



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

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

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

CITY COMMISSION  
  
**MAYOR**  
MICHAEL H. DEVER  
  
**COMMISSIONERS**  
SUE HACK  
ROBERT CHESTNUT  
DENNIS "BOOG" HIGHBERGER  
MIKE AMYX

September 16, 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 proclaimed the week of September 14 – 20, 2008 as, "POW/MIA Recognition Week" and Friday, September 19, 2008 as "POW/MIA Recognition Day"; and proclaimed the week of September 17 – 23, 2008 as "Constitution Week."

Commissioner Amyx requested the second and final reading of Ordinance No. 8283, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7 be deferred for one week. He said he wanted to make sure he had complete understanding of the term "prime farmland."

**(1)**

James Dunn, Lawrence requested Ordinance No. 8323, amending Chapter VI, Article 13 and enacting Chapter VI, Article 13 Section 6-1302.1 related to occupancy of rental units in RS zoning districts, be removed from the consent agenda for separate discussion.

## **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the City Commission meeting minutes of September 2, 2008. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Public Transit Advisory Committee meeting minutes of June 5, 2008; the Board of Electrical Appeals meeting of August 6, 2008; the Community Commission on Homelessness meeting of July 8, 2008; the Sister Cities Advisory Board meetings of April 8, 2008 and May 14, 2008; and the Lawrence Arts Commission meetings of April 9, 2008, May 21, 2008 and June 11, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 438 vendors in the amount of \$2,880,838.58 and payroll from August 31, 2008 to September 13, 2008, in the amount of \$1,803,386.52. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Drinking Establishment Licenses for Cielito Lindo Mexican Restaurant, 815 New Hampshire; Zig & Mac's, 1540 Wakarusa Drive, Ste: L; Teller's, 746 Massachusetts; The Hawk, 1340 Ohio; and the Cereal Malt Beverage License to Presto No. 25, 602 West 9th. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Change Order No. 1 to LRM Industries, Inc. in the amount of \$37,732.40 due to significant increases in asphalt oil prices for the 2008 Overlay Program, Phase 1. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the purchase of a pre-case concrete restroom facility from CXT Concrete Buildings in the amount of \$47,000, for placement in Hobbs Park. The price for this facility was determined by using bid received as part of a GSA Cooperative Purchasing Agreement. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt on first reading Joint City Ordinance No. 8301/County Resolution No. \_\_\_\_\_ regarding

amendments to the Subdivision Regulations (TA-12-26-07, TA-05-08-08, TA-05-09-08, TA-06-10-08, and TA-06-11-08) approved by the City Commission on September 9, 2008 and the Board of County Commissioners on September 3, 2008. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6801, setting a public hearing date of November 11, 2008 to discuss the condition of the dilapidated structure at 617 West 4<sup>th</sup> and to consider declaring the structure unsafe and orderings its repair or removal within a specified period of time. Motion carried unanimously. **(5)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve Text Amendment TA-07-14-08 to Section 20-525 and Section 20-526 of the Development Code to specify use standards for general retail sales and retail establishments in the MU (Mixed Use) District and adopt Ordinance No. 8318 on first reading for TA-07-14-08 to Section 20-525 and Section 20-526 of the Development Code. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve a contract with LSA Associates, Inc. for on-call traffic modeling services needed by the Lawrence-Douglas County Metropolitan Planning Organization (MPO) in their conduct of the regional transportation planning program. Funding for this contract is 80% federal planning funds programmed by the MPO with the 20% local match provided by the Lawrence-Douglas County Planning Department. Motion carried unanimously. **(7)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve request by Peridian Group, on behalf of the property owners for a variance at the Grove, a proposed multi-family development at 24<sup>th</sup> Place and Inverness Drive, from City Code 19-302(1)(B), which states that apartment houses having twelve living units or less shall have a water meter for each living unit. Motion carried unanimously. **(8)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize staff to advertise an RFP for Design and Construction Phase Engineering services in conjunction with project WW0601 improvements to the Anaerobic Digester Process and small maintenance projects at the City of Lawrence Kaw Wastewater Treatment Plant. Motion carried unanimously. **(9)**

James Dunn, Lawrence requested Ordinance No. 8323, amending Chapter VI, Article 13 and enacting Chapter VI, Article 13 Section 6-1302.1 related to occupancy of rental units in RS zoning districts, be removed from the consent agenda for separate discussion. He said he had questions about Section 5, of Chapter 6, Article 6, Section 6-1306 “Rental to Unrelated Persons After August 1, 2004” and why it was completely removed from the ordinance; and; Section 4, Chapter 6, Article 6, Section 6-1305, “Grounds for Revocation/Probation of Rental Licensing Permit; Procedure for Consideration of Possible Revocation” which he thought should be a specific procedure about what the process would be for someone to lose their license or have their license revoked or on probation. There was nothing in that section that dealt with that issue. It identified the sections at issue, but did not go into the process of how a property owner or someone leasing property to another party would have that license removed.

Scott McCullough, Director of Planning and Development Services, said regarding the question, Section 5, Chapter 6 – Article 6-1306, that was a section of the code that staff felt people were misinterpreting to give them an exemption to the definition of “family” in the Development Code. Staff proposed striking that language and providing a new section, Chapter 6-1306 that “Occupancy should be permitted as defined in the City of Lawrence Development Code”. He said he was less knowledgeable about the process and whether staff had attempted to revoke or put an owner on probation that had a license.

David Corliss, City Manager, said staff was only amending the sections of Article 13 that needed to be amended. There were other provisions in Article 13 that spoke toward the issuance of the permit, the requirements for the permittee, inspection, grounds, and how staff

might be able to gain entry by receiving a search warrant. In 6-1308, which staff was not amending, there was a provision for the procedure for the revocation/probation of a license. Notice had to be provided to the property owner and a reasonable time for the property owner to correct the notice of violation depending upon the severity and the public officer or request for a hearing, the City Commission could make the decision to proceed with the revocation of the license. He said that procedure was not being amended. He said the procedures went on to discuss the penalty provision and followed the usual make-up of a City ordinance. There was a definition provision, what action was prohibited, procedure language, and a penalty provision. He said as staff indicated there was reasonably good success in dealing with property owners when there had been a disorderly house ordinance violation. There were a number of conferences with those property owners and usually received good movement toward compliance. It was never as quick as the adjoining property owners wanted, but was usually fairly expeditious once staff received the attention of the property owner.

Mayor Dever said he thought all of them agreed to remove the confusion from the item initially, so he thought that would explain why that section was removed. The second issue regarding the procedures and specific process involved, it was not spelled out specifically in the proposed ordinance, but asked if the items were spelled out somewhere else.

Corliss said the process was in other portions of the code. When staff amended sections of the code, the entire lengthy procedure was not included because that section was not being changed and would not need to be republished. There were provisions in existing law staff was not amending that spoke to the City's procedures.

**It was then moved by Hack, seconded by Chestnut,** to adopt on second and final reading, Ordinance No. 8323, amending Chapter VI, Article 13 and enacting Chapter VI, Article 13 Section 6-1302.1 related to occupancy of rental units in RS zoning districts. Aye: Dever, Chestnut, Hack, Highberger, Amyx. Nay: None. Motion carried unanimously. **(10)**

## **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said a residential lot inventory was set out that staff prepared. The inventory was conducted approximately one year ago, but staff just recently updated that inventory. He said there were a number of single-family residential lots available for development within the community. Those lots were scattered around town, predominantly on the west side, but some of those lots were available on the east side.

Staff was also proceeding with infrastructure improvements to bring more residential lots onto the availability side for staff's report, which included Fairfield Farms East where 24<sup>th</sup> Street Terrace was proceeding to completion and proceeding with sanitary sewer improvements that had been made at that location. He said there were a number of areas on the west and northwest parts of the community where infrastructure installations were proceeding, including the West Baldwin Creek Sewer Project. Because of some of the improvements the City and development community made, there were other areas in the City that were available for development. The City Commission approved earlier in the year, the University Place development that was in the heart of the City along Iowa. The property was rezoned and the property owner and developer would have the availability to proceed with 40 residential lots. There were other areas staff was continuing discussions with property owners in the area of Monterey Way and Peterson. He said he wanted to provide that information as a tool for staff to continue to ensure the timely installation of infrastructure and availability to build within the community.

As Commissioner Amyx requested, staff was continuing to perform their own internal analysis for wastewater treatment plant capacity. The City had not grown as much as earlier plans indicated, but anticipated that it would be a project staff would be looking at and seeking approvals as receiving additional data and plans. He said staff thought the City would continue to grow and would need that online.

Also, during the City Manager's Report, he said in the August Building Permit Report, fees were relatively good, primarily because of some larger commercial and multi-family projects. Single family building was going to be at a recent low as far as the numbers for the entire year. There was some relationship to the national housing issues and financial market. The numbers were different than what was seen in previous years. (11)

**REGULAR AGENDA ITEMS:**

**Conduct City water and wastewater revenue bond sale and award to lowest responsible bidder.**

Ed Mullins, Finance Director, presented the staff report. He said today the City of Lawrence took bids on approximately \$4.2 million worth of water and wastewater bonds. Only two bidders were present, but because of the financial turmoil, particularly with investment bankers, the City was fortunate to receive the bids. The low bid was 4.24% and the cover bid was 4.77%. He said the City's financial advisor, prior to the auction, estimated to expect an interest rate of 4.33%. Staff recommended awarding the bid to George K. Baum & Co., and he requested that the Commission declare an emergency and adopt on first and second reading Ordinance 8325 as well as adopting Resolution 6802.

Vice Mayor Chestnut asked how the percentages compared to what was received at the last auction.

Mullins said the percentage was around 3.44%, but those were General Obligation Bonds which was the full faith and credit to the City and was AA rating as opposed to AAA rating. A year ago, when the City sold the 2007 revenue bonds, that rate was about 4.56%.

Commissioner Amyx asked if the bonds were for the two projects outlined which were the water tank and water transmission line.

Mullins said yes. He said within the next week or sometime soon, staff would ask the City Commission to reallocate proceeds from the 2007 revenue bond issue that staff was planning on spending initially on the Wastewater Treatment Plant. He said since that project

was delayed, staff had almost \$12 million that could be allocated to other projects. That was a reason why this bond issue was only \$4.2 million as opposed to a larger amount because other funds could be reallocated.

Mayor Dever called for public comment.

Commissioner Amyx asked about the \$12 million available from the Wastewater Treatment Plant and why the City did not pay cash for those two projects.

Mullins said the City had a financial plan set up and fully allocated for the bonds and cash that was available. There were a number of substantial projects the City would cash finance. He said the City anticipated transferring 3 million dollars this year into cash financing capital projects from the water and sewer fund. He said when the City did the larger projects, those projects needed to be bonded.

David Corliss, City Manager, said for example, when proceeding with the Wakarusa Facility, staff needed to look at rates and the opportunity to issue debt because that facility was a major project.

After receiving no public comment, the City Commission reviewed the Water and Wastewater Revenue Bonds, for the Utilities Department. The bids were:

BIDDER	Net Interest Cost (\$)	True Interest Rate (%)
George K. Baum & Co.	\$2,155,710.83	4.2438%
BMO Capital Markets GKST	\$4,218,760.00	4.7746%

**Moved by Chestnut, seconded by Hack,** to award the bid to George K. Baum & Co. at a True Interest Cost of 4.24%. Motion carried unanimously. (12)

**It was moved by Chestnut, seconded by Hack,** to declare an emergency and adopt on first and second reading, Ordinance No. 8325, authorizing and providing for the issuance of \$4,270,000 principal amount of Water and Sewage System Improvement Revenue Bonds,



Series 2008, of the City of Lawrence, Kansas; making certain covenants and agreements to provide for the payment and actions in connection therewith. Motion carried unanimously. **(13)**

**It was moved by Chestnut, seconded by Hack,** to adopt Resolution No. 6802, prescribing the form and details of and authorizing and directing the sale and delivery of \$4,270,000 principal amount of Water and Sewage System Improvement Revenue Bonds, Series 2008, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8325 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Motion carried unanimously. **(14)**

**Conduct a public hearing regarding the establishment of water and sewer improvements for Bauer Brook Estates.**

Mayor Dever called a public hearing regarding the establishment of water and sewer improvements for Bauer Brook Estates

Philip Ciesielski, Assistant Director of Utilities, presented the staff report. He said the purpose of the public hearing was to approve the resolutions to set forth the benefit district for City water and sanitary sewer improvements extended to Bauer Brook Estates. Bauer Brook Estates was a large lot subdivision, west of Folks Road, north of Trail Road, recently annexed into the City and as part of that annexation, the obligation of the City to extend water and sewer service. A number of existing homes were on a septic system and those homes would stay on those systems until such time as those systems failed. He said based on the conceptual layouts, they were looking at extending approximately 2,000 linear feet of sanitary sewer line and 3400 feet of linear feet of waterline. The waterline would extend up to Folks Road to the northern terminus of Bauer Brook Estates frontage on Folks Road and extend now to Bauer Brook Court. The sanitary sewer line would be extended north into the property along Bauer Brook Court and the line would originate in the recently completed interceptor that came up from

Pump Station No. 48, a large project completed a couple of years ago to extend sewer service to that area.

Mayor Dever asked staff to summarize the City's participation in this project.

Ciesielski said the City would have no participation in the sanitary sewer improvements. Those improvements only served the Bauer Brook Estates subdivision. The City would participate in the waterline that ran along Folks Road. There was a segment of that waterline that was not extended at one time by an earlier development. The City would pay for that portion of approximately 400 feet in full. The City would then, up front, pay for half of the remainder of that waterline along Folks Road. Those funds would be recouped at a later date when through the City's front footage policy when the property on the east side of Folks Road developed and was brought into the City. He said from the City's standpoint, the City's out of pocket cost, long term, was strictly for the 400 feet to get from approximately Trail Road north to the southern property line of Bauer Brook Estates.

Mayor Dever asked if there was no benefit to the 400 feet the City had to fund.

Ciesielski said there was no benefit in that area other than the area was adjoining properties that were in the City.

David Corliss, City Manager, said when the City Commission authorized the annexation of that property, staff took a look at the property taxes that would be brought into the City by annexing that property and that number was compared with the cost the City would essentially need to "bank" until the property on the east side of Folks Road redeveloped probably as a residential subdivision sometime in the future in which, that subdivision would be required to pay the costs associated with this project. That was when the City's Utility Department would be repaid that cost.

Mayor Dever asked if the owners on the east side were in a rural water district.

Corliss said they were on rural water and were not in the city.

Ciesielski said those improvements would parallel the existing rural water line and folks on the east side would stay on that service.

Mayor Dever called for public comment.

There was no public comment.

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

**Moved by Hack, seconded by Amyx,** to adopt Resolution No. 6799, setting out the findings and determination of the governing body of the City of Lawrence, Kansas, and ordering the construction of sanitary sewer improvements along Bauer Brook Court west of North Folks Road, including gravity lines within the public right-of-way, or utility easement, and related and attendant improvements, property acquisition and other necessary and appropriate improvements. Motion carried unanimously. (15)

**Moved by Hack, seconded by Amyx,** to adopt Resolution No. 6800, setting out the finding and determinations of the governing body of the City of Lawrence, Kansas, and ordering the construction of waterline and waterline system improvements within the public right-of-way or utility easement along Bauer Brook Court and within the public right-of-way along North Folks Road from approximately 150 feet north of the center line of Bauer Brook Court, including water main, fire hydrant installation, property acquisition and other necessary and appropriate improvements. Motion carried unanimously. (16)

**Consider approving the following special use permits:**

**a) SUP-07-04-08, a Special Use Permit and Institutional Development Plan for Lawrence High School for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting/sound systems to accommodate football/softball/soccer competition on-site at 1901 Louisiana Street.**

**b) SUP-07-06-08, a Special Use Permit and Institutional Development Plan for Centennial/Lawrence Virtual School for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting system to accommodate baseball and tennis competition on-site at 2145 Louisiana Street.**

**c) SUP-07-05-08, a Special Use Permit and Institutional Development Plan for Free State High School for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting/sound systems to accommodate football/softball/basketball/soccer/tennis competition on-site at 4700 Overland Drive.**

Paul Patterson, Planner, presented the staff report. He said it was a requirement in the Development Code that special use permits and institutional development plans, be obtained, for properties greater than 10 acres in size.

The Lawrence High School site was located at the southwest corner of 19<sup>th</sup> Street and Louisiana, 34.6 acres in size, and zoned GPI (General Public and Institutional). The area included the Lawrence High building, football practice field and track, City indoor swimming pool, City tennis courts, and softball/t-ball fields. The site plan proposal included practice facilities for football, softball and soccer teams and providing for the installation of bleachers, restrooms, and concession buildings along with a new softball diamond at the southwest corner. The 8 existing tennis courts would be removed to construct a parking lot at that location. There were currently 518 existing parking spaces. He said 846 parking spaces were being proposed, an increase of approximately 328 identified on the site plan. He said the former Centennial Elementary School site, which was now used for a Virtual School, in the evenings, for Johnson County Community College classes, proposed constructing a baseball field, 8 tennis courts, concession stand/restroom and expansion/improvement of a parking lot. There were currently 35 parking spaces, but were looking at 147 parking spaces, an increase of 112 parking spaces.

He said the last item was for the Free State High School which was located at 4700 Overland Drive and had a total of 74 acres. Currently, there was an existing football field, 3 existing baseball and softball diamonds, a soccer field, and tennis courts. The proposal included new bleachers, restrooms and concession buildings at the football, soccer, softball and baseball fields. Currently there were 906 existing parking spaces, but were looking at 1,210 parking spaces, an increase of 304 parking spaces. The City owned and maintained approximately 5 acres in the middle, which was the Indoor Aquatic Center.

He said on September 26<sup>th</sup>, the Planning Commission heard those three items at a lengthy meeting and recommended on a 7-0-1, with one abstention, approval of the special use permits and industrial development plans for each project, subject to the conditions in the staff reports.

There was a valid protest petition filed for Lawrence High School, which meant to approve the Lawrence High School special use permit the City Commission needed a supermajority for approval. He said the School District asked that staff mention there was a recent posting of material on the Planning Commission website and could be found on the City Commission's agenda site as well.

Mary Rodriguez, Lawrence Public Schools, said their district's overall goals and beliefs about why this project was being proposed was that participation of high school activities was a valuable part of the overall high school experience. Research supported the fact that students who competed in high school activity programs had higher grades, better attendance, fewer disciplinary referrals, lower drop out rates, and better attitude toward self and school and higher graduation rate. Inter-scholastic sports and fine arts activities promote citizenship and sportsmanship, instilled a sense of pride in the community, taught life long lessons of team work and self discipline, and facilitated the physical and emotional development of the nation's youth. She said Lawrence Public Schools believed they must do whatever it took to support and encourage student participation in school activities.

She said there was a need to address outdoor inequity of facilities in their district, not only between Lawrence High School and Free State, but also among the sports, male and female participants as well. Currently, Lawrence Free State High School had football, baseball, soccer, softball and tennis regulation fields on site for practice and/or competition. Lawrence High School only had football and tennis regulation fields on site for practice and/or competition. The players and participants in baseball, soccer and softball must practice offsite. Aside from the additional costs in time and gas costs, it was also a safety issue for student athletes and

equally important it was related to socioeconomic status of a participant because some students did not have the resources to support one's travel to and from practice.

In terms of competition, both high schools play varsity football games at Haskell Indian Nations University. The district had a desire to improve safety for students and when they had offsite practices, they had offsite travel for students. This proposal included safety for students and the ability to participate on campus minimized the student's driving to and from offsite venues. She said Mr. Ed West, principal at Lawrence Free State, stated in a letter to the City Planning Office the following:

"I believe this project should be supported based on the improvement in the area of student safety alone. While student travel will not be completely eliminated, every teenage driver we can take off the road by providing on site facilities is a victory. This fact hit home for me as I had to deal with the death of one student and a severe injury of another student just two years apart during my time as Principal in another district. Both students were headed to practice at the time of the respective accidents. Poor field conditions of off-site competition venues have created serious discussions of cancellation of events by sports officials and participants due to the possibility of injury. This proposal provided safer playing surfaces for students. Playing surfaces would be state of the art, promoting a reduction in both the frequency and severity of injuries."

She said there was a need to improve the quality of facilities. With the extensive use of existing facilities by district and non district entities, it diminished the quality of the current grass turf on practice and competition fields. Lack of lighting limited schedules for practice and competition. As noted in the PLAY study that was jointly funded by the City, County and district, extensive repairs or replacement of the tennis courts located at Lawrence High needed to be included in any proposed solution.

Artificial turf would allow for more extensive use of these fields rather than a traditional grass turf surface. Installation of artificial turf would allow the district to eliminate fertilizer and pesticide runoff supporting the green concept of the environment.

She said they needed to look at improving the utilization of the current financial resources. This year the district would pay out approximately \$80,000 to use other facilities for Haskell, Sport to Sport, YSI, etc and transporting students from each high school to Haskell. In

one year alone this was a challenge, yet when looking at, over time, projecting the next 5 years for example, the cost savings would be for potentially \$400,000. This proposal would eliminate or decrease those costs. This proposal would also allow the district to save expenses related to watering, fertilizing, the use of pesticides, herbicides, mowing, seeding and many other operational areas which in turn would help pay for the cost of the proposal.

In terms of the sharing of the proposal before the actual formal City review process, representatives of Lawrence Public Schools held three public announced meetings at the request of the neighbors and the Centennial Neighborhood Association which were held on May 28<sup>th</sup>, June 19<sup>th</sup> and July 1<sup>st</sup>. Those meetings were all before the actual formal City planning meetings. The intent was to inform neighborhoods of the specifics of the proposed outdoor sports facility and improvements and to get feedback from the neighbors. Many of the suggestions were incorporated, including storm sewers, fencing, sidewalks and more parking were added as a result of those meetings. She said lighting for this project would be targeted lighting. It was directed to be onto the field and not directed to be shining on the neighborhoods. The sound system, when used, was designed to be directed away from the neighbors, not toward their homes.

She said there was a suggestion from the neighbors that during home game nights a shuttle be offered. For example, people could park at Broken Arrow and South and be shuttled to Lawrence High School for the game using the new bus turn off lane. They believed there was merit in this idea and planned to utilize the suggestion. They believed they complied with the requirements of the City regarding the site plan approval process and were before the City Commission as they continued through the process. She said she wanted to provide more information regarding the activity on each of the campuses and usage of the fields. If they were to visit either high school any day of the week, they would find a lot of activity. There was a lot of noise or sound, depending on the perception or perspective, on each campus with the band, the JV games, the practices, the PE classes and so forth which would continue. She showed a

summary of the 2008 competition events that included home games using outdoor athletic facilities. This particular document was to show that of the 12 months, basically 7 did not have any home games or competition at all; no lights and no sound. She also showed a calendar of the home competition days that included the dates, hours of events, number of athletes and number of attendees. Most of the competition home games ended before daylight ended, so there was no need for lights. However, because there might be a possibility of lights, they listed it as needing lights, which would be targeted lighting. She also showed a chart with the current use and anticipated use with the upgraded facilities and the difference between the two. In the difference column, in many cases there was not much of a difference.

She said one question raised by the City Planning Office was to identify the number of evenings where the lights would be on or the sound might be used past 10:00 p.m... It was found there were only five home games where the lights and sound might go beyond 10:00. At this point, they felt the school district was really trying to be a good neighbor and their intent was to mitigate the neighbors' concern to the extent they could and balance that with their great desire to upgrade the current facilities in order to establish the typical amenities associated with so many high schools throughout the nation, including competition athletic fields. They owed it to the students, the next generation and the future. They needed to do whatever they could to help support those students have healthy bodies and healthy minds. Lawrence Public Schools was committed to providing safe, effective, efficient and equitable facilities for students. Those proposed improvements for the outdoor athletic fields in Lawrence High School and Lawrence Free State were designed to just do that. She said the School District wanted to give their students an opportunity to work and play in the best possible venues in Lawrence, Kansas.

C.L. Mauer, LandPlan Engineering, reviewed the specific improvements for each project. He said after meetings with the neighbors, it was determined additional parking was needed.

Tom Bracciano, Lawrence Public Schools, said an important point was the cooperation between the School District and Lawrence Parks & Recreation and the numerous discussions



about those facilities. He said currently, there was a softball field on the site maintained by Parks and Recreation, and they proposed constructing a soccer field. There were lights on the facility now in which the City paid the electric bill.

Mauer said on the Lawrence High initial plans, they were showing 4,000 seating. Since that time, he had received more information and now was looking at a 58 foot setback from the property line to the back of that stadium area. During those meetings, drainage in the back was also discussed. He said they would attempt to put in an underground storm sewer to pick up the water draining into that area and redirect the water to the street as quickly as possible so no water went off-site. He said with the installation of the Astroturf was two inches of plastic and granules, and 8 – 10 inches of gravel. He said with those fields, the water went directly into the under drain and there was no runoff. They did not have detention *per se* on site, but Matt Bond, Stormwater Engineer, was comfortable with slowing the water down.

Bracciano said there would still be a swale on the left side of the property to drain the water out.

Mauer said at the softball field, concerning drainage, everyone was concerned about the water coming from the football field and going into the swale area. To make it a half percent flow, they had to fill an area and flow the water back toward the football field. He said there was 55 feet from the property line to the back of the bleachers that was now a setback area to where those bleachers were located. He said there was an existing javelin area and there should be 350 feet for a safety zone. He said they would be moving the field further to the east and needed to do something different with the javelin. He said the existing tennis courts would be milled off and changed to a parking lot. They were saving costs because they did not need to remove the asphalt. There was an under drain system in that area and it would be maintained. The preferred area for a soccer field was normally north/south, but would be east/west. There would be bleachers on both sides to seat approximately 300 on both sides. At this time, there

were probably going to be temporary bleachers and be shared between the soccer and softball field.

Bracciano said it was similar to what they were doing at Free State now.

Mauer said water would be picked up on Louisiana and taken to their stormwater system into the detention area on the west side. Some of the water that ran off from the area of the Louisiana Purchase shopping center cut across the open field, missed 22<sup>nd</sup> Street, and ended up in the backyard of some neighbors. They were going to try to pick up some of that water and take it to the detention area.

Bracciano said from a stormwater standpoint, if they could take care of some of the situations when they could, then that was what they were doing. The retention under those tennis courts was about \$450,000 of that project and was specifically to keep the water from washing into the neighborhood. The drainage on the Lawrence High site was an additional cost as well which was not necessarily required, but there were issues. They wanted to be good neighbors and help and the school district had put a significant amount of time and money to eliminating the concerns of the drainage in the area.

Bracciano said parking had always been an issue at Lawrence High School. Currently, if you were not a senior, you did not park on campus. For a sophomore, trying to get to school it was not the right solution. This was the first parking plan he had seen that almost doubled the amount of space they were going to have for Lawrence High School students to get them off the streets and out of the neighborhoods. It was a huge component of the plan to relocate failing tennis courts that would cost the City and School District, if done together, would cost a half million dollar each just to fix that area. He said now that area would be turned into parking with an additional 300 spaces and rebuild brand new tennis courts with stormwater retention for the neighborhood. .

Mauer said the Free State plan was a little easier but still had its problems as far as timing. There were currently existing football, softball and baseball fields and it was a matter of

timing to get the area ready for play, next spring, without trying to move those events somewhere else. He said there was existing lighting on the baseball and softball fields, but did not have lighting for the football or soccer fields.

Bracciano said by having teams compete and practice on site, Parks and Rec facilities were relieved of the use of the City's existing facilities.

Commissioner Highberger asked Mauer to go over the variances for each project.

Mauer said the only variance requested was for the height of the light poles.

Scott McCullough, Director of Development Services, said he understood there was quite a bit of correspondence on the code requirements for those projects. As typical with any project, staff did an exhaustive analysis of the code, deliberated on some of the interpretations of the code, keeping in mind this was an in-fill site by nature by Lawrence High and especially Centennial. The reports for all three special use permits identified the code issues staff found in compliance and those found in non-compliance. He said the only standard that needed a variance was the height of the light poles. He said the applicant submitted application for that variance and would likely be scheduled for an October Board of Zoning Appeals meeting to consider that variance request. Another standard worth mentioning was a 75 foot setback. There was a section of the code that in the purpose statement for a GPI district that a 75 foot setback might be included along with a type three buffer yard. It did not say "shall" and as they knew in the code business, there were "shall" and "may". It also did not give a lot of context on when to use that standard, so the code was a little bit short on the context of that standard. The Lawrence High and Virtual School met the setbacks prescribed by the code otherwise.

In terms of the buffer yard, the code allowed some flexibility on what type of buffer yard and applicant request. Buffer yards had two elements; one was a width and there was buffering of sheer distance, and then the quantity and type of landscaping proposed in a buffer yard. In this case, after several discussions with the district, there was some issue of security when using evergreen shrubs and trees. Staff accepted alternative compliance for the buffer yard,

especially as they moved to the western edge of the football stadium, as a double row of deciduous trees. They beefed up the quantity of landscaping in lieu of the type of landscaping. The applicant met their distance and width requirement for the buffer yard. Staff established some conditions in terms of the lighting and buffer yard.

He said parking had also been an issue all along. Recognizing that the district attempted to provide as much parking as possible on-site and represented through the hearing process that they were looking for options for the event periods, which was when the most need occurred. The applicant had addressed the daily need and provided more benefit for the daily need of getting students on-site and/or other audience members for the type of activities on site, even when there were multiple uses on the property. There was some evidence that parking on LHS property was going to be sufficient. It was the home football events that in their opinion needed a little bit more written documentation on the options the district would be using and implementing in terms of bussing, using other facilities to get vehicles off the street and from one parking lot to the stadium. In staff's opinion, those sites were code compliant and had identified the lighting poles as the one variance needed by the Board of Zoning Appeals.

Vice Mayor Chestnut said regarding the softball field, he read in the Planning Commission minutes, the setback was 40 feet and not 55 feet. He asked if the setback had changed or was that something he read incorrectly.

Mauer said the applicant submitted a site plan for the pad areas with the fields without any bleachers and he showed 44 feet to the edge of that pad which was transferred into the SUP and with more evidence, 55 was where the back of the bleacher would be located.

Vice Mayor Chestnut asked if it was 55 feet from the property line to the first structure.

Mauer said correct.

Bracciano said as far as the lighting it sounded counterintuitive, but the code called for a 60 foot high maximum on lighting and they attempted to find the most economical, efficient, and user friendly light system they could find. The problem with the light pole was that it did not

meet code, but had a directed light that was needed otherwise residents would be getting the backwash. He said if they went with the standard 60 foot pole, it would pour more light into the neighborhood and would not help with safety of the students who play in those fields.

Commissioner Amyx asked, regarding the drainage issues, before those improvements were made around the mid 1980's, would the new drainage system at Lawrence High School not have any affect on the earlier improvements.

Matt Bond, City Stormwater Engineer, said staff would not compromise any of the drainage improvements done with the Carolina project.

Commissioner Amyx said the water being controlled, on the site, after the improvements were made, would be held and metered out through piping.

Bond said it was not the standard detention and would be on the Centennial site. The 100 year existing right now off that site was 70cfs. After the detention pond went in it went down to 25. That all went through the Carolina system as well because the sheet flowed to the west. A dramatic increase in efficiency would take place off the Carolina system off of that piece that was farther south. A benefit would be gained off the softball field, soccer field, and football field because even though it was not true detention *per se* like what was under the tennis courts, the time of water concentration getting out of would be a lot longer because it had to go through all the pipes and make its way downstream. The existing run-off at the LHS site was 260cfs and 195cfs with the improvements.

Mayor Dever said it was explained that because of the property of the soil and grass currently exposed, the water ran off rapidly.

Bond said with the current existing conditions, if there was a rainfall, the first half inch of rain would probably infiltrate in and after that, flow off to the southwest. With the rock bases under each of the artificial turfs there was more of an opportunity for that water to infiltrate into the ground. Those rock bases, dependant upon which system was used, were from anywhere between 4 – 6 inches thick and those spaces along with the rock aggregate base could hold

water. Since each one of those fields was primarily flat, about a half inch slope, it would take a longer time to meter out, but there was still the storage capacity of each one of those fields.

Commissioner Amyx said regarding the area west of the proposed stadium and the pipe being laid north to south from 19<sup>th</sup> Street down to the southwest corner, he asked where that water would go.

Bond said there were pipes that would cut across and tie in. The water would come down through that existing swale and there would be area inlets at two locations which would be picked up and ran back in and over. He said there was a separate system that ran along the west and south side of the softball field. He said there would be improved characteristics because none of that water was coming off of the site in a manner that it was now.

Mayor Dever asked if the system could handle that water downstream.

Bond said yes. Longer flow, over time, would be seen down the Carolina system because the water was held in place and metered that water out over a longer period of time.

Commissioner Amyx said Bond commented that it would not have an affect on the Alabama Street because that runoff was coming from up the hill.

Bond said it might help out with whatever flowed off the high school toward Alabama, but the majority of the water flowing down Alabama was coming from the north.

Commissioner Amyx asked who maintained the inlets where water would be captured.

Bond said Lawrence High School.

Vice Mayor Chestnut asked about parking. He said he wanted to make sure about the numbers on the Lawrence High School site. Currently, there were 528 spaces on the Lawrence High campus and 328 spaces were proposed to be added. He asked about the additional 112 that would go on the virtual school site. He asked if Lawrence High School students would be parking on that site.

Bracciano said that was a management issue. There were Lawrence High School students who parked in the virtual school parking lot and also JCCC classes in the evening, but

those two did not conflict with each other. The principal at Centennial Virtual School was more than amenable to allow those students park at that location. He said he anticipated most of those spaces being available for Lawrence High students.

Commissioner Amyx said he understood the parking during the school day at Lawrence High would be adequate to take care of students and the staff faculty.

Matt Brungardt, Assistant Principal, Lawrence High School, said based over what he had seen over his tenure of 5 – 6 years, those additional parking spots would be enough to supply adequate parking to meet the demand of students coming to campus. He said because there was carpooling and other things, they were not sure what would happen, but right now, the additional parking spots provided enough parking and would take most of the off parking onto campus during the school day.

Commissioner Amyx asked if there still would be a need for parking along 21<sup>st</sup> Street.

Brungardt said right now, they thought the two parking lots on campus were adequate and did not think parking along 21<sup>st</sup> Street would be needed.

Commissioner Hack asked the applicant to address the question of the noise.

Steve Grant, Daktronics, said his company did a sound analysis of both sites, Free State and Lawrence High with regard to football. He said he would not say there would not be sound in the neighborhood because everyone that lived around Lawrence High could hear pretty clearly, Memorial Stadium on any Saturday afternoon or evening. The sound level had to do with decibel level and as an example Allen Field House was probably about, according to the engineers that worked for Daktronics, 100 decibels. The engineers guessed that both those sites would be somewhere in the mid 90's. Decibel was an artificial number; 100 decibels at Allen Field House, as you drop back 6 decibels, the sound was only half as loud. When setting up a sound system, it needed to be louder than the crowd noise which would be about 100 decibels. If it was a full house at Lawrence High, they would set the sound system somewhere between 94 and 95 decibels. If moving away from the source of the sound, it decreased and by

the time getting down to the 20 yard line, it dropped down to the mid 80's. There would be sound bleeding over into the neighborhood, but would remind everyone that it was only for two or three hours a night, five times a year. He said he traveled to well over 100 high schools and would say the norm for high school football fields were located in neighborhoods. The only complaints Daktronics dealt with regarding decibels were with events during the school day such as a dance team practicing with the music cranked up, but as far as game situations, they had not dealt with noise issues at all.

Mayor Dever called for public comment. The Mayor requested individual comments be no longer than 5 minutes and the total public comment would be 90 minutes. He said at that point, a short break would be taken to determine whether additional public comment was necessary.

The Commission then recessed for 5 minutes at 8:10.

The Commission returned to regular session at 8:15.

Steve Padget, Lawrence, a local architect, spoke against the Lawrence High SUP. He said the City Code was very much about the health, safety and welfare of the public along with the Kansas statute. He said the legal definition of the minimal acceptable standards of health, safety and welfare were adopted by a community. It had been fully vetted by a vast amount of time, invested by staffers, professionals and elected officials before it was adopted.

At the center of what he had to talk about tonight was the use designation that had been given to the LHS football stadium. He said an issue he wanted to make clear was that user occupancy was based on the physical properties of a proposal and not on the intentions of an applicant or others, no matter how good those intentions were. He said it had to be based on the physical properties. As an example, if he was designing an elementary school and in that elementary school was the "gymacafetorium" that had a variety of uses, but the occupancy type and use had to be used in terms of code requirements were the most intensive and most stringent requirements. The same was true with the development code. He said he would need



to use “assembly” as his occupancy type which had extra requirements such as fire separations, egress, materials used, structural type, toilet fixture numbers, and a lot of other things. He said when taking the physical properties of the football stadium, bleachers, concession, toilets, sound system, scoreboard, pressbox, lights, and the football field to serve 4,000 spectators, what they had was a stadium. Under the development code, the only place that talked about a stadium for spectators was “entertainment and spectator sports use”. It was clearly the more intensive use and clearly was the one with more stringent requirements. He said “active recreation” was more general in scope and to be applied to what was at that location in a general way. It was very general and its requirements were not nearly as stringent as those of the “entertainment and spectator sports use.” It included such things as zoos, boat docks, swimming pools, gazebos, and could go from a tiny park with a swing set to Memorial Stadium. On the other hand, “entertainment and spectator sports” was very specific and was a provision of cultural entertainment, athletic, and other events to spectators. He said the general category uses generated 501 or more people, such as stadiums and sports complexes. In addition to reinforce to what he was saying about the “gymacafetorium” there was a provision in the development code that talked about conflicting provisions and the more constricting provision would control. The “entertainment and spectator sports use” required its own special use permit, so its own process of negotiations with the public and getting that permit alone. He said if going to things such as parking requirements, entertainment and spectator sports, the general category called for one parking space per three seats of on-site parking.

Tom Harper, Lawrence, spoke against the Lawrence High SUP. He said it was disappointing after listening to Padget’s presentation that they did not get together as a community with the school district and the neighborhood and talk about how they were going to design this plan. What happened was the school district came to the neighborhood and told the neighborhood what the school district was going to do. He said he applauded Padget for doing the homework to communicate how he interpreted the code. He said he was disappointed and

surprised the idea of a 4,000 seat stadium would make it this far in the process of City government. Initially, this project was proposed as a practice stadium and later became a 4,000 seat sports and entertainment facility.

During the Planning Commission meeting, he heard many people say they needed the stadium for the kids and the neighbors' concerns were valid and would work hard to mitigate the problematic aspects of the plan. He said he looked up the word mitigate and Webster defined it as "to make or become less severe or painful." He said this plan felt painful to the neighborhood. They should not fool themselves with the talk of mitigating 4,000 people and the noise, light, trash, traffic that would be generated in their fragile neighborhood. Planting trees and putting up a fence did not mitigate such an intrusion to their neighborhood. He asked what would happen to the perimeter properties. The quality of life would be greatly impacted. There was no debate among any of the neighborhood on that point. He said property values would decrease due to the difficulty and marketing a home so close to the proposed improvements.

The other highly probable outcome was for the perimeter homes and those nearby to become rentals. There was no true way to mitigate the size of the stadium and activities that would take place there. If the SUP's were granted, this improvement would harm their neighborhood. He knew some of them would vote for approving those SUP's tonight, so if that was the road they chose to go on, he pleaded with each to help them negotiate up front with the school district when future problems arise, and they would arise, so they could have some leverage when those problems happened. He said all City Code should be adhered to and would love to see 75 feet setbacks. He said it was not too late to negotiate that point now, but it would be too late once the stadium was built.

He also pleaded there should no longer be any administrative approval for future changes with the improvements for the school district on those properties, specifically Lawrence High and Centennial. This had been a moving target and would be bound to change. He said

he would like the City Commission to know about that and okay those changes and have public input.

If the City chose to grant the SUP's, it was his hope the City Commission would assign a group of people from Centennial and University Place, to meet with the school district, City staff, and the neutral mediator to work out a performance agreement where the school district was held to certain expectations that a good neighbor would adhere to, such as, but not limited to, 5-6 football games per year with the games starting at 7 p.m. Clearly defined limits on other uses should be another expectation. They should try to corral that now versus corral it when it was wild and everyone wanted to use it. He was also concerned about trash. He would like to see the school district pick up trash after the games on Saturday mornings. It was going to be pretty clear that the trash had come from that evening's game.

Doug Gaston, Lawrence, spoke in support of the Lawrence High School SUP. He said he was the parent of three children who had been or were Lawrence High student athletes. He said he was sorry to see that decade's long association between Haskell and the school district disappear, but this was an opportunity to address much needed improvements to their facilities and not just for football use. At LHS, those facilities would benefit soccer, softball, tennis and baseball as well as benefiting the entire student body and the neighborhood by providing much needed additional parking space. He said he also understood the concerns of the neighbors to the proposed project because the LHS grounds remained relatively unchanged for many years. However, he believed they had shown in the presentations the appropriate planning and engineering. One of his biggest concerns was drainage and that would be improved as they talked earlier tonight about what existed now. He said contrary to other opinions, he believed those improvements would benefit the surrounding neighborhood by creating very nice sporting venues that would enhance the livability of those neighborhoods. There was talk of a decrease in property values and he thought there were three things they could look at that people liked to have their homes close to; parks, golf courses and schools. If looking at the proposed

improvements to Lawrence High, they had an opportunity to positively impact this neighborhood. Many of the homes in those adjacent neighborhoods were currently not owner occupied and believed the proposed improvements would return owner occupants to this area, which was a good thing. Specifically, LHS was long overdue to having access to appropriate facilities for their athletic facilities. Student athletes, band and cheerleading squads made up a significant part of the LHS student body. The proposed improvements would have a large impact on the curricular activities of the entire campus.

He said absent any glaring code violations or unreasonable variance request, USD 497 should be allowed to make those improvements to their campus that had been under their ownership for many years, while continually striving to be a good neighbor.

Price Banks, Attorney for Centennial Neighborhood Association, said they had suffered a little loss of perspective and suffered the same thing at the Planning Commission meeting. Zoning was not a competitive sport. Most Lawrence citizens had children in the Lawrence School District. He had not had any representative of the neighborhood stand up and tell him that they did not need more facilities in Lawrence or equity between Free State High School and Lawrence High School.

He said his children learned two important things through the Lawrence school system which was to respect your neighbor and obey the rules. There was not much respect being shown for the neighbors. The neighbors were handed a plan and was told by the school district their plans. Now there was talk about changes in drainage. He said the neighbors would like to hear more from Matt Bond, City Storm Water Engineer. He said from the first meeting, it was his impression that the drainage situation would not get any worse, but might not get any better. Now tonight, it sounded like it was going to get a little bit better. He thought the neighbors could use a little bit more information on that plan on drainage.

He said when people looked for a home people did not look for areas with lights, noise or litter or a 35 foot wall out their backdoor that would prohibit them from seeing a sunrise. No one that he talked to or worked with in the Centennial Neighborhood wanted to stop this project.

He said they heard people say the lights would be focused and not spill over. He said he had an experience with focused lights and he thought more information was needed. He did not think in a couple of meetings that people received answers they were entitled to have. He said there were serious concerns which raised the anxiety level of the neighbors and it could be that some of those anxieties could go away, if they were just explained better.

He said he had been in his business for 40 years and could read a code. The code stated 1,300 parking places were needed on site and this proposal did not have 1,300 parking spaces on site.

The code also said that a speaker box needed to be 100 feet from the nearest residence. Based upon where the press box was located, along with the speaker system, it was not 100 feet from the nearest residence. This stadium was too close. The lights were to be 60 feet tall, but everyone winked and nodded and said they had to be 90 feet to shine properly on the field. He said more information was needed and they should not have a Planning Commission meeting that quick without much input from the neighbors and then turn it around at a City Commission meeting just as quickly as they could. He said they ought to slow down a little bit because the project was not going to be built this winter. The project was going to have plenty of other things to keep it from happening. He said he suggested having an opportunity for the Centennial Neighborhood Association, representatives from the school district, and City experts to sit down and discuss the plan in greater detail. He said they were not asking the City Commission to deny it, but give the neighborhood an opportunity to affect the process.

Roger Ricondo, Lawrence, opposed all three requested SUP's. He said he lived directly across the street from the adjacent property owners on Alabama who would be right next to the stadium. He said he was a parent and had an infant daughter who would go to Lawrence High

School in about 15 years, so he supported athletic and extracurricular activities. He supported practice fields being built on all three locations. However, those were not locations that were going to support 90 foot tall lights, 100 decibel sound systems, concession stands and a number of people at that location.

He said he adamantly opposed the granting of a special use permit for USD 497 that would allow the building of a 4,000 seat football stadium at Lawrence High School. Furthermore, he opposed all of those improvements because there was no discussion between the school district, taxpayers and neighbors as to the proposed athletic facility improvements. They were told by the school district that it would proceed regardless of their actions. Land Plan Engineering even sent the neighbors letters stating they had no legal rights. He asked how LandPlan knew of their legal rights. He said while it was true private property owners could improve the property as they saw fit, USD 497 was no private owner. It was a public institution funded by the taxpayers and accountable to the taxpayers. As fellow taxpayers, they must question how the school district could build such inadequate and intrusive facilities without any idea of how much it would cost. The school district did not even know how many people actually attended a Lawrence High School football game because there was no headcount taken.

He said the school district also misrepresented how much money they would save by switching to synthetic turf. In fact, a synthetic field would cost more to maintain than existing grass fields.

Additionally, after spending an unknown sum of taxpayer money, the school district intended to move football games back to Haskell Stadium or Memorial Stadium if more than 4,000 tickets were sold. If those facilities were built, not only could they expect traffic, noise and drainage problems, but the Centennial Neighborhood could expect crime to increase and demographics to change in very negative ways. A crime zone would develop behind the stadium where burglary, vandalism, and where surveillance could occur. Additionally, an

unobstructed view from a 35 foot stadium would allow those with bad intentions to case local homes with high vantage point, learning habit details about local residents.

While property values would most likely continue to climb, no home owner or family would want to live by the 35 foot behemoth. Absentee property owners would rent the property to students and let the homes deteriorate until it was time to flip them for profit. For example, nearly all the homes on 19<sup>th</sup> Street across from the KU athletic fields were rental properties. He asked if the City Commission wanted to be part of turning the Centennial Neighborhood into a student ghetto. Nothing short of a comprehensive school district stadium at a neutral site would suffice.

There was no shortage of green fields near major arterial roads on the outskirts of town which would accommodate the proper facilities. If taxpayers were resistant to tax increases or bond issuances, the school district should consult with private donors or corporations in order to fund an adequate sports complex. Personally, he would not object to the naming rights being sold and would not bother him if the sports complex was named World Company or Boston Financial Sports Complex.

Since the school district misled neighbors on so called progress of those improvements, in fact this was an economic, environmental and demographic disaster in the making, so he wanted to be on the record of opposing this boondoggle. He said that way, when the lawsuits started to fly, it would be on record that he and his neighbors opposed this boondoggle.

In his opinion, the greater good would be served by refusing to grant the special use permit and forcing USD 497 to have public discussion on how it would properly meet the needs of their student athletes. Several Commission and school board members were up for re-election this November. Less than 20% of the electorate would even bother to vote in the City and history had shown that elections could be decided by a handful of votes in this county. Angry voters were more likely than happy voters to show up on Election Day.

Hannah Brittain, Lawrence, opposed the LHS and Centennial SUP's. She said over the past few weeks they heard impassioned pleas from thoughtful parents this plan was for the kids, as if somehow the neighbors were opposed to the kids, their safety, or the quality of their high school experience. Nothing could be further from the truth because the neighbors were current and former teachers and parents. They supported LHS and wanted to make sure their children received the best possible educational experience. She said they had also heard from the school district representatives that they had worked very hard on this proposal and had worked to overcome the herculean task of fitting all those facilities into a space less than half the size of Free State and if they did not move now, everything had to start from scratch. She asserted that there was an alternative. She said she believed they needed equitable practice facilities, but the real harm this would bring to the entire Centennial and University Place neighborhoods could not be ignored.

The proposal was to add two separate large scale football stadiums with seating to accommodate more than 4,000 spectators at each site seemed to be both a poor use of financial resources and a decision that was insensitive to the best interests of the surrounding community. She urged the City Commission to consider an alternative choice. She said she urged the City Commission to vote against the special use permit and ask the school system to work harder and for a plan that supported students and the neighbors. They should ask for a plan that was based on social equity and long term fiscal responsibility. The optimal solution was to have one sports facility on neutral territory as they had in Olathe, Topeka and Blue Valley. If possible, they should ask that the school system construct one competition football stadium for the City of Lawrence and locate it at Free State High School. It was the model in Salina. Salina South High School and Salina Central High School shared one stadium known as Salina Stadium. It was located on the property of Salina Central High School, but was shared equally by both schools. When she talked to officials at Salina South, they said they had always used the stadium because it was the city's stadium. She said she explained that school



officials in Lawrence told her that it would never work in Lawrence because the rivalry was too big between the two schools. In response, a staff member at Salina South said they had a huge rivalry, but the athletic directors were grown men, were friends and worked out the schedule and usage. There was not an inequity because it was their stadium, too, and had the logos of both schools on the stadium. She said in her mind, this was an issue of leadership. The staff member also told her they never considered building a second stadium because it would have been fiscally irresponsible to do so. She asked that there be clear provisions that the use of the sports facilities be limited to school competitions and the proposed complex did not become a City wide facility or adult playing field. Other high schools near residential homes, like Olathe North, Seaman High School, Hayden High School in Topeka did not have community sports events and reserved their space for school use only. Those facilities truly should be for the kids.

Bob Tryanski, Lawrence, opposed the three SUP's. He said there had been a lot of meetings that had taken place between the parties involved and in that process he argued that there had been improvements to the plan. He said the issue of drainage and significant changes had happened and potential good outcomes that would come happened as a result that the neighbors forced themselves into getting involved in this process and would not allow themselves to be told that they were to listen to what they had planned for the neighborhood.

One of the questions that had not been asked in this process and seriously discussed was why this community needed two identical football stadiums for five nights a year. At the Planning Commission they heard one of the Commissioners say why would someone be so opposed to something that would take place five nights a year. His question was why they needed two stadiums for five nights a year. One of the things that could be discussed was what would happen if they took away one of those football stadium at Lawrence High School. One of the questions he received in the meeting with the school district officials was what they would say to a sophomore who would never be able to have homecoming in his own stadium. He said he did not have a response then, but his response now would be to tell the story about the Zen

master and his students and at the end of the story it was possible for everyone to look at a set of lenses and ask themselves what they could do to achieve an outcome of peace and minimal pain and suffering to people. They would do that by asking what was in the best interests of everyone. They have not found the answer to that question with this plan at this point.

Terry Riordan, Lawrence, said he was a representative for the Free State Athletic Department. He supported the three SUP's. He said staff did an excellent job in developing an accurate assessment on this planning document. He said he believed the school district had and would continue to be a good neighbor and try to minimize or mitigate any problems. He said being a member of the Lawrence community he would try to hold the school district to this.

There was nothing in this proposal that would make it reasonable to vote for denial or to allow a delay. First, the City planning staff recommended approval. There were ten conditions as noted by staff that would mitigate any problems created. Secondly, the Historic Resources Commission allowed this proposal to go forward with a positive vote. He was familiar with those regulations as he was on a committee to help develop the regulations. Third, the City Planning Commission recommended unanimously, emphasizing unanimously because it was not that common, that this proposal be passed. All the concerns were mitigated by staff recommendations and as a chairman of the Planning Commission who forwarded those very regulations onto the City Commission, he had a good working knowledge of those regulations and agreed with their unanimous decision.

He said parking was always a big issue, but not so big of an issue with this proposal. There was a net increase of 322 spaces and only 548 spaces were required and 850 were provided. He would dare to say if they could mention one other proposal that came before them that provided 322 extra spaces on a planning proposal, he did not think they would find one. This would benefit the neighborhood every day of the year with 322 cars off the street. In over a year, that was 52,164 cars that were not parked on the streets each school year, which was a huge plus for this plan. It would be cleaner, less litter, safer for everyone each day school was

in session. Safety was an important part of what they were doing. Lighting, which was discussed several times, was focused lights that would minimize spill over. The height of the poles was a moot issue. Either they would go before the BZA and get a variance, or they would add a text amendment, or they would be 65 feet tall. It was not a planning issue tonight and would be before the BZA but not before the City Commission meeting tonight. There were very few activities that would require lighting and even fewer after 9 p.m. only six times a year, possibly 5, up to 10 p.m. The pictures of the brightly lit stadium, if looking at those pictures on the Planning Commission document, showed that the surrounding area was so dark that safety lights should be added. The tennis courts would be moved and the neighbors affected by the stadium lights might even have an overall decrease in lighting exposure throughout the years. He thought the trees would be a mitigating factor. If looking at the closeness to the neighborhoods and other issues in the planning decision, those football fields looked like most mature high schools in the State of Kansas those fields would be very close to the neighbors, just like LHS was. It was a mature school and the football field was quite close. He said the water drainage was mentioned as a big improvement two weeks ago when it went before the Planning Commission and the planning document clearly stated that it would be improved. Traffic and safety were not an issue because there were only 6 games a year.

He said there were only two major arterials in the area and that was what arterials were supposed to do which was to carry away large amounts of traffic and did so safely. The high school events would be dwarfed by the flow after the basketball games at KU. Sidewalks would be improved and safer every day of the year. This proposal made it safer for students because they would not have to be bussed to events. Parking spaces would take students off the street for parking. Improved playing fields would be much safer with fewer injuries when compared with the Haskell field. All activities would be on the east side away from the houses and the noise would be directed to the east.

He said in conclusion, what was before the City Commission was to vote on the plan and not use emotion because it was not a good way to plan the city or meet the needs of children. He asked that the City Commission pass this proposal.

Alek Joyce, a Free State High student, spoke in support of the three SUP's. He said by approving this plan, the entire school community would prosper including players, coaches, the band, families, cheerleaders, fans, and even people who went to the games and had no connection to the high schools. He said with the turfs, they no longer needed to maintain the fields, which was an obvious plus. He said a soccer game was postponed last week because the field were wet, it would have torn up the field. He said adding those fields would centralize the schools around the schools and make a home game an actual home game. Free State's location did not have any problems, but LHS was the one of more pressing issues. He said he lived in a house north of 9<sup>th</sup> Street which meant he was about five blocks away from Memorial Stadium. He said parking might start four hours before the game and people might tailgate. He said from his experiences, at a college level which was a much grander scale, a football game did not matter. The lights did not do anything, but he did not want to say a person would get use to the light, because there was not much to get used to. He said between focus lights, speakers and 100% increase in parking or so, he saw nothing that would burden the surrounding houses to the extent of denying the school's community from those improvements and thought it was a much better deal. The public school athletic programs had been a staple and he was glad to be a part of them. LHS, Free State and Lawrence in general, deserved respectable facilities and should no longer fall in between today's standards.

Betty Alderson, Lawrence, said she lived about one block from the neighbors affected by the Lawrence High SUP. She asked why two football stadiums were needed when one could be shared by both high schools. She said the City Commissioners not only had a responsibility to the school children and school district, but also to the residents of neighborhoods. It made this issue even more difficult because some of their goals might be different.

She said her children attended Lawrence High School and her son played tennis practicing over at Veteran's Park, which was the only place the school had in those days. The concerns she heard in the neighborhood were ones with the bleachers right in the backyards of the people of the football stadium. The other things were a little easier to get around. He said the tall structure would be in their backyards 365 days a year. It was not just going to be nights that there were football games. Those lots were not plotted very well when that area was set out. They were nice buffers to the high school which sat on the east side of that acreage. They were shallow lots with half the depth of most of the lots they lived on, which meant they did not have any backyard except the Lawrence High ground. She had watched over the 50 years she lived in her house as the high school added on one thing after another, after another to the west on that site.

She said she read in the newspaper that in Johnson County those schools shared facilities and each one did not have their own facility. They could talk about equity all they wanted between the schools and academically she hoped that was true, but she was one of those who wondered about the expense of two football stadiums when at the first meetings they had with the representatives of the school administration, this was only a stop gap measure until they had one large sports complex for the schools in town.

She said she recalled when the school had consultants before the last bond issue and there was an issue of a sports complex. It was to be at Lawrence High and required seven city blocks of land. This was all being done on what was already there with no additional land. She would agree with those before her that asked why they could not have one facility at Free State which had the space. The rivalry and things that had been said were in the minds of the adults in the community and not among the students to share a facility. One of the questions in the neighborhood was the funding. Funding might come from performance contracts or what was leftover from prior bond issues, but the people were the ones that were going to pay for those stadiums and it might be in the hands of the school right now, but the taxpayers paid money into

the City, County and school district and into the federal government for whatever money was out there that was used.

She said she also heard about the safety of students going off site. She said living as close as she did to the high school; students went offsite every noon to drive down to 23<sup>rd</sup> Street to get their lunch. There was adequate space in the cafeteria to have a closed lunch hour. They were not concerned with the safety of those students who were zooming out of the high school lot. She said there were also neighbors in the area that lived there for many years. She said she did not think they would see any decrease of parking in the neighborhood because the KU students would love all that extra space available.

Bill Newsome, Lawrence, said this level of investment in our school district is long overdue. No one had to go very far, east or west, to see the City's shortcomings. The City Commission would not have a lot of agenda items in front of it where the impacts were as far reaching as this. It impacted the quality of life, business investment both from companies that were here and companies that might be here. This was infill development and never satisfied everyone. He urged the City Commission to look at the big picture because it was compelling. For the sake of the community as a whole and the best interest of the entire community, the items needed to be passed. Further, given the level of professional expertise that had touched those applications, those applications appeared to be ready to be passed tonight.

Shelley Bock, Lawrence, spoke about the need for improved soccer facilities. He said he thought he was the only person who had been a participant on those fields in the last 24 hours. He had been a soccer referee for Free State High School games since the inception of soccer. He said soccer programs at Lawrence High and Free State had been going since 1985. The soccer fields were originally at 23<sup>rd</sup> and Iowa. Those fields were then moved to a field next to the parking lot at Holcom. Then those soccer fields went to "Dad" Perry Park, which was in a configuration of a trapezoid and if you meandered anywhere off the field, it was full of ticks.

Ultimately, YSI became the field for Lawrence High and Free State. They had played at various locations on campus, utilizing the band practice field.

Throughout the Sunflower League, in which Lawrence High and Free State play, the fields in Lawrence were notoriously bad. The Olathe South coach anticipated an injury to a player based on field play every time Olathe South played in Lawrence. He said last evening he spoke with the Olathe East coach and they had an incident the first year Free State won the game against Olathe East which was on the band marching field and the pins used for marking the increments for the five yards and sidelines for the band had not been removed from the field and the coach started yelling at him saying that it was dangerous and the worst thing he had seen. He said he told the coach that he was a parent for the game and not the official. The point was that it was incredibly dangerous. The fields had improved to an extent. About five or six years ago he and another official almost terminate the first game of the Lawrence High year because the YSI fields were bad. They risked the possibility of someone slipping into a three inch crack in the field, injuring themselves and putting themselves out of commission. He said that had improved but the evaluation by the coach the previous night was that it was barely okay. There were approximately 100 students per year at each high school who played soccer. The facilities needed improvement and lighting. He was not thrilled with going with athletic turf, but it was a necessity to prevent rain outs, which they have recently had. The circumstances of having the students go to practice and play on campus decreased potential injuries, car accidents, which he had heard happening of students going to practice at Holcom, and were reminded of an incident several years ago where he believed a Blue Valley Team that had four or five students killed in an automobile accident as they were going to the practice field. He thought it was important for the community to realize that the facilities in Lawrence were probably the poorest in the Sunflower League. Very few soccer fields which he knew about were worse. There was a field that abutted a residential area, but that was something the community worked out. If the facilities did not improve, he believed that Lawrence and Free

State would be facing a situation where they would not be included in activities from Johnson County. He said this was needed and had been trying to work for soccer fields for over 20 years and were on the cusp of achieving adequate facilities for sports participation. He encouraged the City Commission to approve the SUPs.

Gwen Klingenberg, Lawrence Association of Neighborhoods, spoke in opposition to the approval of the three SUP's. She said she read a letter from LandPlan and the letter stated it did not grant the recipient and landowner any legal rights to challenge the proposed development. She said however that City Code did and read provisions from Chapter 20-1101.

She said this was not the first time the school board had parked a cruise ship in their backyard. They had the opportunity to stop a cruise ship from being parked in those peoples' backyard. The City Commission heard several people request that there be more discussion and more neighborhood involvement. The Lawrence Association of Neighborhoods requested the City Commission take this into consideration, follow their codes, take care of this neighborhood and make sure there was not another cruise ship.

McCullough said he wanted to clear up something that had come up a couple of times so people did not think that LandPlan was out there telling people their legal rights. The school district was attempting to do this development in two steps; the first step was an administrative site plan review where they were replacing the grass fields with the Astroturf in a limited kind of scope for the code. In the City's site plan process, there was a requirement for the applicant to provide a letter, a Notice of Site Plan Review. Within that letter, by code, the letter must state that this letter did not grant the recipient and/or land owner any legal rights to challenge the proposed development. Instead, it was being provided solely to advise adjoining land owners of the pending proposed development. He said he assumed the language was negotiated at a time the development code was adopted in 2006 as a way to provide notice that an owner was exercising their code rights to develop their property but to provide them notice. He did not want



LandPlan to get a black eye for providing letters that people did not have a legal right to challenge, but that was a code requirement.

Brian Wyatt, Lawrence, spoke in support of the three SUP's. He said this project was about infill development. He said not too long ago there was the 11<sup>th</sup> and Indiana project that was also an infill project and anytime they had an infill project it was difficult. He said there were no fields available for Lawrence High baseball, but they used Ice Field, when available, which was a City owned field, whereas Free State could walk out and practice at their fields. He loved Lawrence High and did not want to move over to the other side, even though that was what they should have done, but they loved Lawrence High. Free State's field was better than what Lawrence High had, but that field was nothing to brag about. He said it was embarrassing for Lawrence and its size and for its kids. He said with the school board having money left over to put toward those projects was a win/win situation as long as the water drainage problem was not going to negatively impact property owners. He said it was being a good neighbor to the kids for five nights a year. He said people flock toward schools and that was where new residents always go. Saying that property values were going to go down was false. He said the need for those facilities was 20 years past due. He said his son would not go to college unless he had that ability because of sports. He knew that sounded sad but was working on it. He said his son had done better because of sporting events.

Bill Wagner, Lawrence, spoke in support of the three SUP's. He said he was the parent of a former and current student athlete and Lawrence resident for 22 years. He said there was not such thing as a perfect plan and thought if this was delayed, re-discussed or talked about for a month or three years, that there would still be individual groups of people that would find something wrong with it. He said a lot of people thought they needed improved facilities and some people thought the money could be better spent. He did not know the affect on the surrounding neighborhood and was up for debate. It was mentioned as an issue and thought it was the number one issue and his number one issue was the safety of the students. He said

until he listened to the soccer official, he did not know there was that much issue with the safety of the participants on the field. He said as the school board mentioned, there was a major issue with students traveling to participate in and spectator at venues in town off campus. Any time that many kids were traveling, there was a risk. The greatest risk addressed by this plan was it got kids off the surrounding streets and got them parked on campus. There was a lot of discussion of if they had adequate parking for football games five times a year. What was more important was every day they needed to have on campus parking for students. He said drive around surrounding neighborhoods after 8:00 and see how many kids have to park off street and stand on the corner of 19<sup>th</sup> and Louisiana and see how many kids had to cross 19<sup>th</sup> Street and Louisiana Street with all the traffic. Daylight savings time when it was dark, kids leaving choir practice, band practice, volleyball, basketball in the dark and sometimes in the snow and rain had to cross those streets to get to their cars because there were not enough parking spots on campus. To him, that was a huge issue and every month it got delayed they would increase the risk. He said anyone who voted against this would increase the risk that students traveling to off campus venues, especially every single day coming to and from their vehicle, to and from classes at the end of the day, or practices or athletic events were increasing the risk. He said this was a great plan that was well thought out. There was no such thing as a perfect plan. This plan addressed the top key issues, especially the number one issue of student safety.

Jerry Schultz, Lawrence, said he lived in the Centennial neighborhood. He thought there were many good aspects with the plan and a lot of problems with the plan. The neighborhood was the biggest loser in this matter. It was true in those kinds of situations that there was going to be a loser and some folks that come out ahead. He did not think the neighborhood had to be the only group that needed to contribute something to the plan. There were certain aspects of the plan that were inappropriate for this particular location. Clearly, the football stadium was the big thing that seemed to be most appropriate and there were a lot of reasons why it did not have to be there. There was no real reason why they had to have two stadiums. One would be

sufficient. He said the issue of equity was not a real issue in this particular case because you could simply use one stadium that would be a Lawrence stadium. Not putting the stadium at that location would relieve the neighborhood from putting costs to the neighborhood. There were some aspects of this plan were damaging to the neighborhood. This neighborhood had 40% rental properties. Beyond that, it would cause more damage to the neighborhood as a neighborhood and thought the neighborhood had been struggling with those issues for a decade. There were some solutions to this problem and thought the football stadium was the big issue. If that could be resolved, they would solve many problems people would feel about this matter.

Fei Fei McClure, Lawrence, said she lived in the Centennial neighborhood and said she opposed the LHS and Centennial SUP's. She said 27 years ago she came to finish school. She was looking in Lawrence for an area to live and she found the Centennial area. She had raised her son in the Centennial neighborhood and talked to her son when he came and visited and asked him what he thought about the soccer field across from the house. Her son had been playing soccer since he was 6. She said her son said they were putting that field in the wrong place and when she asked why, he said it was because the area was too small and Louisiana Street had too much traffic. She said it was a problem area. She said the area was a great area to raise kids with the high school, junior high and grade school.

She said anytime the school board wanted anything, they received permission from City Hall. She said they should have never shut down Centennial Grade School but it was a personal opinion to shut down that school. She said the high school already caused problems because the students leave their lunch on her front yard and park in front of her house so she cannot go in and out of her house, but she never complained because they were students and she was a parent. She said now she was complaining because she did not like this plan and it was not a good use of their taxes.

Jeanne Klein, Lawrence, spoke against the SUP's. She said she wanted to talk about the fact that safety was a non issue as they heard from many others. Anytime they had a young driver behind a car, it was unsafe in some ways. They were not talking about sharing enough. This issue would not even happen if they were talking about theatre. They would not be discussing having a second thrust stage for Shakespearean shows and then they needed a separate stage with musicals with an orchestra pit and would not be talking about a separate experimental black box for experimental plays. This would be a non issue but in this case they were talking about having five sports complexes in a tiny, densely populated area. She knew that most of the discussion had been on the football stadium, as it should because it was so far up against those homes. She also wanted to learn because she did not know enough about the baseball stadium like how many seats, about the noise, sound and how much light was going to filter around the neighborhood. They had not heard a lot about the baseball stadium because it sat against the back of commercial properties. There were so many unanswered questions they did not know about.

She was still concerned about the Astroturf and wanted some neutral, unbiased information from a non industry salesman who were not selling the Astroturf to tell her about the maintenance and storm runoff of the particles off that Astroturf. She wanted to know how much of a 2 inch rain would stay under those passive detention areas. She wanted to know that after kids play on it, the rubber particles and chemical particles that came off of it that have to be swept off that came off in storm runoff. She wanted to know what impact it would have on her garden. She wanted to know the impact on the lawns and know what chemical stuff was going to come down the pike from those five fields. She wanted to know why they were talking about chemical stuff as being an improvement over grass when they were talking about a whole sustainability initiative and the City going green.

She said this was not about equity but inequity of a neighborhood. If they wanted to kill a neighborhood, this was the way to do it. She said this was about status and parents that were concerned about status and keeping up with Blue Valley, Shawnee Mission and Olathe.

She said parking was still not solved at Lawrence High because they did not want to solve it and chose to keep parking at one level instead of having a multi level parking garage.

She said at the place she works they had problems, too. Over 20 years they have been talking about how they need performing arts facilities and black boxes and how the Lied Center was not big enough, and that was at KU. Every school district, whether it was a local district or college, were always going to have facilities that were not right. She said some of the high school facilities in Johnson County were better than community colleges and KU. There were performing arts centers at Blue Valley that were far better than KU's theatre performing arts facilities.

She said when they were talking about the school district; they were talking about the taxpayers. They were all paying the property taxes and sales taxes to pay for all of those facilities. They were also paying federal taxes for Haskell Indian Nations University. She urged the City Commission to deny the proposals for tonight and have more time to talk about the possibilities of what could happen to make the projects better for everyone concerned.

Scott Morgan, Vice President of the Lawrence School Board, said he was speaking for himself and not on behalf of the Lawrence School Board. He said he wanted to take a moment to thank the City Commission and apologized for having put the Commission through this process. This plan was not over and the City Commission would not have the final say, even if they approved those plans, there would be more process yet to come. This started during his hiatus from the board four years ago discussing the needs for facilities, trying to get equity at Lawrence High, so there was not the nice high school and the other old high school. He said the City Commission's role was to look at the zoning and at staff's and public discussions to see how that applied to the zoning interpretation.

He said there were seven members on the school board elected to make decisions on financing, appropriateness and other decisions. That was their role and they did not take those decisions lightly or come at this plan with the indifference to any opinions. Those decisions were not fun and the school board was not paid to do what they did, but were elected to do what they did. He said he would like to think the City Commission recognized the school board had looked at those plans with further detail even though that did not mean the school board knew everything or made all the right or final decisions.

Steve Nilhaus, Principal Lawrence High, said regardless of what positions people took or their opinions, he was thankful for the opportunity to learn from other people and to sort out some of those issues. He said he also wanted to remind people that in a democracy, people elected other people to make decisions that were in the best interest of everyone. He said he had a job that once in a while he did not make a decision that was 100% popular, but he tried to look at the greater good and what was fair. He tried to look at how he could mitigate the concerns of those who might not agree with the decisions he made. He said the City Commission was faced with the same type of decisions many made everyday.

He said one thing he noticed when he came to Lawrence five and a half years ago was there was a difference in the two high schools. One high school had a lot of tradition, pride, success in academics and athletics. People truly love Lawrence High School. This community made a decision a few years ago that they decided that a high school of 2,225 people was too big and another high school was built in this town. He said things that had happened since then had shown it was a good decision and more kids had more opportunities. They had two fine high schools in this City, but the high schools were not being treated equally.

He said, every year, he told the sophomore's at Southwest Junior High that if they went to Lawrence High School, they would not be able to park as a sophomore and would need to park in the neighborhood; as a junior, if lucky, they might get their name drawn and get to park on campus, but there was no guarantee; and, as a senior, pay \$10.00 to receive a parking

permit. The principal at Free State could tell those sophomores, they could park on campus. He said it was an equity issue. He said to vote "no" meant that equity did not matter and the kids did not have equal access to safe parking or competitive fields. He said this school board was taking action to address that issue so kids had equal access.

Sven Alstrom, Lawrence, said everyone was hearing a lot about equity. They could not talk about equity, at all, if they did not talk about fairness of the City Commissioners to exercise their oath of office and step above a planning memo and planning recommendation that had holes in it which they had been told by several people. He said Tom Harper started to sow the seeds of togetherness, which was what they wanted in the neighborhood. The district officials had presented this plan unilaterally with virtually no changes. He showed a picture taken from his house of drainage problems that was taken to the May 11<sup>th</sup> school board meeting. He said on the school board's agenda, they had no budget for site drainage. He said due to citizen action, they had the school district solve the drainage problem, but had not seen the budget numbers.

He thought there were serious issues about allocation of resources and several people had talked about those issues. He said this was a lesson on how to kill a neighborhood. First of all, there were some cavalier types of attitudes about the height. He agreed with Mauer about the lighting on the softball field, when at first he did not. He said there were serious legal flaws with how the HRC meeting was conducted and the Planning Commission meeting. He said one neighbor did not receive any written notice of any of the events. He said he was asking the City Commission to listen and defer or stop this plan until the district listened to the community better. There was a misallocation of resources that was serious and caused a lot of harm to a lot of people. He said the school district only made minimal contact to the footprint identified people. University Place Neighborhood Association was not contacted.

Vice Mayor Chestnut said the issues around Lawrence High School and Centennial were very contiguous and not a lot of comment on any issues with Free State.

He said he received a lot of email on this topic and he had one meeting with a very hospitable neighbor on Alabama Street. He said he wanted to start by going back to a comment made by Banks about following the rules. When talking about following rules, they had to understand the zoning and this Commission's jurisdiction. He said the comments regarding equity, financial, district, and stadium were all considerations that were not within the jurisdiction of this body. He was not going to make any comments regarding whether or not the school district could afford this plan or should do this plan for equity. There were a plethora of comments about those issues and the City Commission was not in the position to make those decisions and therefore, the City Commission was at GPI zoning. He said he wanted to make clear that within GPI zoning, AR, NES, and S were allowed.

The Planning Director made an interpretation that an act of recreation versus ES and S were both allowed in GPI zoning and made an interpretation of AR. He said one wise thing he learned about this job, early on, was to trust staff. Staff went through an arduous discussion about those different classifications and came to that conclusion. He said even under active recreation, the plans were being done under a special use permit which was something that would also be required for ES and S.

The second issue that was important to recognize was that those uses were within the scope of the property owner. When talking about one variance, which was the interpretation of staff, there was the height requirement and sounded like there was a reasonable expectation about why the height was going above 60 feet and might mitigate some of the lighting issues in the neighborhood.

All of that being said, there were still some issues that needed to be discussed; he was in favor of moving forward but there were some unanswered questions. One thing that would be good was to talk about a few conditions on things that needed to get resolved during this process. The City Commission received the Free State calendar and the Lawrence High calendar and that was appropriate, but knew there were discussions going on between the



school district and Parks and Recreation about other uses. One thing he suggested was a letter of agreement between school district and the city about the maximum uses that could be allowed in those fields. He said he did not know if that was two nights a week or seven nights a week, but there was some discussion from the Planning Commission about lights out at 11:00 p.m., but it did not address if someone could play a softball game at 6:30 a.m. in the summer, which was a possibility because there would be enough daylight. That might not be reasonable, but there needed to be this process and this process ought to be consultative of the neighborhood. That was a suggestion he would make in moving forward.

The other issue was the type of trees that would be used along Alabama. He said he did not want to talk about trees, but ought to strive for as much opacity as possible. He thought there were some issues the school had about how there might be somewhat nefarious activities back at that location if it was opaque, but that screening worked against itself if planting a bunch of trees that did not shield. There ought to be a discussion in that regard, but did not really stop the process in his opinion. He said it needed to be discussed because it was probably the best barrier that neighbors had with what was at that location.

He said finally, there was discussion about traffic and he agreed there should be discussion about how that traffic would be mitigated. The City would be involved any way because it would involve the law enforcement just like at Haskell. He said in that City/school district letter there needed to be an understanding of how that was going to be mitigated. In moving forward, the City Commission needed a better definition on what they were doing.

He said for all the comments and discussion, it boiled down to the general health, safety and welfare of the public and unfortunately, those were areas that were not clear cut. He said he believed it was in the greater public interest to move forward with those plans. It was clear that those facilities had been behind for a long time.

He said he did not know about property values that were adjacent to it, and that was speculation. He thought there were many other elements that contributed to a great

neighborhood and the neighborhood associations reflected those values. He said this was an issue he thought they could work together and resolve because he believed it was in the public's best interest to move forward, but he also understood the concerns of the neighbors and thought there were issues. While this process was important to go forward, he thought they could make those conditions in a letter agreement that would allow more public input and also evolving in the process, which was probably going to happen anyway.

He said the bottom line was that the Lawrence High/Shawnee Mission East game was moved from Haskell last weekend because there was three inches of standing water at Haskell, 24 hours after it rained. It was just not a venue students should be playing in anymore. He said as a Lawrence High graduate and someone who played on the State semifinal game against Shawnee Mission in 1978, he had certainly some emotions, but the fact was it was long past due and it was time to move on. He said at some point, he hoped they would look at a district stadium, but he looked at the details of USD 501, when they built Hummert Sports Park which was 25 million dollars. He said one of the things they were also faced with was a very financially efficient situation. It was very compact, but it addressed many of the issues the school district had.

Mayor Dever asked if those conditions needed to be resolved now.

Vice Mayor Chestnut said no. He said the City had a good neighbor agreement with the SUP at the Lawrence Community Shelter. It was an arrangement between the City and the Shelter about what they were going to do. It could cover litter and also talk about some of the things in the site plan and also about ongoing events. He said that was very much in the fabric of what they had done with special use permits. He said there was some recognition by the special use permit, in and of itself, that there was a relationship between the City and School District. He said he thought the school district would be on board in a special use permit because it kept the City involved because there were quite a lot of things going on.

Commissioner Hack said she appreciated Vice Mayor Chestnut's comments and he brought up three of her concerns, traffic, maximum number of games, and trees. She said with the traffic in that area, those four or five nights, it would be comparable to what the Oread Neighborhood and Old West Lawrence dealt with on K.U. game days and that was not the most pleasant thing and to the extent those things could be mitigated they should because they were important. She said the only place she would disagree was that some of her decision making had to do with the concerns of the neighbors and how those concerns could be mitigated as well as safety to the kids and equity. Anytime the City Commission had to make a decision on infill, they had to balance the needs of multiple parties on multiple issues and they knew they were not going to make everyone happy. She said Scott Morgan did a good job in indicating there was an awful lot of information available. She said she received more e-mails, telephone calls, and letters on this issue than she had in a long time. She hoped that people would understand that no matter which direction, she had listened very carefully to all sides. She said her heart had always been with the school district as an employee there for 34 years and she felt like she never left it and was always a part of the school district. She appreciated the fact that City staff, HRC and the Planning Commission believed that this was an appropriate use in this area. She was not getting the sense that there was as much concern with the Free State situation. It was interesting that the Vice Mayor brought up about trusting staff, because the City Commission heard when the public disagreed with staff's presentation. If the City Commission disagreed with staff's presentation, then staff was probably the smartest group ever and they did not know what they were talking about. Depending on what side of the fence, staff was going to get beaten up or applauded. She said her feeling in this case was she knew staff spent a lot of time going through this issue and staff's decision about the zoning was an accurate one. To go through the Planning Commission and HRC were significant things that added one on top of the other when the Commission looked at issues.

As far as noise, drainage, and lighting there were variance issues that needed to be discussed. She said she was convinced the City had an excellent stormwater engineer and if Matt Bond indicated that he did the studies and those plans would work, she believed him. She said she trusted that Bond knew a lot more about this stormwater issue than any one sitting in the room. She said the thing she kept coming back to was the equity issue. She said if they were looking at a special use permit for something to do with theatre, drama, or any of the performing arts, she knew the community well enough to know they would have an enormous group of people giving the same side of this argument. Athletics was another extracurricular activity that was important for young people. She said when they did not have an equitable situation between the two facilities, among their various sports, between men and women and boys and girls sports at those two high schools, it was wrong and not something Lawrence, Kansas needed. She said when kids were getting in cars and driving cross town that was bad because she was not a fan of those kids driving at lunch or going to practice which was a socioeconomic issue. She said parents who could not afford to get their kids to practice, those kids could not participate which was wrong.

She said if they left the situation the way it was or put one big monster stadium at Free State, an equity issue would be created between those two schools that could not be recovered from and there would be an area north of 15<sup>th</sup> Street that was going to be the good place and south of 15<sup>th</sup> that would be the not very good place. She did not want that to happen and was convinced when new residents in the community were doing the drive by and looked at the new stuff and old stuff, it would not compare. It was important to move forward with all three of the special use permits.

She said she would like to see conversation about the trees, lights, and use because it was a fairness issue in terms of the surrounding area as to how many times per year this could be used until 10:00 p.m. with the lights on. She said she would support all three of those special use permits and was something that needed to be done for the students.

Commissioner Highberger said he agreed with Commissioner Chestnut's comments that a lot of the issues being discussed were not necessarily things the City Commission could take into consideration in making their decision. He said the equity issue was crucial, even though it might not be critical to their decision. He said he applauded the school district's efforts to work on equity between two schools and agreed with Commissioner Hack that it was critical to the future. He said he was not convinced the equity between the two schools required building a football stadium on the site. He said his primary concern remaining was the stadium on the site did not meet code. He said Padgett's argument was very persuasive about the specific definition for a sports stadium of over 500 seating, and that was what this proposal was. Under the code, it should take precedence over the more general definition. The real issue was parking and it would require more parking, but if they accepted that as the definition, then what they had before them did not meet code. Since it did not meet code, it was a matter to be discussed. He said a facility like this at that location would have a negative impact on the neighborhood. It was a neighborhood that had been struggling for a long time and there were some young people with families moving back into that neighborhood. It seemed likely that facility at that spot would turn that whole adjacent block of housing on Alabama to rentals.

He said he could support those plans with the absence of the football stadium. He said the safety issues that were raised were important, but he did not see the presence of the stadium at that location making a difference as to the safety of students, one way or the other. People were driving off site now to go to games. He said having practice facilities at that location would be important in terms of safety and equity. He said if there were four votes that passed those special use permits, as written, he encouraged the good neighbor process. He said he could support items b and c, but not item a, with the current configuration of the football stadium.

Commissioner Amyx said he appreciated all of the comments he received over the last several weeks. He said when looking at the Lawrence High School site, the stadium was the

issue. If there was going to be a stadium at that location, the question was how would those current concerns be addressed because that was the City Commission's responsibility, under the development code and special use permit. He said he happened to be at Lawrence High School when the kids were getting out of school. He said at 21<sup>st</sup> & Louisiana and 21<sup>st</sup> & Naismith there needed to be discussion about how that traffic flowed in that area with that football stadium. He said he was concerned as to whether or not there would be enough parking on-site to take care of half, three quarters, or whatever the figure was going to be for parking.

He said the comments received from Matt Bond, Storm Water Engineer, about drainage, was a concern. He said when he lived at 1935 Alabama, his son attended Centennial Grade School and he experienced a lot of the Alabama Street flooding problems. He said if Bond's recommendation on drainage corrected the problems coming off that site, then they should consider Bond's recommendation. He said the City Commission needed to decide whether the stadium would be 58 feet from a property line and how would the City Commission take care of the neighbors. He said for whatever reason the school board decided to take a different direction, was not a decision the City Commission had to take care of. The City Commission's job was to make sure they followed the rules under the development code, make sure those facilities fit on that site, and take care of the concerns of the neighborhood.

Mayor Dever said this was a situation where a lot of good could come out of all three items because all three items had a tremendous amount of value for the community. He said all those people who brought the drainage to the attention of the school district were an example of a positive thing that came out of this issue. He said improvements that would be made if this project were to be completed would have a substantial affect to the neighbors on Alabama Street. Ironically, those same people who might be yielding a benefit from the cost of the work for improving the drainage would be impacted by the obstruction of this grandstand on the west side of the stadium.

He said the value of doing this work was beyond the Commission's scope and their job was to determine whether or not this was an appropriate use and whether they should issue a special use permit. He said there were parking issues that would be solved and appreciated a lot of the feedback from the experts in the field. There were interpretations of code and he would go to the people who were paid to do this for a living for the City and had to live with the decisions every day. He said he questioned those decisions and there were conversations about those decisions, but he believed there was a way to interpret this information and they had to rest those interpretations with the professionals.

He said there was an investment for the future of the community that needed to be made and needed to be made so that the entire community could benefit. He said a lot of money had been spent for improving certain parts of the community and this area was one part of the community that deserved more attention. He said there were people that were saying they were trying to kill the neighborhood, but in his investigation, he did not see it killing anything but saw it as an investment in the quality of facilities nearest the neighborhood homes. There was going to be aesthetic improvements to the whole area if this was approved and a tremendous improvement in the parking situation that impacted the neighborhood daily. If the neighborhood invested in the interior portion of Lawrence High, it would only add to the value that went on inside the building. The kids who went to Lawrence High deserved it along with the kids who went to Free State. He said all of those practice fields were necessary and were improvements that should be made to both high schools.

He said he had a problem with the stadium and where it would be located and why the City needed two stadiums. He said no one wanted to be like Johnson County but then pointed to Johnson County as how things should be. Realistically, he did not know why they needed two stadiums for a lot of the reasons the people in this community pointed out. He felt it was a good question to ask and when he asked those questions, he received pretty good answers. Shoehorning this stadium into the small area was a difficult proposition and was made difficult

by the Olmstead Subdivision where they designed lots that were half the size they should had been all along. He said it was the City Commission's responsibility to protect the future of the community but also boiled down to the size issue. They needed to reduce the impact as much as possible. He did not think it boiled down to a few feet, but had to think about how they would not put this in the back of someone's yard, which was where it was now. He thought those improvements needed to be made and should be made. He would be willing to move forward if they could have conversations with school district about increasing the distances from the backyards of the east side of Alabama Street. He said all the other negative externalities of this project, the positives outweighed the negatives.

Vice Mayor Chestnut said if there was support to move forward, he suggested the site plans come back to the City Commission. It seemed to make sense based on the fact that if there was support to move forward with the SUP's, but there were still questions. He said if the site plan had any small revisions and School District tried to move the site plan to the east, it would come back to the City Commission and the Commission would be able to maintain some control.

McCullough said the SUP included the site plan the School District was asking for approval. There were some conditions staff included that were follow up issues on traffic mitigation and parking mitigation and variance for the light poles. He said if the City Commission preferred to do some conditions of approval that had physical qualities, like buffer yards or relocating different elements of the plan, this was the time to attack those issues.

C.L. Mauer said if moving to the west, they would be giving up parking spaces. They were losing out on parking, which was what the neighbors said they did not want. He did not know at this time what the compromise would be. They moved the plan over as far east as they could without losing the other end.



Padget said he had not drawn it up, but possibly the stadium could move east enough to where parking could be put on the west side. They could probably pick up more parking spaces than they would lose. Drainage could happen underneath the parking lots.

Vice Mayor Chestnut said the priority would be to maximize the setback from the property line to the west and asked if those were even designs that were considered.

Commissioner Highberger said it seemed it would be difficult to draft at this time and it would make more sense to table this issue for a week or two.

Commissioner Hack said the school district needed to get the sense of whether the City Commission was in favor of moving forward or not. She understood the connection between the special use permit and site plan, but she did not want to be designing the football stadium for Lawrence High School.

Vice Mayor Chestnut asked if the City Commission could approve the site plan with the conditioning the City Commission would try to maximize the setoff from the west boundary.

Bracciano said the school district had worked with the Planning Department very closely and made adjustments. He said they were committed to doing what they could to mitigate the effects on the neighborhood. He said if the setback was an issue, they could not guarantee they would find a solution that did that, but they would give it the best shot they could. He said the school district wanted to be fair with the community and neighborhoods.

Commissioner Amyx said if the Commission were to condition this in such a way that it might take care of those concerns, he asked if the City Commission wanted a revised IDP to come back to the City Commission.

McCullough said one option would be to condition the approval on a 75 foot setback and if the applicant could not meet that condition then bring it back to the governing body to show what the school district could meet which was an alternative.

Alstrom said with the emphasis on togetherness, he asked that they did some thinking to get the best result. In this community, he was not disparaging LandPlan, but that firm was

captive to their client. He said the reason he asked to speak, was that there was other mitigation besides trees which was the bowl shape of the stadium could be designed to reduce the acoustic effect because it locked low frequency base vibration. The actual design of the physical stadium could reduce the noise and that was a much better mitigation than trees. He said they needed to look at this plan much broader and get a good solution. He said he believed the school district did have a relatively good solution to drainage and this interaction would give them something when they say they wanted equity and wanted a great thing.

Mayor Dever said it was clear that Commissioner Amyx wanted to minimize the impact on the western border.

Commissioner Amyx said yes and he relied on the experts and would like to see the setback 75 feet and he would like to see whatever it took to minimize the impact on that wall for that neighborhood.

Commissioner Highberger said he was not sure the 75 foot setback was the critical issue for the neighborhood and thought there would be a better result if the Commission tabled the issue a couple of weeks to meet with the applicant and the neighborhood.

Mayor Dever said it was important that the Commission was committed to the design of this stadium when it came to protecting the adjacent land owners and he hoped by stipulating a greater distance they could achieve some design changes that might impact the way it was going to look to the neighbors. He said it was arbitrary to say 75 feet because moving it 75 feet and building it taller was not going to solve the problems. He said he wanted to make sure the Commission was considerate of the design and how it impacted the neighborhood.

Commissioner Highberger said if the City Commission was really interested in protecting the neighborhood, a two week delay would not kill the project.

Commissioner Amyx asked about the time frame.

Bracciano said they were hoping to start October 9<sup>th</sup>. They wanted to have the football/soccer field combination done and then the baseball field done for spring. He said the

longer they delayed this project, the more it would cost. If they did not start soon, they would lose a season of sports.

McCullough said for the record, it was 60 feet that was the height limit in the GPI district.

Bracciano said he would be willing to accept the condition of keeping it at 35 feet for the plan to work with a 75 foot set back.

Mayor Dever asked if building the stadium was a house of cards. He asked if they pulled this piece out of the proposal, how it would affect the rest of the plan.

Bracciano said this was an effort they had been working on since August. They talked to the athletic directors, coaches, principals, school board, and had the financing pieces all there. When they started to pull pieces out, they lost someone because it was the most important thing to them. He said the entire project was integral.

Commissioner Hack moved to approve the SUP-07-04-08, the special use permit for Lawrence High School subject to the conditions as stated in the staff report with an addition of a 75 foot setback for the stadium and a maximum height of 35 feet.

Vice Mayor Chestnut said he did not know if it applied to the three SUP's or the one, but the discussion regarding being a good neighbor, this was something that could happen over the winter because they probably would not be into sports, but it would be negotiations between Parks and Rec, the school district and getting the neighborhood involved in talking about the maximum level of activity.

Commissioner Hack said she would add the friendly amendment to add the good neighbor agreement as a condition.

Commissioner Amyx asked if that included the City's use of the facilities.

Vice Mayor Chestnut said yes because the calendar presented this evening only included school district activities. If Parks and Recreation was interested in those fields, then this did not apply and there would be seven months out of the year that Parks and Recreation could fill in.

Bracciano said he was on the Parks and Recreation Advisory Board and they had those discussions and needed to work out some agreements.

Vice Mayor Chestnut said it could be an operating agreement between the City and the School District about the times and uses and the City would be jointly developing that public process.

Commissioner Amyx said he had a question about traffic and a condition on the staff report that talked about approval of the revised traffic impact study and inclusion of any recommended improvements and asked if that included City participation.

McCullough said that would be improvements for this particular use for the school.

Commissioner Amyx asked on-site or off-site.

McCullough said it could be either, but staff did not anticipate off-site improvements.

Commissioner Amyx said moving the traffic off that site could be included because that was an important piece.

McCullough said yes.

**Moved by Hack, seconded by Chestnut,** to approve the special use permit (SUP-07-04-08) and Institutional Development Plan, for Lawrence High School, for construction of additional parking and installation of bleachers/restrooms/concessions/lighting/sound systems to accommodate football/softball/soccer competition on-site at 1901 Louisiana Street, subject to the conditions in the staff report, and adding the conditions of a 75 foot setback with the stadium maximum height of 35 feet and an operating agreement that included Parks and Recreation and the neighborhood. Aye: Amyx, Chestnut, Dever, and Hack. Nay: Highberger. Motion carried.

**(17)**

**Moved by Hack, seconded by Chestnut,** to approve the Special Use Permit (SUP-07-06-08) and Institutional Development Plan, for Centennial/Lawrence Virtual School for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting

system to accommodate baseball and tennis competition on-site at 2145 Louisiana, with the addition of an operating agreement, subject to the conditions in the staff report and the additional condition of requiring an operating agreement between the city and the applicant regarding the maximum level of activity on the facility, Aye: Amyx, Chestnut, Dever, Hack and Highberger. Nay: None. Motion carried unanimously (18)

**Moved by Hack, seconded by Chestnut,** to approve a Special Use Permit (SUP-07-05-08) and Institutional Development Plan, for Free State High School for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting/sound systems to accommodate football/softball/basketball/soccer/tennis competition on-site at 4700 Overland Drive, subject to the conditions in the staff report, Aye: Amyx, Chestnut, Dever, Hack and Highberger. Nay: None. Motion carried unanimously. (19)

The City Commission recessed for 10 minutes.

**Receive presentation of results of Recycling Survey.**

After returning from recess, Karen Faulk, ETC Institute, presented the report. She talked about the methodology and how the survey was presented. The major findings this evening were how many residents currently recycle, how residents recycle, what they recycle, why some residents did not recycle, how important residents thought it was for the City of Lawrence to provide curbside recycling and how much residents were willing to pay for curb side recycling.

The survey was done in April and May 2008 and initially mailed to a random sample of 1200 people and they expected a response rate of 33% or 400 surveys. They received 711 surveys, almost double the response rate expected. She said if they knew nothing else about the survey, they would say this was an important issue to the community. All the areas of the City geographically and demographically were well represented.

She said they asked if they currently recycled and 73% said they did and 27% said they did not. Of the 73% that did, they asked how they recycled. 88% said they took their recyclables to a drop off location, 9% use a private curb side recycling service, and 5% said other. Of those who recycled, they asked what they recycled. First on the list were newspapers. Usually they found if people started to recycle newspapers, they would start to recycle a variety of other things. This was proof that most people who recycle, recycled many things. They asked the 27% who said they did not recycle the reasons why they were not currently recycling and the number one reason was convenience at 74%. Space was second, but convenience was the number one reason.

She said they asked how important it was to have the City wide recycling service available in the City of Lawrence. If they looked at the very important and somewhat important numbers together, it was at 79%. What they also liked to look at on a graph like this was the extremes; the very important versus the not important. When they looked at that piece of information, it was at a ratio of 5:1. It was their determinate about how people feel about the City of Lawrence and they were clearly passionate about it.

They asked if the City of Lawrence should begin to have City wide curbside recycling service or continue to encourage residents to use private curb side recycling services. The response was 58% said the City should begin providing the service and 23% said the City should encourage residents to use private curbside recycling. She said this was a clear endorsement for goodwill the Commission already established with the community. The residents were entrusting the City with the responsibility for this. She said they asked whether or not residents would pay for the service. They gave them a variety of different kinds of numbers and as they delivered some of the surveys by phone, they started with the highest amount first. The \$6.00 per month came in at a very likely 53% and likely of 11% for a total of 64%. The \$9.00 per month came in at 25% very likely and 20% likely for a total of 45%. They did not have to go further at this point. When they looked for a determining factor, it was the

first responders they looked at. She said 73% of residents already recycle. As they looked at \$6.00 a month, it was an extra \$70.00 a year and \$9.00 a month was over \$100.00 a year.

She said a high percentage of the City's population currently recycled, and 73% was very high for a community. The top reasons people did not recycle were convenience and lack of space. 79% of the City's population thought it was important for the City to provide curbside recycling. Residents would also like the City to provide curb side recycling rather than private companies. Only 25% were likely to pay the \$9.00 per month for the service.

Brian Sifton, Sustainability Advisory Board, said he had a lot of learning to do over the last 8 months being on this board. He learned about the different skills and interest of the folks on the Sustainability Advisory Board. He got a crash course on how the Waste Recycling Division did their job and Solid Waste Division. He learned to appreciate the quality of service both divisions provided to Lawrence.

Concerning the effectiveness of those two divisions, he learned from the 2007 Annual Recycling Report that recently came out that they had a 35% recycling rate, which was above the national average. This recycling rate resulted in savings of landfill costs of \$298,108 and increased revenue from the sale of recyclable material of \$228,022. He also learned from that report that the total waste landfill in Lawrence decreased by 4% last year, suggesting the Waste Reduction Recycling Division was living up to its name.

Finally, it was suggesting that it was not just statistics that prove these divisions were good at what they do. They were rated 2<sup>nd</sup> by residents choosing the most effective Citywide services, which he was told was unheard of for citywide services. He said he wanted to reiterate a couple of points made by the ETC Institute and restate the fact that 73% of the respondents said they currently recycle. He said he would like to highlight the 50% of the response that stated it was important to have City wide curbside recycling in Lawrence. He said he wanted to reiterate the 64% of response that stated they were likely to pay \$6.00 a month for a City wide curb recycling service.

If nothing else, as the ETC results showed, they could say that the activity of recycling was important to many citizens of Lawrence and they placed a high value on that activity. At the Sustainability Advisory Board meeting, they discussed what values they might share with the Sustainability Advisory Board, the Waste Reduction Recycling Division and the Solid Waste Division. They thought that maybe they agreed in thinking that one of the worst possible uses of land was simply to dispose waste in it, even though it was often times necessary. Perhaps, additionally they might think the worst possible use for the finite resources was to go through the entire supply side process of appropriating them, refining them, manufacturing them, but only dispose of them after their temporary and individually relatively useful lives. Those were the values that created the Waste Reduction and Recycling Division that had worked in tandem with the Solid Waste Division in meeting its goals. With such experience, knowledgeable and committed staff, bolstered by the unmet demand of service illustrated in the survey, the Sustainability Advisory Board thought it was time to start setting new goals, specifically to commit to the goal of achieving 50% recycling rate by 2015. They were of the opinion that this would require reevaluation of the mechanisms by which waste was collected. They received a document containing a number of recommendations from the Sustainability Advisory Board.

He said the first was variable rate pricing, which was also known as pay as you throw. Under traditional fixed fee, solid waste disposal services, like the one provided by Lawrence, once a household had paid for the monthly trash removal service, the marginal cost to the individual of disposing another bag of trash was the cost of the bag and the time to take the bag out to the curb. However, the true marginal cost for the City included all the resources required to collect and dispose of that trash, including labor, gasoline and tipping fees at HAMM landfill. As such traditional fixed fee systems costing and disposing of a few to average bags per month to subsidize the disposal of someone disposing more than average bags per month; the solution was to have households pay for removal by unit and not by the month. He said it was comparable to the price of other utilities. It seemed odd to pay for solid waste disposal by the



month and not by the can or bag. By using variable rate pricing, not only did the price more accurately reflect the marginal cost of collection, but also gave citizens an accurate price signal and information needed to determine if that was how they wanted to spend their money. Variable rate pricing implicitly created an incentive to reduce waste, dispose of and if coupled with a convenient way to recycle, increased recycling rates.

He said it was previously stated that the high recycling volunteers in Lawrence coupled with the price level of tipping fees at HAMM landfill would hamstring the prospect of adding a curbside recycling program in Lawrence. The intention of the survey and the reason they asked for the survey was to find out how much people were willing to pay for a curbside recycling service to assess their values and absolve the City of looking at the issue from a strict cost/benefit manner. While it might not be a precise measure of demand, knowing that 64% of the respondents said they were likely or very likely to be willing to pay \$6.00 a month for a city wide curb recycling program, it gave the City an investigative spring board on the issue.

He said the SAB recognized the financial circumstances that the City was operating under and was no means recommending any major expenditure at this time. However, the Solid Waste Division had been evaluating the potential for curb side recycling about every four years. The most recent estimate is four years old and did not, in the opinion of the SAB, reflect a full range of programmatic options. For example, forecasts were done without including a pricing system that contained an incentive for citizens to reduce the amount of waste disposed of the way a variable rate system did. Also, cost forecasts for a curb side recycling program assumed the capital investment of materials for a recovery facility when other much less capital intensive processing options were available.

Based on the period of evaluating curbside recycling in Lawrence, the unmet demand of service demonstrated by the survey results and the strong correlation between a variable rate and curb side recycling system, and the increased recycling rates coupled with reduced

volumes of land fill waste, SAB recommended a comprehensive evaluation of the present system.

He said the SAB thought success was relative and should not be justification for not doing more, especially if doing more was consistent with the values shared by the public. The SAB was proposing the alternate view in that success breeds success, especially with the staff the City had working for them in those divisions. A comprehensive evaluation of the potential for Lawrence to reach a 50% recycling rate by 2015, including the wide range of programmatic options defining that document was necessary to make sure they were building on success and not just simply being satisfied with the successes they had.

Dan Poull, Chair of the Sustainability Advisory Board, said they were not trying to prescribe anything in particular. He knew they had an incredible staff in this area that had gotten them from 7% up to 35%, which was amazing. If there were other strategies they could use other than just simply having a curb side recycling system or more stations they could put around town, they would like to get to that rate by 2015.

Mayor Dever said the meeting that he attended the Sustainability Advisory Board was trying to figure out how to ask the questions and more importantly what kind of responses to formulate and it was interesting how a well crafted survey could yield such excellent results and SAB probably loved hearing all the suggestions from lay people in the world when it came to surveying, but the City and the Sustainability Board did an excellent job in putting the time in to make sure the City spent their money correctly. He said the results of the survey were pretty self explanatory.

Mayor Dever called for public comment.

There was no public comment.

Commissioner Highberger said he would like to see them move forward and hoped that there would have been more concrete recommendations for the next steps. He would like to see the analysis updated. It was one of his concerns over the years that the cost of the facility

was a big driver in having the City Commission decide it was not cost effective in the past. If there were other options, he would like to see them. He said especially since they knew now that the majority of the citizens were willing to pay \$6.00 a month.

Poull said in their conversations with Waste Reduction and Recycling they were not completely convinced they were going to reach the percentage rate from a curbside recycling system by itself. At the same time, it was a big challenge because they were also tasked with lessening the amount of waste that was generated. He said if that was successful, it would make the 50% even harder, but he still thought it was a worthy and attainable goal because the City was passionate about recycling. Success breeds more success and they were above the average, but just barely above the average right now.

Commissioner Highberger said he would like the Commission to direct staff to update the cost analysis in providing a curbside recycling service.

Vice Mayor Chestnut said he agreed with Commissioner Highberger and one thing that needed to be incorporated in this was also to measure the impact on the carbon footprint with the curbside collection. That was also a problematic issue. If they started doing a lot of curb side and all of the sudden the fuel consumption would go up there needed to be consideration for that because it would be a big impact.

Poull said he agreed. Part of the strategy would be to update the vehicles. They could also not do the yard waste collection one time and make that the recycling run so they would have the same amount of runs. They could do different kinds of vehicles that could do waste and recycling at the same time. They needed to have a comprehensive look at what the options were.

Commissioner Amyx asked how long it would take to do this comprehensive analysis.

Dave Corliss, City Manager, said staff would be doing the work that would be focused on that analysis and it would probably be a couple of months to go back and look at some of those cost assumptions. He said it would be good to talk to the SAB to make sure staff was

answering their questions along with the City Commission. He said it was both the economics and environmental consequences.

Tammy Bennett, Assistant Public Works Director, said it depended upon what was being asked of staff, but it would be reasonable to update the current study and explore alternative methods for the curbside program that would not necessarily involve building a material recovery facility because that would take a lot longer to do a thorough investigation and it might or might not require outside resources. She said again, it depended upon what was being asked of staff.

Corliss said staff would discuss what was being asked of them and he would get back to the City Commission on the work plan to respond to those questions which would be a fall work program. If staff needed outside expertise to answer some of those questions that would be presented back to the City Commission before seeking outside advice, but there was a lot of expertise in the community that could help respond to some of those questions and come up with a finite dollar amount or range. He said he thought the City Commission was looking for the facts that would go into any type of policy decisions the Commission needed to make to try and expand the program and that program might or might not be things staff did.

Commissioner Amyx said the reason why he was bringing up the time element was because with the first analysis, the City Commission might not have enough information to make those policy decisions because staff did not know the specific direction for this plan. He said the City Commission needed feedback before sending staff on their way to perform a study.

Corliss said before preparing an in-depth study, staff would show the City Commission what they were working on and talk to SAB members to, at least, answer some of those general questions.

The City Commission received the presentation.

**(20)**

**Receive staff memo regarding green burials.**

Ernie Shaw, Interim Director of Parks and Recreation, presented the staff report. He said a few months ago Commissioner Highberger asked staff to research green or natural burials and if those types of burials could potentially be an option in Lawrence. The City was currently in charge of three cemeteries from a conventional means of cemeteries. After extensive research by staff, in this country, there were not a lot of those types of burials. He said most of the information staff received came from Europe, which practiced that type of burial, successfully, for a number of years. He said if the City took on those types of burials and was successful, this City would be the first public organization to have that option available in the United States.

He said basically, green or natural burial involved no embalming or concrete vaults and the casket or shroud would be biodegradable. He said the map, in the City Commission's packet, showed the area that staff recommended for that type of burial which was in the northwest corner of the Oak Grove Cemetery.

Staff had talked to the President of the Green Burial Council concerning the standards and the City met those standards. He said because of the location of the proposed land, Oak Grove would be considered a hybrid cemetery because it adjoined a conventional cemetery.

Staff spoke with a number of people and felt passionate about involving funeral home directors because whether it was a natural or conventional burial, it was something that would not be different from what staff did now.

He said staff had developed guidelines and with the City Commission approval, the area could be plotted and ready to go to sell plots, the first of January.

Commissioner Amyx asked about the access to the property and if there needed to be a roadway for safety reasons.

Shaw said anytime there was a natural area the area was not going to have easy access as with a conventional cemetery. He said staff was proposing to take the bodies back and forth with a cart system.

Mitch Young, Cemetery Supervisor, said staff looked at using a wheeled cart and using a mulch material to get to that area. The area was not quite prepped yet, but the distance going to that area was not any farther than going to other Parks and Recreation Cemetery areas so asking people to walk that distance was not any different. The conditions were different, which was where there would be issues. When that area was plotted, staff's goal was to have a center and have actual walkways. If the area was plotted properly, some of the issues would be addressed.

Mayor Dever asked if there would be a non obtrusive path.

Young said the path would probably be in-house mulch.

Mayor Dever asked if the area to the east was a wooded area.

Young said that area had not been disturbed, but staff did some prep work, cleaning out the underbrush and trees. There were a few dead trees that needed to be removed, but the majority of that area was pretty dense.

Mayor Dever asked how much land that area would consist of.

Young said originally, staff looked at about half an acre.

Mayor Dever asked if phases one and two were a half an acre.

Young said just phase one.

Mayor Dever asked how many plots could be added in phase one.

Young said staff wanted to stay with what they did in Oak Hill Cemetery, which was 5 feet by 10 feet, which gave flexibility. He said it was around a total of 250 and had room to expand in both directions when needed.

Shaw said they would not know that number until staff started plotting because they would try to plot and not disturb those trees anymore than needed.

Commissioner Amyx asked how much area the City owned north to the tracks.

Shaw said there was almost 40 acres in that area.

Commissioner Amyx asked if it was straight north of the area outlined.

Shaw said yes, and it went west to Brook Creek.

Mayor Dever called for public comment.

Larry McElwain, Warren-McElwain Mortuary, said this had been a good process and commended Parks and Recreation staff and City Hall because he remembered back when the hospital was built and they tried to talk to the hospital about trying to design the back end of the hospital so they could get in and get out. He said they built that back end to the hospital, but without their input and built a loading dock. In those days, they had station wagons and trying to load a cot into a station wagon was difficult. He commended staff for asking questions. They brought in people from other communities that had their own ideas about what the City's ordinance should look like. He thought there had been a good give and take and reasonable discussion because what they were concerned about was the dignity for the body. It was very important and important to the families. It was important they gave the families that choice, but it also had to do with safety. He said it was a different concept and not something that was going to catch on overnight. Over time it would grow and the City would need to expand, but that had been planned and City staff had looked ahead. He said it was a good process to work through and he was very pleased.

K.T. Walsh, Lawrence, said she was in support of the green burials. She biked and walked in that cemetery all the time. It was a lovely place and it would save the greenery in the park and expand the park. She asked where the families would go to visit and if there would be a central marker listing who was buried at that location. She heard some families wanted to put computer chips in the ground. She was curious on how the City would represent the people buried at that location.

Shaw said staff would know where to locate family members buried in the area by the way the plots were marked. The area could also be identified by a tree, bush or anything natural that was approved by staff. Also markers could be used in natural stone that could be engraved and put in the ground as markers. The idea behind a natural cemetery was to have

things come back to a natural state after a person was buried and there would be no mowing or weeding, other than the paths for people to get in. It was a different concept and it would be up to those people on what they wanted.

Commissioner Amyx asked how those paths would be maintained.

Young said staff would apply mulch annually and mulch would be added when needed.

Commissioner Amyx asked if those paths took care of safety in people accessing that area.

David Corliss, City Manager, said staff would make sure the area was safe. It was not going to be as level of a path or improved path as in other areas of the cemetery. The ability for people to walk around that area would be provided.

Commissioner Amyx said it was a responsibility to have someone's last wishes carried out in the way they wished. He said he wanted to make sure there was a level of safety.

Young said safety was a topic in every meeting for staff on both ends and the general public. He said staff had addressed the issue of safety in the rules and regulations.

Shaw said in this type of environment was not going to be as easy for his 89 year old father to walk on that path in that area as it would on concrete, but concrete walks and driveways could not be placed in natural area in keeping the area in the guidelines of a green cemetery. He said a lot of time with conventional burials, the people that were actually being buried had very little to say because a person did not plan their own burial all that much. The people in green burials want to be buried in a natural way and plan to a point where they might build their own casket out of wood and be ready. That was a different philosophy and they plan their own burial where a conventional burial did not.

Corliss said the City had a responsibility if they were going to allow public access that it was not hazardous, but that area would not be as accessible for all individuals.



Commissioner Highberger said he wanted to commend staff. The process was done well and he was excited to have this option available to Lawrence residents. It was great having Lawrence as a leader in having the first municipal natural burial option in the country.

Mayor Dever said the area seemed reasonable, but he wanted to make sure the most unreasonable area of the cemetery was not picked. He said if it made sense at that location, it seemed like a good place to start. He said staff did a good job putting this idea together and talking with other communities. He said he thought this idea of a green cemetery was something that would make Lawrence unique and green community with a green municipal cemetery.

**Moved by Highberger, second by Amyx,** to direct staff to proceed with the program as outlined in the staff report. (21)

**PUBLIC COMMENT: None**

**FUTURE AGENDA ITEMS:**

09/23/08 · Receive update on Oread Hotel traffic plan.

---

10/28/08 · Employee Service Awards.

---

TBD · 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. Adopt Ordinance No. 8297 on first reading regarding TA-03-01-08 to amend Article 4 of the Development Code relating to uses permitted in the GPI District. (PC Item 4; approved 8-0 on 6/23/08) (PC Item 4; approved 8-0 on 6/23/08)

**ACTION:** Approve TA-03-01-08 and adopt Ordinance No. 8297 on first reading, if appropriate.

· 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](http://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.

- K-10 and Farmer's Turnpike Plan.
- Draft Rural Water District #5 contract – awaiting finalization with RWD and City.
- Consider approval of Text Amendment TA-12-27-07, to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands. Adopt on first reading, Ordinance No. 8304, an ordinance providing for the amendments to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands. (PC Item 18; approved 7-1-1 on 7/23/08) Please note: This item will be reheard by the Planning Commission to consider additional language to make other articles consistent with the proposed text.

**ACTION:** Approve TA-12-27-07 to Section 20-1101 and 20-1701, Lawrence City Land Development Code, relating to environmentally sensitive lands, and adopt on first reading Ordinance No. 8304, if appropriate.

- Consider the approval of Text Amendment TA-04-03-08, to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities in certain zoning districts with use standards. Initiated by City Commission April 29, 2008. Adopt on first reading, Ordinance No. 8300, an ordinance providing for the amendments to Chapter 20 of Lawrence City Code (Land Development Code) to define and permit various homeless facilities in certain zoning districts with use standards. (PC Item 4; approved 7-2 on 7/21/08)

- Consider authorization of City contribution toward site work for the 87 acre tract adjacent to the East Hills Business Park.
  - **Consent Agenda Item.** Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)
  - Consider city laws regarding the keeping of live fowl and domesticated hedgehogs in the city limits.
  - Consider changes to the city environmental code pertaining to trash abatement. This is a follow up item to the 11/07/07 study session with the Oread Neighborhood Association.
- 

**Moved by Amyx, seconded by Highberger,** to adjourn at 11:55 p.m. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Michael H. Dever, Mayor

**ATTEST:**

\_\_\_\_\_  
Frank S. Reeb, City Clerk

## **CITY COMMISSION MEETING OF SEPTEMBER 16, 2008**

1. Change Order No. 1 – LRM Industries, \$37,732.40 for 2008 Overlay Program.
2. Purchase - Pre-case concrete restroom facility from CXT Concrete Buildings, \$47,000 for Hobbs Park.
3. Joint City Ordinance No. 8301/County Resolution No. \_\_\_\_ – 1<sup>st</sup> Read, text amendments to Subdivision Regulations.
4. Ordinance No. 8323 – 2<sup>nd</sup> Read, amend Ch. VI, Art 13 & enacting Ch VI Art 13 Sec 6-1302.1 related to occupancy of rental units.
5. Ordinance No. 8283 – 2<sup>nd</sup> Read, Comprehensive Plan Amendment to Horizon 2020 Ch 7.
6. Resolution No. 6801 – public hearing date of Nov 11, 2008 for dilapidated structure at 617 W 4<sup>th</sup>.
7. Ordinance No. 8318 – 1<sup>st</sup> Read, and TA-07-14-08 - Sec 20-525 & Sec 20-526 of Development Code, general retail sales & retail establishments in MU Districts.
8. Contract – LSA Assoc for on-call traffic modeling services.
9. Variance Request – 24<sup>th</sup> Pl & Inverness, the Grove, from City Code 19-302(1)(B)
10. RFP - Design & Construction Anaerobic Digester Process, Kaw Wastewater Treatment Plant.
11. City Manager's Report.
12. Bid – Water & Wastewater Rev Bonds to      for True Interest Cost of
13. Ordinance No. 8325 – 1<sup>st</sup> & 2<sup>nd</sup> Read, \$4,270,000 Water & Sewage Rev Bonds, Series 2008.
14. Resolution No. 6802 – Sale & Delivery \$4,270,000 Water & Sewage, Rev Bonds.
15. Resolution No. 6799 – Order Construction Sanitary Sewer Bauer Brook Ct W of N Folks.
16. Resolution No. 6800 – Order Construction Water & Waterline for Bauer Brook along N Folks.
17. Special Use Permit (SUP-07-04-08) Lawrence HS, 1901 Louisiana.
18. Special Use Permit (SUP-07-06-08) Centennial/Lawrence Virtual School, 2145 Louisiana.
19. Special Use Permit (SUP-07-05-08) Free State HS, 4700 Overland Dr.
20. Presentation of results of Recycling Survey.

21. Staff memo regarding green burials.