



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

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

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

## CITY COMMISSION

**MAYOR**  
ARON E. CROMWELL

**COMMISSIONERS**  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

April 26, 2011

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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

## A. PROCLAMATIONS/RECOGNITIONS

1. Proclaimed the week of April 25 – 29, 2011 as Tree City USA Week and Friday, April 29, 2011 as Arbor Day.
2. Proclaimed the month of May, 2011 as Bike Month and the week of May 16 – 20 as Bike-To-Work Week.

## B. CONSENT AGENDA

Vice Mayor Schumm asked that consent agenda item number 3, licenses, be removed for a separate vote.

**It was moved by Schumm, seconded by Carter,** to approve the consent agenda with the exception of Item number 3. Motion carried unanimously.

1. Received minutes from various boards and commissions:  
Lawrence Cultural Arts Commission meeting of 03/09/11  
Sister Cities Advisory Board meeting of 03/09/11  
Public Health Board meeting of 02/21/11  
Community Commission on Homelessness meeting of 03/08/11  
Community Development Advisory Committee meeting of 03/10/11  
Sustainability Advisory Board meeting of 02/09/11
2. Approved claims to 171 vendors in the amount of \$2,424,917.90 and payroll for the period of 4/10/11-4/23/11 in the amount of \$1,795,993.99.
3. REMOVED FROM CONSENT FOR SEPARATE VOTE. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for Buffalo Bob's Smokehouse, 719 Massachusetts;  
Sidewalk Dining Licenses for Jefferson's, 743 Massachusetts; Street Vendor Licenses  
for Green Violin, SW Corner of 8<sup>th</sup> & Mass

4. Bid and purchase items:
  - a) Set a bid opening date of May 17, 2011, for the purchase and installation of a new CXT restroom facility at the Youth Sports Complex.
  - b) Awarded bid for 3,500 tons of road salt for Public Works Department to Cargill Salt for \$49.98 a ton or \$174,930 with an option for additional 1,000 tons if needed for \$49,980, for a total of \$224,910.
  - c) Awarded the bid for Bid No. B1106 Project WW0601, Anaerobic Digester Improvements Wastewater Treatment Plant to the low bidder, Walters Morgan Construction Inc., for \$3,130,000 and authorized the City Manager to execute the contract.
  - d) Authorized the City Manager to execute Supplemental Agreement No.2 to the existing Engineering Services Agreement with Black & Veatch in the amount of \$320,000 for construction phase engineering services in conjunction with project WW0601 improvements to the Anaerobic Digester Process at the Wastewater Treatment Plant.
5. Adopted on first reading, Ordinance No. 8630, designating portions of 7<sup>th</sup> Street and North Park Street as a main trafficway. This ordinance is necessary in order to debt finance the proposed curb and sidewalk repair project in the downtown area.
6. Adopted on second and final reading, Ordinance No. 8626, to rezone (Z-1-1-11, Z-1-2-11, Z-1-3-11, Z-11-25-09, Z-11-26-09, Z-11-28-09) approximately 1.1 acres, located at 1340 Tennessee St, 1344 Tennessee St, 1343 Tennessee St, 1403 Tennessee St, 1400 Ohio St, and 413 W 14<sup>th</sup> St, from RM32 (Multi-Dwelling Residential) to MU (Mixed Use).
7. Approved Special Event Permit request, SE-3-12-11, for Country Produce at the Sears parking lot, 2727 South Iowa Street from July 15 through August 15, 2011.
8. Approved Special Event Permit request, SE-4-13-11, for a Dale Willey Automotive tent sale at the Sears parking lot, 2727 Iowa Street from May 5 through May 7, 2011.
9. Authorized the City Manager to provide written notice to Rural Water District #13 of the City's intent to annex approximately 7.6 acres of land located adjacent to the City's runway at the Lawrence Municipal Airport, in accordance with K.S.A. 12-539.
10. Authorized the City Manager to execute a Site Agreement for the lease of City of Lawrence, Kansas property on the 6<sup>th</sup> and Kasold Water Tank, 3708 W. 6<sup>th</sup> Street, to T-Mobile Central, LLC.
11. Approved as signs of community interest, a request from the Lawrence Home Builders Association to place directional signs in various rights-of-way from April 30 – May 8, 2011 for the Spring Parade of Homes, contingent on adjacent property owner approval.

