



City of Lawrence

CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

• DAVID L. CORLISS
CITY MANAGER

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

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

January 17, 2012

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. RECOGNITION/PROCLAMATION/PRESENTATION

1. None.

B. CONSENT AGENDA

Vice Mayor Schumm requested that item number 4, licenses, be pulled for a separate vote, as he had a conflict of interest with one of the licenses.

It was moved by Amyx, seconded by Schumm, to approve the consent agenda as below, with the exception of item number 4. Motion carried unanimously.

1. Approved City Commission meeting minutes from 1/03/12.
2. Received minutes from the Parks & Recreation Advisory Board meeting of 01/10/12.
3. Approved claims to 165 vendors in the amount of \$2,369,110.64 and payroll from January 1, 2012 to January 14, 2012 in the amount of \$1,909,561.78
4. **THIS ITEM WAS PULLED FROM CONSENT FOR A SEPARATE VOTE.** Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for 8 Flavors, 2210 Iowa St, Tapas, 724 Massachusetts, Playerz, 1910 Haskell Ave Ste: A6, West Coast Saloon, 2222 Iowa, 8th Street Taproom, 801 New Hampshire, Eldridge Hotel, 701 Massachusetts, Retail Liquor License for Parkway Wine & Spirits, 3514 Clinton Parkway Suite: B and Cereal Malt Beverage License for Phillip 66, 3300 West 6th.

5. Reappointed Verlon Meyers (843.7535) to an additional term on the Electrical Board of Appeals that expires 03/31/15.
6. Adopted the following ordinances on second and final reading:



- a) Ordinance No. 8689, for Text Amendments (TA-10-15-11) to the City of Lawrence Land Development Code, multiple articles, defining occupancy and clarifying the applicability of occupancy limits in non-RS districts. (PC Item 4; approved 9-0 on 12/12/11)
 - b) Ordinance No. 8692, (revised on second reading to incorporate Accessory Dwelling Units into proposed Article 13, Section 6-1320 "Exemptions") replacing Chapter 6, Article 13 of the City Code, regulating the rental of dwellings in RS Zoning Districts.
- 7. Approved the installation of a 15 minute parking meter adjacent to 1111 Massachusetts Street.
 - 8. Authorized the Mayor to execute a conservation easement to the City on property commonly located at 3700 Tiffany Drive.
 - 9. Received letter from Douglas County Administrator concerning funding for Emergency Communications Center; referred to staff for review and report back to the City Commission.
 - 10. Approved as "signs of community interest" a request from the Lawrence Home Builders Association to place signs in various rights of way for its annual Lawrence Home Show, February 10-12, 2012. Signs would be placed on South Iowa Street and in front of the business at 3430 S. Iowa Street and would be placed out on Monday, February 6 and removed Sunday, February 12, 2012.
 - 11. Authorized the City manager to sign a letter of agreement with Theatre Lawrence, Inc., setting forth the terms for the City's pledge of \$100,000 for construction of a theater and education facility.

Vice Mayor Schumm left the room at 6:38 p.m.

Moved by Amyx, seconded by Carter, to approve consent agenda item number 4, licenses. Motion carried 4-0 with Schumm abstaining.

Vice Mayor Schumm returned to the room at 6:39 p.m.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

1. Review of animal ordinance to allow pot bellied pigs.

Cynthia Wagner, Assistant City Manager, presented the staff report.

Dever asked if staff found out why the three cities listed do not allow pigs.

Wagner said no.

Dever said perhaps it had never come up.

Amyx asked if there was a request several years ago about this.

Schumm said yes.

Corliss said yes, 12-15 years back. It has been some time back.

Amyx said the decision at the time was not to change the code.

Schumm asked why.

Corliss said there was concern about adequate regulation. We did a major overhaul of the animal control code in the late/mid 1990s when someone had a mountain lion in their residence. We took a look at the code and found that wasn't prohibited. Now we list the animals that are allowed rather than try to list all the ones that are prohibited. We have talked to experts about what animals are appropriate in an urban setting where we all live closer to one another. Citizens had effectively advocated for animals to be added to the allowed list.

Mayor Cromwell called for public comment.

Anthony Barnett, Humane Society, said the Humane Society would support a change to the code. As far as licensing, he would like to see a clear benefit to the city to registering, and he said that the Humane Society could take care of the registering if that is the way the city goes. Regarding the language against feral swine, he said he would like the code to make sure the animal was treated as a pet rather than feral swine if it escaped, so it could be returned to the owners.

Kevin Sauer said there were three points. The blanket code regarding animals already dwelt with issues that might come with pig ownership. Regarding weight restrictions, the 90-95 pound restriction should be 150 pounds, or a size restriction that is more indicative of the breed rather than the weight. The health and welfare of the animal is important to consider. A weight restriction may encourage malnourishment of the animal. Regarding the licensing, a simple procedure requiring a statement from a veterinarian would be sufficient. Once it is determined

by a vet that the pig is a pot-bellied pig, there is no good reason for an onerous licensing procedure. A simple procedure could protect the city and the pet owner.

Schumm asked how you differentiate a pot bellied pig from others.

Sauer said a height and length measurement. Many cities that regulate pigs have dimensional restrictions. What differentiates them is gross differences in size. A livestock hog would grow to hundreds of more pounds than a pot-bellied.

Rhoda Paddock said she owned two pot-bellied pigs. She displayed photos of them. She said one of them tipped the scales at 250 pounds. She said her 5 year old granddaughter helped clean up after the pig. The pigs are potty trained, they don't bite, don't chase you, they just want love. They stay out of your way and like alone time. They have a doggy door to go out when they need to go to the bathroom. Regarding smell, they use vinegar to neutralize urine owner and they dispose of the poop.

