.

Dean Grob, Grob Engineering Services, said he wanted to reiterate what was discussed at the Planning Commission and why they requested the waiver. He said it was mainly a condition for residential, but both the subdivision regulations and zoning regulations both had a clear paragraph and section that gave the authority to request this waiver. They had a very compelling reason for the request and wanted to show a few things to the City Commission and explain why they got from point A to point B.

He said this property was, in part, site planned back in 1986 and at that time had a signed agreement not-to-protest a benefit district for a sidewalk. He said this business was not a retail business and the closest residential site was about half a mile. He said a benefit district could be formed if property was developed, but with 900 feet of sidewalk with nothing around it would not last long in the conditions it was in now. He said at this point it would not serve anyone.

Mayor Dever called for public comment. There was no public comment.

Commissioner Highberger asked Rexwinkle to address the variance for the additional road requirement. He asked if they had seen that before and the effect of it.

Rexwinkle said the variance request was the subdivision regulations authorize the Planning Commission to make the final decision on that and staff supported it based upon any lack of future plan for 3rd Street and also the constraints of the site bound on the west because of the railroad. There was not much room to work with for their development.

Vice Mayor Chestnut asked Rexwinkle to cover the landscaping that was going to be required by the code regardless of the sidewalk along that frontage.

Rexwinkle said it was a Type 3 Buffer Yard. This was the densest type of landscaping that would be required. He said he could look up the number of trees and plants, but did not know that off the top of his head. There was quite a bit because of the length of the frontage. He thought it was well over 100 plant materials and there was a requirement for a berm, fence or wall. He said they were able to request alternative compliance if they could not meet every specific landscaping requirement and the applicant did request that. The Planning Director had the authority to approve alternative compliance as long as they suggested an alternative. Their suggestion was a denser landscaping in areas where they could not put a berm in because they were trying to maintain existing trees.

Vice Mayor Chestnut said until he saw the pictures of the Turnpike, he was more leaning toward granting the applicant's request because he had a hard time understanding if there was ever going to be connectivity there or if it ever was a possibility to go across the KTA right-of-way.

McCullough said a little more information the Planning Commission did not have was Chuck Soules did some searching with the KTA and the abutment was going to be 17 feet from the pavement, so they were picking up some space there they did not have today. If the City desired to connect that sidewalk, they would have that ability in terms of space constraints.

Soules said from the back of the curb, there would be 17 feet of space. Right now, there was none because they had the guard rail right up against the back of the curb. The new bridge design had 17 feet on both sides so if they desired they could build the sidewalk.

Vice Mayor Chestnut asked what the timing on that was.

Soules said on their project, it was going to be three or four years. It was with all the other projects they were doing.

Commissioner Amyx asked if it would work with the timing of their project because they had to come up with the funding. He asked Grob if there was an agreement not to protest for a sidewalk on his property now.

Grob said in part, the site plan was put in place and may not have encompassed the entire property. He was sure someone acquired the property where the last two homes were still located. There was a little more that was included than in the 1986 agreement not to protest.

Commissioner Amyx said if there was an agreement there, McCullough might be able to find other agreements from properties that could give them the opportunity over the next three or four years for how long the KTA project existed and may be able to find a little bit more money to extend that and be able to provide that sidewalk and be able to use those agreements not to protest over the next three or four years.

Mayor Dever said it would be nice to roll it all out together now that there was that extra 17 feet on the bridge. He felt compelled at least giving people who wanted the opportunity to walk or ride to work and he presumed there were employed people out there and was sure there were people who wanted to take the bus if it was still around and if it went to their place of employment. Realistically, it was not expecting too much or asking too much, but under its current condition it seemed unreasonable at this point, especially since it had been in existence that long and have not offered to build that sidewalk. He would be more willing to move on it as long as they were all in agreement that it was probably better if they got the right-of-way from

the KTA they could try and find a way to connect the south side to the north side and get people to walk that distance under the bridges when they were there.

Commissioner Chestnut said one reason he asked about the landscaping was that it was important to understand whether the applicant was complying and depending on the outcome and the Planning Director trying there was going to be a lot of beautification along that extra 800 – 900 feet which was a pretty significant investment.