Vice Mayor Schumm said that he was the majority stockholder in Buffalo Bob's and recused himself from the vote on the licenses. He left the room at 6:48 p.m.

**Moved by Amyx, seconded by Carter**, to approve item number 3, licenses. Motion carried 4-0 with Schumm abstaining. Schumm returned to the room at 6:49 p.m.

**C. CITY MANAGER'S REPORT:**

David Corliss, City Manager, presented the City Manager's Report.

Cromwell said the city would do whatever they could to increase single family home construction.

Amyx said one of the important things to talk about was the number of remodels. There were some important strides made investing in the community in remodels and infill development. There were a lot of good things going on in the community.

**D. REGULAR AGENDA ITEMS:**

1. **Consider approving the site plan, use of right-of-way requests for Massachusetts Street and New Hampshire Street, and sidewalk dining application for the redevelopment of the Dillon's site at 1740 Massachusetts Street (SP-12-62-10) and conduct a public hearing regarding the associated sidewalk dining application.**

City Manager Corliss encouraged Commissioners to disclose any ex parte communications they may have had regarding this item that are not part of the public record.

Carter said he contacted Lisa Harris to walk the property with him, but nothing else outside of the record.

Amyx said the things he had, everyone else did also. He said he had discussions with staff but nothing else outside of this forum.

Cromwell said he lived a block away from the project, had participated in meetings with the applicant, neighbors and staff, and had conversations with his neighbors, but nothing else that is not a part of the record.

Shumm said he had 7 emails, 5 of which had concerns about the project in one form or another and received 2 emails that supported the project. He said he had not talked to anyone other than city staff at the agenda meeting on Monday morning.

Dever said he had received several emails from concerned citizens and responded to a couple of those emails. He said he had not had discussions with any members from the applicant group or any specific conversations with anyone opposed to this project.

Mary Miller, Planner, presented the staff report.

Amyx asked about the sidewalk on the north side of the building. He asked if people would have to cross the drive through lane.

Miller said yes, and the curb should be ADA accessible.

Amyx asked if there would be enough room to see around the building and feel safe crossing that driveway.

Shoeb Uddin, city engineer, said it was a slow moving vehicle lane which would also increase safety.

Amyx said his question regarded the visibility.

Dever asked whether mirrors on the corners of the building should be installed.

Amyx said traffic could also be stopped. He said it looked like a point of conflict to him.

Cromwell asked if there was a pedestrian sign at this location.

Shoeb said that could be requested. He said if the sidewalk swung to the north a little bit it could also increase visibility.

Amyx said as long as people could see around the corner and there were pavement markings or a sign or mirrors.

Carter said correspondence was received regarding Vikingtown Apartments and parking that would be lost.

Miller said there were three on street parking spots in the right of way that would be lost.

Cromwell asked how the current and proposed developments would compare in terms of lighting and light escaping.

Miller said there were not photometrics for the current development but the proposed would meet code standards, except in the pharmacy drive through because it was already outside of the property line.

Schumm asked about the roundabout at New Hampshire and 18<sup>th</sup>, and would it be removed.

Miller said it remained.

Schumm asked how semis came through.

Miller said they came and left via 19<sup>th</sup> Street.

Amyx asked about the parking spaces on the east side of the street across from the loading docks.

Miller said parking may need to be removed there and added on the other side of the street, but that would go through the Traffic Safety Commission.

Amyx asked about the public art recommendation from ARC. Would the final decision be made by that body or the City Commission?

Scott McCullough, Planning Director, said it would be made by ARC with appeal to City Commission possible.

Amyx confirmed that an appeal could come to the City Commission.

McCullough said yes.

Schumm said he would want a review by the City Commission after the final façade plan is finalized.

McCullough said it had been an issue of making that side of the building architecturally active. The windows could come back if necessary but the applicant was looking at other options for operational and energy efficiency reasons. The applicant still wants to meet with ARC and work on that issue. He said it could come back to City Commission for final approval.

Carter asked about the turning lane and city engineer's review.

Uddin said in previous sketches it showed the area losing some parking spaces to the north side of 18<sup>th</sup>. Based on drawings received today there would be a similar parking free area needed on the south side of 18<sup>th</sup>. Now it looks like 6 parking spaces would be lost on the east side of New Hampshire. He said Dillon's would work with the city to find an acceptable solution. There was a note on the site plan stating that.

