



DAVID L. CORLISS  
CITY MANAGER

# City of Lawrence

## CITY MANAGER'S OFFICE

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

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

### CITY COMMISSION

**MAYOR**  
MIKE AMYX

**COMMISSIONERS**  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

October 5, 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 Amyx presiding and members Cromwell, Chestnut, Dever, and Johnson present.

### **RECOGNITION/PROCLAMATION/PRESENTATION:**

The City received a plaque from the U.S. Census for participation in the 2010 Census campaign.

With Commission approval Mayor Amyx proclaimed the month of October 2010 as "Disability Employment Awareness Month"; and, proclaimed the month of October 2010 as "Arts and Humanities Month."

### **CONSENT AGENDA**

As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to approve City Commission meeting minutes from August 24, 2010, September 7, 2010, and September 14, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to receive the minutes from the Board of Zoning Appeals meeting minutes of August 5, 2010; the Historic Resources Commission meeting minutes of August 19, 2010; and, the Mental Health Board meeting minutes of August 31, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson** to approve claims to 148 vendors in the amount of \$1,379,462.30. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to approve the Drinking Establishment licenses for Conroy's Pub, 3115 West 6<sup>th</sup> Street, Ste: D;



India Palace, 129 East 10<sup>th</sup> Street; 715, 715 Massachusetts; Tortas Jalisco, 534 Frontier Road; and, the Retail Liquor License for Haskell Liquor, 1910 Haskell Avenue. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to concur with the recommendation of the Mayor and reappoint Greg Schnose to an additional term that would expire September 30, 2014; and appoint Allen Humphrey to the Lawrence-Douglas County Housing Authority to a term that would expire June 30, 2014. Motion carried unanimously.

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to establish October 26, 2010 as the bid date to receive bids for selected Carnegie Building Window Rehabilitation/Replacement. Motion carried unanimously. (1)

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to set a bid opening date of October 26, 2010 for the 2010 Master Street Tree Project. Motion carried unanimously. (2)

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to authorize the City Manager to enter into a contract with EnergyCAP for energy efficiency reporting software in the amount of \$22,315. Motion carried unanimously. (3)

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to authorize the City Manager to enter into an Engineering Services Agreement with URS Corporation for transitional engineering services for Farmland Transitional Services, in an amount of \$29,827 (PW1015). Motion carried unanimously. (4)

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to authorize the extension of the existing contract with Marsh McBirney – Hach, for the period of October 2010 – December 2010, for data delivery services associated with the Wastewater

Collection System's long-term flow and rainfall monitoring program, for \$53,700. Motion carried unanimously. (5)

Ordinance No. 8569, for the Rezoning (Z-5-7-10) of approximately 3.113 acres from UR (Urban Reserve) to CO (Office Commercial), located at the Northeast corner of W. 6<sup>th</sup> Street and Stoneridge Drive, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8570, for the Rezoning (Z-5-9-10) approximately 34.527 acres from UR (Urban Reserve) to RM24 (Multi-Dwelling Residential), located north of West 6<sup>th</sup> Street between Stoneridge Drive and Queens Road, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8575, consenting to the transfer of the telecommunication franchise from WorldNet L.L.C. to The World Company, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (8)

Ordinance No. 8576, consenting to the transfer of the telecommunication franchise from The World Company to Knology, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (9)

Ordinance No. 8577, consenting to the transfer of the cable franchise from The World Company to Knology, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (10)

As part of the consent agenda **it was moved by Cromwell, seconded by Johnson**, to authorize the City Manager to enter into an agreement appointing Dr. Kye Evans as Medical Director for the Lawrence-Douglas County Fire Medical Department. Motion carried unanimously. (11)

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

David Corliss reported that the City received FEMA disaster relief funds, in the amount of \$15,024.49, from a December 2009 storm; the City in partnership with Tenants to Homeowners, Inc., was honored for collaboration in housing projects; Ryann Pem, Human Resource Specialist/Recruiter for the City of Lawrence was honored by the Jayhawk Chapter of the Society for Human Resources Management; Eric Gruber, City's eGov Coordinator was awarded the Pinnacle Award in the medium population category; and, the City's fall compost sale was a success. (12)

#### **REGULAR AGENDA**

##### **Receive status report on activities of the Community Commission on Homelessness.**

Margene Swarts, Assistant Director of Planning and Development Services, presented the staff report, which read:

The CCH was created by Resolution #6608 on August 23, 2005. The appointments were made that fall and the group began meeting after the first of the year in 2006. The purpose of the CCH was "to report to and advise the City on matters relating to its goal of recommendations regarding the implementation of the plan" (Final Plan of the Task Force on Homelessness). Duties included "review the implementation of the Homeless Services Plan, evaluate progress toward stated goals and programs, develop a ten-year plan to end chronic homelessness, and facilitate communication between stakeholders."

Additionally, the CCH had "the charge of making such recommendations to the City Commission it determines appropriate for the advancement of appropriate services for the homeless" and "shall have the authority to recommend amendments to the Final Report for consideration by the City Commission."

Initially, the CCH struggled with the nebulous nature of the final plan but then began to move forward with ideas for solutions to the homelessness issues in the community. One such initiative was the "Housing Vision", which details various types of housing and/or shelter that was viewed as necessary in the community to address the housing needs of not only homeless persons, but all members of the community. The Housing Vision was adopted by the City Commission in June, 2007.

The CCH also studied the issues and made recommendations to the Planning Commission and City Commission regarding the relocation of the Lawrence Community Shelter based on criteria they had previously adopted regarding the location of such a shelter in the community. Additionally, the CCH has discussed issues regarding camping, panhandling, and how mental illness and substance abuse relate to homelessness.

Due to expired appointments and resignations the CCH has been reduced to six (6) of eleven (11) members. Because of the substantial progress made on the Housing Vision, relocation of the shelter, and input on several other homeless issues, there has been discussion of whether this commission has fulfilled its original charge and should be decommissioned. On the other hand, homeless issues are considered by some to be an ongoing matter in the community and such a commission is valuable to vetting out specific issues related to homelessness and making recommendations to the City Commission.

The issue before the City Commission is whether the CCH should continue its work under its original charge or be decommissioned. If the CCH remains, staff recommends filling the vacant positions. Currently, there are three persons sending letters of interest and it is anticipated this will be followed by two or three more. The proposed appointments are from a broad cross section of the community including faith-based, service providers, and business persons and are in keeping with the original intent of a diverse group of appointments to the CCH.

