



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

February 9, 2010

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 Chestnut presiding and members Amyx, Cromwell, Dever, and Johnson present.

CONSENT AGENDA

Hubbard Collinsworth requested that item 5d be removed from consent agenda for separate discussion regarding bidding of equipment and vehicles for 2010.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the City Commission meeting minutes of January 12, 2010 and January 19, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Public Health Board meeting minutes of November 16, 2009; Parks & Recreation Advisory Board meeting minutes of January 12, 2010; and the Mechanical Code Board of Appeals meeting minutes of November 19, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve claims to 223 vendors in the amount of \$2,402,464.97. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Drinking Establishment Licenses for Eldridge Hotel, 701 Massachusetts; La Tropicana Restaurant, 434 Locust Street; Yokohama Sushi, 811 New Hampshire; Tonic, 728-730 Massachusetts; Jo Shmo's, 724 Massachusetts; the Retail Liquor License for Hird Retail Liquor; and, the Temporary Liquor License for Lawrence Chamber Orchestra, 1011 Vermont Street. Motion carried unanimously.



As part of the consent agenda **it was moved by Dever, seconded by Amyx**, to set a bid opening date of February 23, 2010, for hourly painting services for the Parks & Recreation Department. Motion carried unanimously. (1)

The City Commission reviewed the bids for the 2010 Crack Seal Program (PW1003) for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$300,000
Surface Protection Service, LLC	\$248,000
Huff Sealing Corporation	\$288,000
Canyon Construction LLC	\$289,800
Mussellman & Hall Contractors	\$300,600
Bettis Asphalt & Construction Inc.	\$349,000
Vance Brothers, Inc.	\$422,000

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Surface Protection Services LLC, in the amount of \$248,000. Motion carried unanimously. (2)

The City Commission reviewed the bids for the 2010 Microsurfacing Program, (PW1004) for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$584,449.00
Vance Brothers, Inc.	\$422,957.00
Mussellman & Hall Contractors	\$511,645.90
Ballou Construction	\$563,990.20

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid to Vance Brothers, Inc., in the amount of \$422,957. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to concur with the Planning Commission recommendations to adopt the findings of fact, approve a Special Use Permit (SUP-12-11-09) and adopt on first reading, Ordinance No. 8488, for a Special Use Permit (SUP-12-11-09) to expand Research Services in portions of existing buildings located at 645-647 Massachusetts, subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j) to include the following use restrictions as noted on the face of the site plan:
 - a. No manufacturing or production activities shall be conducted on-site;
 - b. No radioisotopes or other radioactive materials shall be used on-site;
 - c. No known type 1 mutagens or carcinogens shall be used on-site;
 - d. No known toxins or pathogens shall be used on-site; and
 - e. No animal research shall be conducted on-site.
3. Publication of an ordinance per Section 20-1306 (j) to include a statement that this Special Use shall be permitted for a period of 10 years from date of publication of the ordinance.
4. Provision of a note on the face of the site plan that states: "Construction of the 4,840 SF 2nd floor addition shall occur within 24 months after the date of publication of the ordinance and shall be subject to Historic Resources Commission review and approval and issuance of building permits. Construction after 24 months from date of publication of the ordinance shall require a request for extension per Section 20-1306 of the Development Code or review and approval of a revised Special Use Permit per Section 20-1306 of the Development Code and approval of the project by the Historic Resources Commission if an extension is not granted."

Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve submittal of Airport Improvement Plan (AIP) to the Federal Aviation Administration.

Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize staff to negotiate an engineering services agreement with Black & Veatch for services related to Request for Proposal RFP R09020 for engineering services for Project UT0909DS-Concrete Watermain Assessment. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to authorize staff to negotiate Supplemental Agreement No. 2 to the current engineering services agreement with BG Consultants for design and construction phase engineering for Phase II of Project UT0810DS Watermain Replacement Program. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve as “signs of community interest” a request from St. John the Evangelist Catholic Church to place temporary signs on church property at various times throughout 2010 promoting various church activities. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve as “signs of community interest” a request from the Pilot Club of Lawrence to place a directional sign at the northwest corner of 23rd and Harper advertising the Antique Show and sale. The sign would be placed on the corner on February 26th and taken down at the end of the show on February 27th. Motion carried unanimously. (9)

Hubbard Collinsworth requested that item 5d be removed from consent agenda for separate discussion regarding bidding of equipment and vehicles for 2010. He said he wanted to remind the City Commission that a few months ago, he pulled an item regarding 10 police vehicles and discussed buying locally and asked if buying locally would be under consideration in this situation.

David Corliss, City Manager, said as a result of that discussion, the City altered their purchasing policy to provide a local preference for vendors in certain non-construction contracts and while the City had budgeted for a number of vehicle and equipment acquisition, the City was not doing all that acquisition now, but would monitor revenues and adjust that list accordingly. He said the City was going to proceed with the 9 police vehicles that was budgeted and planned for this year along with a number of other vehicles, but staff would follow the City Commission’s purchasing policy that indicated when coming back with the actual bid, on those

items, staff would be looking at cost, location of the vendors and advising the City Commission accordingly.

Moved by Cromwell, seconded by Amyx, to authorize staff to proceed with bidding of equipment and vehicles for 2010. Motion carried unanimously. (10)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said 94 building permits were issued in January 2010, compared to 117 in 2009 and fees were \$27,500.60 compared to \$22,559.77 last year; the 2009 turnover rate was 6.3%, down from 8.4% in 2008; summarized the 2009 sales tax report for public transportation, streets, and infrastructure; and, Planning and Development Services is updating the City's multimodal planning standards.

Mayor Chestnut said regarding transit, the City did not end up transferring any money from the general fund because the City came out of 2008 a little higher in fund balance and spent less. (11)

REGULAR AGENDA

Close public hearing and consider approving order of vacation conditioned upon the rededication and recording with the Register of Deeds of a new easement allowing utility, pedestrian and emergency access in Briarwood Addition as requested by Pamela Mayfield, Mike Polk and Nancy L. Borer, and Steven J. Freeman and Stephanie S. Freeman.

Mayor Chestnut reopened the public hearing regarding an order of vacation for Briarwood.

Chuck Soules, Public Works Director, said a public hearing for a vacation of Briarwood Addition was opened on January 26th. The applicants and Briarwood Association had agreed upon the terms of the vacation, rededication of new easement for utility, pedestrian and emergency vehicle access, and maintenance agreement.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Amyx, seconded by Johnson**, to close the public hearing on the order of vacation for Briarwood Addition. Motion carried unanimously.

Moved by Amyx, seconded by Dever, to approve the order of vacation conditioned upon the rededication and recording with the Register of Deeds of a new easement allowing utility, pedestrian and emergency access in Briarwood Addition. Motion carried unanimously.

(12)

Consider approving rezoning (Z-7-11-09), for approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record. This item was originally heard by Planning Commission on 9/21/09. City Commission returned this item on 12/15/09 for additional consideration. Adopt on first reading, Ordinance No. 8462, for rezoning (Z-7-11-09), of approximately 10.97 acres, located at 4300 W. 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential).

Sandra Day, Planner, presented the staff report. She said this item was originally considered by the Planning Commission in September and forwarded to the City Commission with a recommendation for approval with a vote of 8-1. The item originally came to the City Commission in October along with a protest petition. That protest petition was required to meet a certain threshold of having 20% of the area surrounding the subject property and in their protest petition review found that only 8% of the properties that fell within the required notice area met that standard and did not require extraordinary action on the City Commission's part to approve the rezoning.

The City Commission's ultimate action was to deny the rezoning and based on the request from the applicant, the City Commission reconsidered their vote and directed this item go back to the Planning Commission. The Planning Commission considered the item at their January Planning Commission meeting and forwarded to the City Commission a recommendation for approval with a vote of 6-1.

The subject property was located at the corner of Clinton Parkway and Inverness and was part of the overall subdivision staff looked at in the mid 1990's and had developed in several phases.

Surrounding land uses of the property included multi-family, single-family, as well as institutional uses, such as the Raintree Montessori School, Southwest Junior High School, Bishop Seabury Academy, as well as multi-family uses scattered throughout the surrounding area.

Much of the concern that had been a focus when moving through this second review was how this property appeared to and transitioned with the surrounding neighborhood especially on the west side. She said what was difficult to see was the property sloped off and the elevation of Clinton Parkway and that section of Inverness were much higher and when moving further to the south, those elevations came closer together.

The topography of that property allowed the applicant to develop the project and utilize that topography to keep the structure low in profile which helped with the view of the project from the public right-of-way and to the surrounding residents.

Another concern expressed during that review period was the view of the property from Inverness and 24th and again, that was the area where those two elevations of the street and property started to merge and become much more level. This area became a focus and concern and how the city approached the area with development of the property.

The applicant met with the property owners and the result of this rezoning came to the City Commission and was specifically tied to a particular site plan for that property.

A rendering was provided at the request of the neighborhood and by the applicant's representatives to demonstrate what this area would look like as in seeing it from the aerial view. There was a substantial amount of landscaping and there was a lot of right-of-way and see the street trees as well at the interior landscaping that was required. This park area was

also designated at part of the site plan, (no-build area) and it would retain an open space appearance that was both specified on that site and its design.

She said staff was still working on the site plan and was about half way through the review process. Staff had continued to talk with the applicant and have dialogue about the specifics. There was detail of the landscape plan to show some foundation plantings in the monument and those were intended to be typical throughout the development.

The rendering was intended to provide an overview of what this area would look like as that landscape matured. There was also the use of some low berm in this area and that open space. The profile of the structures was single family and limited how much mass of structure could be seen from the neighborhood.