Amyx said there was \$40,000 mentioned for traffic issues. Would that deal with these lost spaces?

Uddin said no, that was for traffic calming. Dillon's agreed to donate that amount for traffic calming measures. Previously 18<sup>th</sup> Street had traffic calming approved which was never built for lack of funding. New Hampshire and 17<sup>th</sup> Terrace also satisfy the criteria for traffic calming and Dillon's is willing to participate in those for \$40,000.

Amyx asked if that would be contingent on the city paying the balance.

Uddin said the \$40,000 would be close, but it would depend on what the neighbors were in favor of. He thought an additional \$20,000 would be sufficient.

Amyx said there were other traffic calming projects around the community were unfunded.

Cromwell said traffic calming was not synonymous with roundabout.

Carter said the traffic calming was not automatic.

Uddin said if 70% of the neighborhood agreed the city could move ahead.

Schumm said he was concerned with leaving the truck egress unresolved. He asked why it couldn't be resolved now rather than after a problem arises.

Uddin said he believed it could be resolved as part of the site plan or public improvement plan. The site plan approval could be made contingent on approval of the public improvement plan. The applicant knows what is needed and is working on those things. The truck turning issues and removal of parking could be done as part of the public improvement plans.

McCullough said it had been designed to work but the threshold was thin. If issues came up the site plan was conditioned on working those out. He said the width of the street was a design challenge but the applicant has spent time on design to see what might be needed. They focused on looking at containing the improvements to the site. He said if it became a problem it would be addressed. The other way was to plan for it to be a problem and design some aprons or widened curbing.

Schumm asked who would pay for that.

Uddin said Dillon's.

Amyx said condition 8 said prior to the occupancy of the store the issues would be worked out and asked if that satisfied Schumm's concerns.

Schumm said he understood the explanation but would rather work it out tonight.

Cromwell said dealing with it from the get go would be more intrusive on the neighbors.

Dever asked about the size of the apron entry to the loading dock, that it was larger than the existing one. He said he was not sure what truck movements happened but the design seemed much better than what they have now. It seemed like the real question was how significant was the problem now and was 20 feet of additional space sufficient to solve the problem. Was there a problem with the current design?

Uddin said the drawings assumed the longest trucks and they came very close to the curbs and would get into the cars if cars were parked where it is currently allowed.

Carter asked if the new dock included two or three trucks side by side.

Uddin said two.

Dever asked if those trucks were currently coming to the store.

Cromwell said they went over the curbs currently.

Cromwell said he had some questions for the applicant.

Brian Folmer, Dillon's Real Estate said Mike Boehn was also here on behalf of the applicant.

Cromwell said the pharmacy drive through was unusual because it came off a residential street. He asked why it needed to be there.

Folmer said the prescription drive through was very important to prototypical designs today. This site was a Kroger prototype. He said they asked customer focus groups and found that many customers wanted the drive through. He said it was essential for the success of the newer store footprints. He said they had numerous meetings with staff and neighborhood groups. This was a request by many people in the focus groups and was important to the success of the operation.

Cromwell asked what additional traffic was anticipated due to the drive through.

Folmer said 97 cars on New Hampshire but only 67 that were not pass through. It worked out to one every 15 minutes.

Carter asked about the peak traffic.

Miller said the pharmacy itself generated 8 per peak hour.

Folmer said that was worst case for pharmacy.

Cromwell asked how that amount of traffic was essential to the store.

Folmer said it was told them by the focus groups, and also the competition had that feature.

Mayor Cromwell opened a public hearing.

Mary Wharff, Barker Neighborhood Association, said she wanted to note that lots of things were not resolved that would be losses for the neighborhood. She said the trucks were a problem because the building was 25 feet closer. She said there were rumors that Dillon's said the pharmacy was a deal breaker. She hoped that was not true. She said the store would be a success even without the drive through. She said protecting neighborhood integrity was as important as the commercial. She said other drive throughs were not in the right-of-way and were not within 50 feet of residential. She said currently the New Hampshire Street side of the building was quiet except for predictable truck traffic. The drive through would generate noise all



the time. She said it was not too much to ask to limit the encroachment into the residential area. Dillon's has not sacrificed in making concessions. The lack of setbacks meant a bigger, taller store is closer to the neighborhood. It is not too much to tell Dillon's that the neighbors have given enough. The city and neighbors have made big concessions. Dillon's can make one big concession.