Three upcoming issues that need to be addressed by the CCH are election of a Chair and Vice-Chair, determining the contents for a report to the City Commission detailing recent activities and successes, and review of the original charge of the CCH and a discussion of the future and future activities of the CCH.

Mayor Amyx said if the CCH continue to act as a commission or a task force.

Swarts said not a task force, but the CCH was acting more as an advisory body.

Amyx said the City Commission periodically sent specific items to the CCH to address and make recommendations to the City Commission.

Mayor Amyx called for public comment.

Loring Henderson, Lawrence Community Shelter (LCS), said the CCH had served the community and the City Commission well. He said the CCH provided advice to the City Commission and helped as a sounding board to the agencies. He said it helped the LCS keep abreast of what was happening as well as the implementation of their vision. Their vision had five parts going from emergency to permanent housing and a lot needed to be done to fulfill that vision, particularly under the permanent supportive and transitional housing. He said the

Salvation Army was working on transitional housing and after the Shelter was stabilized, he wanted to work on permanent supportive housing.

Vice Mayor Cromwell said he was more interested in moving forward with the CCH as an advisory board and lower the number of seats on the board to make it a functioning board and suggested 9 members in order to meet quorum regularly. He said there was significant progress in homeless issues, but were a long way from victory in this war and it was a continual fight. He said the CCH needed a new vision and changing the CCH to an advisory board would help.

Commissioner Chestnut said it was always good, when reconstituting, to get some tangible goals and look at the next group of issues. He said the housing vision was the primary focus and the CCH did a great job.

Commissioner Johnson said he agreed with the CCH becoming an advisory board and establish goals that the CCH could work on. He said there would be times when the City Commission needed advice from the professionals in the field and that was the only way the City Commission could receive that type of advice.

Mayor Amyx advised Swarts to work with the CCH in drafting changes in the goal section of the ordinance. He asked Commissioner Cromwell if his suggestion was 9 members on that advisory board.

Vice Mayor Cromwell said 9 members was workable. The CCH was having problems with their quorum and perhaps, needed to apply a vision. He said there might have been too many members on the CCH.

Swarts said she was not sure that too many people were the reason, but the CCH had 3 positions expire at one time, and 2 people resigned for personal reasons. She said only 1 meeting took place where there was no quorum. She said the 11 member body was not necessarily a bad thing and had a good representation across the community which worked

quite well. She said the number of members was not problematic, but rather finding people that were committed to replace those who resigned or whose positions expired.

Mayor Amyx suggested trying a smaller group of 9 members.

Vice Mayor Cromwell asked when the retreat was planned.

Swarts said the group was waiting to plan the retreat after the City Commission's discussion on this item and the group planned on meeting next Tuesday. She said after the appointments to the board, the group would plan the retreat.

Vice Mayor Cromwell said it would be nice to have the retreat and everyone working on the issues that were being discussed and what it would look like in the future.

Mayor Amyx asked if the City Commission should make the appointments now.

Vice Mayor Cromwell suggested using the current body to come up with recommendations for what the future advisory board would look like.

Swarts asked if there would only be 3 appointments, instead of 5 which came up to a 9 member group and use that body for the retreat. There were 6 current members and 11 appointments to the body.

Mayor Amyx said 3 appointments would take the board to 9. He said out of the 6 appointment, how many were up for reappointment

Swarts said none. She said there might be someone up for reappointment in December.

Mayor Amyx suggested there should be 9 members and if she wanted to take those members to the retreat that was fine.

David Corliss said that City Code, Chapter 1 section 2404 provided that the Community Commission on Homelessness shall be comprised of 11 members, and asked if staff should prepare an ordinance to change that number to 9.

Mayor Amyx said yes.

Commissioner Chestnut asked if the ordinance included language on goals.

Corliss said yes.

Commissioner Chestnut suggested the goals be included, based on the retreat.

Corliss said staff would wait to draft the ordinance after the retreat.

Mayor Amyx said if there would be change in direction or new goals that were brought up by the CCH, he suggested waiting.

Corliss said staff would wait to change the number until after the retreat.

Mayor Amyx said the appointment would be 3 taking the board to 9 members.

The City Commission received the report.

The City Commission directed staff to draft an ordinance and related materials to change the Community Commission on Homeless to a regular advisory board to the City Commission.

(13)

**Consider Comprehensive Plan Amendment, CPA-5-6-10, to Horizon 2020, including the 6<sup>th</sup> and Wakarusa Area Plan, to change the designated land use from residential/office to commercial for a portion of the Bauer Farm Development located along 6<sup>th</sup> Street between Folks Road and Champion Lane.**

Amy Miller, Long-Range Planner, said this item was for consideration of a comprehensive plan amendment to Horizon 2020, which included the 6th and Wakarusa Area Plan to change the designated land use from residential/office to commercial for a portion of the Bauer Farm development located north of 6th Street, between Folks Rd and Champion Lane.

The applicant desired to place a 145,551 square foot home improvement store on a portion of the Bauer Farm site that was currently designated for residential development. The applicant also proposed to re-locate commercial pad sites from the already approved commercial side, and construct a new 7500 square foot pad site. This brought the total amount of commercial square footage being requested to 153,051 square feet, which was in addition to the already approved 72,000 square feet on the existing commercial side. The proposal did not comply with the current zoning approvals, which was for PRD-3 zoning, the land use policies of Horizon 2020 related to commercial development, or the adopted 6<sup>th</sup> and Wakarusa Area Plan.

The overall Bauer Farm concept plan that the applicant submitted with the application showed the relationship of the proposed Lowe's store to the approved retirement facility and the approved commercial development.

The site plan showed Bauer Farm drive running between the proposed street and the parking lot, truck and delivery traffic using Overland Drive and a new curb cut along 6<sup>th</sup> Street.

Bauer Farm was a mixed-use planned development located on the north side of 6<sup>th</sup> Street between Wakarusa Drive and Folks Road. The project was originally given zoning approvals in 2003. The property was split by roughly Champion Lane with the western side being PCD and the eastern side being PRD. Those zonings were subject to many conditions. Two of those conditions to note were that the maximum gross retail square footage on the PCD portion could



not exceed 62,000 square feet and the restriction that no one building could be larger than 50,000 square feet. A later zoning application for the PCD portion of the site increased the allowable gross square footage to 72,000 sq ft.