The staff recommendations were in the City Commission's staff report and the ordinance refined a couple of issues in that it specified the site plan with its site plan number and specified more explicitly the limitation on the number occupants which was something the applicant voluntarily agreed to do to limit the occupancy of the development and this language was more reflective of how it was found in the code.

The action before the City Commission was to consider approving this rezoning with those specific conditions as outlined in the ordinance.

Vice Mayor Amyx said in staff's recommendation, Item No. 1 discussed any changes to the site plan that opposed the spirit of the conditions or that were considered major by the Planning Director, should be reviewed by the City Commission and asked if it needed to be more refined as to the major changes. He said he was under the impression that what was seen on a site plan was what would be built.

Day said that was true. She said what was seen on the site plan was intended to be built. Staff knew at times when out in the field that there might be tweaking, such as placement of a tree, or a building shift a foot or two to accommodate something unique to the property. Those types of revisions staff saw throughout the construction process was something staff

anticipated could be handled internally. Certainly, anything that changed the site plan to conversion of the office or the laundry room space to another unit or adding bedrooms, any of those types of things would be in a category that would be brought to the City Commission. She said it was the City Commission's option to add more specific language.

Cecil Kingsley, on behalf of the applicant, said at an earlier City Commission meeting regarding this rezoning, staff and the City Commission were complementary of the plan, it was denied because of ownership and making certain the project discussed, could be built.

On December 10, 2009, they held a neighborhood meeting which lasted more than a couple of hours and City staff, Commissioner Johnson, and a number of property owners were present. He said because of the zoning and property most likely there was going to be multi-dwelling. He said there was some discussion about what could be built under the current zoning, three story structures conceivably could be designed up to eight structures 50 feet wide connected. There could be a lot of development of the property right now with the current zoning that would not be what people wanted. After the first hour of discussion, they tried to assume this project could be guaranteed and what would the neighborhood want to see. They had good conversation and left there with seven charges which were:

1. Limit the number of occupants;
2. Limit the banners on the corner and created the landscape and no build area;
3. Move the office and laundry that was on that corner and eliminated 3 units
4. Label the materials on the elevations
5. Provide a rendering for the corner
6. Hired a landscape architect
7. Met with the owner and discussed the legal components of being able to guarantee this project could be built.

He said December 15th, the City Commission agreed to send this item back to the Planning Commission. On January 7th, they held their 2nd public meeting and at that point their

legal council was present and showed everyone that was present their first go at those documents as promised and asked for input. He said no project was exactly right for everybody, but they were trying hard with this project and while he did not expect everyone to agree with the project, he asked for input from the residents again and what they came up with was the berm which changed the landscape plan as well as the rendering and raised some of the landscape to a point where it hid the development even more. While they could not put in mature trees, he could assure that once those trees were grown, the tops of the structures would be well below the trees. He said they worked with the City to provide median trees and they were donating the trees and the City was taking care of those trees. He said they then added a public notice requirement for any changes to the covenants so the owners get to know, before changes were made, that something was being contemplated.

He said they went back to the Planning Commission and on that day, some questions were asked that they answered, those questions being that the laundry room would be locked, water hose bibs were being installed according to building requirements for the watering of the landscape, the stormwater requirements were already met, and verified the traffic impact study.

The Planning Commission voted to pass this back and congratulated everyone in the process and through all of his years, he had never seen the public and the developer try to work together through multiple meetings and it was sincere on everyone's part. Again, while they were not present to address whether there was going to be multi-family or not on the corner, but what they were trying to do was to put together the very best project.

He said the interior parking landscaping square footage requirement was 11,400 square feet, 12,576 was provided, trees required were 19 and shrubs were 57 and they provided 20 trees and 66 shrubs. Beyond that, the access trees provided were 83 and the excess shrubs provided were 69 which was access landscaping. When actually building the project, the instructions the owner gave to the landscape architect was that he wanted it beautiful. If they

needed to add a tree in going through the process, that would be the case. There was not going to be anything deleted from this landscape plan.

Mark Anderson, speaking on behalf of the applicant, said along Inverness Drive, there was actually a median in the street and the neighbors asked if they could plant landscaping in the median and the applicant had agreed to buy the landscaping and trees for the median.

He said back in October this matter came before the City Commission and it was a straight zoning request, a change from the current RSO to RM15. The City Commission listened to several concerns from the neighbors and in response the question was put to staff regarding the options at that time. He said what was before the City Commission was a straight zoning request and was not tied to a specific site plan or tied to any specific ownership and the City Commission saw fit at that time to deny the zoning on a 5-0 vote. The applicant came to him after that City Commission meeting and they talked about alternatives. One of the alternatives he suggested was structuring certain conditions and tried to address the concerns of ownership and address the concerns of the specific project that the applicant wanted to build on this site. They asked the City Commission reconsider their vote which was reconsidered in December and asked that the City Commission send this back to the Planning Commission, giving them the opportunity to address the concerns of the City Commission and neighbors that was voiced during the October City Commission Meeting.

They returned to the neighbors and listened to their concerns and tried to address most concerns, but not every single concern. The Planning Commission recommended this rezoning with one vote for denial, but the compliments they received from the Planning Commission were very favorable.

The Planning Commission pointed out that the density, under the current zoning, was the same as the density under the RM15 that they were asking for. There was bedroom density and dwelling density which was discussed at the Planning Commission and it was the same dwelling or unit density. The project itself was the scale, scope, and size and the applicant was

willing to limit the number of bedroom units and capping the total units at 161 units. It was possible to build 161 units, right now, and did not need to change the zoning to build that now and did not need to change the zoning. The reason they had to change the zoning in order to build the project as it was designed, so they did not need to create individual lots and it was an engineering issue and the expense of doing it. In exchange, the applicant was willing to limit the units to one story and to one bedroom and even place and occupancy restriction on those units. He said without a zoning change, it was possible that someone else could develop this property right now and readily place 161 units on this property, 35 feet tall with 3 or 4 bedrooms a unit. He said they felt they were actually limiting the development on this site with this project.

Ownership was a concern and they agreed to revise the contract for the purchase of the property to remove all the conditions precedent to closing, in the event the City Commission would agree to their rezoning request.

He said following the meeting in December, he exchanged emails with Scott McCollough, Planning and Development Services Director. He said he recommended they withhold the publication of the zoning ordinance, pending his delivery to City Staff of confirmation in the change of ownership. He said McCollough was not going to publish the zoning ordinance, until the City had a recorded deed showing the applicant had become the record owner of the property.

The other principal issue was how to restrict the actual development and limit it to the project that was being discussed. In response, he recommended the owner would record a declaration of covenants and Restrictions. Among other things, this declaration would limit each unit to one bedroom maximum, restrict the total number of units to 161; restrict the adult occupancy of unrelated adults and designate the no build area on the corner so nothing could be done in the future at that roundabout.

A draft of the declaration was provided to neighbors and at a meeting in early January they discussed the declaration with the neighbors and complimented one of the neighbors for coming up with a good suggestion which was incorporated into the draft.

Commissioner Dever said the potential large scale development that Andersen discussed and asked if it required individual lots per building for the construction for those types of buildings.

Andersen said technically no. He said they could build buildings that had footprints, in other words eight units could be connected, 35 feet high. He said they were only building one story units.

Scott McCollough, Planning and Development Services Director, said the current RSO zoning would require each unit to be in its individual lot. The main difference was between a product of the RM15 and a product of the RSO was that the internal drives would be public rights-of-way streets that would be placed on individual lots. The similarity was the RSO was a single-family office district, but did allowed up to eight attached dwelling units in a fashion similar that was proposed today.

Andersen said they could build those units right now and all they needed to do was engineer the lot lines.

McCollough said it was a little more complicated. He said for clear representation, other things were needed such as engineering the streets, provide the correct amount of right-of-way for City streets and would lose a little bit of land area. There had not been a great deal of comparison analysis about what a development in the RSO district would generate versus this. He said he agreed whole heartedly that the number of units in terms of capping population with this product and those zoning conditions was less than likely to see in RSO zoning, unrestricted and RM15 unrestricted. The package being presented was a minimum type package in either zoning districts. Both zoning districts would allow additional density, additional height, but the RM15 was arguably less expensive to develop.

Andersen said they tried to address most of the neighbors' concerns. In case it came up, he would like to discuss the laundry facility. It was raised at the Planning Commission and they were asked to consider putting laundry facilities in each unit. He said he did speak with the applicant after the Planning Commission meeting about that issue. The cost for additional plumbing, laundry equipment, etc., for 161 units would run close to a quarter of a million dollars. It was really a push from a standpoint of operations and income once getting beyond the initial investment. He said with an investment like that it had to be reflected in increased rents. It was the applicant's experience having owned multi-family units in the past that most units would be occupied by single adults and those adults wanted, if they had to choose, the trade-off of the lower rent versus the laundry unit in their unit. The applicant's decision was a matter of economics and efficiency. The applicant thought he knew his target market and this was the way to go.

Vice Mayor Amyx said McCollough sent the City Commission a memo dated January 25th regarding the initiating of rezoning. He said his main concern about this property along the parkway was if it was the best use.

Andersen said he believed it was the best use this applicant could make of that property. The owner had put the property on the market and made it known they wanted to sell the property. The property had set vacant for about ten years. He said it was an out of town owner paying right at \$50,000 a year in special assessments in addition to the property taxes and they did not want to own this property anymore. He said their client had a plan for this property. He said he had not heard professionally or personally from anyone else wanting to develop this corner for any other use. He said he did not know of anyone that would invest in anything other than multi-family development on this site.