Hank Booth, Lawrence Chamber of Commerce, said he thanked Kroger for making the effort to bring this store with all of the features and concessions they have made. It is pretty remarkable that Dillon's came in the first place and replaced the Kentucky Fried Chicken. It was amazing they made this fit into the same 2.5 acres with the minimum problems it has. He said that it was remarkable that Dillon's had decided to stick with this site and make it a store in the city's core. He said it could go elsewhere and have a much larger store. This store is within walking and biking distance of East Lawrence and other areas. He said most people thought that Dillon's would eventually close this store and move further east or west. He said keeping the core grocery store was important. He said it was interesting that we talked about the negative visual impact and said that was a very little thing as he looked at the current site. He said the drive up window would be a service to elderly residents, particularly in inclement weather. Many seniors used those drive through pharmacies and were regular customers with the most need. He said he would not go across town to get a drive through window, he would choose another pharmacy.

Bob Gent said the economic impact had been raised before but that Dillon's really took money out of the community and took it to their headquarters. We were making too many concessions to a company that was not benefiting our community by bringing outside money into the community. He said store was too large. He asked why they should continue to make concessions. He said it had been a very frustrating process.

Michael Almon said that if this goes through as requested with all the concessions that have been granted there will be a lot of high fiving at Kroger Company. This would be the jewel

in their crown. They would be getting by shoe horning a store into a small site. This would internalize the profits and externalize the costs. He said livability of the neighborhoods was vital. He said Dillon's was not addressing the real issues of the neighborhood. What they considered architectural solutions were merely façade. He said the sidewalk café was proposed as a neighborhood grocery store with a downtown ambience. He said this was not downtown. It was a four lane street with 30mph traffic. People would not want to sit out there. If they got parking space concessions, why hadn't they added bicycle parking spaces if this was a walkable, bikeable store. Lawrence had fought mountable curbs long ago and this would not deter anyone using that access. People would be driving over that. The only thing keeping people from crossing it was the grass but the grass would die and not be a deterrent to traffic. He said he was a senior and Dillon's was his pharmacy. He was not in a focus group requesting that drive through. Speed of traffic was not the issue, volume was.

Rob Farha said there would really be two access points on Mass instead of three because one was just for deliveries, not public access. He was asking for denial because he had the sixplex which had been under contract with Dillon's, and the drive through was intrusive to the neighborhood. He said if Dillon's needed the drive through they should acquire the space for it.

Lisa Harris said one sticking point was the drive through. Her conclusion is that she wouldn't want to live across from a drive through and she wouldn't want others to have to either. She didn't think the drive through was necessary. The screening wall would be helpful for screening but not for effects like the noise and idling cars. For the truck turning movements, she said if a truck was coming north, the stopped backed up, pulled forward, backed up, pulled forward, then backed up again. It was a tight spot and would take a skilled driver. She was concerned about the solutions that might come to deal with that if it became a problem. She said solutions might be creating truck aprons and taking out parking spaces near the homes, making them look like a truck delivery area rather than a neighborhood. Dillon's was built in the

1960s and the neighbors have borne the effects of that plan for years. This design could be more sensitive to the neighbors.

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

Dever asked where the employees currently park and where would they park in the proposed development. Where is the daily truck traffic and would the traffic be alleviated by moving some of that to Massachusetts? Has any accommodation for the bus stop on Massachusetts been made? Has any analysis of the lost parking on New Hampshire been done?

Folmer said employee parking was in the general parking and would be in the future. The bus stop was on 17<sup>th</sup> but Dillon's would accommodate whatever needed to be done for the bus. Regarding deliveries, there were 65 deliveries, 15 of which were semis. The 50 smaller trucks would move to Massachusetts.

Amyx asked if there was a time for the deliveries to be made.

Folmer said they had to be done by noon. The Massachusetts deliveries were done between 6:00 a.m. and noon. The semi deliveries were from 5:00 throughout the day but they were in and out. The area would usually only be one truck and a second would only be there at holidays. The diagram of truck turning was a worst case scenario with the longest size truck. There would be a lot more room in the proposed design.

Schumm asked if the smaller trucks would have to back up on Massachusetts.

Folmer said no.