Commissioner Highberger said he assumed the screening would take into consideration a future sidewalk location.

McCullough said it would.

Commissioner Highberger said he was concerned about fairness to the applicant on the other side of the street. He said he would go ahead with the waiver.

Commissioner Hack agreed. She thought they had the safeguards in place and it was not like they were saying never, they were saying there would be a possibility for it and hopefully not in the distant future. She could support the waiver as well.

Moved by Chestnut, seconded by Hack, to concur with the Planning Commission recommendations to adopt the findings of fact and approve a Special Use Permit (SUP-03-03-08) for BC&R Storage, located in the 1300 Block of North 3rd Street, subject to the following conditions:

1. Receipt of a US Army Corps of Engineers Permit;
2. Execution of a Site Plan Performance Agreement;
3. Publication of an ordinance per Section 20-1306(j);
4. Provision of a Stormwater Pollution Prevention Plan approved by the Stormwater Engineer;
5. Provision of a revised Site Plan to show the following:
 - a. Revise the parking summary to show the required parking figures rounded up for a total of 23 spaces;
 - b. Show proposed sanitary sewer service line to the existing sanitary sewer main;
 - c. The applicant is requesting a waiver from the requirement to construct sidewalks (see Item #4B). If sidewalks are required, amend note #10 on this preliminary plat to state that public improvements will consist of sidewalks;
 - d. Add a note that sanitary sewer manholes will be adjusted to final grade;
 - e. Add a note to identify that the waterline extension is a private fire service line and that the fire hydrant will be painted red;

- f. Identify the fire lines (and sizes), the 2" domestic service for the existing 60,000 sf building, and the ¾" domestic service for the smaller building;
- g. Add a note discussing backflow prevention as per City Code Chapter 19, Article 7, Cross Connection Control to address water quality of the proposed private fire service line.

Motion carried unanimously.

(19)

Moved by Chestnut, seconded by Hack, to concur with the Planning Commission's recommendations to approve the Preliminary Plat (PP-03-05-08) for BC&R Storage, a two lot nonresidential subdivision, located in the 1300 Block of North 3rd Street; and accept the dedication of easements and rights-of-way subject to the following conditions:

- 1. Should the Planning Commission grant denial of the waiver request requiring the applicant to construct sidewalks, revise note #10 to state that public improvements shall consist of a 6' wide sidewalk along North 3rd Street;
- 2. Should sidewalks be required, add a note stating that Public Improvement Plans will be submitted and approved prior to final plat approval for a new sidewalk;
- 3. Should the Planning Commission grant the waiver request to forgo a sidewalk, add a note to the preliminary plat which states that an Agreement Not to Protest the Formation of a Benefit District to finance construction of sidewalks will be required prior to final plat approval and recordation;
- 4. Add a note stating that a Right-of-Way Work Permit shall be obtained from the City Clerk's Office for all construction work performed in the public right-of-way.

Motion carried unanimously.

(20)

Receive letter from Douglas County Development, Inc., concerning proposal for City financial participation in site work on the 87 acre tract on the east side of East Hills Business Park.

David Corliss presented the report. He said the property had been owned by Douglas County Development, Inc. (DCDI) for some time. It had been part of the City's economic development marketing efforts to encourage its acquisition and use for employment set of purposes. One of the issues with that tract while it was zoned for industrial uses, the property had been annexed into the City, zoned, and platted, it needed some site work in order to make that property more marketable for desired uses, as far as industrial was concerned. The engineers that looked at the tract and DCDI briefed, indicated the site needed to have

approximately 7 feet of dirt for a pad site and staff thought that was a necessary improvement and use for industrial purposes.

There was a proposal from DCDI to transfer the property from the City and to the County with the stipulation that the City and County finance the elevation of the pad site so it could be ready for an eventual end user. He said getting more industrial sites had been discussed for end uses, in a number of different contexts. This was an example where one of the largest zoned properties in the community would be available in trying to make the next step.