The PDP was represented as a New Urbanism style of development that incorporated commercial, community, residential and office uses in a cohesive format. Multiple PDP's and FDP's were approved for this project to date. Also, approximately 20,525 square feet of retail space was constructed on the PCD portion of the project. On the PRD portion of this project that was the subject of this request, a PDP had preliminary approval for a mix of detached-, attached, and multi family dwelling structures. In 2010, a PDP and FDP were approved that placed a 115,000 square foot residential retirement facility (Harvest) on the south west corner of the intersection at Folks and Overland.

This most recently approved final development plan, for the site, showed the approved retirement facility, the approved mixed-use development, which included the commercial component and the residential component that was the subject of this request.

Currently, Horizon 2020 designated the area north of 6<sup>th</sup> Street at the intersection of Wakarusa Drive for commercial development, but stated that commercial development should not extend east of Champion Lane. In addition, the comprehensive plan stated that development proposals for the area north of 6<sup>th</sup> Street should contain a variety of uses which included office, community, recreational and multi-family.

The comprehensive plan designated appropriate locations for commercial development based on many factors, which included timing, adjacent land uses, and transportation considerations. The intersection of 6<sup>th</sup> and Wakarusa Drive was designated as a Community Commercial Center (CC200) with a nodal pattern, per Horizon 2020. At the time Chapter 6 in Horizon 2020 was last revised, commercial gross square feet already existed at this intersection than was recommended for a CC200 center due primarily to properties developed prior to the initial adoption of Horizon 2020. 450,300 commercial gross square feet was approved at the 6<sup>th</sup> and Wakarusa commercial node. If approved, the request would bring the total to 603,351 at this designated CC200 site.

Chapter 6 placed a heavy emphasis on nodal development. "Nodal Development is the antithesis of "Strip Development".

"Strip Development" was characterized by high-intensity, auto-oriented uses, shallow in depth and extended linearly along a street corridor, with little consideration given to access management and site aesthetics.

The Nodal Development concept required the clear termination of commercial development within near proximity of an intersection.

Regarding the proposed project in relationship to the other commercial nodal developments along West 6<sup>th</sup> Street, by extending the commercial development into the currently PRD-3 zoned portion of this development and crossing Champion Lane with significant commercial retail uses, not only would the transitional, residential use be removed, but the intersection would no longer function as a node with clear termination within near proximity of an intersection. Instead, the development transformed into more of a linear pattern with an accompanying curb cut located along 6<sup>th</sup> Street.

Map 6-1 from Chapter 6 in Horizon 2020, showed existing and proposed locations for commercial land use. This side was identified as a CC200 and the intersection of 6<sup>th</sup> and the SLT was identified as a CC400.

The 6<sup>th</sup> & Wakarusa Area Plan was adopted in 2003 to, “*ensure appropriate and compatible development of the 6<sup>th</sup> Street/Wakarusa Drive intersection.*” The City Commission directed Planning Staff to develop the plan, primarily to address commercial development on the north side, given the context of the high school and residential areas. The product of the plan ensured that the north side of the intersection did not become oversaturated with commercial development. The area plan encouraged development that was consistent with the goals and policies found in Horizon 2020 and that development was non-intrusive to surrounding neighborhoods.

Specifically, the 6<sup>th</sup> & Wakarusa Area Plan recommended the northeast corner of 6<sup>th</sup> and Wakarusa Drive for “less-intensive commercial development” and that it should be part of a planned development that incorporated a mix of pedestrian-friendly uses. The plan specifically mentioned concerns over the close proximity of the Bauer Farm site to the Free State High School complex to the north and the close proximity to the residential neighborhoods to the northeast. In addition, the plan placed a limit of 440,000 gross square feet of commercial space for the entire node.

She showed the proposed Project in relationship to surrounding land uses and the location of existing and approved commercial development along West 6<sup>th</sup> Street. There were properties along 6<sup>th</sup> Street that could potentially become part of a commercial development pattern if requested and approved.

The applicant had submitted a project specific retail market study as required by the Land Development Code and Horizon 2020.

Both Horizon 2020, specifically Policy 3.13 b and the Land Development code use a vacancy rate threshold of 8% as one factor in order to determine market health. The market study for this project showed that this project, when completely and entirely vacant, would push the city-wide vacancy rate to 8.3%, taking into account other projects that had received approvals, but had not been constructed, that vacancy rate number pushed to 14.9%.

The applicant had stated that there was no possibility that this project would be vacant upon completion, since the user had already been identified, but Horizon 2020 and the Land Development Code assume it would be, in part, because it might cause an equal amount of space to become vacant elsewhere in town. Another development proposal, approximately 1.5 miles west on 6<sup>th</sup> Street, Mercato, recently gained zoning approval based on a market study that identified a specific use, a 175,000 square foot home improvement store. That approval was granted in part because there was an expectation that the space would not be vacant upon completion, but it was highly unlikely that a store of the same nature would be built at this site, as well as Mercato, if approvals were granted to this proposal.

While similar uses existed in other parts of town, the proposal could be expected to have a limited effect on the downtown market, because the only similar use was of a much smaller scale.

It was also important to take into consideration other demand facts. Since 2000, population had grown 13%, retail sales, 1.8% and income only grew .3%, while retail stock had grown 22%. Demand had not kept pace with the increase in supply.

Pull Factors were a measure of local commerce, based on a comparison of local spending to the state as a whole. A pull factor above 1 indicated that a community was attracting retail sales, while a pull factor below 1 indicated that the community was losing retail sales to outside areas. Lawrence's pull factor was most recently measured in 2008 to be .99, which was a 14.3 decline from a height of 1.19 in 1998.

The market study satisfies the submission requirements, but showed that vacancy rates were reaching unhealthy levels and that supply was far outpacing demand. In light of the availability of a suitably zoned commercial site nearby, the fact that retail demand was not keeping pace with supply and a vacancy rate that was approaching unhealthy levels, the project was not supportable based on the market study.

The Bauer Farm development already had infrastructure in place that complimented the original new urbanist intent of the development. The introduction of a large format retail store and its associate traffic patterns would not be compatible with the existing infrastructure and would also go against the restriction that there not be a store with a footprint larger than 50,000 square feet.

The comprehensive plan, as well as specific area plans, went through extensive public approval processes and give an expectation to citizens, developers, utility providers and planners as to how pieces of land should be developed in the future in a way that was in the best interest of the community as a whole. Small deviations from those plans were expected, especially when there was a good, sound reason and no other alternative. This request, if approved, would result in a large departure from both the comprehensive plan and the area plan that would undermine the expectation that those planning documents provide, especially given that a suitable alternative site existed 1.5 miles west along 6<sup>th</sup> street at the intersection of K-10.

Staff welcomed the opportunity to accommodate a Lowe's home improvement store in our community, but at an appropriate location that was compatible with the best interests of the community. The requested site was not appropriate for this type of development for the reasons outlined in the staff report. Therefore, staff recommended denial of this comprehensive plan amendment to Horizon 2020, which included the 6<sup>th</sup> and Wakarusa area plan to change the designated land use from residential/office to commercial for a portion of Bauer Farm development east of Champion Lane. The findings for the recommendation of denial were found in the staff report.

In the event that the Planning Commission desired to accommodate the proposed project, a recommendation should be forwarded to the City Commission that staff should be directed to make necessary changes to Horizon 2020 and the 6<sup>th</sup> and Wakarusa Area Plan to accommodate this request, and that those changes, as well as any text amendments to the Land Development Code be brought back to the Planning Commission for a public hearing.

John Peterson, on behalf of the applicant, said City staff had clearly indicated in both a written report and testimony that the applicant had a specific request to take the

recommendation of the Planning Commission, regarding the applicant's requested amendment to the comprehensive plan, and remand that decision back to the Planning Commission which provided the opportunity to submit a rezoning request, work through all of the site development issues which were typically adherent in a rezoning application and a more in depth analysis found in a master plan or comprehensive plan amendment application which enable the applicant to revisit the issue of the comprehensive plan with the Planning Commission. He said they had possibly developed new information that was worthy of a reconsideration of the issue and also bring to the Planning Commission consideration some additional site design elements that were indicated to be helpful and relevant to their consideration to the amendments of the comprehensive plan.

He said City staff did a good job of giving an overview of the issues and in looking back at the minutes from the Planning Commission there was in depth discussion about those key issues. He said it was the fundamental underpinnings of the comprehensive plan that supported the map that would ultimately be drawn and the exact designations at each site that was part of the mapping process of the comprehensive plan.

He said the staff report indicated an increase in the vacancy rate, but there was testimony whether that statement was true. Other issues were strip development; retail leakage from the City of Lawrence and Douglass County and the positive impact the location of a Lowe's store had to stop retail leakage; and, the impact on Downtown, which everyone agreed Lowe's had no negative impact on the good retailers in downtown Lawrence.

The other issues identified as relevant factors in terms of the comprehensive plan were the economic development impact and job creation. He said the record reflected 125 new jobs, 70% full-time, benefit packages for all. The impact to the tax base would be \$752,000 combined sales and property tax increase to Douglas County and the City of Lawrence, over ten years would be about \$8.6 million.

He said testimony was received from Bauer Farms and developers and other retailers in the area in terms of addressing the issue of stabilization of the 6<sup>th</sup> and Wakarusa corridor today in this economic environment and the positive impacts that Lowe's might bring.

He said zoning issues were discussed when addressing the issue of adequate infrastructure in terms of sanitary sewer, storm water as well as a street network that would adequately support an amendment to the comprehensive plan plus the actual development of a new retail opportunity for the City.

He said the proposal was discussed with the City Manager and the Director of Planning and Development Services and decided they should decouple the process for this application and take the amendment to the comprehensive plan through the process first and if successful, segregate those issues and bring a rezoning application along with any necessary text amendments.

He said the Planning Commissioners indicated that they would like to see more design details, including traffic impact, truck deliveries, and transactional developments. He said the applicant completed a traffic report and were waiting to submit the report when applying for the rezoning. The applicant also had taken the step of meeting with the school district superintendent and the principal of Free State High School to work with the school district to eliminate any kind of interface between the commercial activity and the school generated activity. He said they touched on several issues, but did not have those issues in an enforceable format as a stipulation to a rezoning.

He said Lowe's wanted to do business in Lawrence and recognized the sensitivities and the goals and policies of the comprehensive plan. Although they could not meet the exact lines as drawn on the plan in 2003, they thought a very strong case could be made where they could meet the principles, guidelines and goals that served as the underpinnings when the map was drawn. He said in moving from that level to exact design, whether it was architecture, transitional elements, how they managed their business from an operational standpoint on a

variety of fronts, it was their burden to prove to the City Commission that any approval could be conditioned with stipulations made that would require the applicant to meet all guidelines. He said that if given the opportunity to be remanded and put a complete package of what the project would look like for the city, including the positive impact for the community. He said this site made sense for the City of Lawrence, 7 years after the plan was drawn as part of the comprehensive plan.

He said he had not officially heard anyone say that they did not want Lowe's in the City of Lawrence, but heard the community wanted Lowe's in Lawrence. They also heard that Lowe's would work well at their proposed site, but also heard the community wanted Lowe's, but not at this particular site.

He said that there was one opportunity for Lowes to be in Lawrence and that opportunity was at the 11 acres as part of the Bauer Farm Development. The corporation had identified that Lawrence would do well for an addition of a Lowe's Retail Store. He said some of their criteria for site selection were being near Wal-Mart, existing rooftops within specified distances, and in an existing retail corridor present for the synergy and critical mass where shopping patterns were already established.

Robert Feebig, site development manager for Lowe's, said Lowes had evaluated a number of sites. This site was the only one selected by market research, real-estate and upper management, as a site that Lowe's wanted to be located. He said Lowe's was committed to that site only.

He said Lowes was building 40 stores this year, 15 of those stores were international and 25 in the United States and one store could be in Lawrence, Kansas. This was the only site that he had been directed to move forward. He said he appreciated all the time and effort of the Planning Commission in guiding Lowe's through the process.

Mayor Amyx said a lot of planning was done along the entire length of 6<sup>th</sup> Street, and the applicant indicated that their proposed site was the only site Lowe's would consider. He said

the Bauer Farm site was clearly a residential site. He asked if Feebig was recruited to pursue this site or did Feebig select the site.

Feebig said they selected the site. He said they looked at a number of sites and had site plans drawn for the south and west sides of Lawrence. They looked at this proposed site and spoke to a number of land owners and this was the only site that upper management had committed to.