Carter asked how often the trucks would be the larger 65 foot trucks.

Folmer said he could not answer that question.

Carter asked if they had looked at other screening extending to screen other cars in the queue.

Folmer said the wall would screen the vehicle. The area in front of the canopy was taller to screen the light.

Carter asked where bicycle parking was accommodated.

Folmer said on the Massachusetts side and on the entrance side of the building.

Carter said the bollards were intended to keep people from exiting to New Hampshire. He asked if other options were looked at.

Folmer said "do not enter" signage was also looked at. The bollards were discouraged by the fire department. Dillon's also looked at a gate.

Carter asked if there was signage planned to prevent people from lining up into New Hampshire for the drive through.

Folmer said it was not but could be. He said people did not wait for prescriptions, they were asked to come back later.

Amyx said regarding the murals or windows, why would windows not be suitable.

Folmer said some of the deli or meat prep areas were in that area and light coming in could be a safety hazard for people working with knives. Energy efficiency was also an issue.

Amyx asked if there was a concern about public art.

Folmer said it was not an issue that had been addressed, but murals could become targets for graffiti and had to be policed and cleaned up as necessary.

Schumm said his concern with the west elevation was that the building would be right on Massachusetts and the fact that there was no set back made him want the southern portion of the west wall of the building to be more attractive. The scale of the windows wasn't right. He said it should be made as attractive as the north end of the building. There was lack of balance and it becomes more of a warehouse look. On this particular façade he would like more detail and interest to balance it across the whole plain. The same concern was expressed regarding the south wall near the southwest corner of the building.

Deleted: to the south

Folmer said they would work with ARC to make it as pleasing as they could.

Carter asked how high the screening was.

McCullough said it was not indicated on the plan and a minimum height should be added to the plan.

Miller said more shrubbery could be added also.

Amyx said the drive through window was at a height to serve a vehicle.

Miller said the wall was not shown in the rendering but would be higher to block the lighting.

Folmer respectfully asked for approval and said the redevelopment was important for the store and its customers.

Dever asked about parking on New Hampshire.

Uddin said we had not performed a study of available spaces.

Dever asked if it was ever discussed at public meetings, the conflict among parked cars and semi deliveries currently.

Uddin said he had not heard those concerns. The concerns he had heard was occasionally trucks going over the curbs. Removing the parking came out of the parking templates that showed if a car was parked there it would be in the way. He said if the concern was not expressed today maybe cars were not parked in that area today. Today he had not seen cars in that area but further north and south.

Carter said there was one car parked there when he and Lisa Harris had visited the area today.

Dever said according to our maps there was a bus stop on Massachusetts adjacent to Dillon's.

Miller said the stop would be used at Babcock Place instead.

Amyx asked about the revised conditions. Number 5 talked about public improvement plans. Would those improvements be for the site itself or incorporate traffic calming? McCullough said they would be in the right of way adjacent to the site. The traffic calming would

be settled over the next few months between staff and the neighbors, then through Traffic Safety and the City Commission.

Amyx said regarding cut through traffic, was it McCullough's feelings that the cut through traffic was from the neighborhood itself or from other areas.

McCullough said Dillon's was one destination, but Massachusetts Street was also, and other locations.

Uddin said 17<sup>th</sup> met the cut through traffic criteria for traffic calming.

Carter said a couple things came to mind. On the drive through, could a minimum amount, maybe 4' and some plantings, be added to the queue area?

Folmer said yes.

Carter asked if a gate could be added.

Folmer said it could if the city wanted it.

Dever said it had to be asked what would happen if the drive through were removed. He said he wondered how much revenue was generated by the drive through.

Cromwell said this was one of Dillon's most successful stores in Lawrence in its current location and configuration, and that was with no pharmacy drive through. He said it needed some improvement, but it would get used more whether there was a drive through or not. What would be done would be adding an additional use, which would be the drive through. He was sure that would help their bottom line but was it necessary had to be asked.

Schumm asked if Cromwell could share his views on how far the negotiations with the neighborhood had come.

Cromwell said Miller had gone through some iterations and that was a pretty good indication of what came out of those meetings. The main concerns of those meetings were access to and from New Hampshire. There were other issues such as trucks, but it was fair to say that New Hampshire was the main issue of concern. The store would be more successful and traffic would increase and that was a concern.