He said the action tonight was not to approve the request, but discuss this issue and receive public comment. What staff wanted to do was take it back and present it more formally so that there was background on the property and could conduct other research that the City Commission had asked for. This issue could be placed on a future agenda and would be part of City Commission discussions as far as financing. The City did not have the cash available and staff recommended if the City Commission wanted to proceed, to work out a Cooperation Agreement with the County for financing. He said one of the estimates for the site ready work was approximately \$2 million and if the City were to finance through debt, the Commission might look at that as one of the options to include in the City's Capital Improvement Budget. He suggested the City Commission look at the appropriateness of this issue and to get an idea of cost and benefits.

Mayor Dever called for public comment.

Michael Almon, Lawrence, said he was somewhat familiar with this case from 8 years ago when it was industrially rezoned. At that time, a number of organizations opposed that rezoning and failed at a protest petition because procedurally, it was not correct. The vast majority of residents in the east valley were opposed to that rezoning.

Essentially, as far as what the City Commission was currently considering which was to, theoretically, instruct staff to prepare a report for the possibility of City financial participation, he strongly suggested the report ask some very probing questions because for one thing, he did

not think the City could afford financially participating. He was not convinced it was even legal for the City to participate.

He said the spec building was 400,000 square feet and wondered how much of the site was going to receive 7 feet of fill. He said the site was 87 acres and doubted that entire 87 acres would receive fill.

Mayor Dever said he had seen some information and did not believe the entire 87 acres would be filled.

Almon said he was assuming 500,000 square feet would be filled. If he used that figure, 500,000 square feet that was 129,630 cubic yards and 14,403 truck loads, which the way he calculated was about \$2 million. He was not sure if the City's \$2 million dollars was just for the fill or included other improvements.

The property currently was valued at \$1.74 million and the site would receive an additional \$2 million and he would like to see the cost benefit analysis. However, according to Interlocal Agreement 7182, which enabled the corporation of Douglas County Development, Inc. there were stipulations the City was obligated to perform for public improvements for East Hills Business Park, 95% of which the street costs would be reimbursed by Douglas County Development, Inc. He said water and sewer was standard obligations that were recouped by the fees. The way the agreement read was: "the agreement for the purpose of making certain public improvements, including streets, water system, and sewer systems," so public improvements included those improvements, but there could be others. The agreement itself did not go into a lot of detail. One thing the agreement stated was: "The duties, obligations and guarantees contained herein were non assignable and should remain the obligations of the parties until provided for herein, parties being the City of Lawrence, County of Douglas, and the Chamber of Commerce." He was not sure those three parties could transfer obligations over to just one of the three parties. He said he wanted to look into this issue more and the City had an obligation to the taxpayer to look into this issue more.

He said he learned that at the recent American Planning Association Convention and Conference, apparently officers were saying that because of the extreme capital losses to FEMA, it was going to deplete their budget for two years and were considering to shift the stipulations of one hundred year flood plain regulations over to five hundred year flood plain including flood insurance. What was being looked at today on this site was the one hundred year flood plain might be subject to the type of provision of the five hundred year flood plain that FEMA was looking at right now, which was going to drive up more cost. That was why that area needed fill, because that area was in the flood plain. He hoped the taxpayers received their monies worth as to whether this financial participation was advisable or legal.

Mayor Dever said the fill was more about the ability for the site to drain rather as opposed to raising the site out of the floodplain because it was not currently in the flood zone designation. He was almost positive it was not in a 100 or 500 year flood plain right now.

Almon said he was not sure, but he would have to check.

Mayor Dever said that was what he was told because he thought the same thing when talking about fill, but it was about making it drain. He said because the area was flat, water could not be moved across the site.

Almon said drainage slope could be achieved with less than 7 feet. One of his concerns was as a result of this fill the drainage would affect the surrounding property owners. He thought that was partially addressed in 2000 with some of the agreements with the drainage district in the area, but he was not sure.

Another concern was what was in the interlocal agreement as far as City and County obligations for public improvements, he thought there was no precedent anywhere in East Hills Business Park for the City or County to be doing improvements that were strictly site improvements, not public extensions of streets and water. It had always been for DCDI, which was a not for profit, using their funds from selling sites or leasing sites, and using that money to

prepare sites for the next client. He said it had never been the obligation of the City or County to make sites developable which was very different in this situation as well.

Commissioner Amyx said he received a call regarding changing the flow of water off that site. Some of the property owners in the area wanted to make sure that it continued to drain the same way if proceeding because if not, it would flood some of the farm property around the area.

He said he would also like to have an update about the City's responsibilities through the interlocal agreement with DCDI and the County.

Corliss said staff planned on providing a history of the East Hills Business Park and uses. He said there were a couple of interlocal agreements and had been a partnership loan for some site improvement. He said staff would compile that history and should be part of the City Commission's deliberations when considering this issue.

Mayor Dever asked if financial participation was legal because he wanted to make sure that Almon's point was addressed.

Corliss said staff would look at that issue. He said he talked to the City's bond counsel about the City's authority to issue debt for this type of project and there were means, but there were also certain restrictions.

Vice Mayor Chestnut said he was thankful for Almon's comments. There was a lot of unwinding to do based on the interlocal agreements, but the City Commission needed to keep their eyes on the intent and what was trying be accomplished, which was the fact that they had been talking since he had been on the City Commission the only tract they had was 87 acres, when in actuality they did not have 87 acres because it was not pad site ready.

He said he would encourage looking at a scenario of a cost benefit analysis to talk about if they put a 400,000 square foot building on and thought they had enough history of being able to understand the taxes and employment and come up with having a firm applicant situation here, they had a scenario and needed to test those assumptions and investment. One of the

things that was important to realize was that while there was a current market value and there was money that had been invested in this project, what they needed to focus on what it would take to get this project pad ready, what investment that was going to require, and what benefit they would receive because anything that had been invested up to this point, they had a new decision to make to some extent. He said also, they were in the midst of looking at a number of other industrial opportunities and had to start looking at these and probably start to understand the cost benefit impacts of a number of them because they were coming up.

Commissioner Highberger said he agreed with Vice Mayor Chestnut. At \$25,000 an acre for fill, he was skeptical an industrial site was the best use for that property. If they were going to allocate \$2 million and make an investment, he was not sure that was the best use of it. He thought it was a great project for an economic development staff person and would like to see a cost benefit analysis.

Commissioner Hack said this had been such an interesting transformation with a particular piece of property and brought back a lot of conversation from 8 years ago. She kept coming back to a comment that was made by Douglas County Commission Chair Bob Johnson who said they could not sell anything out of an empty wagon and thought right now they had an empty wagon right now when it came to industrial development.

The site was not ready and if they were going to market it, it needed to be ready. She agreed that this might not be the only place and had to think about others. This site had potential and if they could not afford it and bond counsel and everyone else said it was a bad idea, then they would not do it. They would not put themselves in that kind of a position, but had to think in terms of the benefit of things like this and if they did not do things like this, they would not be able to afford other things in the community. She believed they needed to move ahead.

Commissioner Amyx said before they talked about spending \$1 million on the site, one of the things he would like to have a little bit more discussion on or update on was the Farmland site and if they were still considering it or where they were in that process.

Commissioner Hack said it was not over.

Commissioner Amyx said Douglas County Development, Inc. owned a pretty large building at East Hills Business Park. He wanted to know the value of that property as compared to the City's investment in the 87 acres. He said maybe they could look at a different way to go about this issue. He said he liked the idea of the cost benefit analysis by the City's new Economic Development staff. He said this was a large investment and he would feel better right now if they had someone ready to move on this piece of property, especially after he and Commissioner Hack went through various requests for funding by various agencies. The City needed money on order to do things around the community. Those investments were important, but the City needed to make sure they could afford those improvements and made good economic sense.