Vice Mayor Amyx said in looking at those corners in that area, he realized they had one opportunity to make this area right. He asked if the amount of additional residential dwellings was the best use of that property or should it be a mix of commercial land and residential.

Andersen said the irony in what Vice Mayor Amyx stated was that three or four years ago they approached the City with a plan, starting at Inverness and going through this property and including part of where the Remington Square Apartments were built was putting a mixed use development at that location that would have had neighborhood retail and that idea died very fast, simply because the City said “no” and would not allow any commercial in that area. He said that was the only time he had heard another idea or another plan from anybody for that corner.

Mayor Chestnut called for public comment.

Jamie Hulse, Lawrence, said her house backed up to the Grove. She said speaking as a property owner who would potentially going to lose property value, \$250,000 to add washer/dryer units and raise the cost of the rent and value of the tenants seemed to be a small price to pay for their neighborhood. She said the neighbors had asked for irrigation and was told no and asked if they could rent to 55 years and older because that would be a mix in the type of tenant and they were told no. There was also no evidence of the research showing it was grad students and young professionals.

Also, she said no pool or clubhouse was not an accurate statement saying it would not attract college student because there were many properties in this community that had students living in those properties where there was no clubhouse or a pool.

She said they expressed a number of times about their lack of trust because of the process that happened before and they had been on the wrong end of things. They did believe in people and then what happened was not what they were told.

She said BG Consultants filed a rezoning request for Crossgate and West 24th Place and had multiple opportunities to the neighborhood, but did not. It made people wonder what else was going on that they did not know.

She said before it was going to be The Grove, they thought the area was going to be senior housing and were promised significant screening and a private fence and what they built

was an iron fence which long-term would look nicer longer, but there was no screening and no privacy with the iron fence and it did not block their view. The asked for screening that would be more evergreen and that might be changed. They also asked for no signage along Inverness and what they agreed to was the corner of 24th and Inverness. She said other than around KU this area was most dense with multi-family use in Lawrence and it seemed silly to add more of that use.

She said although the restrictive covenants had been written in order to protect a particular area in this community, if the rezoning was approved, the City did not enforce private deed restrictions. While naming the City as a third party beneficiary might be legally feasible was not a tool in the Development Code and staff and the applicant needed to work on how to address future revisions to the declaration, including notice, timing etc....

She said it was clear, based on the comments from McCollough and Day, that if someone wanted to come in and do the same project in RSO, that person had to replat because there would be the requirement of City streets added which gave the neighbors and opportunity to be part of the process.

The Planning Commission, although they were complimentary of what was said, the comments of concern and frustration was that they were not able to just vote "no" to multi-family at this location and far exceeded the compliments. Every person stated they wished they had a different alternative. She said she was not aware of a single neighbor that was in support of this project and the City Commission stated if the neighbors were not in support, they would support another "no" vote. The neighborhood believed there was a better project that would provide for a more mixed use.

Marci Leuschen, Lawrence, said she had three main concerns with this project: 1) property value; 2) sufficient amount of apartments in that location; and, 3) the amount of time spent on these zoning issues. She was in favor of keeping the current zoning.

Ann Hertzog, Lawrence, said she agreed with the issue of the property value and did not think the neighborhood needed single bedroom units without laundry facilities because it seemed to be geared toward students. She said additional traffic was another concern as well as the rezoning.

Steven Hertzog, Lawrence, said he concurred with everything said by people in this neighborhood. He said no one in this community was against progress and building, but it had to be right for that area. He said he was against this type of structure in that area because it was geared toward student housing and was not a benefit to the neighborhood.

Hubbard Collinworth, Lawrence, asked if a traffic count was done and who would maintain the landscaping in the median on Inverness.

Mayor Chestnut said a traffic count was conducted.

McCullough said there would be a few additional trees in the median as it approached 24th Place and Inverness and Parks and Recreation would maintain the median.

Mandy Chase, Lawrence, said she lived in the area of question for the past 5 years. She said she was a student and never disrespected property, but agreed their neighborhood had a very extensive saturation of apartments that were geared toward students or people that were in a transitory stage of life. She said she supported diversity in their neighborhood and had rental units as well as duplexes, but since there had been apartments added to their neighborhood, there were more sirens late at night, more trash, and more traffic. She said she would support a better mixed use such as commercial mix with retail and single-family RSO zoning that was already in place.

She said there were several schools both private and public in the area and when people were looking for a good neighborhood to live in permanently or long-term to raise a family, she did not think that having a lot of apartments was ideal.

She said she would like the City Commission to take into consideration that if this project was the best use for that space. If the economy improved there might be a better project for this corner and neighborhood.

William Flores, Lawrence, said they lived in this neighborhood in front of Southwest Junior High School. He said they liked the neighborhood so well that they planned on selling their home and building two blocks away on Black Jack Oak. He said he shared the same concerns of the neighbors.

Brandon Dahl, Lawrence, said this discussion was brought up by Andersen and it had to do with money, economics, but was his largest investment. He said he was not concerned about 5 or 10 years down the road, but 20 years, when this apartment complex would sell to the next owner.

He said none of the Sunflower Park neighbors were invited to those meetings and did not have a lot of input.

He said the City Commission, years ago, put Horizon 2020 together to get this mixed use so there was no concentrated development. He said there was a reason why some people would not move or build in certain neighborhoods at certain price ranges.

He said the current zoning was adequate, but it could be improved and wanted guidance to help that improvement and further the process because everyone in Sunflower Park, the people on the south side of 27th Street would get involved to help facilitate that mixed use development to protect their investments and their families future. He said he would appreciate the City Commission placing themselves in the neighborhoods' shoes

Commissioner Dever asked how those buildings were being heated and cooled and were they using electric units.

Kingsley said the heating and cooling was through the wall and had decorative panels that fit in with the architectural design of the outside of the building. He said the units were not the same metal that would be sat on a piece of concrete and need to screen.

Commissioner Dever asked if unit would be sticking out from the walls.

Kingsley said the outside panel was on the outside of the wall.

Commissioner Dever asked if there were one per unit.

Kingsley said yes.

Commissioner Dever asked if there would be full interior walls, but half walls. He said it was unclear in the plan and it did not really show on the elevation plans, but potential locations and it was hard to tell. He said regarding the irrigation system, he asked why they would plant all that great vegetation and not have a way to water it. He said the City had other problems with other developments recently that irrigation was not discussed until after the fact and the trees started dying and the neighbors started complaining.

Kingsley said his plan was to have his maintenance people water the area with from the hose bibs that were on the building. The question was if there were hose bibs being provided and the answer was "yes."

Commissioner Dever said the investment in vegetation alone and landscaping seemed substantial and asked if there was discussion as to irrigation and was there a reason why it was not included in the site plan.

Kingsley said he was trying to do something that was nice and at some point a line needed to be drawn with the cost. People build homes without irrigation and the tradeoff might be the materials for the exterior. At some point those amenities needed to be cost effective.

He said when they talked to the landscape architect, one of the neighbors request was to have foliage that was green in the winter and the architect's concern was that was the most detrimental for growing grass because it dropped its needles and it was hard to grow grass and he tried to put a mix in that area. There was still discussion with the City as to what the species of the landscaping could be. The owner wanted knock out roses, but did not want to put that in if it was going to die.

Commissioner Dever said in the last year in a half, the City Commission had multiple discussions about landscaping being installed and not cared for and literally this project could be built and the applicant might have every intention on maintaining the landscaping, but without the adequate systems, the landscaping would not thrive and live. If they were going to spend so much time and effort about landscaping, it seemed odd they would not invest those dollars for maintenance. He said even though the current owner wanted to keep the maintenance up, the next owner might not care.

Vice Mayor Amyx said in the comments that were made, the City Commission was asked to compare what could happen on this site. He said were they to assume that if the zoning change from RSO did not happen that those types of building would be built.

Andersen said there was no implied threat. He said they were present with this proposal, if it could be rezoned, but understood the rezoning did not happen, they would walk away from the property.

Vice Mayor Amyx said the process an applicant went through was far less than because it would be handled by the Planning Department.

McCullough said there would be the public process of platting that development and there would be individual permits for those lots

Vice Mayor Amyx said the acceptance of dedication and easements was a lot different than site plan issues. He said he wanted the neighbors to understand that process could be different based on the current zoning.

Commissioner Johnson said he had been asked by the public to vote from his conscience and do what was right by the neighbors. The reality was that the current zoning, a plan could come in and the neighborhood could get a development that was multi-family and was more dense than what was being proposed. He said back in October when he voted against the straight zoning without any conditions and allowed for a more dense project, that was similar to what happened in the neighborhood, he was not in favor. He said he had seen

what happened to this area and what was expected to happen. The proposal before the City Commission was not the same thing that happened. It was not multi-story building, and was a less dense project that could be at that location and he had not heard anyone stating that the developer or applicant did not do what they said they were going to do.

He said his charge was for the developer and the neighborhood to get together and wanted that developer to listen and to address the comments by the neighborhood. He said address did not mean accept. He said he did not expect the developer to do everything the neighborhood asked them to do. He said he never said he was not for multi-family on this site. He said he recognized multi-family was possible. He said it was not the City Commission's job to decide what highest and best use of a certain piece of property. There was a lot of multi-family, but the use did fit. He said he knew it was not what the neighborhood wanted to see, but he thought the developer went above and beyond what was required to do. He said to him this plan was better than what could be placed at that location.