Dever asked whether he would characterize that as the city making concessions and Dillon's making none.

Cromwell said he didn't think that was entirely fair. He was not sure how much of the traffic access to New Hampshire was a concession as much as a city requirement. They would lose some parking but go above and beyond on bike and scooter parking. Dillon's widened the sidewalk to Babcock and that was a neighborhood issue. The overall problem was that the neighborhood didn't want the drive through pharmacy.

Schumm said there were three more or less major problems, the drive through, ingress/egress to New Hampshire from Massachusetts, and the loading dock issues.

Cromwell said the aesthetics of the west wall also.

Schumm said putting in a gate could control the egress to New Hampshire. Dillon's has agreed to look at the west wall. He said he didn't know how they could improve the loading dock. It took a lot of space to get them into tight spaces. It probably just needed to be worked out among staff and neighbors. That left only the drive through.

Amyx said there were other stores and pharmacies with drive throughs. Would it be different here, absolutely, all locations are different. We set the rules and businesses come along and have to go through the process. We have processes for appeals. The boards are citizen boards that hear the appeals. This is an allowed use that is allowed at this building. Have we mitigated the problems? We can screen it off, raise the wall, etc. but it is still an allowed use. Whether it is popular or not, it is something that is allowed and people take advantage of it. He said he didn't see a back up of cars. He said he shared Schumm's concerns with the warehouse look on Massachusetts. He said it could be set up so the City Commission could see the final design. He asked whether the conditions took care of the problems. On street parking was a concern. On Easter Sunday there were cars parked there.

Schumm said Amyx was correct in his assessment of the boards, but to him this was an awful lot of Dillon's on a minimal sized lot. They had an option to do something a different way

but chose this. He said we were literally using every inch of lot as well as some of the city right of way. He said he was torn between seeing a site plan approved with minor modifications but the drive through would create some disruptions.

Cromwell said this was building to the lot line, parking spaces were lost, and although this was an allowed use they were also on the right of way. The neighbors wanted to see improvements made in the worst way, but wanted them done in a way that didn't impact the neighbors unnecessarily. He would like to see it back in front of the City Commission with no drive through and with improvements to the west façade. He thought those things could easily be done and at the end of the day it would be a fabulous store and wouldn't impact the neighbors as much.

Amyx asked about the loading docks.

Cromwell said they needed to go on the back. Removing the drive through may also allow trucks to swing a little longer. He couldn't imagine a scenario without the loading dock.

Carter said he would love for the drive through not to be there, but he stopped short of saying he wanted it removed. He said the grocery business had changed and when they put this kind of capital into a project they wanted the bells and whistles the competitors had. If they could mitigate some of the problems he didn't want to tie the store's hands. He said to be a more senior friendly community the drive through was a service that was important. He believed that from watching drive throughs, if he felt like it would be a major impact on the neighborhood he would send it back, but he didn't think that was a case. With the screening beefed up the noise and traffic wouldn't be as significant an impact as people fear. He said he was concerned about the access. He thought the gate was important so people didn't sneak onto New Hampshire. He said the other egress improvements might make up for the traffic to the drive through. Regarding the west wall whether it was ivy or something else he thought that was doable. With those things said he thought he was comfortable moving forward.



Dever said he hated to design sites from the Commission chairs. When he first got on the Commission the city paid lots of money for templates for unique designs. Changes could be made to make developments more sensitive and this project is the first that meets a lot of those characteristics. This was the first project that did that. The existing facility had a sea of concrete and was not something they wanted to preserve. The orientation of the building did not concern him. We have stepped up and identified aesthetics for the building. If we are going to award a use that some don't think is appropriate, that being a drive through, we should ask for additional features to mitigate. The plan was pretty good but could be better. The grass pavers would more than likely fail in our climate. If we really wanted to decrease cut through traffic we needed to consider something else. Moving the DSD activity to Massachusetts was a plus for the neighborhood. This is not a fast food restaurant; it was maybe not as offensive as something like that. He was not as concerned with the activity as making the design appropriate. We can mitigate the impact. The value of the improvements to the community was tremendous. Less parking spaces was a good thing because it was less impervious surface and encouraged other modes of transportation. He said we were close to the most good and least bad with this design.

Cromwell said the issues were making sure traffic don't leave the drive through onto New Hampshire and the only way to do that was probably bollards. He said the chances of this impacting the fire department were low.