Corliss said he would put some information about Farmland on the City Manager's Report next week. There had been a new development with the Environmental Protection Agency and they were now going to sign off on the sale of the property. Staff knew KDHE had a requirement to do that, but it involved some environmental laws and they were talking to their attorneys to make sure they could navigate through that. EPA and KDHE were willing to meet now and were scheduling that meeting in June. Staff was moving forward on some of those items, but was still following Commission's direction. Staff submitted a bid and was trying to negotiate that bid with the trust and also working on cost estimates. If they were successful in acquiring the property, they needed to determine the cost to develop infrastructure to that site.

Mayor Dever said they needed to continue to keep their vision down the road and minding their pocketbook with the City and keeping money available for opportunities that might

come around for local businesses and businesses that wanted to expand from outside their community. They had to have more than one option. (21)

PUBLIC COMMENT:

FUTURE AGENDA ITEMS:

06/10/08

- Consider the following transit related items:
 - a) Consider authorizing staff to obligate the Federal Job Access Reverse Commute (JARC) Grant recently awarded by KDOT in the amount of \$496,817.50 for transit vehicle replacement.

ACTION: Authorize staff to obligate JARC Grant funds, if appropriate.
b) Consider transit items, including planning for service beyond 2008.
06/17/08 • Receive update from KDOT and HNTB on the design effort for the replacement of the 23rd Street Bridge.

- Public hearing regarding a request for vacation of city right-of-way along Indiana Street between 11th Street and 12th Street related to the Oread Inn project

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.
- 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).
- Receive request for changes to the definition of "street vendor" in city code to allow art services and provide for the granting of a street vendor license for said services.
- Consider adopting on first reading, Ordinance No. 8214, regarding the keeping of live fowl and domesticated hedgehogs in the city limits.
- Receive County Commission findings concerning proposed annexation of property at K-10 and the Farmers Turnpike.
- Consideration of airport industrial park annexation and rezoning items.

COMMISSION ITEMS:

Moved by Hack, Amyx, to adjourn at 9:10 p.m. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JUNE 3, 2008

1. Bid – Residential trash and recycling carts to Roy Conley for \$23,832.
2. Ordinance No. 8278 – 1st Read, text amendment to include “Extended Care Facilities” as a use permissible by special use permit in IBP (Industrial/Business Park) District.
3. Preliminary Plat – PP-03-04-08, Bryant Addition located at 1214 E. 23rd St.
4. Preliminary Plat – 03-03-08, Todd Subdivision, 725 Elm Street.
5. Use of Guest Tax Reserve Fund - Website programming for \$15,000.
6. Partial transfer of funds - Lawrence Public Library for improvement projects.
7. Agreement - Alcott, L.C., acquisition of property interests and improvements for private parking lot and sidewalk at 19th & Louisiana & Change Order No. 1 for \$29,000.
8. Release of Mortgage – Khalid El-Hassan & Saadia Malik, 2820 Harrison Place.
9. City Manager’s Report.
10. Ordinance No. 8275 – 2nd Read, “Stop Signs” at 4 traffic booths on KU campus.
11. Ordinance No. 8281 – 1st Read, Alcohol sales and consumption, Lawrence Live Concert.
12. Donate City Services – Support Ironman Triathlon, Lawrence Live Concert & Rock Chalk Run for \$4,915.
13. Special Event Permit & Use of ROW – Lawrence Live Concert & Rock Chalk Run.
14. Rezone – (Z-02-07A-08), 6.99 acres, UR to RM12, S of Overland between Stoneridge & Queens.
15. Rezone – (Z-02-07B-08) 20.92 acres, UR to RM15, S of Overland between Stoneridge & Queens.
16. Rezone – (Z02-07D-08), 5.669 acres, UR to CO, N of 6th between Stoneridge & Queens.
17. Preliminary Plat – (PP-10-09-07) Creekstone, Stoneridge to Queens, 7 lot subdivision, 34.846 acres.
18. Site Plan – (SP-08-53-04) outdoor smoking patio, Louise’s West, 1307 W 7th.
19. Special Use Permit – (SUP-03-03-08) BC&R Storage, 1300 Blk of N 3rd.
20. Preliminary Plat – (PP-03-05-08) BC&R Storage, 1300 Blk of N 3rd.
21. Letter from DCDI – City financial participation in site work for E Hills Business Park.