Mayor Amyx said as part of the planning process, a number of hours were spent on the Mercato site to the west, at the corner of K-10 and 6<sup>th</sup> Street corridor, and was set up for big box development. He said that Lowe's was only considering the site at 6<sup>th</sup> and Folks and asked if it was too soon for the Mercato site.

Feebig said that there were a number of factors; market research, demographics, radius', financial, rate of return, which were all big calculations for Lowes. He said it was very much too soon. The way the economy was going, he had lost a number of projects he was working on over the last few years. The Mercato site was never an option because the site did not make sense from a real estate, financial, or market research aspect.

Peterson said in talking to the Lowe's site selection team, it was a matter of timing to a degree. He said Lowe's had to think in terms of this year that that store had to produce a return the year it was built and on.

Mayor Amyx said how many other sites were considered in Lawrence, Kansas.

Feebig said four others sites.

Mayor Amyx said there were other 11 acres sites.

Feebig said absolutely. He said they had drawn up and evaluated at least four site plans.

Commissioner Johnson said he appreciated that Lowe's had considered Lawrence. He said from an investment standpoint in Lawrence, was Lowe's looking at a \$10 million, \$20 million, \$30 Million project.

Feebig said Lowe's were putting up to \$10 million for the construction and \$4 million in product to set up the store and then the investment with employees.

Mayor Amyx called for public comment.

Tim Herndon, LandPlan Engineering, said it was difficult to separate this project and discuss the comprehensive plan factors as if those factors were separate from the rezoning factors. He said they agreed this comprehensive plan amendment application should be sent back to the Planning Commission for consideration together with the other set of relevant factors that effect the decisions before the City Commission.

He said somewhere along the line some failure of communication led to Planning Commission members having unfounded concerns about traffic. He said a traffic study was completed by the applicant and that traffic study was vetted through Public Works and Planning. He said in the body of the staff report, no one could find that the traffic study had some kind of error. The traffic study showed that in the peak hour the proposed Lowe's produced less traffic than the previously planned residential. He said this plan needed to go back to the Planning Commission because some of the compelling facts had not been understood.

He said he also heard from the public that putting Lowe's in front of a high school was a bad idea, but that the idea of Lowe's in front of the high school was not correct because the Lowe's would be in front of the apartment complex; that the adjacent properties were all apartment complexes or commercial and that Lowe's would be buffered from single family residential.

The expectation from the neighbors, the adjacent property to the north was an apartment complex the adjacent property to the south was a commercial retail development. The adjacent property to the west was their property. The closest residential family neighborhood was to the northeast of the property and it was bounded on its east by 3-plexes, 4-plexes and duplexes which were Eldridge Street on its west by an apartment complex and to the south by an



apartment complex. He said they were buffered by that property by an apartment complex and by a 5 acre senior living facility.

The existing established commercial node generally remained intact and those were some of the things that had not been fully communicated and urged the City Commission sincerely to remand this plan back to the Planning Commission because there was adequate basis for doing so.

Jonathan Becker, Briarwood Neighborhood Association, said in 2000 the Bauer sisters had proposed a development of 225,000 square feet of commercial development in the Bauer Farm Estates and the City Commission said no, that that development was too large. The sisters came back in 2002 - 2003 with a proposal of 185,000 square feet of commercial development and the City Commission again stated that amount of development was too large. In 2006, the sisters bought a proposal and labeled it "new urbanism" which was a plan that was approved by the City and Planning Commission. Now, they were to ignore what was approved before and return to the 2000 approach. He said 49 square feet, a 7x7 difference between what was denied in 2000 and what they were proposing now.

He said in the proposal, this place was the only place Lowe's could go in Lawrence and if Lowe's did not receive approval at this particular location, then Lowe's would not come to the community.

He said regarding trucks at that location, he noticed that not one of the trucks could make a turn without putting 2 rear axles up on the curb by 2 ½ feet.

Hank Booth, Lawrence Chamber of Commerce, said he had been speaking with small business owner who were stakeholders in the area and that while he did not find unanimous agreement, the general response was that the project should be done to consolidate the strength of that retail center in this neighborhood.

He said this was an opportunity that would produce approximately \$500,000 in sales tax, \$300,000 in property tax, and 125 new jobs. He said the Chamber had been working on a

concise statement of their vision and become a more forceful voice in creating a positive image of Lawrence, Kansas from an economic development standpoint and to create a strong economic development sense in the community that created good jobs.

Rich Yeakel, property owner near the proposed Lowe's site, downtown business owner and owner of rental properties, said he was surprised that the City had not been in favor of the proposal. He said Lowe's would be good for jobs, taxes and would rather see Lowe's in that location than more apartments. He said one big store versus several small retail stores would be good for downtown. He said he would love to have Lowe's in Lawrence.

Kirk McClure said that some of the information presented was patently false; that the proposal was pure cannibalization and there were not enough roof tops to support two home improvement stores. He said the taxpayers spent \$1.5 million dollars to set up the 31<sup>st</sup> and Iowa site and the City could not afford to lose that investment.

He said he was concerned the City Commission was being misled on the benefits to the community of this property and the jobs, property taxes and sales taxes. He said he had no question that Lowe's would create 125 new jobs, but the net new jobs to the community would be zero. He said from 1995 to 2007, the number of retail jobs in Lawrence had been declining.

He said regarding property values, for a short period the community would benefit from that additional value, but in the long run without more spending. He said that meant the community did not need that space now.

The area plan was a deal and political promise to neighbors that needed to be upheld in no more commercial development at that corner. He said the community would not benefit from building an additional home improvement center now, but it might happen later. He said the City Commission would lose at having broken a promise to the neighbors that lived in that area. He said he recommended denial of the proposal.

Charlie Crabtree, property owner southeast of the Bauer Farm Development for the past 41 years and had seen a lot of development along that corridor. He said he was concerned that

6<sup>th</sup> Street had the potential to be as densely developed as 23<sup>rd</sup> Street with horrendous traffic. He said he assumed that was what the City and Planning Commissions were trying to avoid when developing the land use guidelines for the Bauer Farm property. The Commission asked the neighbors around the property what they felt was a sensible use for that piece of ground and the neighbors gave their input which was used to decide what the best use of that land should be. He asked why the City Commission want to throw all of that work out of the window now because some company asked the City Commission to.

He said he understood then need for development, but the City Commission already decided where that development should be located. One major change to the plan was already made and asked the City Commission not to make another change which would make everything worse.

Gwen Klingenberg said that as the president of LAN she supported McClure's statements; that as a member of the West Lawrence Neighborhood Association she was still waiting for Lowe's to contact them; that the proposal would destabilize Lawrence; that taxpayers had paid to extend infrastructure to the west already; that the request should be denied because of the 600,000 square feet; that if Lowe's truly wanted to come to Lawrence they should locate where the community had already invested in infrastructure; and that the proposal should be denied.

Ken Farris came to Lawrence as a small business owner because of the quality of life; that he chose where to buy his house based on residential planning at that location and not a big box store.

Dilbert Philpot said he supported Lowe's as a partner to Amarr Garage Doors and amendments to the plan should be considered. Business had changed because the economy had changed. Plans that were put into place had to be looked at and considered for possible changes going forward. He supported remanding the request to the Planning Commission.

Tom Kern, President Lawrence Chamber of Commerce, asked the Commission to remand the item back to the Planning Commission for a comprehensive consideration; that this applicant provided potential for job creation and tax base creation.

Mike Treanor said they did not recruit Lowe's, but Lowe's came to them with a plan. He said at first he had some reservations, but things fell together that they felt were several planning components that needed consideration and that if the item was remanded to the Planning Commission they would have the opportunity to address those items.

This was a huge win-win for the community, but it would take a comprehensive presentation to fully understand the proposal and how it fit into the Bauer Farm development and the area. He said he was sorry, but the plan previously approved was just not going to work anymore due to the market and the economy; that he would love to help everyone become fully informed before the item was decided.

Bill Fleming said he was part of the development team; that one of the factors to consider when talking about changing the comprehensive plan was that economic conditions were not similar to the time the plan was adopted; that the Economic Barometer report noted that single family building permits were historically low; that builders' confidence was historically low; that Zalneraitis's annual report stated that there was sufficient inventory to meet 8-14 years of demand for single family housing; that the city's growth had slowed.

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

The Commission then recessed at 8:43 p.m. and returned to regular session at 8:53.

Mayor Amyx said he was concerning this issue, he had communications with several people including, Peterson, McGee, Treanor, Flemming and Herndon, Booth, Crabtree, McClure and others. He said most conversations were with his customers, but received a number of emails and phone calls offering opinions.

Commissioner Chestnut said he received a number of emails and traded voicemails with Flemming, Treanor and met with some of the representatives of Lowe's at City Hall and a number of others in the community with no formal meetings, mostly communication by email.

Commissioner Johnson said he had received numerous emails and had spoken with McGee, Flemming, Treanor, Herndon and others.

Commissioner Dever met with several people that were present at the meeting and had several emails.

Commission Cromwell said he met with Treanor and Flemming. He had a variety of emails, and a couple of phone calls with concerned people. He said none of his communications would add anything to the current discussion.

David Corliss, City Manager, said it was the Vice Mayors comments that were key and whether there was any information that one Commissioner had that needed to be publicly available. If there were any particular facts or information thought to be necessary that came from the contacts and was not already on the record. He said it was good to know who the communications were but whether or not there was any specific additional information as well.

Mayor Amyx said that the vast majority of communications he had received had covered the comments heard in the public hearing portion of this item and in the staff report.

Commissioner Dever said he had a question regarding the total retail square foot calculations. He said he there were already pad spaces designated, but they were talking about allowing additional retail square footage in both single location and additional square footage. He said they were not only adding one larger box, but potential for additional square footage in the associated out parcels.

Mayor Amyx said the Commissioners talked about what had not been developed yet in Bauer Farm commercially, but was already approved.

Miller said the Lowe's home improvement store was 145,551 square feet. Lowe's was proposing to relocate some of the purposed pad sites that were on the commercial side further

down, onto the residential side. They were also proposing to add an additional 7,500 square foot pad sites. The moving of the two pad sites would be a wash. She said it was the Lowe's store which was 145,551 square feet with an additional pad site that was 7,500 square feet for a total of 153,000 square feet. The existing Bauer Farm development was originally approved for 62,000 square feet of commercial space, later that was increased by 10,000 square feet to 72,000 square feet. Of the 72,000 square feet, approximately 25,000 square feet had already been constructed. So there was about 50,000 square feet remaining.

She said that one of the pad sites was an office site, not commercial, and one of those pad sites was the additional 7,500 square feet and the other one was sliding down, which was on their originally approved preliminary development plan.

Commissioner Dever said it was hard to tell how the migration of a site from one point to another, it would have been nice to have seen both to flip them back and forth. He said he thought there was movement of the locations.

Commissioner Chestnut said this was a difficult issue with a lot of detail and was covered in a good summary. He said he appreciated Lowe's wanting to invest in this community. He said he had been supportive of economic development plans and was somewhat disappointed at the split in the argument which was essentially, that if you supported the denial, you were business unfriendly, if you support the approval you were basically kowtowing to planning being driven by developers. He said that was an over simplification of the issues which were pretty sophisticated and pretty significant with a lot of planning that had been going on for the better part of fifteen years.

He said he had a great deal of concern in reversing fifteen years of planning, which was essentially what had happened. He said he asked for the chronological history of the planning and it was not only Horizon 2020, but a Northwest Plan adopted in 1997 and called for office and institutional. In 2003 was the 6<sup>th</sup> and Wakarusa Area Plan, which discussed multi-family and set the 62,000 square foot capacity for the entire development. There was an amendment

to Chapter 6 of Horizon 2020 in 2004 that solidified the designations of the land uses and then several submissions of the development plans. He said he very much appreciated Lowe's right to limit their site selection based on their criteria, and thought that was absolutely right and should be a prerogative. He said there was some irony that in the presentation, what Lowe's was really asking the City Commission was to waive a lot of the planning that was done over the last fifteen years, and that was where he had a real issue because he believed there were definitely situations where times needed to be tough. He said they were definitely in difficult economic times when aggressive measures were necessary, but he was not sure that the balance of that weighed heavily enough against what he would consider the Commission would be doing as a 180 degree turn on the land use issue.

He said there were a lot of comments from the Planning Commission and agreed that there were a few discussions on the traffic but there was also a lot of discussion, by a number of the commissioners, about their concerns surrounding what they had considered to be promises made to homeowners in the area. Planning Commissioners Singleton and Carter talked about the limit of square footage and had a lot of concerns. There were some traffic comments but also a lot of references to the Comprehensive Plan Amendments and the impacts. He said that it was important to recognize that he could not interpret exactly what the Planning Commission was thinking at the time, but he did not think there was a great deal of confusion about other rezoning matters and their consideration of the fundamental facts that they were looking at a Comprehensive Plan Amendment and having a significant amount of issue with a large change. He said that were his understanding from the Planning Commission minutes and he did not have a lot of conversation with those Commissioners. He said if the Planning Commission minutes were accurate and reflective of what the Planning Commission was thinking then it was a fair representation of what they were thinking at the time.

He said there was also discussion about the decoupling of the Comprehensive Plan Amendments with the rezoning request and there was a comment in the comments about some

consent agenda items. He said that in his opinion it was a matter of scale, he thought the difference between taking a nodal plan and a lot of other things and turning them upside down and a rezoning of UR to CO for 3 acres, and UR to RM24 on 34 acres that were already zoned for that were different levels of severity as far as how much deviation from what was created in expectations from the surrounding land owners. He said he saw it was a degree of change and in his opinion thought it was appropriate to make the decoupling and he supported the staff's recommendation. He said that not all rezonings were the same and this was 164,000 square feet on a piece of property that was not zoned for that use. Regardless of the merits of it, that was a very significant change and he thought it was appropriate to make the decoupling separation. He said he had a lot of respect for the Planning Commissioners and took seriously the deliberations in reversing their decision. He said there were comments about new information, and it was hard to understand what kind of new information there would be that would change the salient facts of what was talked about in the land use issues. It was a major move in a major rezoning, and not just the rezoning of the land use, but the increase in square footage that was dramatic. He said he wished it was a different answer and that the criteria that Lowe's used matched up more closely with the land use regulations and zoning and expectations created for the community at that site, but he had a hard time seeing that. He said he did not see how those could collaborate together regardless of traffic issue or curb cuts with KDOT, but agreed that over time, everything could be worked out.

He said the City's planning process was something that the community had relied on for a long time to create a great community and being that he had been around this community for a long time and could remember discussion back in the late 1970's a proposal for an enclosed mall they had gone through a lot of process and he clearly believed that there was a lot of great economic justification for that at the time, in the end he thought it would have had a serious compromise to our downtown. He said it was hard to know what the outcomes were going to be with any kind of significant development and needed to go back and look at what was created



for the expectations of land use, which was too far a departure not only planned but confirmed over time all the way to a site plan submission and then to have this kind of reversal was something he thought was something he could not support. He said it was unfortunate Lowe's was going to have a site selection process that could compromise the ability to come back to this community for some time, but he had to weigh that against what he believed in as a planning process and the support of the staff recommendation of the Planning Commission. He said at some point if not creating reasonable expectations for the community about the way land use worked, there would be significant issues. He said he did not see any evidence to remand the decision back because there would be no new information that would give the City Commission that type of direction.

Commissioner Johnson said he appreciated a lot of the comments made. He knew there was no way to be able to convince those that differed from him to agree with him and he was not going to try. He said he was okay changing a plan if it made sense to do so. He honored and respected the planning process and the years and efforts that went into creating master plans, nodal plans, and the process that this area had gone through. He said it also needed to be recognized that those decisions made in the past, did not make sense now. He said he could not say that a residential use was what should be at that location and was okay with looking at a different use.

Over the years, the tax base in Lawrence Kansas was primarily residential, almost to an unhealthy percentage. It was not good, and he had heard people say that it needed to be changed, as the community was paying for things on the backs of residential. He said the City Commission was trying to attract industry. He saw this as an opportunity they could miss or grab.

The benefits were mentioned such as jobs, increase in tax base, increase in sales tax, the synergy and energy it would bring to that location would help other businesses and probably would not impact downtown. It could potentially help our retail pull factor by bringing some

people from outside the community. He said they had heard that this was where Lowe's wanted to be and he did not think talking about other sites was on the table. This was a reputable company that wanted to invest in Lawrence Kansas, one in twenty five places in the United States. The City did not need to sell Lowe's on anything, but Lowe's came to the City to invest in this community. He said this issue was getting away from growing the tax base on residential and trying to change the tide to get commercial.

He respected the Planning Commissioners, but disagreeing on the idea that commercial could not be placed at that site and wondered that if Lowe's had more information, he asked if Lowe's would have made a different a decision. He said even though residential was approved at that location, he asked if residential made the most sense at that location now. He said there was an assisted living facility that he thought was not originally planned. At the very least, he did not think there was enough information to let Lowe's build the home improvement store, but he also did not know that he had the information to say not to build at that location.

He said suggested looking at that location through the eyes everyone had now to see if that site could become better. He said he would like to send the plan back and receive more details. He had heard the issues of traffic and it sounded as though there needed to be some geometrics taken care of at the intersection at Folks and 6th. He said he was in favor of sending the plan back and receiving more detail.

Commissioner Cromwell said these types of decisions were not ever easy. This was an issue of a retailer wanting to come to Lawrence and provide additional tax revenue to this city. They could argue about the number of jobs, the tax base, or cannibalization.

He said the City had a comprehensive plan that was old. He said it was a few years old and might be in need of updating. The City planned for the future. Lowe's had a 2011 comprehensive plan for the City, but the City planned further out. He said it was important for the City, even in tough times, to look forward ten years. The City Commission had to plan for the future in the community and it was sometimes a tough decision.

He said he appreciated Treanor's involvement in the community and no one cared more about planning than Treanor. He said he appreciated the assisted living that was a very good change out there. He said he thought there were some problems with putting so many square feet of retail into this node. There was no 600,000 square feet of retail anywhere in the city. The intensity and the energy brought to mind in some areas were that the City was losing people to places like the Legends and Zona Rosa. Those developments were not in this type of area and would not have the same issues as in this particular location.

He said he had concerns when sending this plan back and the resounding "no" from the Planning Commission who had taken a look at not the overall plan and not the way the building looked, or worrying about traffic and the view from the high school, but had looked at the bigger picture. He said seeing the massive amount of retail on this corner, he wondered if that would work, but the Planning Commission and staff said it would not work and while he was tempted to take the bird in the hand, he supported the recommendation for denial.