Schumm said Dillon's could come back with options for the bollards and the façade.

Cromwell said we could make it conditional on those things.

Amyx said with final approval by the City Commission. He asked what items came back to this body and which went to the Traffic Safety Commission. What was the process and how quickly could decisions be made.

McCullough said if a site plan is conditioned, before building permits could be released they would have to fulfill the conditions. It could be conditioned so the Commission sees it before the site plan is released. Some of the conditions like traffic calming and parking have

processes that require city commission approval. If approved, the task is to accommodate the truck movements.

Cromwell said we had a condition currently that the height of the screening be specified.

McCullough said the commission had given good direction on what is wanted before the site plan comes back for final approval.

Amyx said final release of the site plan meant that the conditions had to be met before release of the site plan.

McCullough said there was still quite a bit of work after the site plan approval – building permits, public improvement plans.

Cromwell said he appreciated all the work that went on by staff and others. Neighborhood participation and Dillon's participation had been wonderful. This was a tremendous opportunity for Lawrence as a whole and especially for the east side.

**Moved by Carter, seconded by Amyx**, to approve the site plan (SP-12-62-10) with an additional condition that, "The site plan, including elevations, shall be reviewed and approved by the City Commission after the applicable conditions of approval are met and prior to the release of the site plan for building permits." Motion carried unanimously.

**Moved by Schumm, seconded by Amyx**, to find that the use of the public right-of-way for a sidewalk dining and hospitality area is within the public's interest; and to direct staff to approve issuance of a Sidewalk Dining and Hospitality License; Motion carried unanimously.

**Moved by Amyx, seconded by Dever**, to approve the use of right-of-way request for elements related to a pedestrian plaza in the Massachusetts Street right-of-way; Motion carried unanimously.

**Moved by Amyx, seconded by Dever**, to approve the use of right-of-way for a drive through pharmacy lane, stormwater detention area, and elements associated with access points in the New Hampshire Street right-of-way. Motion carried 4-1 with Cromwell in dissent.

2. **Receive request from the City of Eudora for a letter of support concerning median protections along K-10 Highway.**

David Corliss, City Manager, introduced the item.

Cromwell said if there is anything that can make that road safer we should do it. There are a lot of students and other commuters using that road. He recommended having the letter of support.

Amyx said he agreed. He asked if this was one of the roads being considered for a higher speed limit.

Corliss said the Secretary of KDOT would make that determination and he didn't know if this was being considered. He said that was an inquiry that could be made at the May meeting.

Cromwell called for public comment. None was received.

**Moved by Schumm, seconded by Amyx**, to direct Mayor to sign a letter of support to the State of Kansas officials for improvements. Motion carried unanimously.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

David Corliss, City Manager, outlined potential future agenda items.

**G: COMMISSION ITEMS:**

Carter said he had wanted to look at directing Dave to set up a quarterly roundtable with business owners and CEOs. He thought this would be a visible effort and good would come from it. We could hear basic things like pot holes but also grander things. He said he envisioned representatives from the City and County Commission and staff. We would be looking for actionable items we could respond to.

Second, we had made an effort to get the facilities and resources the fire department needed over the past ten years, but we needed a study session regarding the needs of the police department on a 5-7 year plan.

Corliss said what we could do is work within our existing study session format. Departments submitted budgets this week. He said maybe in June staff could talk about enlarging the time of the study session or having another study session. He thought it was worth talking about police department needs. He said if there was commission interest he could work with Chief for a presentation in June or another date. He said the 2012 budget would be a significant challenge, with revenues not increasing and many costs we didn't have control of, such as gas and electricity increasing. He said it was worthy of discussion. He said it would be a challenge to talk about increasing resources without increasing revenues or decreasing other services.

Cromwell said the budget was close to being finalized by June and wondered if the discussion of long term goals should be put off until after the budget.

Amyx asked if these are things already in the planning stages or a strategic planning initiative. He asked if this could be part of the goal setting session and thought that would be appropriate.

Carter said that is what he had in mind.

Corliss asked whether the June time frame is what the Commission intended.

Cromwell said yes.

**H: CALENDAR:**

Corliss reviewed upcoming calendar items.

**I: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

**Moved by Schumm, seconded by Amyx,** to adjourn at 9:51 p.m. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Mayor Cromwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk