



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

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

CITY COMMISSION

MAYOR
MICHAEL H. DEVER

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

July 15, 2008

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

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Dever recognized the 25th Anniversary of Red Dog's Dog Days.

Commissioner Amyx apologized to everyone but said he would have to leave the meeting because he was not feeling well.

Jane Eldredge, on behalf of the applicant, requested to defer Z-04-09-08, a request to rezone approximately 155 acres from A (Agricultural) to IG (General Industrial) located on the NW corner of N 1800 Rd and E 900 Rd; I-70/K-10 Business Park, (item 3 on the Regular Agenda for one week).

It was then moved by **Chestnut, seconded by Hack**, to defer Z-04-09-08, a request to rezone approximately 155 acres from A (Agricultural) to IG (General Industrial) located on the NW corner of N 1800 Rd and E 900 Rd; I-70/K-10 Business Park, to the August 5, 2008 City Commission meeting. Motion carried unanimously 4-0 (Commissioner Amyx left the meeting prior to the vote because he was not feeling well).



CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve the City Commission meeting minutes of July 1, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve the Grant Review Board meeting of February 4, 2008; and the Traffic Safety Commission meeting of June 2, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve claims to 395 vendors in the amount of \$2,466,209.44. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve the Retail Liquor License to Spirit Liquor, 600 Lawrence Avenue Ste: A & B. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to set bit date of August 5, 2008 for the Comprehensive Rehabilitation Program at: 1509 East 28th Street Terrace, 920 Rockledge, 1219 New York Street, and 1017 Rogers Place. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve Change Order No. 1 for the construction of Stoneridge Drive north project to RD Johnson Excavating Co., Inc., in the amount of \$18,580. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to approve request from Parks and Recreation to request bids for cemetery improvements. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to place on first reading Ordinance No. 8291 rezoning (Z-05-12-06) approximately 3.04 acres

from RS-2 (Single-Dwelling Residential) to PRD-1 (Planned Residential Development) property commonly known as 2620 Haskell Avenue. Motion carried unanimously. (4)

Ordinance No. 8296, amending the Transportation Fund expenditures of the 2008 City of Lawrence adopted budget, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Highberger**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (5)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Chief Bradford and Jonathan Douglass worked on the charts on incident types for the Fire/Medical Department. He thought it was very illustrative of their work. While the department it was Fire/Medical, it might be better to call it medical/fire when they looked at the ratio of work and they have obviously been very busy. Unfortunately they were very busy that evening with the accident at 23rd and Iowa, which challenged a number of departments that evening.

He said last week he briefed the City Commission on information they received concerning Farmland property. The Mayor asked the amount of money that was left in the trust funds that was essentially the remaining check book balance for that piece of property that was held in trust in the bankruptcy proceedings. There had been some discussion on the next steps on that and his recommendation was to put it on one of the August City Commission agendas and talk about next steps they wanted to pursue in their interest in that property. One of the next steps he believed was the annexation and rezoning of the property to achieve some of their goals and talk a little bit about acquisition and acquisition strategies.

Chuck Soules, Director of Public Works, gave the status of various projects going on in the City. He said first he wanted to update the City Commission that on Saturday the KTA had been with their river bridge projects and they were replacing the bridge. They were also replacing the bridge over E 1500 Road and North 7th Street. They were hauling a lot of material out of that and tore up the road between Highway 24 and the Turnpike. The road would remain

closed for about 4 months. They had scheduled three closures of that section of the road during the 3 year period and anticipate that after the 4 months they may be able to reopen it to gravel because they anticipated it falling apart again throughout the course of the project. They were working with them and the County and would like to see it reopened because it would be another year before they needed to reclose it again for about 6 months.

He said they had been working really hard on several projects throughout the City. The Ohio Street brick project was looking great and they were making a lot of progress. He said next week they should be into the intersection of the 600 block. It was an 80/20 grant from the Kansas Department of Transportation. They had about \$135,000 into these two blocks, plus the intersection, and the state was paying the balance of \$670,000 on that project. It was a tedious project and the neighbors have been great. They kept everyone happy.

He said they were just getting started on the waterline for Stoneridge Drive. They just started breaking ground on that and it was a benefit district project. They had \$50,000 in that and Stoneridge south was recently completed and opened. They had a small participation in that of \$60,000.

He said one of the bigger projects was 19th and Louisiana. He showed a picture of the first lane they poured over by the laundry mat. He showed the widening where the center turn lane would be and had the curb and gutter on both sides. He said rain had delayed the project a little bit. This was another project they got funded through the Kansas Department of Transportation. The total was about \$1.23 million, and the City only had \$350,000 out of the general fund. The state was paying for \$300,000 and the school district was paying for the bus turnout lane, about \$100,000, and the water department was \$100,000, sewer about \$80,000 and stormwater about \$100,000.

He said 23rd and Harper, the road was a little bit dirty but did not look like a whole lot. They widened the road to put the center turn lane in. That project should be opening up this

week. This was a state funded project and the state was putting in \$240,000 and the City contributed about \$48,000.

He said 25th Street, between Franklin and O'Connell was done up to O'Connell. The surface course was now put on because they had to still do the roundabout at O'Connell and would put the surface course on last. They were waiting to close O'Connell until 23rd and Harper was opened. This project was 100% benefit district and the City had no participation in that.

He said the KLINK project on Iowa Street was recently completed last week between 23rd and 31st. Their Phase I project, which included the downtown mill and overlay of Massachusetts Street and Kentucky Street 6th to 12th. This was the milling part but believed they would be finishing that up that evening. They still have 7th Street to do and go down New Jersey, but would be done with Phase I.

He said the left turn lanes at K-10 and O'Connell were complete and open. This was 100% benefit district financing.

He showed a picture of a park they were putting in at Folks Road. They were working with the Parks and Recreation Department and were really in house time and materials. They were going to take off at Phase 3.

He showed a picture of milling on a gutter pan on East 7th Street that they were completing and trying to take care of some holes in the gutters. He also showed a picture of Topeka Avenue and a water main break under the road they were repairing. He showed an intersection handicap ramp at 9th and Ohio. They did some work at Princeton and McDonald Drive. They tore out the turn lane that was shoving because of all the trucks turning. They pulled it out and put concrete back to prevent that. They had the crack seal project in North Lawrence that had been completed and they had additional material and were sealing up the previous last several years of mill and overlay projects they had.

Vice Mayor Chestnut asked about the timing on 19th and Louisiana.

Soules said they had a really wet beginning and were really concerned, but they had been working 6 days a week. They had planned to do quite a bit of pouring on Saturday, but it rained. They actually did that Monday. They know they would have the street open, but would probably have some clean up to do and possibly some sidewalk to finish. They would get the street open. All the street work should be done including the turn out lane. If they had any remaining work, it would be behind the curb.

He said they had been working and had been in their long term plans to do dual left turn lanes in all directions at 23rd and Iowa. Right-of-way issues were substantial with the new thoughts of reducing lane widths; they could pick up several feet. There were areas that were stripped out that they did not drive in, so they had been able on Iowa, both north and south, get dual left turn lanes. That would really improve the traffic flow through the area. When they do the KLINK project next year, which was 23rd Street from Iowa to Louisiana, they would probably be looking at removing part of that median and changing some lane widths to get some dual left turn lanes there. (6)

REGULAR AGENDA ITEMS:

Conduct public hearing to consider the vacation of the east 3' of right-of-way of Indiana Street between 11th Street and 12th Street adjacent to Lot 1 of the Triple T Addition, a replat of Lots 7, 8, and part of Lot 9 in Block 2 of the Oread Addition as requested by NSPJ Architects.

Note: the public hearing was opened on June 17, 2008 and continued on July 1, 2008; the applicant has since withdrawn the application for vacation of right of way.

Mayor Dever called a public hearing to consider the vacation of the east 3' of right-of-way of Indiana Street between 11th Street and 12th Street adjacent to Lot 1 of the Triple T Addition, a replat of Lots 7, 8, and part of Lot 9 in Block 2 of the Oread Addition.

Upon receiving no public comment, **it was moved by Hack, seconded by Chestnut**, to close the public hearing. Motion carried unanimously. (7)

Conduct public hearing to consider the application for the vacation of a portion of the right-of-way of Fireside Drive between Frontier Road and approximately 125' south of Trail Road, Pioneer Ridge Subdivision.

Chuck Soules, Director of Public Works, introduced the item. He said the purpose for seeking the vacation was to allow future improvements at the Boardwalk Apartments to be in compliance with the new development code and more sensitive to the neighboring properties. They had a lot of utilities in the right-of-way of Fireside Drive, so if the Commission desired to approve this vacation, they needed to retain easements for all the utilities, including stormwater, and maintain easements for public access for emergency services, such as police and fire. Property owners within the 200 foot radius were notified. He received several calls and most wanted to know what was going on and what was going to be developing. One adjacent resident expressed concern about maintenance of the current road. Snow removal and access to his property were also his concerns and if the street became private, the police could not enforce traffic violations, including speeding. Staff met with the development representatives and they showed a couple of preliminary layouts. Tonight the action needed was to open the public hearing, hear the public comment, and the City Commission may want to consider conditioning the vacation upon the development plan or if they wanted to approve the order of vacation, they needed to maintain easements for public access and utilities.

Mayor Dever called a public hearing to consider the application for the vacation of a portion of the right-of-way of Fireside Drive between Frontier Road and approximately 125' south of Trail Road, Pioneer Ridge Subdivision.

Todd Thompson, on behalf of the applicant Boardwalk Apartments L.C, said to address those preliminary questions, he showed an aerial that showed the waterline easement coming down the street and as Soules indicated, the sewer was on the east side of the property. The portion they sought to have vacated was shown in an aerial photograph, which was taken after the tragic fire in 2005. He said he wanted to comment on that briefly. The owner of the property had been embroiled in litigation with the insurance company that insured the property at the

time of the fire. Since shortly after the fire occurred, a favorable ruling for the owner was obtained in June and they were now in a position to move forward with redeveloping this property. They would apologize for what had been sitting there for the past 2.5 years, but it was not the owner's fault. It was the fact that the insurance company contested paying money in this particular situation. They came to the City Commission tonight with an application to vacate the street that was essentially within the apartment complex. It was one of the oldest complexes in the City of Lawrence and the design standards back then were a little different than they were today. They had the public street running through essentially the complex. He said Paul Werner would explain a few things as to how vacating the street would benefit the City and the applicant. He thought it was important to point out at the outset that they were not here trying to increase density or get something for nothing. The layout had a straight line of building with a mass of parking behind it on the east side. There was a 25 foot setback from the public street, which prohibited them from doing much in the way of design other than a series of buildings right in a row with the parking behind it. He showed what existed and could be done when going back in, which would be putting in a series of buildings in a straight line and leaving the 25 foot setback. Something as simple as putting parking on Fireside, not parallel parking but immediately off of Fireside, was not possible. The parking spaces would intrude to the setback area so it would not be allowed as long as it was a public street. The flexibility was extremely limited. They were asking the City to vacate the street so they could design the area knowing what the rules were as opposed to going to the expense of designing everything in a way inconsistent with existing conditions. The options were many and they had not attempted to approach them all. He showed an example of what would be permissible if the street was vacated. He showed examples of possible designs if the street was vacated. They would like to be able to come back to the City Commission in a replat of the area with a site plan that allowed the more flexible design to redevelop this property with new buildings, which was why they were asking to vacate the street. It did touch on one point, Mr. Clover's duplex property,

and they could certainly move the line back 6 inches so there was no contact with that property. The net effect was the same.

He said they had some discussions with Mr. Clover and thought he might have some issues to address. He said he would like to reserve time to respond to Mr. Clover's comments.

Commissioner Highberger asked Thompson what he could do with a vacation of right of way that could not be done with variances and other means.

Thompson said some of the things a person might do as a result of the vacation could be accomplished by other means, but certainly not all of them in this particular layout with this particular set of circumstances. Vacating the street was not the first thing that came to their mind. They would like to have other ways of accomplishing the same end, but to redevelop this site, especially over time when they got rid of the other buildings, they needed the street out of the complex.

Mayor Dever asked about future development.

Thompson said this would be redeveloped immediately. The other buildings would be redeveloped over time, but it was not the owner's intent to come in and immediately demolish the entire area.

Commissioner Highberger asked if the intent was to move the street, how that worked with the easement for the waterline and right of access.

Thompson said the street would come to the property line of the Boardwalk Apartments. The waterline easement would stay where it was and the sewer easement was not involved. Really, the waterline was the only easement involved with the street.

Commissioner Hack asked about access.

Thompson said once they grant the access easement, then the public emergency vehicles and so forth had the right to enter the premises. In other words, this would not be blocked off.

Commissioner Highberger said before he would approve granting this vacation he would want to make sure that there was access to through traffic like there was now.

Thompson said they were not asking to restrict through traffic. He would point out there were currently five access points to this project off of Frontier Road, so it was not like this was going to be hard to access, even if they did close off Fireside. It was not something they were requesting.

Commissioner Highberger said it was connectivity that he continued to be concerned about.

Thompson said there was probably a little bit too much connectivity on this complex right now.

Michael Clover, a neighboring property owner, said he wanted to show pictures of some of the things he had questions about to begin with which was first off maintenance and how the street would be maintained. He believed the best avenue for the City Commission to proceed was to go ahead and grant the vacation of the street with tentative response as to having the right to unvacate it if the lot was not needed for the amount of space that was to be utilized, whether it be through rezoning so they could still have public utility vehicles plowing the snow, sweeping the street, and maintaining the street. He showed some pictures taken on July 14th showing potholes and some of the conditions of the Boardwalk Apartments. He had spoken with Mr. Thompson and Mr. Werner about these issues and they were not in any type of denial that these conditions do apply. He was not trying to drum on about the same thing, but the maintenance of the complex as is and the maintenance of the road if the street was to vacated completely, then it basically became a private street and as they knew through their neighbors and throughout the neighborhoods, people who own driveways that were not kept up and in an instance it became a driveway to the Boardwalk Apartments from his property to the south over to Frontier. He would request that if the City Commission did go ahead and grant the vacation, that it was with some sort of contract with the Boardwalk folks that the street would be

maintained for the integrity of the community in which it sat in as well as the water easement that was underneath it. Basically, so that when he drove down the road because his access point was off of Fireside Drive to his building, so if he drove down this road for instance and there were potholes, he did not want to replace the shocks on his vehicle because he went down a road that was full of potholes or did not want to go completely around to get to his property. One of the issues that he had with a part of the vacation and why he would like to have it on a contingency were due to his sight lines from his driveway and being able to see down the street to make sure he could get in and out of his property with relative safety. He was worried about the police presence in the area and asked Commissioner Amyx to look up that information and spoke with Mayor Dever about that. He knew the apartment complex had hired MILSPEC to come in and do some security work there. In all honesty, was what MILSPEC did when it went through the property was it stopped at the building out front, went in and drove on by. He was also worried about if this was constructed with more asphalt or concrete on the area, the sewer run off because the only sewer run off was in a corner and one across the street on Trail. The size of the sewer line that was presently there, in his speaking with utility companies after the fire, because his property was flooded, was from what he understood was inadequate for the number of people that were living in the facility at the time. If they would build the same number of 76 units that were in it, but they built more with more bathrooms, showers, and so on, that became an issue of whether that sewer was big enough to handle all of that sewage. Another issue would be the size of the buildings and allowing enough green space around them to catch and retain water so the sewer run off did not become an issue. The possible contingency as to how tall it was going to stand above the existing buildings was also an issue. These buildings were 2.5 stories out of the ground and half of a story was underground on the buildings now. To be honest, his was 36 feet tall in the air from the ground level to the peak of his roof. There was an elevation issue that they would elevate up over

existing buildings if they built bigger than his property or what the existing properties were, making it basically a visual eyesore that everyone could see from the community around them.

He said there were also sound issues. There were residents in the apartments now that bang their stereos. He got woken up at 1:00 a.m. driving through the parking lot and listening to the rest of their song in the parking lot. There were sound issues there and if they built close enough to his property, there was no way if there was a parking lot near his property that there would be a sound problem more than there was now. He knew there were people who wanted to play music because they were young and wanted to have fun, but he was worried about his kids being able to get the sleep they needed for their school days and as well as his wife with her work day. Either way, the Boardwalk people rebuild in sections of buildings the way they had them before, which would restore the historical integrity of the building, as Mr. Thompson spoke of. It was one of the first apartment complexes built in Lawrence, which was a possible historic issue. He said the historic issue was an issue to look at as well. He also raised concerns about trash cleanup and cleanliness and showed a picture to highlight his concerns. He said in summation of what he was saying, he did not mind if the street was vacated as long as the street was kept up as far as the standards of the City and ordinances the City used to keep up the streets and as far as the City Commission make sure that it was deemed necessary by the building and development people by the City and there was no other avenue to make this work and give up public property to one ownership group.

Megan McGlinn, a nearby resident, said their neighborhood was an older neighborhood and most of the houses were built in the 1960s and 1970s, but if they went around the neighborhood it was a well maintained neighborhood. The neighbors had been very patient with the Boardwalk owners since the fire because it had been a blight on their neighborhood. They had people trying to sell houses; it was hurting the property value, so they were happy to see that something was going to be done. They came with a little concern with trusting the owners because in the last three years, they have not shown a lot of respect for the neighborhood. She

understood that legal things were pending, but some of the things that were going on in the property had nothing to do with legal things. She lived across the street from where the fire burned the apartment. There was a big ditch there that filled with water and sat for a long time until it drained down. There were abandoned vehicles there and three cars there that had expired license tags, one of them since August 2006 which obviously had not been driven for years and was sitting in the parking lot. There was a dumpster and a propane tank sitting in front of the dumpster. They allowed mobile homes to park behind the trash and right by the neighborhood fences. She showed a picture of a wrecked car that she did not think was driveable but was there. There were a lot of weeds, some of them in the pavement were as tall as she was. They were very happy to do something and were concerned about the vacation of the street. She asked if things would be maintained if the street became their property because they have not maintained the rest of the property well. She would also be concerned if the City vacated the street, would they change the course of the street so at some point it would not be a through street for fire and police vehicle access. If this process was going to be a long process to design it and get it done, in the meantime the neighborhood would like to see the area cleaned up and maintained while they were waiting a year or longer to get the complex built.

Clover said he forgot to mention that in the picture it showed where they would like to stop Fireside Drive. He talked to Todd Thompson about possibly making the end of his property a cul-de-sac and making the complex just like any other complex in the City of Lawrence that was self contained where the entire street would become part of the complex and they would have the through drive. It would also help with slowing down traffic.

Paul Werner, on behalf of the applicant, said they actually had a meeting with City staff, the fire department and everyone else before they brought this forward. They discussed the U shaped complex and at that meeting it was felt that access from two different streets was better for everyone. Having 5 access points on Frontier was ridiculous and they promised to get rid of some of them. The U shape with the two main access points coming out on the same street

probably was not a good idea of what was going on there. It was really all about the set backs. He said going to be BZA, he could see that it was all about the hardship and explaining if there were no options. Underground parking was an option, but it was not a feasible option. It was all about decreasing the space. There was 60 feet of right-of-way plus 25 feet of set backs on both sides of that. Where the building used to be, the parking was right behind the fence. Under the new code, they were supposed to have a 15 foot buffer yard and he could not do it. The building that was there was already the skinny 76 unit long building with double loaded parking in the back. There was no way to do it. What the scheme showed that he could show again was push the buildings together in the right-of-way and give the people in the houses space. No one was here to defend the last three years; it had been a mess. They were happy they were here finally and had the court ruling in June. He said the short answer was all the items mentioned were site plan items and the one thing that would be good was to have a new site plan the City could enforce and know what had to be done. He said everyone wanted this improved and in their minds, this was the best way to do it.

It was moved by Hack, seconded by Highberger, to close the public hearing. Motion carried unanimously.

Mayor Dever said he had a lot of questions and clearly there was a big eyesore there. He wanted to make sure that they moved forward with a recommendation.

Vice Mayor Chestnut said he would like to know what options they would have at this point because he was speaking for himself when he said he was not comfortable vacating the right-of-way right now. He said Mr. Clover called him last week and he actually drove and walked the property. He thought their development code would actually improve the site for the adjacent neighbors, especially on Rock Fence Place because the setbacks were there. One unique position Mr. Clover was in was that he owned the only direct connection. He could not imagine that driveway was more than 20 feet from that property line. He said if he was sitting in that situation, he would feel the same about essentially losing control of not knowing if that was

going to be blocked or have a lot of density. To some extent, Mr. Clover had that public access and was a little bit more of a hassle to go down Frontier, to Trail and come back. He said not knowing where they were going with this concerned him because once the vacation was there, the property owner had the control. It may leave some of the adjacent neighbors a little bit hanging out there. He was asking for what kind of options they might have tonight as far as taking action.

Corliss said it was not uncommon for the City to condition vacation orders. The most common conditioning was similar to what they were requesting as a minimum which was they were asking they reserve certain easements for access or utility easements. It would not be inappropriate in his mind to condition it upon more information about what was going to be built there. He understood that there was hesitancy in making investments, which could be substantial in additional planning if it was not known about what right-of-way issues, easement issues or setback issues they were dealing with. It could be a process that would indicate that it would support the vacation in approving it until they saw more information about when it was going to be built. It was not inappropriate to hold off on that and could probably approve a vacation order with some type of wording in it, but it might be better to hold off on approving it until they got that vacation order. He did not think it was an inappropriate link, but understood the comments about needing to know what property they were dealing with in order to successfully plan it. It was not inappropriate to wait to proceed with a vacation order until they knew a little bit more about the concerns. It was helpful to the applicant to be as specific as possible to know what the concerns were and what were not. There were a lot of issues that had been mentioned, some of them were land use type issues and some of them were larger issues or different issues that were kind of hard to tie into with the vacation.

Commissioner Hack said the thing they would need to be careful of was that without a clear understanding that the vacation will occur, then the property owner was not able to go on with what she thought eased the situation with the neighbors with the buffering from the back of

their yards with the issue of maintenance of the street, design of the building, and refurbishing of the entire project. She understood they wanted to make sure it was done the right way and knew there were development codes that would take care of the density. Some of those things were already in place. She did not mind asking for a little bit more information, but also thought they had to present a pretty clear signal that they would be willing to move the buildings away from the current location that would remedy the kinds of situations that were allowed in the neighborhood. It seemed to her that some of the existing issues were blight issues which she was thinking they needed to send some City inspectors out to look at those things, particularly on the car issue, trash, and loading up of landscaping. To her, that should not happen regardless if the property had been in limbo for insurance or not. She would like someone to look at that. If they were opposed to making the change, then they needed to make that clear and the building would be the straight line building.

Mayor Dever said he was looking at the Douglas County property values map and there was only one address listed on Fireside Drive which was Boardwalk Apartments. He saw the street as being valuable to the City, but was looking at the map and did not see a huge difference in continuing down Frontier Road and turning right as long as everyone was comfortable with the other issues from a connectivity standpoint. He was with Commissioner Highberger and hated to give up a street that went north and south, but if they could encourage a better layout, a more walkable layout, one that encouraged connectivity between both sides of the apartment complex, this was a more common design that the public right-of-way ended at the entrance. There may be a road that went through it, but it was not a public right-of-way and a couple of means of ingress/egress for emergency vehicles. It was a way a lot of the complexes were done now where the street was private, although it was not historically public right-of-way in the past. That was the concern he had giving that up. There were a lot of good points brought up on the condition of the building and would like to encourage on moving forward for the neighbors' sake because there were not a large number of people that consider

the vacation of this road a problem for their normal daily driving habits. It seemed to him that driving down the street was more of an obstacle course than a major thoroughfare because there were cars parked on both sides of the street often times and people walking across. He had not heard anyone complain too much about that.

Clover said he did not have a problem with the vacation, but wanted contingencies that if they did not need to take the right-of-way, they would be granted a shorter easement to the street or something of that nature.

Mayor Dever said if anything, this would improve the property values and quality of life for people living in that area. He wanted to encourage the persons or corporation that owns this property, that they were in favor in concept or not. The status quo was not good and if there was a legal reason of why they needed to proceed, it was important for them as a City to assist in that fashion without giving away City property if that was not necessary.

Commissioner Highberger said he would want to give the applicant as much flexibility as possible to commit to a design that was good for the project and good for the neighborhood, but was very reluctant to give up City right-of-way. One of his major concerns was connectivity. He could approve a deal that would involve relocating the street as long as it was clear access, easement and the cover of the entire street. He thought maintenance issues were a concern and those needed to be addressed. He was not ready to approve the vacation specificity in what they were agreeing to.

Vice Mayor Chestnut said he was in some place in between. Probably vacation was going to be the direction they go, but also recognized the fact that once that was granted, they would lose some control there. He was concerned about maintenance and realizing the thing had been tied up and the property owner would step up to the plate. He would like to have a little bit more detail about where all of this was going as far as if the street was going to be open, what sort of plans there were. He recognized the fact that this did not work with their development code and setbacks. It would probably have a more adverse outcome as far as a

lot of variances tied up too close to the adjacent neighbors. Giving up the right-of-way and the public street, they ought to have a little bit more direction to have a conceptual design.

Commissioner Hack said they maybe needed to let the development code do its job, too, which allowed staff to address the kinds of things they had concerns over as they conditioned the site plan. If their message was they wanted this to be redeveloped because it was better for the neighborhood, the only way it could happen to address the issues of the neighborhood was to grant the vacation. She did not think they would lose control and it could always come back to them if they needed it to.

Commissioner Highberger said he was concerned if the access issues would be addressed administratively or during the site plan process. He could not really require the site plan come back as part of the City Commission agenda.

Corliss said they could do that.

Mayor Dever said that would be appropriate because they were vacating a public street. They could probably approve it administratively under the code, but it was more appropriate to have it come back before the City Commission.

Moved by Hack, seconded by Chestnut, to conditionally approve the Order of Vacation for a portion of the right-of-way of Fireside Drive between Frontier Road and approximately 125' south of Trail Road, Pioneer Ridge Subdivision, subject to approval of the site plan.

(8)

(9)

Consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed demolition of the structure located at 1232 Louisiana Street and that the proposed demolition includes/does not include all possible planning to minimize harm to the listed property.

Lynne Braddock-Zollner, Historic Resources Administrator, presented the staff report. She said this was a continuation of something they started several weeks ago for a demolition request for 1232 Louisiana Street. It was located in the Hancock Historic District and Oread

Historic District, both in the National Register of Historic Places. This was a demolition request and the Historic Resources Commission determined that the project would damage and/or encroach upon the environs of the listed properties, the two historic districts, and that was in April 2008. The applicant appealed that decision to the City Commission per the State Historic Preservation Statute. The City Commission had a public hearing on that on June 10th and at that time requested additional information from staff and the applicant before making a final determination. It was her recollection that the public portion of that public hearing was closed and they asked for additional information from staff. They asked for another structural evaluation or other evaluation from Code Enforcement staff and believed they had that information included in their packet. There was additional information from the applicant and also had a letter from the applicant explaining what they were willing to do as far as that additional information.

They have conducted the public hearing and the City Commission was to make a determination based on the consideration of all the relevant factors if there was a feasible and prudent alternative to the proposed project. If there was no feasible and prudent alternative, the City Commission should determine if all possible planning to minimize harm to the listed property associated with the project which had been identified and undertaken. There was additional information in the staff memo.

She said in the past when they have made the determinations if there was a feasible and prudent alternative, the City Commission made this determination after the public hearing and asked staff to make findings of fact that came back the next week as a document that outlined the findings of that determination. The findings of fact document was usually associated with this type of appeals process. The staff memo outlined a couple of items on the planning aspect that was the second piece of the determination. One of those they have discussed was the documents of the existing structure to standards. They were established by the National Park Service and that was basically photographs and/or drawings that have dimensions of the

structure and floor plans. This documentation would be filed with the City and the community so when people were doing the studies of the evolution of Lawrence, they would have that documentation available to them. In addition to that, it was mentioned in the staff report that this property had university zoning and part of the planning for this piece of property would be for the city Commission to initiate a rezoning of the property for appropriate rezoning since it was owned by the University.

She said one of the things that staff would point out in the possible planning that any future development for this property including the rezoning and/or site plan for reconstruction would have to go back through the Historic Resources Commission for its effect on those listed properties. That, too, was additional planning that would take place in the future.

Commissioner Highberger said it was his understanding that the planning element called for a planned replacement. He asked if that was correct.

Braddock-Zollner said that was in their guidelines in the Historic Resources Commission that was used to determine if it met the guidelines for a demolition. Also, in that all possible planning, it talked about mitigation to the listed properties. That was typically what was done in the past for that mitigation piece.

Price Banks, on behalf of the owner, said he was present to request that the Commission find that there was no feasible and prudent alternative and that the proposed demolition included all possible planning to minimize harm to the listed property. The property was in rough shape and they would not argue that it was demolition by neglect. One additional thing was he went out to what he believed were the boundaries of the Hancock District and Oread District. He did not know if it made a difference or not, but did not believe this structure was visible from one of those districts. It was a visual blight on the neighborhood and they were asking for permission to remove it. The owner had no objection to any rezoning to a district that was similar to the surrounding environs.

Mayor Dever called for public comment.

Dennis Brown, President, Lawrence Preservation Alliance, said while LPA was not invited on the latest walk through of 1232 Louisiana and the Historic Resources Administrator was not on that walk through either, they have read the staff report from Brian Jimenez. They were nearing the end of a very long, frustrating journey that was disappointing for LPA, the Oread Neighborhood, and City staff because they could all see this coming for the last several years and despite all the best efforts to turn the tide, they found themselves with a new owner who bought the place with no intention of renovation, but instead with eyes with only speculative infill development. There were people in town who would rehab 1232 Louisiana if it were theirs. The original house could be renovated with a new addition constructed in the back. Such a program was happening right now in the Oread Neighborhood at 930 Ohio which the previous, speculative buyer sought to tear down. It was a reasonable and prudent alternative they should note in their deliberation. He said he would rather focus on if all reasonable planning had taken place because it was here where the applicant clearly failed. The applicant was asking that they be allowed to circumvent process and clearly was hoping that the unsafe and dangerous designation would be the tipping point that would encourage the City Commission to do so. The process the applicant refused to follow was to present a replacement plan. He asked what was going to happen there. A speculative buyer was not going to buy a dilapidated structure, spend additional money to take it down, and then walk away without any attempt to recoup his investment. This lack of a replacement plan was what likely caused the applicant's rejection by the Historic Resources Commission. The only answer the applicant's agent had bothered to give was that their year and a half of ownership had not allowed them enough time to develop a replacement plan. He asked if the City Commission should be given the courtesy of knowing what the applicant was going to do. Virtually every month an applicant presents cost analysis and replacement plans in districts and environs for HRC approval and their community was better for it. He asked why this applicant should be different. It seemed increasingly likely to him that the answer for their silence was in the four for sale signs on the same side of this block,

a perimeter residential street in the Oread Neighborhood. If they approved the demolition permit for 1232 Louisiana, he believed they would then see the replacement plan and it would be for a project much larger than one lot. Demolitions would be requested for other properties in much better shape than this one. They would in effect be transferring the risk in this speculative purchase from the applicant to the neighborhood. A key passage in the report from Mr. Jimenez was in the second to last paragraph. It said, "I believe the structure is unsafe and dangerous in its current condition and is a detriment to the welfare of the surrounding neighborhood. I do not believe the structure is on the verge of immediate collapse." He said the City Commission was still in the position where they could protect public safety and preserve process. Clearly, the applicant knowingly bought a structure that was unsafe or worse, became so through their own inaction after purchase. He said the City Commission should order them to immediately board up the structure and securely fence it so that no one may enter the premises. At that point, public safety would be ensured for a few more months. They should then deny the applicant's request for demolition due to the lack of planning for replacement structure and direct them to return to the HRC with a replacement plan ready for approval by October at the latest. An appropriate replacement plan, especially at some salvage of the main floor, interior trim and hardware was incorporated, would not be fought by LPA and would gain HRC approval. They would not have to deal with this agenda item again. If, however, the City Commission voted tonight for the applicant, rest assured they would be back showing the cards they were holding from view. LPA would have plenty to say about it and likely so would the neighborhood. They could be faced with a contentious battle the City did not need. They owed it to the neighborhood to not allow this applicant to circumvent the reasonable process they have vested within the Historic Resources Commission.

Carole Von Tersch, nearby resident, said there were several issues raised regarding other University land a few years ago. Since that time, the City Commission and University worked hard to work out an agreement to prevent this type of thing from happening again. She

was happy to tell that this agreement was working. She said she wanted to share with them some of the conversations that have occurred between herself and another couple of neighborhood representatives and a representative of the Chancellor. They asked the University to divest themselves of this particular house so the decay and neglect would not continue. They did, in good faith, attempt to do that. They reported to them that the potential buyer was locating several properties in that block and were reluctant to enter into some kind of deal because of an interest in what would happen across the street from the Alumni Center. They reported that there was another buyer. Every time they talked with a representative of the Chancellor's office, they asked if they could try to negotiate with the buyer who was committed to renovating the property. The property ultimately sold and indicated that this buyer was willing to renovate the property. A year or so later, they see this demolition permit and for sale signs going up on the block. If they lose this house, they were concerned that they would lose this entire block. She thought there were investors in the area who were willing to take on a project like that and would encourage them to consider the LPA's request to uphold the process and require that this house be fenced, boarded up, and made a safe structure until an appropriate plan for a replacement could be done. She had not heard about the report from Codes Enforcement and did not know what all was included. When she heard what was said earlier this evening it made her think of an attractive nuisance that was very dangerous to the public because right now it was attractive to vandals and vagrants.

Commissioner Hack said it was important to note the whole quote from Brian Jimenez, "I believe the structure is unsafe and dangerous in its current condition and is a detriment to the welfare of the surrounding neighborhood. I do not believe the structure is on the verge of immediate collapse; however, at the rate of deterioration the structure is experiencing it is reasonable to conclude that partial or complete failure of the structural members will be the end result if the structure is left in its current condition without many significant repairs." She thought there was a context for the "it was not going to fall down" comment.

Commissioner Highberger said after reading the staff report, he reluctantly concluded that there may not be a feasible and prudent alternative to the demolition but he did not see the other factor to consider and that there had been all possible planning. The minimum of that should be the planning for a replacement structure in accordance with the guidelines. He could make the first finding but not the second finding.

Commissioner Hack said she agreed with Commissioner Highberger and reluctantly had the same feeling. She did not know if it could be salvaged, but did not want to tear it down and leave it as a vacant spot without some sort of understanding of what the replacement would be for that structure.

Vice Mayor Chestnut said he agreed with Commissioner Highberger that it was pretty straight forward as far as reading the staff report. He did not think there was an alternative for rehabilitating the structure and assuming at best the intent here was to pursue that at the time the property was acquired, sometimes they got into it and figured out that it was not practical. He read the statute and it was pretty obvious to him that there had not been reasonable planning and thought it was appropriate to have a proposal of structure going forward.

He asked staff whether it was still appropriate to initiate the rezoning. To some extent, those sort of come together with each other. As they start the process of rezoning, that gave the property owner the knowledge of what they could propose.

Corliss said there was nothing that would keep them from initiating the rezoning. They could proceed with that at any time they chose.

Banks said there was nothing in the ordinance or the statute that required a placement plan. This structure was considerable distance from both the historic districts. It was highly unlikely they would see replacement plans for the structure without having issued a demolition permit. If he had to estimate what was going to happen, it was likely going to be nothing except that the property was going to remain secured and have repeated security violations which they would address as they occur. It would continue to deteriorate until something was done with it.

They had the opportunity to remove it now or had the opportunity to preserve the status quo, which everyone had indicated was not a desirable situation.

Mayor Dever asked Zollner to comment on whether a replacement plan was required in the statute.

Zollner said the replacement plan was a requirement of the Historic Resources Commission Guidelines they had to use when they were reviewing demolition projects. There were a set of standards and guidelines that have been adopted as far as how to for the Historic Resources Commission or State Historic Preservation Officer to review projects. That decision was made at the Historic Resource Commission level and the replacement plan was required to approve demolition. That determination stood that the structure would damage and encroach upon the environs. The appeal was seeking relief from the City Commission as opposed to overturning the decision that it damaged and encroached upon. As far as what the City Commission had to use, they did not have to use those guidelines when they were reviewing the project on appeal. They were required to use the guidelines and the City Commission was required to look at if there was a feasible and prudent alternative and if all planning had been done to minimize harm to the listed properties. In the past, when the City Commission looked at the replacement plan under the item of all possible planning, so it was something the Commissioners have used in the past to help satisfy the all possible planning portion of this, but was not mandated by statute that they have a replacement plan at this level.

Mayor Dever said it was a disservice to the adjacent property owners to leave this structure in its current condition. He would like to have future plans, which was why they asked for them, but he thought the current condition was more of the demolition of the structure immediately. It was his personal opinion that it was a liability to the City, land owners and property owners adjacent to this home. It had been neglected and deteriorated for many years, and did not think boarding and fencing the property would be a permanent solution. There was no way if someone wanted into that building that fencing or boarding would hold them out

because it had not in the past. He would love to try and rescue an old building, but having been in it and having talked to the neighbors who live immediately adjacent to it, it was considered an eyesore and blight. As a City, it was their responsibility to step up and do something about it. The causation of the deterioration was long before there time here and he looked at it and saw an opportunity for structural failure and potentially harm to someone who broke in or lived next door. For him, that was more important than the future plan that may or may not be done. He said it was all done in good faith and to him the good faith were in the neighbors and the people who live in that neighborhood immediately adjacent to it and petitioned and asked for some help here. For him, that was overwhelming convincing concept to him that they needed to do something about this property and needed to do it now. If they could wait months or years, the applicant indicated they were not planning on a plan unless the building was torn down. They owned the property and that was their right. The City could require that the building be torn down because it was an eyesore or it was structurally unsound, then they would end up without a plan and the City mandating this demolition. He was not really sure they were going anywhere with this by putting it off or postponing it with requiring a plan. It was his determination to move forward with proper steps to secure the neighborhood and provide some relief from the blight that exists on that street right now. The house was beautiful at one time but now was a death trap to whoever might enter it into the future. He would be in favor of moving forward with the demolition of the structure without a site plan, but putting restrictions on the plan or development thereof that would restrict them from doing things like putting a parking lot there or leaving it vacant for extended periods of time. To leave it stand and not do anything was not doing their job and felt pretty strong about that.

Commissioner Hack asked staff to describe the RM-32 zoning.

Scott McCullough, Director of Planning and Development Service, said RM-32 was a multifamily district with 32 units per acre. There were site constraints with the size of the site and did not see a great deal of multifamily on the size.

Commissioner Hack said she recalled they conditioned a demolition on Kentucky Street.

Corliss said they had to do things to make sure there would not be a parking lot.

Commissioner Hack said the RM-32 zoning would be something they could initiate a staff report as to what their alternatives were for rezoning, which might help the future of that piece of property and also at the same time put the conditions about the parking.

Mayor Dever said he would like to address the concept of proper planning and at what time they could consider this or make a motion to move forward with what they deemed to be proper planning to protect the listed properties.

Commissioner Highberger said for him proper planning to minimize harm included plans for a replacement structure and the applicant basically came here and thumbed his nose at them saying they were not going to provide that. He thought rewarding the applicant for that would be inappropriate.

Mayor Dever said he agreed that he did not like to have anyone thumb their nose at him, but he thought it was also they were thumbing their nose at the people next door and not providing the type of oversight they were required to as City Commissioners in this community. They were asked to make these decisions. They were just discussing protecting one property owner in the vacation of a right-of-way and protecting his rights. There were other people that lived next to this and he wanted to take care of those people. He was not going to do what he thought was right because he felt like the person asking for it was not giving him all the information because he believed what was in the best interest of the neighbors and the community. The long term viability of that neighborhood was to remove blight and eye sores that cause further deterioration and ruin of structures nearby. He agreed with Commissioner Highberger that he would like to have more information but also had been told they were not going to receive more. He thought it was their responsibility to move forward in protecting the health and safety of the community and the people that live near there.

Commissioner Highberger said he appreciated that but in his reading of the staff report indicating that the structure was not in immediate structural failure, as long as it was secure, it was an unattractive nuisance, but there was no indication to him that there was a severe danger of public health and welfare at this point.

Mayor Dever said if they had an expert that was willing to put their name on it and assign that liability to them, he felt like that was probably a true statement. He asked Brian Jimenez if he had the credentials and capability of predicting the future stability of this building.

Brian Jimenez, Codes Enforcement Manager, said not to the point everyone wished but there were a lot of things he could not see behind the walls. If he was getting that much water infiltration on the first floor, they knew it was coming from the roof and told him there was some significant structural issues from the roof members all the way down to the first floor ceiling. The east, north and south sides all had large openings and it was his conclusion that there was more damage there than he could see upon the inspection. He could not predict how long it was going to stay there if they did nothing today, but based on his experience it was going quickly. They had roofing problems, siding issues, and all the windows were broken out, so there were all kinds of avenues for precipitation to enter that structure. His guess was the entire roof was shot underneath. There were several layers of shingles that were never taken off when it was reroofed, which was a quick way to get roof failure. He said for example in today's code you could not have any layers of shingles at all. It was a major concern of his when he saw that. He did not know how long, but 30 to 40 years the roof has been in that condition as far as not removing shingles, or maybe even longer. There were a lot of maintenance issues there that were not adequate.

Corliss asked if it was pretty easy for someone to get inside the structure.

Jimenez said he thought there was a standard real estate showing type padlock on the front door.

Banks said the front door had been kicked in so they nailed it shut, which also had been kicked in at the time of the tour. Since then, the contractor had gone back and secured it again. He believed there was a board over the front door now to prevent some of that.

Jimenez said it sloped drastically to the east, so the chances of someone getting in there would be from the west side street front. After that, it would take a large effort to get in. He thought that the easiest access point would be the front door if someone was going to make the effort of going in.

Banks said there was a boarded up door in the back because they had problems with that with people getting in. There were a few locations that it had been boarded up. If people got into the basement, it was difficult for them to get above that because the basement door was nailed shut and there were no stairs from the basement up to the main level.

Mayor Dever said one solution the Oread Neighborhood proposed was set up a fence around the property. He asked if they chose that option, how long they would want it for. Also, they could demand the applicant to provide a site plan, but from what he could tell there was no statutory requirement for them to do so under any condition. The third option was if it was blighted or deemed as a hazard, they had to order its demolition.

Vice Mayor Chestnut said he agreed as far as it was an attractive nuisance and did not think they were going to get anywhere, but would also parallel it to a discussion they had tonight where they had an applicant and representation talking to the neighbors to come up with a reasonable solution here. He did not think a site plan was necessarily a replacement plan. He did not think they had to go to that depth. All they were asking for was what it was going to look like conceptually, not saying they were committed to that. He thought the rezoning would start to formulate that process, but in a situation where the property owner had the property for around 15 months that said not only now but never will I have a plan for that replacement unless they had the demolition; he had a hard time with that. He saw an easy way to move forward which would define some criteria about what a replacement plan meant, which he did not

necessarily think meant a site plan because that cost a lot of money for the applicant and did not think it was appropriate. It also did not commit them to moving forward after it was demolished. He was having a difficult time understanding why it was not reasonable to have a conceptual idea about where this was going. He said maybe the first thing to do was initiate the rezoning to start the process and maybe that would get the juices flowing of the future of that property. He thought it was something they had to watch closely and structurally if they got to a point where they did not have an alternative, he had to agree with Commissioner Highberger that they were in a show down and did not like that position.

Commissioner Hack asked if it was in their legal rights to require a replacement plan before a demolition.

Corliss said what was reasonable was that they were required under state law to require all possible planning to minimize harm had been done. The issue to them was that planning. The HRC had a guideline that said there needed to be a replacement plan. He thought that probably that replacement plan was of some level of detail that was not probably a couple sentences in narrative, but something that could be reviewed by an architectural standpoint. He thought they were within their legal authority to say that they did not feel all the possible planning had been done. It was not a requirement they have a replacement plan. They have been at this for awhile and have some experience in this and have invented some of the law for this. It was within their legal authority to say they were defining all possible planning to include a replacement plan. He thought it was reasonable to define possible planning to include that. It was also reasonable to say they trusted their existing planning statutes and ordinances to allow for the rezoning of the property and condition.

Commissioner Hack said that was one of the protections they had; that the HRC would still be involved in the replacement plan process. She asked if it was possible to approve the demolition contingent upon the all possible planning requirement.

Commissioner Highberger said they would have to make that finding, so it would have to come back to the City Commission.

Commissioner Hack said the planning part still had to come back to them as they still defined it as part of the approval.

Commissioner Highberger said if they found tonight that all possible planning had not been done and if it was going to change, it would have to come back to the City Commission.

Commissioner Hack said it was possible for them to say there were no feasible and prudent alternatives to demolition, however, they did not believe that all possible planning had taken place to minimize harm and that planning would include a replacement plan.

Corliss said it was reasonable to proceed that way. What they may want to do was give staff an opportunity to craft some wording for that and put it back on a future agenda and have legal staff look at that and confirm they had that ability.

Banks said one of the issues with the replacement plans that those who have been around for a while have watched debate go on for considerable periods of time over balconies, architectural detail or windows. He said this could be a never ending process again.

Vice Mayor Chestnut said he did not disagree, however, what they were trying to do was look for a middle ground and right now what they were presented with the chasm between they were not getting absolutely anything versus what Banks may consider to be an arduous process with investment, time and maybe not leading to an appropriate resolution. He was trying to create a definition of reasonable planning that did not include a site plan and \$10,000 worth of architectural drawings. That was why he thought the zoning initiation was appropriate. If it was RM-32, it would start to drive some of the specifications. They looked at conceptual plans all the time before a preliminary development plan was presented before them and hopefully that would not require a great deal of effort on the applicant's part. To say nothing or everything seemed to be where they were at with choices and he did not like either one of them.

Banks said they did not like the choices either, but they had already spent a considerable sum and provided a structural engineer and architect's report that apparently did not cut very much muster with staff. They could see spending considerable sums as this property continued to crumble and be a blight on the neighborhood.

Mayor Dever said he was stuck in between process, planning, and health and protection of the neighborhood. He said from someone who inspected buildings all the time, this building was in questionable condition and it was their responsibility to see that something would happen in the immediate future. He respected the Commissioners wanting to know what was going to be there and believed a plan needed to be put forth, but also took the two needs, which was protecting property values, safety and health versus a plan and felt like the protection of the neighbors, the property values and the health and safety was more important than a plan and would respectfully agree that they would like to have a plan but it did not sound like one was going to be put forth and if they did ask for one, his question was when it would come forth and when it would happen. He was more concerned about the impact of this structure on the neighborhood. The process was important to him but the result which was making sure they were not putting people who lived in the neighborhood at a disadvantage economically and physically when it came to dealing with and living with this eyesore in the neighborhood as it stood. He did not see any plan that said it was going to make it better. He was stuck between what was the right thing to do from their responsibility and whether or not the applicant planned on providing a plan. He was not sure where that all weighed and would not be in favor of moving forward without planning on having a timeline and timeframe set forth so they could readdress this because time was ticking and they were putting off a decision that was ultimately going to be made by nature, fire or by someone's tragic death of falling through the floorboards of that building when they were walking around in the middle of the night. To him, those were the things that weighed strongly in his mind. He understood the concept of planning and was not happy that they did not have a plan for this one, and was not happy they were letting this go

this long and would like something agreed on for a timeframe. This was process and politics, but they needed to pay attention to what was important to the neighbors and what was important to health and safety.

Vice Mayor Chestnut said he agreed and would be more strongly in favor of moving forward now if the Oread Neighborhood said it was time to take it down and take it down now. He did not believe that was what they were saying. He understood that they did not represent all the neighbors, but they, as a neighborhood association, were looking for a replacement plan. Secondly, health and safety was their number one priority but they also could not ignore the fact that if they moved forward with this without a replacement plan, the unintended consequences they may have and have other structures out there that could suffer from demolition by neglect and have a hard time taking a position asking for a replacement plan in those cases. He did not know how many structures they had out there that was in this kind of shape. Continuous in the neighborhood, there were probably others as well. There was a precedent they had to be sensitive to. They were stuck in the middle because they had a situation where they had two parties that did not really want to find a middle ground, which was what he was searching for.

Scott McCullough, Planning/Development Services Director, said staff struggled more with feasible and prudent alternative factors than they did with additional planning. The staff report noted that short of defining what planning was, they knew that HRC helped as a guideline and replacement plan. They have proposed at least two different elements here for the additional planning. One was the documentation of the structure and get that on record, the other was initiate the rezoning that would help shape the planning efforts for that site work to come down so that they actually had a little bit more difficulty with the feasible and prudent alternative factor than they did with the issue of planning. The two elements provided for additional planning, understanding that the applicant was not going to provide the replacement plan helped staff with that element of that project.

Zollner said they had other discussions with staff as far as planning. If the City Commission initiated the rezoning, zonings could be conditioned. There were issues that this body and the Planning Commission could address as far as all possible planning for this property, such as no parking lot or no special use permits or temporary use permits for parties, or whatever the issues might be. They could always address those as conditions of the zoning. She said that was one of the comfort levels for staff. She said not having a replacement plan was different for all of them, but it was not specific to the definition of all possible planning. If they looked at that definition, it spoke specifically to identifying all alternatives, addressing those alternatives, and then addressing litigation for the proposed project. They were looking more at what other things were out there that they could use as mitigation for the demolition of the structure.

Commissioner Hack said as much as they would like to see some plan, she did not think they were going to see a plan. That was the owner's prerogative at this point. She thought it was important for them to move forward for the safety of surrounding neighbors. What she would like to see them do was move forward as staff had recommended, which was the demolition because there was no feasible and prudent alternative, do the historical documentation and then begin to look at the rezoning and ask for this to come back at a future Commission meeting with that kind of wording in an ordinance. She said what they wished for and what they were going to be able to get, they were in between a rock and a hard place. She did not think it was going to change. The structure was not going to get any better and safety would not improve. They knew they had a check with the HRC and knew that replacement, whatever it was, was not going to be a butler building with a front door. They knew it would fit in with the neighborhood. If it took awhile to get that done, then it would take awhile to get that done. She thought they were setting themselves up for serious issues if they allowed this to go on knowing it was such a danger.

Vice Mayor Chestnut said he would be willing to grant the demolition upon approval of the rezoning. He asked if they initiated the rezoning tonight, how long would it be until it came back.

Corliss said it would take about 3 months.

Commissioner Highberger said it was within their authority to require something. Not a site plan, but provide something that would have the indication of what the applicant was going to do with the property. Would it be an 8 unit structure that was comparable to the housing there or was it tearing down the other housing on the block and building a 100-plex. He did not think it was unreasonable to ask and requiring a replacement plan was in compliance with the guidelines. He was not willing to compromise at this point. At some point, the building was going to go down but they had not seen all planning had been done to minimize the harm in the neighborhood or to the listed properties.

Mayor Dever said he heard some speculation about precedent and appreciated and respected the fact that unintended consequences and precedent were all great words and he was trying to figure out what the precedent was that they allow the demolition of a hazardous building in light of the fact there was not a plan and others were going to do the same thing.

Vice Mayor Chestnut said he thought that it was a situation where the way in historic districts, from his understanding, the concept was to look at what interfered with the environs and read it just the way it was. There was some type of some understanding on mitigating what would happen and what he heard so far was they were not going to do that. They were between a rock and a hard place. They had a health and safety hazard, but also had an applicant that was unwilling, in his opinion, to give them a situation where they need to make a finding that reasonable planning had been done because he could not say that. He understood that at the end of the day they were going to have this discussion probably until the end, but did not like to be put in the situation where someone said they were not moving one inch, which was where they were at.

Mayor Dever said he wanted to put this on the agenda because after driving by it and talking to the neighbors again, it needed to be treated with a sense of urgency, which was what he was trying to do. It was the applicant's request and his request. He felt uncomfortable with this sitting on the agenda and it was his job to craft the agenda every week and it was a liability to him and to the neighbors to let it sit there. He felt strongly about it, but it was going to be up to the other Commissioners to draft a resolution that was going to be agreed upon because it did not sound like they were going to have a quorum here.

Commissioner Highberger said he appreciated the concern for the neighbors and for public safety.

It was then moved by Highberger place the item on next week's agenda and direct staff to prepare a draft of findings of fact and determine that there was no feasible and prudent alternative solution, but that all possible planning had not been done to minimize harm to the property.

Motion died for a lack of a second.

Mayor Dever said they needed to move forward with what the concept of planning was and specify what it was and not leave it hanging because it would sit on the agenda until something happened. He said the last thing he wanted to do was tear down an old building, but do something because a lot of fingers were going to be pointed and wanted to do what was best. Waiting was not in their best interests. He said he respected what Commissioner Highberger was saying and should have some motion to get more feedback from staff because they had not had a lot of time to do so. He discussed with the owners' representative of what would be limiting and what they could limit it to so it would not sit vacant, turn into a parking lot or tent community. It would be an opportunity for this to move forward and under the current condition he did not see that happening. He was trying to find out a way to make it happen.

Commissioner Hack asked the Mayor what he would like to see happen. If they were all in agreement, with real regret, then the building was going to have to come down.

Mayor Dever said the neighborhood wanted to put a fence around it and board it up and maybe salvage and they identify people who were willing to fix it up. If there was that true interest, then they needed to see a letter from someone who was saying they wanted to fix it. He thought there were options that revolve around them waiting until it fell down and options around planning. He asked Mr. Banks what he could to help them move this process forward.

Banks said he could report back to his client.

Vice Mayor Chestnut asked if they could make a finding that there was no reasonable and prudent alternative but defer a decision on planning to allow staff to have more time to tell them what the statute said.

Corliss said they could do that and Banks indicated that he was going to communicate that back to his client and there may be additional information. He thought it would be good to have that additional information in planning. They could come back on the possible planning portion and staff would work on it. If they wanted to initiate the rezoning, they could get in line for the work of the Planning Commission.

Commissioner Hack said that would get them to Commissioner Highberger's original motion without a deferral time frame to come back by at least the 12th of August which would give everyone enough time to work on it. She said amending the original motion to say back to the City Commission on the 12th of August with planning alternatives and options.

Vice Mayor Chestnut said feasible and prudent was taken care of, but what did all possible planning mean. If they had at some point a willing property owner to at least understand what they were getting themselves into, he would try to be less restrictive than more restrictive and something that was not a full blown fighting over porches and trim color.

Banks asked if all possible planning was from the statute.

Corliss said yes.

Moved by Highberger, seconded by Hack, to direct staff to come back with findings of fact on August 12th to support a finding based on a consideration of all relevant factors that

there is not a feasible and prudent alternative to the proposed demolition of the structure located at 1232 Louisiana Street and deferred consideration that the proposed demolition includes/does not include all possible planning to minimize harm to the listed property and requested additional information from staff regarding the definition of all possible planning and to initiate the rezoning. Motion carried 3-1 (Mayor Dever voted no). (10)

Consider the following Traffic Safety Commissioner (TSC) items:

- a) **Consider approving a signalized mid-block pedestrian crossing on 9th Street between Highland Drive and Sunset Drive. The estimated cost of the improvements is \$35,000 - \$45,000 which is not included in the 2009 recommended budget.**

David Woosley, Traffic Engineer, said 15 years ago when he came to work for the City there was a school crossing in this area, but there were few, if any, children that were crossing. Part of it may have been few children living north of 9th Street at the time. Based on the study, they found that there were not enough gaps in the traffic for anyone to cross the street, if they were a child or an adult at the time. They went through the process of Traffic Safety Commission and City Commission removed that crossing. Based upon information from the neighborhood, the neighborhood on the north side was changing and there were more families moving in there now that have children and more of a need for pedestrians to cross the street to get their children to school. There were a number of people that live in the area and work at KU and walk, so they had a need to cross the street there. There was no good place to cross right now. There was also no sidewalk on the north side, either. They had a project proposed this summer to build a sidewalk along the north side, but had some problems with right-of-way and grading on the north side over to the west end where it dropped off to parking lots. It was a challenge to get that in. Even if it was in place, people would have to walk from Sunset all the way over to Iowa, cross the street, and come back down Sunset to get to school or KU. They got a petition from a number of neighbors requesting the midblock crossing. The Traffic Safety Commission unanimously recommended this 8 – 0. In addition to recommending it, they added

a caveat that they requested priority funding for it. They felt strongly about this item. The sidewalk they were going to construct on the north side of the street was going to cost about \$45,000. The signalized crossing could be constructed around \$35,000 plus or minus. They might save a little bit of money on going through this route as opposed to the other route and would probably provide a better route for the people trying to cross in this area.

Mayor Dever asked if the utility of these types of crossings were proven to be safe and a good way to do what they were trying to accomplish.

Woosley said they had several mid block crossings in town now, one at the pool where they had hundreds of children cross at that location during the summer months and one in South Park where a number of people use that during the summer going from one side of the park to the other. They just recently installed one of a little bit different nature but one they would like to see at this location on 11th Street between New York and New Jersey to help the children there get back and forth from the neighborhood to New York School as well as the elderly pedestrians in the area who have the need to cross that street. They had pretty good luck with the ones installed to date.

Vice Mayor Chestnut said he read the minutes. He asked if they covered the budget item in the memo. He asked if the sidewalk was in the plan this year to buy the right-of-way and do the sidewalk.

Chuck Soules, Public Works Director, said last year the City approved \$250,000 for sidewalk. They did the 6th Street, Trail Road and the traffic calming, which was the 18th Street diverter which they were bidding. There was also Lawrence Avenue being cushioned. All those projects were being bid and built. They felt that while their sidewalk projects came in under budget, this was one of the sidewalks that was approved to go from Sunset to 9th Street to Iowa.

Vice Mayor Chestnut said in the minutes he did not really see any discussion and would like to have a little bit of dialogue about the cueing that was possible down 9th Street, down the hill in particular, all the way down to Avalon. The timing would be set to be fairly quick and he

understood the usage of that would be in non peak times, but it was available 24/7. He asked how that would work.

Woosley said they looked at that and based upon the aerials they had available, it looked from the proposed location of the crossing to the top of the hill would be about 250 feet so they could get about 10 cars stopped in there before they actually starting backing up down the hill. With the timing of the signal, it was one of the reasons why he would prefer the signal like they have on 11th Street as opposed to the one at the pool or South Park. When a pedestrian wants to cross at 11th Street or South Park, they push the button and the light turns red. The traffic on the street had to remain stopped during that entire crossing time. In some cases someone will push the button and run across the street, and the cars are waiting for 15 seconds with nothing going on. 11th Street was a little bit different operation. When it went to red, it went to steady red for only 7 seconds. After that, it started flashing. During the 7 seconds the traffic had to come to a complete stop and gave the pedestrians a chance to start crossing the street. When it started flashing, if the pedestrians have gotten out of the way, the cars still had to stop but then they could go ahead and start again. It would be like a stop sign in that case. This was developed in order to try and reduce some of the delay of motorists.

Commissioner Hack asked what the signal was to the pedestrian at the time it was flashing.

Woosley said when it was flashing, they would have the flashing do not walk, which meant as soon as they started crossing they could continue to cross, but they should not start crossing at that point and time.

Mayor Dever asked how long it would take to reactivate the light once the button was pushed.

Woosley said the way the one on 11th Street was set up, a pedestrian would push the button and it flashed yellow for 7 seconds, and traffic could continue to go through there when it was flashing yellow. It then went to a steady yellow for four seconds and traffic could continue

to go through there, it was just warning the motorists that it was going to go to red. Then it went to steady red for 7 seconds, then started the flashing red for 15 seconds, then went dark because there were no green lights at all.

Vice Mayor Chestnut asked what the width of the street was compared to 11th Street.

Woosley said he believed they were the same width, 30 feet from the base of the curb. The timing would be essentially the same.

Mayor Dever called for public comment.

Dana Latin, Hillcrest area resident, said they started this process in February 2007 with the original request for a pedestrian light. They were happy to have the sidewalk put before them for the 2008 budget with this recommendation. There were about 22 of them present fully in support of the staff recommendation and hoped the City Commission would find in favor of it as well. She thanked City staff for their flexibility and ability in working with the neighborhood and to be creative with the funding that was there. She was aware of the City's financial constraints and the neighborhood was thrilled with this possibility. She thanked Chuck Soules and David Woosley. She said they had a number of purposes of needing to cross that street safely. As mentioned, the neighborhood had been changing over the years. They had a broad spectrum of residents there. She was a parent with two children who went to school in the neighborhood, so it was one reason to get children across the street safely to go to the park. They had people who worked downtown and walked downtown and liked to get there safely. They would be able to now get to the T stop and get transportation to get where they needed to go without the use of their cars. They were trying to decrease some of the traffic on 9th Street because they dealt with it day in and day out with the backup mentioned along 9th Street in both directions.

Sean Williams, area resident, said he had three children who went to Hillcrest. They looked at this many different ways, but one of the big concerns was 9th and Avalon was one of the most prevalent crash sites in Lawrence and the hill that was on the right of it was significant

because not only the effect it had on cars speeding, but on the site. The cars coming from downtown going west tend to accelerate to get up the hill and as they cross the hill, the car would now pick up speed. Sometimes when coming off of Sunset, it was frightening to him how fast they were going. He watched a heavy equipment truck heading downtown and as it went over the hill, there was no way in his mind that it could have stopped by the time it hit Avalon. The speed they go increased as they started going down the hill. One of the things they discussed in an earlier meeting was the confluence of streets at the curve of 9th Street when they had W. 9th merging with the other W. 9th and Highland. People driving along that area tend to be looking to the left, right or behind them. They were watching 5 different points besides what was trying to come across at the crosswalk. At the age of some of the children in the area, it was frightening to him to understand that people might not be looking for them. He thought it was a win-win situation to give up the sidewalk for a safe crossing.

Howard Joseph, resident in the area, said about 50 years ago when his son was in the first grade, one of his companions crossed the street and was hit by a car. Fortunately he was not killed, but it could happen. The only recommendation he had was that something needed to slow the traffic down as it crossed the hill. He was not sure how that was going to be done but a caution light or stop ahead would be an improvement over what the situation was at the present and had been for a long time.

Commissioner Highberger asked if Woosley could respond to that comment. He had a concern about people coming over the hill. He knew it was a problem now. If someone was parked or trying to turn into a driveway, you see a lot of near misses there. He asked if there was anything to do at the curve on top of the hill to warn people.

Woosley said they would have the advance crossing signs, but the other thing about having the signal in the air over the street was that it was going to be 20 feet in the air and be seen much sooner coming up that hill than a pedestrian that was 3 or 4 feet tall on the corner

trying to cross. The light would be seen much sooner than anything else in the area. A beacon or sign could always be added in the future if that was needed.

Steven Rego, resident in the area, said he had a 14 year old who liked to ride his bike downtown or go downtown and hang out with his friends. His son could not get across during rush hour. He said it would be really nice if there was something mid block so he could cross safely and not have to dodge cars.

Commissioner Hack said she was fully supportive of this item and really glad they had the opportunity to switch out the financing of it. She said she would like to see a warning beacon at the time of installation because she thought it would be a big change for people, particularly on game days and the general traffic on 9th Street. It was a street she traveled every time she came downtown and thought as a motorist they were risking their neck and as a pedestrian it was incredible. They had to change the minds of the driver and if they could have the warning beacon to start out with, she would rather do it sooner than later.

Commissioner Highberger said he agreed. He said this was one of the bigger gaps in pedestrian crossings in the street network and was glad they could finally do something about it.

Moved by Hack, seconded by Chestnut, to approve a signalized mid-block pedestrian crossing at 9th Street, between Highland Drive and Sunset Drive. Motion carried unanimously.

(11)

Consider approving adult crossing guard at the intersection of Bob Billings Parkway and George Williams Way. The estimated cost to provide an adult crossing guard is approximately \$5,500 per school year, which is not included in the 2009 recommended budget. The school district has previously indicated that they will not participate in the funding of crossing guards

Woosley said the next item was a request for an adult crossing guard at the intersection of Bob Billings Parkway and George Williams Way. The City Commission had seen this previously but staff had seen it almost every year since the school was constructed out there and a request to do a study. Each time they did the study, it never met the criteria. This year,

they did a study and they had enough students crossing the street now that it met the City's criteria for an adult crossing guard.

Mayor Dever called for public comment.

Carrie Mandigo, a nearby resident, said she had two kids that would be walking to school this year and they lived 0.7 miles from school and would not let them walk without an adult because it was a four lane street, 40 mph, and there was the curve that was also a sight issue. She said they had 23 kids saying they would walk to school if they had a crossing guard on Bob Billings Parkway. It was not only a safety issue now, but a green issue. They had a number of people driving that did not need to because they lived so close to school. It was a very congested parking lot. They could also improve the traffic in the area and get their kids walking to school again.

Matt Hoy, Lawrence, said he spoke the last time this issue was before the City Commission. He said his son Jackson, and his younger son Keaton, all lived on the south side of Bob Billings and would appreciate the assistance of a crossing guard to help the students who attended Langston Hughes and would be using that area. He said what was interesting was the flow that might go the other direction. Corpus Christi was on the other side of Bob Billings so they were not just talking about the Langston Hughes Elementary students but also the flow that would go the other direction. He was shocked and a little delighted at the annual cost of a crossing guard of \$5,500. He said that seemed more than a manageable sum. There were a couple different ways to look at that number and believed this was the 8th year of Langston Hughes as an elementary school. Over the last 8 years, they have not had that \$5,500 cost or \$44,000 saved. That was not a significant expenditure. The Langston Hughes school in particular was they dropped kids off, which was the culture they had at the school because it was not safe for kids to walk to school. You carpool and drive, which was nice. They have not developed the walking to school culture and for \$5,500 a year they could make that investment. The neighborhood school they had, if they could make that very small investment,

not just in creating the walkable culture, but in safety and live ability of the neighborhood, it seemed appropriate. He said he wanted to point out that the area was a growing area. This meant more students and homes which meant a greater tax base for the community. The homes would help subsidize and offset the \$5,500 a year. He was guessing that it might be 10 or fewer homes to pay for that. If they made it a more walkable neighborhood for the school, they may end up with more homes and families.

Commissioner Highberger said he thought it met the warrants. It could encourage kids to walk to school. He said right now in the newer neighborhoods it was not safe for kids to walk to school and they need to take a look at the street design and see how they could make them safer. He said he would support the request.

Commissioner Hack agreed. They were lucky in the 10 years that Langston Hughes had been open, nothing had happened. They wanted to encourage kids to walk and the conversations they had about wellness with schools, the City needed to do its part to make sure they got there safely. She would support this and they could manage the costs.

Mayor Dever asked Corliss to comment on the funding source.

Corliss said it was not budgeted, but if they approved it now he could guarantee there would be a crossing guard on the first day of school.

Vice Mayor Chestnut said he was in agreement. He just had his 6th grader graduate from Langston last spring and the cuing issue was a big one. It was a real mess over there when school got out. He knew living on the other side when the weather got nice; they organized a few and helped the situation. If that increased the number of walkers, it was a good thing. He agreed that the district was going to expand and the school was going to fill in with the property that was filling in on the other side of Bob Billings. The kid count would be up probably 10 next year and more after that. They made a commitment to provide crossing guards if they met the criteria and that criteria had been met.

Moved by Hack, seconded by Chestnut, to approve the adult crossing guard at the intersection of Bob Billings Parkway and George Williams Way. Motion carried unanimously.

(12)

PUBLIC COMMENT:

Michael Steinle, Lawrence, said he wanted to talk briefly about the Farmland Industries property. He served as the Environmental Manager there for five years during the bankruptcy. He spent the last year and a half of his tenure there getting the properties in sellable condition to generate revenue to pay back the debtors. One of his last efforts there was to put together a plan that obviously had not been fully executed to clean up the site in Lawrence. He wanted to talk a little bit about ownership and the potential initiative of the City and County to possibly purchase that property. When he put together the plan, he came up with the figure of about \$12 million to clean it up. Relative to the KDHE estimate recently, that was exactly what it was. The trust fund set up for that site never was sufficient to clean up the site. He also had questions about the administrative trust and sufficiency in dealing with some of the infrastructure issues outside the environmental concerns. Since he left Farmland, he had been working as an environmental consultant and was working last summer with the International Risk Group who owned Sunflower Ammunition Plant. As he was speaking with them, he mentioned the site and intimate knowledge and they were interested in it. The interesting thing about the IRG prospect of ownership here was that it would defer any liability from the tax rolls. He wanted to state for the record that he was not against the city and county in some joint venture owning the property if and only if they could find grant money elsewhere to pay for the cleanup. He did not think the \$12 million or whatever it turned out to be should be off the tax rolls. He did not believe that property was eligible for Brownfields Development money but there may be grant money elsewhere to help clean it up. However, he did think that one option that should be considered still was the City and County joining forces with some private developer that wanted to own the property and go that route in lieu of trying to do it as a government. The other benefit,

particularly with IRG and other developers out there that could bring forces to bear on that issue, was their ability to bring in the type of development he thought they all wanted. There was the Kansas Bioscience Authority, a lot of bioscience initiatives in the area. That was the kind of thing IRG was looking to bring in. He said it was not that they could not do that within Lawrence, but thought they might increase their odds by bringing in outside help that have done these types of developments in places like Paris, LA, New Jersey, etc. The last point he wanted to make was he had some deep concerns about the incentive of the trust fund holder to actually move on the property. Debtors had been paid 104 cents for every dollar owned, which was his understanding of it. It was unheard of in a bankruptcy that a debtor was made more than whole. If they looked at it from that standpoint, there was not a whole lot of incentive anymore to move properties. There was a trust fund there, so they should burn through it and walk. He said not only were the liabilities greater than the current fund, but the longer they waited to get the property with some grant money or team with private sector developer, the more they were going to burn through that trust money. He said he had been talking to Mike Amyx about this for several years and Amyx knew where to find him.

FUTURE AGENDA ITEMS:

07/29/08	No City Commission meeting.
08/05/08	Public hearing on 2009 Budget.
08/12/08	Receive presentation on Peak Oil from the Sustainability Advisory Board.
08/19/08	Consideration of airport industrial park annexation and rezoning items.
09/16/08	Receive presentation of results of Recycling Survey.
10/28/08	Employee Service Awards.
TBD	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).

Consider 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 city laws regarding the keeping of live fowl and domesticated hedgehogs in the city limits.

Consideration of airport industrial park annexation and rezoning items.

This item was deferred from June 3, 2008. Consider approval of Z-02-07D-08, a request to rezone a tract of land approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial). The property is located north of 6th Street between Stoneridge Drive and Queens Road. (PC Item 6D; approved 7-0 on 4/21/08)

ACTION: Approve Z-02-07D-08, a request to rezone approximately 5.669 acres from UR (Urban Reserve) to CO (Office Commercial), and authorize staff to draft ordinance for placement on a future agenda, if appropriate.

This item deferred from June 10, 2008. Consider approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, [Ordinance No. 8283](#), for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08)

ACTION: Approve CPA-2004-02, amending Horizon 2020, Chapter 7, and adopt on first reading ordinance 8283, if appropriate.

Consider adopting revised sidewalk dining ordinance and compliance procedures. Staff will meet with interested stakeholders prior to placement of this item on a City Commission agenda.

Consider the following items related to Lawrence SmartCode:

- a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.

- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-7, an amendment to Horizon 2020,

Chapter 14 Specific Plans, if appropriate.

- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The "Lawrence SmartCode" is an optional development code that is parallel to the City's existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the "Lawrence SmartCode" are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org. Adopt Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

ACTION: Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.

Farmer's Turnpike sector plan.

Consider approving Text Amendment, TA-03-01-08, to amend Article 4 of the Development Code relating to uses permitted in the GPI District. Initiated by Planning Commission on 3/24/08. (PC Item 4; approved 8-0 on 6/23/08)

ACTION: Approve TA-03-01-08, if appropriate.

COMMISSION ITEMS:

Moved by Hack, seconded by Highberger, to adjourn at 10:00 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JULY 15, 2008

1. Bid Date – Aug 5, 2008 for Comprehensive Rehabilitation Program.
2. Change Order No. 1 – Stoneridge Dr. N project to RD Johnson Excavating Co, Inc.
3. Request from Parks & Rec to request bids for cemetery improvement.
4. Ordinance No. 8291 – 1st Read, rezone approx 3.04 acres from RS-2 to PRD-1.
5. Ordinance No. 8296 – 2nd & Read, amending Transportation Fund expenditures for 2008 City of Lawrence adopted budget.
6. City Manager's Report.
7. Vacation - Public hearing, E 3' of ROW of Indiana St between 11th St & 12th St.
8. Vacation - Public hearing, ROW of Fireside Dr between Frontier Rd & approx 125' S of Trail Rd.
9. Rezone – (Z-04-09-08) 155 acres from A to IG located NW Corner of N 1800 Rd & E 900 Rd.
10. Determination is/is not a prudent & feasible alternative to demolition of 1232 Louisiana St
11. TSC - Mid-block pedestrian crossing at 9th St between Highland & Sunset.
12. TSC - Adult crossing guard, intersection of Bob Billings Pkwy & GWW.