Commissioner Dever said he had heard it all and then heard it again repackaged and sold or shared in a different way. He said he thought everyone struggled with this decision. For him, as a Commissioner, he had looked at the plan and how much of a fight they had put up as a community to uphold the plans. He said he was accused of changing the plans and accused of improving the plans in some ways. He said the community had a great plan and a great vision for this corner when it was approved originally. He said he had seen that plan change and been a part of making incremental changes to that plan and been supportive of the business that wanted to locate at that site and of making slight changes to the plan. He said part of what he wanted to do was to remove the name from the box. Realistically, the changes to the plans did not necessarily revolve around a specific tenant and any name could be inserted into that box. He said he was comfortable with the concept of making a change to the comprehensive plan which allowed this density of retail in one box, and make a change to a plan that had been thought and discussed and intelligently designed to try and be different. He

was really impressed with the work that had gone into this area. The developers had done an excellent job.

He said this plan needed to be considered without a name and they were talking about making a decision about a piece of land. He said his biggest concern was what they would be losing by not changing, and what was gained by not changing. He said there was no way to weigh the benefits because they did not know what store was going to be at that site and there was no promise.

As a Commission they had been supportive of this development and he would like to continue to be supportive. He said this issue was a comprehensive plan amendment and not a specific tenant, although he was excited about being on the short list for retail store like Lowe's, one of the few who were active now. He wondered if he was comfortable making a change to the plan for any tenant. All of the conversations he had about this decision revolved around whether he would be willing to send it back to the Planning Commission to reconsider because they did not have all the information. While he would be supportive of allowing the Planning Commission to reconsider or be given all of the facts it did not change his personal feeling that he was not prepared to make a change of this magnitude to the plan as a Commissioner.

Mayor Amyx said he had a chance to look at the plan on and off since 2005 and the City was fortunate to have a developer such as Treanor & Associates and others that had brought good businesses to the community. He said he had been involved in this plan and had voted in favor of a majority of the items brought forward, but stood by those decisions.

He said he wanted to thank Lowe's for considering Lawrence, Kansas. He said the City Commission took pride in planning for this community.

He said one of the requirements for Bauer Farm development was that no building could be larger than 50,000 square feet. He said the City Commission asked the community to buy into this plan and he knew the area would be great area over time.

He appreciated Lowe's comment that there were four other locations Lowe's considered in this community because it validated that the City's planning process was working. Over the last 5 years, along 6<sup>th</sup> Street, the City Commission accommodated big box stores like Lowe's. He said he concurred with the Planning Commission's recommendation to deny CPA-5-6-10.

**Moved by Chestnut, seconded by Cromwell,** to concur with the Planning Commission's recommendation and deny Comprehensive Plan Amendment (CPA-5-6-10) to Horizon 2020. Aye: Amyx, Chestnut, Cromwell, and Dever. Nay: Johnson. Motion carried.

**PUBLIC COMMENT: None**

**FUTURE AGENDA:**

10/12/10

**Consent:**

- Approve Comprehensive Plan Amendment, CPA-4-2-10, to update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.* Adopt on first reading, Ordinance No. 8542, for Comprehensive Plan Amendment (CPA-4-2-10) to Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. (PC Item 7; approved 10-0 on 6/23/10)
- Approve Comprehensive Plan Amendment, CPA-4-3-10, amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. Adopt on first reading, Ordinance No. 8562, for Comprehensive Plan Amendment (CPA-4-3-10) amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. *Initiated by Planning Commission on 4/26/10.* (PC Item 3; approved 8-0 on 7/26/10)

**Regular:**

- Receive presentation from Westar Energy on the Smart Grid program.
- City Auditor will present an audit recommendation follow-up memo.
- Consider the de-annexation, A-6-1-10, of approximately 2.4 acres, located at 1820 N 3<sup>rd</sup> Street, legally described as: the north 90 feet of the southwest quarter of the southeast quarter of Section 18, Township 12 South, Range

20 East, of the sixth principal meridian. Submitted by Eugene F. Reding, property owner of record. (PC Item 5; approved 9-0 on 9/20/10)

- 10/19/10 · Receive update on the status of City Code compliance efforts at 1313 Haskell.
  - 10/26/10 · City Auditor will present the Performance Audit: Police Administrative Bureau – Identifying Potential Audit Topics.
  - November · Receive status report on LCS relocation efforts.
  - 11/16/10 · Conduct public hearing to review the condition of the dilapidated structures at 1200 Pennsylvania and to consider declaring the structures unsafe and ordering the repair or removal within a specified period of time.
  - TBD · 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.
  - Receive Lawrence Human Relations Commission gender identity report.
  - Ordinance No. 8565, establishing a Community Improvement District (CID) at 23<sup>rd</sup> and Ousdahl Streets.
  - Consider approving Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10)
- ACTION:** Approve Comprehensive Plan Amendment (CPA-2008-7), if appropriate.
- Consider Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10)
  - Approve scope of improvements for Iowa Street, Project PW1012, Iowa Street (US-59 Highway ), Irving Hill Road to Yale Road, Street Reconstruction and Geometric Improvements

**Moved by Chestnut, seconded by Johnson,** to adjourn at 9:39 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF OCTOBER 5, 2010**

1. Bid Date Set – Carnegie Bldg Window Rehab/Replace – Oct 26<sup>th</sup>.
2. Bid Date Set – 2010 Master Street Tree Project = Oct 26<sup>th</sup>.
3. Software – Energy/CAP for \$22,315.
4. Engineering Service Agreement – URS Corp for Farmland Transitional Services, for \$29,827.
5. Wastewater Collection – flow & rainfall monitoring program-Marsh McBirney for \$53,700.
6. Ordinance 8569 – 2<sup>nd</sup> Read, Rezone (Z-5-7-10) 3.113 acres, UR to CO, NE corner of W. 6<sup>th</sup> & Stoneridge
7. Ordinance 8570 – 2<sup>nd</sup> Read, Rezone (Z-5-9-10) 34.527 acres, UR to RM24, N of W 6<sup>th</sup> between Stoneridge & Queens.
8. Ordinance 8575 – 2<sup>nd</sup> Read, telecommunications franchise, WorldNet to World Co.
9. Ordinance 8576 – 2<sup>nd</sup> Read, telecommunications franchise, World Co to Knology.
10. Ordinance 8577 – 2<sup>nd</sup> Read, cable franchise, World Co. to Knology.
11. Medical Director – Fire/Med Dept, Dr. Kye Evans.
12. City Manager's Report.
13. Community Commission on Homeless status report.
14. Comprehensive Plan (CPA-5-6-10) 6<sup>th</sup> & Wakarusa Area Plan, Bauer Farm Development.