He said he had a concern with the landscaping that along Inverness it seemed from day one they were looking at planting two inch caliper trees. He said his question and challenge to the developer was if they could look at the trees along Inverness Drive and beef those trees up and knew that it was a concern brought up at the meeting regarding screening. He said he liked the open space in the corner of Inverness Drive and 24th Place. He said he also shared Commissioner Dever's concern on how they would maintain and establish the landscaping without irrigation. He said he shared concerns, but thought the project was good.

Commissioner Cromwell said the City Commission was asked originally whether they would unconditionally change the zoning from RSO to RM15 and the answer was "no" from the City Commission and went back to the Planning Commission. He said now they were in a situation where they were faced with approving or denying a specific project as seen with all of the pieces such as hose bibs and landscaping. He said he also heard that this project was not as bad as a project could be. He said it was his responsibility to see if it was the best use as

they were faced in the situation with accepting or denying a particular project, he did not think just saying "it could be worse" was enough. He said the project was against the spirit of the neighborhood plan and some other type of project could be developed with the RSO zoning that was also against the spirit. He said he felt the responsibility to not be the one responsible for that particular event happening, but it might happen anyway. It might end up multi-family whether the City Commission approved it or not, but did not think just because the project might be worse and the idea of something else that could come along was not enough reason to go forward and approve this particular project. It was an infill and construction project at a recession time and he was for projects, but this project was one the City Commission heard overwhelming response from the neighborhood that this project was not desired. He said there were questions about landscaping, washer and dryers and several other questions. He said he had enough reservations about this project that he was not in favor of this project.

Vice Mayor Amyx said when this item came up before, he voted against the project and the initiation of the rezoning. A letter from Anderson indicated that if there was no support from the City Commission it would be hard to initiate. He said he had studied this project and in McCullough's memo of January 25th, it listed some of the responsibilities of the City Commission. He said he did not disagree with Commissioner Johnson that in some ways it was not the City Commission's responsibility to come up with best uses for properties, but he thought the City Commission had a small part in that responsibility as far as what ultimately went on a piece of property and the City Commission needed to be involved. He said the City Commission's ultimate responsibility was determining if it was the best use for this property. He said there might be a way to look at a Planned Overlay District for this piece of property, that way it allowed the RSO and some multi-family that was going to be in that area and something promoted attractive and functional residential, non-residential, and mixed use developments that were compatible with the character of the surrounding area. He said this project might be the best use of the property because it was the buffer zone between the two. He said they only had

one opportunity to make a decision that would affect the area and wanted to make sure it was right.

He said people made investment in their homes based on a decision that was made by a past City Commission on the aesthetics of that area, but obviously that did not happen for whatever reasons occurred earlier.

He said regarding Commissioner Dever's questions about irrigation that was a lot of water to haul in trying to keep the landscape from dying. The way it was now, he just wanted to make sure it was the best use for that property.

Commissioner Dever said the City Commission was being asked to change the zoning and the zoning that was in place now was approved historically and people moved into the neighborhood with certain assumptions with that zoning. If he was to buy a home in an area where there was undeveloped land, he would presume his worst nightmare and that was probably what was going to happen. Unfortunately, his experience in life in his job showed that was usually the case. It was presumed there would be certain things that happened to a piece of land that was not developed, but it was probably going to be developed which they were talking about an opportunity to develop a parcel of land and the way it was zoned was infill development and was not talking about grabbing more land and bringing it into the City and doing something unique, but a piece of land that was zoned currently. He said the Commission's job was to consider rezoning to assist in the economically viable way to develop the property in the least intrusive fashion and blended with the character of the neighborhood.

He said his deciding factor was going to be what was unique about this development that would initiate or prompt him to change the zoning on this piece of land and he would welcome feedback from the potential landowner and/or applicant's representatives as to what was unique about this project and what was going to be good for Lawrence to make the change and to initiate or speed along the process and make this viable for the client and what purpose would it serve for the residents.

Anderson said as far as what was unique about this project was the process and what they had done from the applicant's prospective, the level of planning, the conditions from staff were absolutely unique. The planning that had gone into this project was unlike anything they had done before and they set a new bar in Lawrence to where they had agreed to conditions to a specific site plan tied to the specific zoning in order to get the zoning changed.

In addition to the process, if looking at the conditions, they agreed to cap the number of units, the one story units, cap the occupancy of unrelated adults to the extent allowed by law, agreed to more than double the required landscaping, and to that end when the Commission made their motion to the extent they wanted to add conditions there was nothing stopping the Commission from adding any conditions.

The agreed upon building materials were of a higher standard than what was required by code. He said as far as the landscaping, he was not an engineer or architect, but there were a lot of lawn where the grass and trees grow that did not have irrigation. He said when this site plan was approved there was a requirement the applicant maintain the landscape. If those trees did not survive, for whatever reason, the site plan still needed to comply and if someone thought it was not in compliance, that person had the freedom to call the City and complain which was true for any development in town.

Commissioner Dever asked about the actual land use which was basically a stripped down apartment complex without washers and dryers, no pool, and no clubhouse and basically motel like heating and air conditioning units.

Anderson said as far as Commissioner Dever's characterization, the heating and air conditioning was that it was not less expensive, but was more efficient which was encouraged in the building trades. He said they also tell the building trades the same thing about density when it came to zoning. For years, they were talking about how to prevent sprawl. The City hired an outside consultant, Placemaker's, that cost the City hundreds of thousands of dollars and it was concluded the City needed more density. He said the development code was changed in 2006

that wanted less sprawl and more density. The whole point of the SmartCode was to provide developers with incentives to do projects exactly like this project. He said it seemed the City was sending mixed signals to the development community. He said this project was unique and a development was brought forward that was responsive to what was told to the development community for years the City wanted.

Commissioner Dever said in response to the landscaping and all the great concessions that were made, he was completely in favor of asking for more and getting it. He said he was not just looking for compliance of the code, but for vegetation that was going to thrive and to screen the view of the neighbors of motorists driving by.

He said he completely agreed with the density issue because they were providing less impervious surface in this development and there were a lot of good things about the development, but he was just trying to understand why the zoning needed to be changed and whether or not they were providing a benefit by doing so.

Mayor Chestnut said there had been a lot of comments and wanted to address some of those comments. He said there were questions about the developer not providing notice, but it was the City's responsibility and the City provided a greater degree of notice than was within compliance because staff knew it was a very sensitive issue.

He said he did not think the development of this mixed use had gone well and made him question the entire RSO zoning area because it seemed to have mixed results. He said the City had several RSO's that had come to the City Commission's attention and were trying to rezone.

There had been some discussion about the highest and best use, but he did not know the answer. He said he agreed the City Commission had a responsibility, but they would be entering into a dangerous place if there was the same level of scrutiny with every piece of property, whatever the case might be. He said he tended to believe that somebody that was going to invest five or ten million dollars in construction was pretty confident in the use.

He said there were five options which were 1) Commercial (denied); 2) Single-Family RS5; 3) RSO; 4) RM 12; and, 5) RM15.

He said regarding RM15, he asked about the density of the project.

McCullough said the density of RM15 and RSO was capped at 15 units per acre and this project was right near that cap.

Mayor Chestnut said the density did not change between the two classifications.

McCullough said correct.

Mayor Chestnut said his feelings about this project had more to do with what surrounded this project. Obviously, some of the pictures Hulse showed, as far as three story building, were not probably what he would envision, but it was a possibility. He said he was convinced that of all those options, commercial, single family, office use, or multi-family, that regardless of what happened at this time, there was a high probability that it would stay multi-family of some type, probably with the zoning that was allowed at this point.

He said he shared the concerns about irrigation and hated to foist another compliance issue when it was well stated they had to hold people accountable for saying they were going to keep the landscaping alive.

He said the enforcement issues were important because while the remedy was legal, the City Commission tried to influence things that were not going in the right direction and regardless of what happened the City Commission would be involved in this project until its completion. He said he had no idea whether it was the highest and best use and did not foresee, in another five to ten years, another use that was probable to come along that would be better with these conditions. He said he did not want something that had 350 or 400 possible occupancy that the City would not have much control over. If taking the existing zoning and they were in compliance with the law, the City would be hard pressed not to issue building permits.

He asked the Commissioners if there was a desire for more conditions.

Commissioner Johnson said he would like to beef up the screening on Inverness. He said he did not think two inch trees along Inverness met the spirit.

Mayor Chestnut said Commissioner Johnson and Dever commented about irrigation. The applicant met the conditions and both Commissioner Johnson and Dever expressed concerns about irrigation. If they wanted to further the conditions the City Commission could do so.

Commissioner Dever said he did not like to dictate at this level, but the City Commission was being asked to change the zoning. He said he thought they would be battling this issue if the City Commission did not add some measure of security. He said this issue did not need to be a maintenance headache for any Commission. He said the City Commission was being asked to make a change in zoning to facilitate something, but if they wanted zoning changed, the Commission was given the opportunity to ask for things that the Commission would not normally ask for which was the reason he brought those items up.

Vice Mayor Amyx said if the information from Anderson help clear up any concerns about this project, before they went through the process of changing the site plan.

Commissioner Dever said with the land use that occurred this was one of the few chances to control the density. Although he preferred not to, he believed there was some good could be gained by having that control at this point in time. The applicant was willing and was a means by which a better land use could be achieved.

He said the future of this plot was questionable, but doing nothing assured there would be less impact to the neighborhood today.

The points Anderson made were more about the process which was very important because when someone jumped through those types of hoops to try and do something that behavior needed to be rewarded if possible because the City wanted others to do it as well.

The building types and infill was something the City was trying to achieve and less density in some people's eyes were good whereas more density better for others. The question

was if this project was different than anything else in this community that would merit the need for a change. He said he did not know of any other units like this in the community, but he did not know if it was a unique enough change to change to zoning. He said they had gone through great lengths to try and make both the neighbors living in that area now and future residents of that neighborhood happy with what was built.

Vice Mayor Amyx asked if Commissioner Dever was ready to cast his vote based on the current recommendations plus any other additional conditions from the City Commission.

Commissioner Dever said he was not sold on voting at this time.

Vice Mayor Amyx said the Commission discussed the landscaping and wanted to know what the area would look like when it was completed and whether or not the applicant was going to walk away from the additional conditions suggested by the City Commission.

Commissioner Dever said yes, if he was going to move forward with this project, he wanted to stipulate that if all that money was spent on landscaping to protect the landscape, the Commission should make sure the plantings thrive and grow and ten year from now, a little island of vegetation to minimize the impact to the neighbors because they were going to spend all this money and time and would like to make an irrigation system a requirement for approval.

Mayor Chestnut asked if staff would be clear on that direction.

McCullough said the only thing to clarify was if that was for the entire project or portions of the project.

Commissioner Dever said it was not the Commission's expertise and did not know what type of irrigation system. He said he would like a system that whatever investment was made, to protect the landscape and view for the neighborhood.

Mayor Chestnut asked if the comment from Commissioner Dever provided enough direction.

McCullough said not especially, because they were talking about the view scape from the neighborhood which was along Inverness and the park like area at the corner versus the

internal parking lot landscaping for example. He said if there was some clarification about whether or not Commissioner Dever was talking about the perimeter landscaping on the public rights-of-way or the entire project.

Vice Mayor Amyx said he did not think the City Commission would come to an agreement without seeing what this project would look like. He said the City Commission had a responsibility, one way or another to give direction to the applicant.

Mayor Chestnut said the direction would be if it the motion passed, it would come back for City Commission review.

Commissioner Dever said since this project was unique that approval of the zoning was going to be based on a site plan and all of those stipulations, it was uncomfortable because there was no guarantee that what was discussed would actually become reality.

He said there was a substantial difference between one type of landscaping and another and they could achieve some of the goals for the neighborhood and land use by providing some insight and direction on what they would like to see because although the neighbors might not have persuaded the potential owners and/or the applicant, perhaps they could alter types of trees and the amount of money being invested in the landscaping. He said he believed there would be less people on ten acres of land under this plan than any other plan put forward in the future. He said he wanted to protect the investment of the owners and neighbors.

Vice Mayor Amyx said was Commissioner Dever wanted a motion to approve the rezoning contingent upon things such as landscaping or irrigation plans.

Commissioner Dever said yes.

Commissioner Cromwell said they were talking about putting in maximum density for RM15, but were talking about the same density.

Commissioner Dever said no, that was unit density, the number of people that could live in this area could be triple the amount. He said he meant the number of people, not the number of buildings living in that parcel of land based on what he had seen developed in that area. He

said he was trying to foresee what this area would look like even with a little commercial application or a mixed office and could go up 36 feet.

Commissioner Cromwell said they could go up or down and there were other possibilities for this particular parcel. He said he was not comfortable saying that the area could get worse and to go with this plan.

Mayor Chestnut said it was not that it could get worse, but it would get worse. He said he looked at the spectrum of opportunities. He said the area was not going to be single-family, commercial had already been rejected RSO could be not more two to half times the number of people. It was not a matter of it could get worse, but the probability was this corner would be more dense and was a judgment call.

Hulse said when this property was originally zoned it was 12 units per acre for all 66 acres. The City Code changed which raised it from 12 units to 15 units. She said for this particular property that was an additional 32 units for that space. At a meeting in October a City Commissioner asked Hamby if he did the same project in RSO, he asked if there would be the same number of units and Hamby answered no because it would have to be fewer number of units to fit. She said everyone kept saying that it was exactly same in RSO and RM15 and it was her understanding it was incorrect because for the platting and setbacks, with the individual lots, the same number of units could not fit on that piece of property zoned RSO as RM15.

McCullough said while staff had not seen a comparison plan for this property, that was generally true when taking into account the rights-of-way that was needed and the setbacks for the structure, but staff weighted to the population density not just the unit density. Staff could not tell how many less units under RSO because the consultant had not put those plans together to show staff what the comparison would look like. He said one of the key features was that the RSO demanded individual lots, fronting on public rights-of-way where the RM15 did not it allowed the flexibility of building design to come off parking lots and private drives.

Commissioner Dever said the picture shown of a development in RSO district showed an intensive use even with those lot lines and setbacks included.

McCullough said it was and was a difference in how the structures were laid out on the property. In the RSO district, a grid-like development pattern would be seen.

Commissioner Dever said a traditional pattern as well.

McCullough said not necessarily. He said there would be eight attached dwelling units that would front on a public roadway which would be likely and more linear or curvilinear design versus just the proposed structures in this site plan. There would be a townhouse feel that fronted on the public rights-of-way. It was a different kind of product and when staff discussed this issue, staff looked at the context of the RSO versus the RM15 in that if this was a request, for example, where the surrounding properties were predominantly single-family, staff's recommendation would likely be different because staff would push for the single-family feel of the RSO, the character of the product and not necessarily the unit count or use, but the character of the product be more akin to single family development than multi dwelling development. If looking at this property and saw to the north RSO and PRD and predominately to the south, east, and west multi-family and did not believe the characteristics of the RSO district, by the standards themselves, generate a more single-family feel which was necessarily an important factor for staff.

Commissioner Dever asked if a person could build an identical duplex community as existed on Adams Avenue, to the west on this parcel of land.

McCullough said under RSO "no."

Day said the difference being that the area to west had two units on a lot the RSO required each unit to be on its own lot. The code made the distinction that those units were classified by dwelling unit, not multi-family.

Commissioner Dever said under the current zoning, the same neighborhood could not be duplicated exiting west on this piece of property under the current zoning.

Day said correct.

McCullough said there were subtleties to say the least, on how the zoning worked and were diving in deep into the details. The outcome difference was the RSO content placed more ownership than rental possibilities and the more apartment dwelling feel of the layout versus the more fronting on the public road, townhouse feel development aspects which were the major differences between the two zoning districts. He said when talking strictly residential, in the 8-plex type of product, there were other differences in terms of uses.

Commissioner Johnson said potentially there could be less units, but three bedroom full of a lot more people and cars.

Brandon Daub said in talking about those stipulations on the site plan, without having public comment even though the City Commission swayed their decision, there needed to be completed final plan now and not edit the plan down the road.

Vice Mayor Amyx said if the plan was going to be done one way or another, the plan should be conditioned.

Daub said if the conditions could be reached, it would influence the vote today.

Mayor Chestnut said Daub was speaking in complete opposite of the way the development code was written which was the final development plan typically did not come back to the governing body. However, they had gone into some detail and thought they could bring this item back. He said they needed clear direction one way or the other, but the item conditioned on the final development plan coming back to the City Commission.

McCullough said they were very close with compliance to the development code on the site plan. One thing the City Commission might consider was giving staff, applicant, and neighbors some suggestions for direction. It would not take much to work those suggestions into ordinance language and revised site plan for City Commission consideration.

Commissioner Dever said the biggest issue was lessening the impact on the development for the neighborhood if making the change.

Mayor Chestnut said the irrigation issue was an issue brought up by two Commissioners. He said he would like to leave it to the experts to figure out what areas.

Commissioner Dever said it was difficult and might be inappropriate for the City Commission to speculate what was needed in order to achieve the goals he was looking for if he was going to approve this rezoning. He said the only motion he would make was to vote on whether or not the City Commission would move forward only upon agreement by the City Commission of final revisions made to landscaping and maintenance.

Vice Mayor Amyx said the comment was to approve the rezoning subject to those plans being worked out.

Commissioner Dever said the final approval would come back to the City Commission.

Vice Mayor Amyx said it came down to the density and the number of people that was being agreed to by the applicant by conditioning this application.

Commissioner Dever said yes that was one of the saving graces and the unique type of services it would provide.

Vice Mayor Amyx said it would be hard for him to say there might be another use and this was the best that could happen right now and the future to come.

Commissioner Dever asked if Vice Mayor Amyx was asking him if this was the best plan. He said for him he felt more comfortable with less people living on this block and he thought this plan achieved that based on his experience. He said he had not seen this type of land use and was very uncomfortable with it, but with the City Commission properly shielding the impact on the neighborhood by having those stipulations, there might be a little bit of buffer literally and figuratively and what he was approving.

Commissioner Cromwell asked if there were any other concern about those being low rent units. The developer seemed very interested in not providing washer and dryers and irrigation which increased the rent in order to keep the rents low because the desire was low rent. He said the Commission was getting so detailed as to describe the species of evergreens

that were going to be allowed. He said the City Commission was voting on a particular project down to the landscaping and hose bibs and asked if there needed to be discussion about the rents and the types of people that would live in those units versus another particular land use whether it fell in RSO or RM15. He said where was the line to be drawn as far as ending this discussion about what was okay on this particular spot and what was not. He said he had not seen evidence that this was a unique project and the project fulfilled the need, unless the need was super low income, but if that was the case then they needed to have that discussion.

Commissioner Dever said it was going to be super low rent, relative to what else was in the community because it was single bedroom, but he did not know if it was low income.

Commissioner Johnson said he had not heard anyone say "low income" or "super low rent" until now.

Commissioner Cromwell said he was reading between the lines. He said he heard low rent and the desire was not going to install washers and dryers because potential renters were interested in the lowest rent possible.

Anderson said on the issue of the unrelated family, federal law did not allow the City Commission or anyone to regulate the number of related individuals that lived in a residence.

A member of the public said no one was trying to regulate how many people were in the units, but when talking about no washer and dryers and low income, it would be transient people and lots of cars.

A member of the public had previously asked a question about the zoning that was on the apartment complex in the middle of 24th Street, and why was the zoning changed.

Mayor Chestnut said he could not answer the question because he was not on the City Commission at that time. He said where they were now was full development except for two plots which were on two corners. He said the probabilities of that being other than multi-family were small. He said office, commercial, and residential were all uses that regardless of where the tract was ten years before it started developing, he did not believe those uses would be

seen. He did not believe they would see a tract and the way RSO was now, a three story building could be constructed. He said he did not know what benefit there would be for pulling apart the decisions of previous City Commission's what happened incrementally. He said he was looking at this discrete project and trying to find the best probabilities of a successful project and his options seemed limited.

Commissioner Dever said the City Commission was being dealt pieces of a puzzle that was never assembled and the current City Commissioners were trying to bring the pieces back together into a livable and workable puzzle and what had happened in the past, they had very little or no impact on.

Commissioner Johnson said he was looking at the nine conditions and he was trying to figure out how to take care of this landscaping issue. The landscaping plan was part of the site plan. He said Condition No. 1 said, "Development of the property shall be a substantial conformance with the Site Plan dates January 4, 2010 as attached. Any changes to the site plan that opposed the spirit of these conditions or considered major by the Planning Director shall be reviewed by the City Commission after public hearing. He asked how the City Commission would get their spirit in to see that it was fulfilled.

McCullough said because there was no code requirement for irrigation, they would need a specific condition that simply required that an irrigation system be constructed, installed and operational for the landscaping for this development. He said staff would work with the applicant and engineers on the plans.

Commissioner Johnson said he was not necessarily saying it had to be done. He said he wanted an expert to tell him why an irrigation system was not needed. He said they talked about green principles and there was something about irrigation systems that conflict. He said he would like someone to explain what areas should be sodded, seeded, and irrigated or not irrigated.

McCullough said there were experts on City staff that could help arrive at that information.

Commissioner Dever said enhanced landscaping requirements to include automatic irrigation systems versus hand watering and/or that which was deemed most appropriate by an expert in the field. He said he questioned the expenditure, discussions and plan that had been presented to the City Commission without suitable consideration for maintaining landscaping and barriers for the neighborhood. He said they should be talking about something green and something that was going to have an impact on the neighborhood visually, along with the species of trees and the necessity or the perceived need for additional automatic irrigation systems.

McCullough said it came down to species and that was why Crystal Miles, Horticulture Manager, was involved in reviewing plans and determining whether irrigation was appropriate at all.

Vice Mayor Amyx said asked if the caliper size of the trees would be changed.

McCullough said that was part of what they talked about when it was said that staff was still working on some code issues.

Commissioner Cromwell said there were a certain number of trees that were two and one-half inches that were required for this parcel and there were additional trees. He said there was a minimal amount of trees that were required on the property. If talking about meeting the requirement, the requirement could be made with 20 two and half inch trees and the rest of the trees could be much smaller so the Commission needed to be careful.

Commissioner Johnson said the landscape plan far exceeded what was required from a minimum, but he was looking more toward Inverness in that corner.

Mayor Chestnut asked if staff could add a tenth condition for City Commission review of the landscape plan and irrigation that dealt with specifics about landscaping and irrigation.

McCullough said his preference was to work with the applicant on some of those details because they were talking about site planning concepts versus the zoning concepts. The site plan was not finalized, but staff wanted to get this site plan in front of the Commission. He said they might want to ask the applicant their preference from the timing, but he felt they needed more time to work through this direction, which was good to hear and bring it back to the City Commission when it was right for a decision. He said they needed some more time on the detail if they were going to talk about this level of detail and change in the site plan to determine what was appropriate based on this direction.

David Corliss, City Manager, said the City Commission could defer consideration for two weeks with directions to the applicant and staff to work on possible language on irrigation requirements and landscaping requirements specifically focused on the size of trees and buffering along Inverness. He said the City Commission was not taking action, but asking for more specific direction.

Mayor Chestnut asked if the applicant had clear direction.

Kingsley said they hired a very qualified landscape architect and was a member of the State Board of Technical Professions and did landscaping specifically fully as a career. He said he would have input as to species and certainly could let everyone know what needed watering and at what intervals. The one thing the landscape architect would ask was when they start talking size, everything they were putting in was at least the minimum that was in the code. He said the landscape architect would want to know how big to go.

Mayor Chestnut said he did not want to solve that problem right now, but what they were asking was representatives of the applicant to extend this zoning issue a couple of weeks for input from that person to have a more fully evolved landscape plan and irrigation plan before the City Commission would take action on the rezoning. He said he did not want to make that deferral if the applicant or representative would not go that route.

Kingsley said they would live with whatever action the City Commission took. He said the City Commission could approve this with conditions. Either way the site plan had to go back before the City Commission because this site plan was part of the approval of this project. He said if the site plan was not approved, this project would not go.

Commissioner Cromwell asked if there was an opportunity to interact further with neighborhood concerns. A lot of correspondence that he received was related to landscaping either to make sure that issue was addressed or perhaps instigate a neighborhood meeting with the landscape architect.

Mayor Chestnut said it would be appropriate to provide a clearer direction. Since they were deferring this rezoning because there were certainly some ambivalence about landscaping, irrigation and other things, it was incumbent upon the City Commission to provide as clear direction as possible as to the City Commission's expectations about what was going to happen between the time it was deferred and the time it was brought back to make sure they were ready to make a decision. He said if there was stipulation about having interaction with the neighborhood, then that direction should be included.

He said he would entertain a motion to defer this rezoning request (Z-7-11-09) for two weeks with further development of a landscaping and irrigation plan and at some point during that time, direct the applicant's representatives to have some kind of public meeting with the neighbors to talk about that plan.

Vice Mayor Amyx said he suggested deferring indefinitely until the item was ready to come back to the City Commission.

Moved by Dever, seconded by Amyx, to defer indefinitely the consideration of rezoning (Z-7-11-09) of approximately 10.97 acres, located at 4300 West 24th Place, from RSO to RM15, with direction to applicant and staff to develop irrigation and landscaping plans to be considered along with rezoning, and direct applicant to hold a meeting with the neighbors regarding said plans. Motion carried unanimously. (13)

The City Commission recessed for 10 minutes at 9:22 p.m.

Consider authorizing the City Manager to sign an agreement with BG Consultants in the amount of \$101,606.25 for design services, and an amount not to exceed \$14,698 for bidding and construction services, for a total contract amount of \$116,304.25 for the extension of sanitary sewer service to the Lawrence Municipal Airport. Consider authorizing the City Manager to execute a purchase order for geotechnical services for this project in an amount not to exceed \$5,000.

After returning from recess at 9:32 p.m., Chuck Soules, Public Works Director, presented the staff report. He said the total project cost, including a study was approximately 1.4 million dollars. He said if the City Commission approved, the survey would take place in February and March, designed March through August, bid in the late summer, construction in the winter and should be completed next spring.

The City Commission's action was to authorize the City Manager to execute an agreement with BG Consultants for a total amount of \$116,304.25; and, authorize the City Manager to execute an agreement for geotechnical services for this project in an amount not to exceed \$5,000.

Vice Mayor Amyx said regarding the \$101,606.25, plus the \$14,698, he asked if that amount represented 8 ½ percent of the total project.

Soules said yes.

Vice Mayor Amyx said several months ago the City Commission went through a process on what was an acceptable amount or percentage amount for a good rule of thumb. He said with the 8 ½ percent, those amounts were in the ball game as far as fair pricing.

Soules said correct. Staff had discussion at the agenda meeting trying to establish criteria to better explain to the City Commission and staff would be working on a policy.

Commissioner Johnson said in reference to Vice Mayor Amyx's comments, he asked if Soules could explain if the City already spent \$38,000 on a preliminary study, how that did not take care of some of those issues to save a little better than 8 ½ percent. He said the 8 ½ percent was based off of an estimated construction cost.

Soules said correct.

Commissioner Johnson said he was having a hard time reconciling 1874 foot of gravity sewer per \$337,000 which was about \$180 a foot. He said he would expect construction costs to come in a lot lower, but when looking at 8 ½ percent of construction fee, the design fee seemed high.

Soules said they were figuring it would be about 25 feet deep by the time they arrived at the septage holding well. He said a study was completed in advance, but had not necessarily looked at this layout other than on an aerial photo. A lot of the study effort was put toward the different options that were looked at whether it was going to be a tree farm or on-site wastewater treatment system and the pro's and con's of development.

Mayor Chestnut said that was based on the City Commission's request for the initial study of the wastewater disposal options.

Commissioner Cromwell said the \$38,438 showed up in the 1.4 million.

Soules said the 8 ½ percent was only based on the construction cost.

Commissioner Cromwell asked who determined the construction costs.

Soules said staff worked with BG Consultants.

Commissioner Cromwell asked if the construction costs seemed reasonable to City staff.

Phillip Ciesielski, Assistant Utilities Director, said staff had discussions on those estimates. Staff did not have geotechnical work to base it on and it was deep as it came to the septage receiving well which would ultimately be the lift station wet well. There was a drainage way between the areas they were trying to serve and where that septage well was going to be located. Staff anticipated having to deal with ground water throughout much of the project, not at just those depths because of where they were within the old riverbed. If they were not in water, they would be in sand and would be an uncomfortable excavation either way, especially at those depths.

Mayor Chestnut said the topography of that area was a little bit challenging.

Ciesielski said it was flat and had drainage that had to go under to get to that well.

Commissioner Dever said it was a premium based on sand and collapsing walls, dewatering of the trenches and a geotechnical study had not been performed. He said in reality those costs could be far less than anticipated or not.

Ciesielski said that would be up to the contractors who bid. He said staff tried to put a best estimate to those projects based on experience and bids in hand. There again, come bid day, it depended on how many bidders were looking to bid.

Vice Mayor Amyx said regarding the water main completed on the southeast part of town, Fairfield Farm Project, he asked if there were 6 or 8 bidders.

Ciesielski said there were 6 to 10 bidders.

Vice Mayor Amyx said on that project, the gravity flow line was 1500 feet and it was \$330,000.

Commissioner Johnson said the memo showed a comparison, there was 1500 of gravity and 1750 of force main and came in at \$333,000.

Commissioner Dever said if Commissioner Johnson could reconcile that information. He said they were trying to figure out if there was a premium involved, for example, having to blast through rock and excavation issues.

Ciesielski said it was primarily the soil conditions and the length or number of manholes, were not excessive. The road crossing needed to be bored and the gravity would not cross KTA, but would cross airport road. The soil conditions at Fairfield were fairly stable and a fairly stable trench. He said it was the depth, soil conditions, and the presents of ground water that was the unknown and risk in terms of putting that estimate together.

Commissioner Johnson said their explanation made sense why the City could have higher costs. He said he was just trying to point out that a design fee based on that explanation.

Commissioner Dever said it was understood that this design fee was based on the total construction cost and the percentage. He said was it assumed that if the construction cost was less, the design fee would still be the same.

Mayor Chestnut said the design fee was going to be the same. If the bids came out less, then it would be well in excess of 8 ½ percent.

Commissioner Cromwell said that was why he asked staff about the construction cost estimates because it became relevant.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said if there were any questions, they could look further into the estimates on the construction costs.

Vice Mayor Amyx said no. He said it was time to design this project and would hate to see the City Commission get into a situation of lowering engineering services based on a project coming in lower.

Commissioner Dever said absolutely not. He said they were seeing a clear decrease in the costs of the construction projects in the last 12 to 18 months. He said there was a new reality everyone was living with, not only the contractors that were performing the work, but the engineer that were designing the project. He said he considered the engineers experts and wanted to pay those experts a fair price. He said he wanted to make sure the City's estimates were reflecting market conditions today. If the contractors were taking a hit on the amount of money they were making as far as their services, in order to stay busy, no disrespect, but he would like to make sure the City was not spending too much on design relative to the construction costs.

Commissioner Johnson said if the City requested proposals from other firms, he thought it would be less in costs. A lot of head scratching occurred in the \$38,000 in trying to figure out what needed to be done. He said he did not want to disrespect BG Consultants because they

were a great firm, but when looking at dollars, 40 firms might show up to give proposals on projects.

Mayor Chestnut said if the City Commission wanted more detail and the Commission was not comfortable, they could certainly look at the construction cost because they drove each other.

Commissioner Dever said that was the only problem he was seeing. It was fair what they were trying to ask and he was okay with that as long as they were using real numbers.

Mayor Chestnut said the fair thing to do was to look at that 1,186,000 construction cost.

Commissioner Johnson said as far as qualifications, he had no problem with BG Consultants. As far as price, a project needed to be designed before receiving a price. He said the reality was if it was put out there, the City would probably save some money. He said he was comfortable hiring BG Consultants, under the current City process, policy, and qualifications.

Commissioner Cromwell said at the 10 percent level, they became very uncomfortable. Especially in the memo where this project was being compared to one-third its size and the percentage was the same at that sometimes usually with design work received a little bit of economy of scale. He said it was not the best comparison to be made, but it did help in the justification.

He said this project had been held up and needed to proceed. He said they could not get a better handle on the construction cost until the design was completed. He said he appreciated and encouraged the City Commission to continue to work on how to reduce engineering fees. He said the Public Works Director said there was some indication that discussions were made to reduce the amount this time and they were seeing the fruit of that discussion in this bid. He said to that end it was good to encourage that discussion in the future and encourage a very realistic construction bids in the future and move ahead with this project.

Moved by Dever, seconded by Amyx, to authorize the City Manager to sign an agreement with BG Consultants for \$116,304.25 for the extension of sanitary sewer service to the Lawrence Municipal Airport and to execute a purchase order for geotechnical services. Motion carried unanimously. (14)

Consider authorizing staff to submit federal funding requests to members of the City's Congressional Delegation and provide feedback on prioritization.

Diane Stoddard, Assistant City Manager, presented the staff report. She said historically the City had submitted several federal appropriation requests to the Congressional Delegation for their consideration in the upcoming federal budget. Staff had prepared a memo for the City Commission's consideration with several possible projects. Additionally, the delegation had indicated a preference to have those all prioritized and the listing of the projects in the City Commission's packet was staff's suggested priority order.

She said staff was requesting feedback from the City Commission regarding four projects and also the priority order. The first three projects, the City Commission had some amount of discussions previously and were previously submitted for appropriation request. The last item regarding intelligent transportation system was a new request and this was basically looking at radio systems and some intelligent transportation systems that would enable folks to receive customer information on their blackberry electronic devices about bus tracking and so forth.

Mayor Chestnut called for public comment.

Ted Boyle, North Lawrence Improvement Association, said the residents of North Lawrence appreciated that the City placed the 5th and Maple Street Pump Station as a priority. He said when the stormwater study was completed 6 years ago, it was 3.9 million dollars, now they were looking at 5.5 million dollars and without that federal funding there was a possibility this pump would not be started until year 2013 or 2014. He said at that time that pump could be

6.5 or 7 million dollars by that time. He said North Lawrence residents encouraged the City Commission to ask for that federal funding to complete this job.

Mayor Chestnut said 5th and Maple had been on the hit list for a long time and he liked the priority.

Commissioner Cromwell said he was wondering whether the stormwater was more important than 31st Street, but he understood the importance of both.

Moved by Johnson, seconded by Amyx, to authorize staff to submit federal funding requests to members of the City's Congressional Delegation. Motion carried unanimously. **(15)**

Receive update on City/KU joint transit maintenance facility issues.

Bob Nugent, Transit Administrator, presented the staff report. He said, "In June 2008, the City of Lawrence and the University of Kansas agreed upon a letter of intent, demonstrating a commitment toward increased cooperation and coordination between the University and City's transit systems. As a result of this letter of intent, a KU-City Transit Planning Team, consisting of representatives from the City and KU was established to further these goals.

The KU-City Transit Planning Team has been meeting for approximately 18 months. One of the issues that has been discussed during our meetings is the continued need for a joint transit maintenance facility. Specifically, the group has been thinking about future facility needs and ways for the City and KU to continue and expand its transit cooperation success. This discussion requires the need to examine longer-term options for a joint maintenance facility.

Currently, the City and KU contract through MV Transportation for the facility at 31st & Haskell. By having the facility lease as a part of the transit management contract with MV, which is a five year agreement, the facility lease has been a shorter duration, which likely escalates the annual cost. Currently, the City and KU are spending over \$265,000 combined annually on facility cost. When facility property tax is added to this figure, it is over \$340,000

combined annually. MV's lease for the KU and City part of the facility will expire at the end of 2010. Therefore, it is now an advantageous time to examine facility options, particularly in light of enhanced coordination efforts that are ongoing.

It is important to maintain a shared transit maintenance facility in order to enable enhanced coordination, which reduces costs in the following areas: coordination of para-transit services, dispatchers, software, drivers and equipment for greater efficiency in operations, safety and training; shared use of facilities and equipment necessary for fuel storage and dispensing, bus washing, fare-box vault storage and processing, and vehicle parking and maintenance; elimination of duplication of capital investment in maintenance facility and equipment, including such items as vehicle lifts, generators, compressors, bulk fluid storage and containment, welding, tire, computer diagnostic, AC recovery and other specialized equipment; one telephone system; and allows KU and the City to provide a facility designed to best protect long-term capital investment in rolling stock. Our most recent management contract solicitation revealed the overall operational savings gained by coordination, of which facility cost is a portion.

Service Provider Cost Proposal Comparisons

	Combined Contracts	KU Only + City Only	Combined Savings
Contract Year 1	\$5,614,542	\$5,912,980	\$298,438
Contract Year 2	\$5,840,997	\$6,130,599	\$289,602
Contract Year 3	\$6,068,601	\$6,380,927	\$312,326
Contract Year 4	\$6,311,296	\$6,656,557	\$345,261
Contract Year 5	\$6,571,766	\$6,932,593	\$360,827
TOTAL			\$1,606,454

Additionally, having a shared maintenance facility allows the City and KU to do more cooperatively. In short, a joint transit maintenance facility is a must for our coordination efforts.

In August 2009, the City Commission received a status report on the joint maintenance facility. The memo presented prior to that discussion indicated that the members of the KU-City Transit Planning Team had looked at a number of scenarios and possibilities regarding a joint maintenance facility, including lease and ownership alternatives, and what entity should take the lead. One of the key factors identified early on was the impact of federal funds and its restrictions. Because of KU's "charter" bus service and the fact that Federal Transit Administration rules strictly prohibit the intermingling of federal funds with such activity, it was determined that it was more advantageous for KU to take the lead with evaluating facility alternatives and eventually leading the implementation of the chosen alternative. The City Commission provided direction to proceed with the University issuing a facility Request for Proposals (RFP) to solicit responses on facility options including: Lease, Lease-Purchase, and Purchase. Lease options included 15, and 20 year terms. The RFP was released in August 2009 and responses were provided in early October 2009.

As indicated in August, the Transit Planning Team believes that the ownership option is the most preferable option for the long term. Also, the Team had identified the possibility of utilizing the remaining federal grants and earmarks to address KU's fleet needs, which in turn may free up some funds to be utilized toward the ownership option. Based upon the information discussed at the meeting, the City Commission agreed that it was appropriate to pursue a joint maintenance facility, and that KU should take the lead in issuing its RFP."

Danny Kaiser, KU Parking and Transit, said the University issued an RFP on August 24, 2009, for a transit maintenance facility that would be developed by KU and space made available for the City to lease. City staff contributed to the development of that RFP. The RFP solicited proposals for three different options which were 1) purchase (turn-key) option; 2) lease option; 3) lease purchase option. They clearly stated in the RFP the purchase option was the preferred option if financially feasible.

He said they had to form two procurement negotiation committees because they had two separate State statutes that they had to be concerned with. Leases were handled very differently than a purchase and in this case, would have required two different processes to follow.

It was determined that there were purchase option proposals that were economically feasible for KU based on vendor responses and discussions between KU and City staff. He said that work began to move to the next phase of the process.

The purchase procurement negotiation committee scheduled meetings with proposers that best met the specification listed in the RFP and again, City staff participated in those meetings. He said they provided the City Commission with copies of the following:

- 1) The recommendation of the procurement negotiation committee that Advanco Incorporated be awarded the contract;
- 2) The Bid summary detailed all of the proposer's financial information and basic information about their bids;
- 3) The comparison of purchase versus lease purchase for the transit maintenance facility; and,
- 4) The contract award.

He said those documents were publically available and could be found on the Department of Purchasing Website at the University. He said a review of those documents would clearly indicate the award was made to a proposer that met the specifications of the RFP and who also presented the lowest bid for the purchase option. The contract award did not include the alternates of the expanded facility, the bus wash, and the fueling station. Those options could be exercised following the completion of a memorandum of understanding between KU and the City for use of space in the facility for the City's transit operations. City and KU staff had been working hard on that MOU and hoped they had that document ready for City Commission review at the next City Commission meeting.

Nugent said several actions had been taken over the last year related to fulfilling the City's bus transit needs. A number of busses had been ordered and with those vehicles they utilized stimulus dollars for those vehicles. He said the City was using 1.8 million for hybrid busses. He said they also had funding to replace para-transit vehicles which was outside some of the documentations the City Commission received.

He said, "The Transit Planning Team has been discussing a possible Memorandum of Understanding between the University of Kansas and the City of Lawrence regarding cooperation on the joint maintenance facility. Of course, the MOU would be subject to City Commission and University authorization. The MOU would set forth a variety of provisions regarding facility, envisioning that a more detailed lease would be negotiated between the parties in the near future. The MOU is still under discussion. However, the draft MOU indicates that the City would provide \$2 million in ARRA funding toward the procurement of buses for the University. These buses would be used on joint transit routes. The purchases of the buses for the University would free up funding for the University to front the necessary capital costs for the financing of the facility. The MOU would also set forth the City's lease payments to the University and how other costs would be shared between the University and the City. The MOU will be on a City Commission in the near future for review and consideration."

Mayor Chestnut said regarding the immediate question of the memorandum of understanding, the City Commission received the MOU last week and the fact was if it was not on the agenda next week, they the City might suffer some penalties on cost if not moving forward and asked if that was the case.

Nugent said no. The University had gone back to the contractor and there had been some concession on that date and was willing to move it for another week. The end date for the construction was going to be at the end of November and would have a month after the end of construction to get everything moved into that location if the City decided to move in.

Mayor Chestnut said the City was still working on terms and conditions of that MOU.

Nugent said yes.

Mayor Chestnut said the City received the initial draft and legal staff was reviewing that MOU. He said the legal portion needed to be completed by the day after tomorrow.

Commissioner Dever said it was important to summarize in as few words as possible, how this goal was being accomplished and what the value was to the community from a dollar prospective and the value of a facility.

Nugent said from a dollar prospective the City was utilizing federal dollars and instead of buying vehicles which those dollars were destined for, the City was able to use those dollars toward a facility.

Commissioner Dever said the dollars taken from bus purchasing and moving over to help subsidize the purchase of buses for KU and KU could use their funds to buy a facility, he asked if those dollars had to be spent in a certain period of time.

Nugent said there was a time period on the stimulus dollars.

Commissioner Dever asked what the annual savings the City would receive from the operations of the busses of both the City's transit system and KU on Wheels transit system by having this facility from the vendor who was providing the services currently.

Nugent said the City would save about \$800,000 in ten years based on lease and other costs associated with the lease of that building.

Commissioner Dever asked if that \$800,000 money the City would have received federal funds to pay for or those operating costs the City needed to use City dollars to pay.

Nugent said a little of both. There would be some federal dollars would be involved was half.

Commissioner Dever said trying to evaluate the cost and the benefit for everybody because it boiled down to that. All the other made a lot of sense and he just wanted to make sure everyone understood because it was very complicated.

David Corliss, City Manager, wanted to make it clear that the City's busses would not be covered at that facility, but would be located.

Kaiser said one of the key questions about the benefits to the community, was there had been some aspects of furthering coordination between the two systems that had been really difficult to do. Even though they were located together at 31st and Haskell, they were in two separate buildings with two separate dispatches, and two separate phone systems. He said the City busses would be on pavement and all of those things would serve to be a benefit to transit in this community by this change.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said he was not questioning the merits of the project, but he was not real happy with the process.

He said staff anticipated this would be a regular agenda item next week. The MOU was not the final lease document, but an indication of the parties as to what their each going to put in those final documents.

Mayor Chestnut said that might not be such a laborious task.

Corliss said it was a commitment of the City.

Commissioner Dever said how long term because there were different lease purchase options.

Corliss said the initial term was ten years.

(16)

PUBLIC COMMENT:

Donald Southard read a statement.

FUTURE AGENDA ITEMS:

02/16/10 · Joint City/County/USD quarterly meeting, 5:00 p.m.

CONSENT

- Approve Rezoning Z-12-30-09 for approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive. Submitted by Landplan Engineering, for Grace Evangelical Presbyterian Church, property owner of record. Adopt on first reading, Ordinance No. 8489, for rezoning (Z-12-30-09) of approximately

8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive (PC Item 1; approved 7-0 on 1/25/10)

- Approve Rezoning Z-11-20-09 for approximately 2.98 acres from U (Urban Reserve) to CO (Office Commercial), located at 525 Wakarusa Drive. Submitted by Bartlett & West, Inc., for CPC Ventures, Inc., property owner of record. Adopt on first reading, Ordinance No. 8490, for rezoning (Z-11-20-09) of approximately 2.98 acres from U (Urban Reserve) to CO (Office Commercial), located at 525 Wakarusa Drive. (PC Item 9; approved 8-0 on 1/27/10)

REGULAR

- Consider approving Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. (PC Item 10; approved 7-0 on 1/27/10)

ACTION: Approve Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14, if appropriate.

02/23/10

- Receive letter from Bert Nash Community Mental Health Center regarding program cuts. Authorize amendment on contract with Bert Nash Community Mental Health Center to reflect three homeless outreach workers. ***This item was deferred from 01/26/10.***

REGULAR

- Consider extending the time period for a Special Use Permit SUP-10-10-09 for Lawrence Community Shelter, located at 214 W 10th St/944 Kentucky St. Submitted by Lawrence Community Shelter, for James Dunn, property owner of record. (PC Item 11; approved 8-0 on 1/27/10)

ACTION: Approve Special Use Permit (SUP-10-10-09) for Lawrence Community Shelter, located at 214 W 10th St/944 Kentucky St, if appropriate.

04/06/10

- Anticipated date to receive Planning Commission recommendation on Lawrence Community Shelter SUP to relocate the shelter to 3701 Franklin Park Circle.

May/June

- Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.

TBD

- Approve request from the Public Health Board to amend Resolution No. 4957 and increase the Board membership from five to seven people.
- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.

COMMISSION ITEMS:

Moved by Dever, seconded by Amyx to adjourn at 10:41 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF February 9, 2010

1. Bid Date Set – Feb 23, hourly painting services for the Parks & Rec.
2. Bid - 2010 Crack Seal Program (PW1003) to Surface Protection Svcs for \$248,000
3. Bid - 2010 Microsurfacing Program (PW1004) to Vance Brothers, Inc. for \$422,957.
4. Ordinance 8488 – 1st Read, Special Use Permit (SUP-12-11-09) expanding Research Svcs 645-647 Mass St.
5. Airport Improvement Plan - FDA.
6. Black & Veatch Svc Agreement - Concrete Watermain Assessment..
7. Supplemental Agreement 2 - BG Consultants for Watermain Replacement Program.
8. Signs of community interest - St. John's the Evangelist Catholic Church for 2010
9. Signs of community interest - Pilot Club - directional sign at NW corner of 23rd & Harper advertising Antique Show & Sale.
10. Proceed with bid - equipment and vehicles for 2010.
11. City Manager's Report.
12. Public Hearing - Order of Vacation Briarwood Addition.
13. Ordinance 8462, - 1st Read Rezone (Z-7-11-09) of 10.97 acres, at 4300 W. 24thPl, from RSO to RM15
14. Agreement - BG Consultants - \$116,304.25 - Sanitary sewer Lawrence Municipal Airport - purchase order for Geotechnical Svcs.
15. Federal funding requests to members of the City's Congressional Delegation.
16. Update on City/KU joint transit maintenance facility issues.