Jose Trujillo said he lived two doors down from Mr. Penix. His daughter said the pig was very nice and was her neighbor and she didn't want him to go away. His other daughter said the pig was very kind and if you met him you would think so too.

Mr. Penix displayed photos of his pig. When Starky first came into his life he became part of his family. He was very charming. He said he could spend hours describing how much he loved Starky and what a great pet he was. People would stop him on the street and come to his house to meet and play with the pig. He couldn't believe it when the city told him Starky needed to leave. Before he could even respond people came to help him and Starky, including his neighbors and others. Many people had contacted him since this issue was reported in the paper. He received support of groups that advocated for animals, and local businesses. He said he had the support of many people who were here tonight. He said the city had a code that contained protections that were more than adequate for pot-bellied pig ownership. He asked that the code be amended to allow pigs like his and others.

Schumm congratulated Penix on the correspondence he had sent to the city. Especially the section about pot-bellied pigs cleaning themselves and even checking mirrors to make sure they were cleaned.

Penix said his pet cleaned his hooves and face and even took showers regularly. To answer the vice mayor's question, there are some physical characteristics such as a long straight tail and features such as the snout that differentiate them.

Carter asked if the current nuisance laws would be applicable to pigs.

Corliss said yes.

Carter asked how much extra work it would take to accept pig registrations, and said he would want to look at the size limit and making it reflect the size of a healthy pot-bellied pig.

Corliss said we really don't know how many there are, so we don't know at this time. We just want to recognize that if it creates a lot more work on the enforcement side rather than the paperwork side.

Dever said he was trying to figure out the differentiation between pigs and other domesticated animals. We have chickens in the city limits that are livestock and they don't register. We have dogs as large as pigs.

Wagner said the information that came forward from other communities was outlined in the memo, because of their sheer size and classification as livestock. These aren't necessarily recommendations.

Dever said if we don't register other animals but we did these because they are livestock, then would we need to register chickens. Also, do we need more regulations regarding where they live in terms of indoors vs. outdoors. He wondered if we are going to do this, and people might bring in other types of pigs for non-domesticated purposes. Getting a clear understanding of the breed would be important and registration might help that.

Cromwell said the code would cover mistreatment of the animals.

Wagner said yes. Regarding licensure, an important part is ensuring pot-bellied lineage. Kansas City requires breed papers to ensure that. Pot-bellied pigs are more indoor animals. They don't like the cold and like to be inside, although they are still swine and livestock.

Amyx said the number of pigs allowed would be an important consideration. Staff put together some regulations like that on chickens. Was one the right number?

Corliss said you could do it on acreage size too. On a typical lot you might not want more than one.

Wagner said she believed some of the other cities limited it to one pig.

Cromwell said he didn't think that was a bad choice.

Dever asked if we wanted to direct staff to draft some rules.

Schumm said he was in favor of that. One was a good number. It should be fenced in. It should be certified by a vet as to breed.

Amyx said the property should be maintained.

Carter said regarding weight, as long as it was a pot-bellied maybe the weight didn't need to be specified.

Cromwell said that seems appropriate. He had actually seen some other miniature pig that was very small.

Penix said it was probably a teacup. Unfortunately those are often kept that small through starvation.

No motion was made.

2. Consider approving a request from Heartland Community Health Center for a one-time payment of \$25,000 for a medical biller position.

John Stewart, Heartland Community Health Center, presented the request. His organization's mission is to provide care for those that can't afford it. Acquiring community health center status was part of their strategic plan and a step toward achieving that was to have a billing specialist. Their request was for funding to help establish that.

Dever asked where the money would come from.

Corliss said we obviously have concerns about continuing requests. If you do approve this he would recommend taking it from fund balance of the alcohol tax. The City Attorney's Office checked that that would be legal use of those funds. Generally, we don't like budget requests outside of the budget cycle but we understand the world doesn't necessarily operate on the same cycle. We would have concerns if this became an ongoing obligation.

Carter said if we look at doing it now out of special alcohol tax fund, the challenge is that it has to come away from another service.

Corliss said taking it from fund balance would prevent that. If the fund doesn't stay healthy in the future we would have a concern about funding it in future years. One of the concerns about funding social service agencies is whether there would be more lapses in state funding. If that is the case we will see more requests to the city. We don't know what all the requests will be in 2013. It could happen now from a budget standpoint but that fund would be challenged in the future by increased requests.

Cromwell said we did have an opportunity for such requests and asked why this should be considered now.

Stewart said we submitted an application to a federal program that would bring in tremendous resources. That request was deferred and because of that they were looking for other options, which is the reason for the request to the city. We would be pursuing the federal program in the future and thought it was a good option. They are making a strong bid for community health center status. The timing was based on what they expected as an approval that was deferred.

Cromwell asked if the city involvement would help or hinder their federal request.

Stewart said it would help.

Dever said he brought this forward initially because at one point they were hoping to dovetail services between Bert Nash and this organization. This would strengthen our position in

achieving community health center status. Dave Johnson at Bert Nash was excited about it. We are invested in health care through the hospital and other agencies. This provides services to people with no other means, and could reduce the burden on some of the other organizations that we support and are involved in. This gives us an opportunity to get things in place to get more money in and creating revenue and jobs. That triggered his interest in it.

Amyx asked what the current fund balance of special alcohol is.

Corliss said in excess of \$100,000.

Amyx asked if there was competition among agencies for these funds.

Corliss said yes, and not all of the requests were funded.

Amyx said that was one of his concerns because there were agencies that went through the normal request cycle who were turned down. He was not sure this was the way he would want to do this.

Carter asked if this was for the whole county or just Lawrence.

Stewart said the whole county and even beyond.

Carter asked if we had considered sharing this. His thought was that because we didn't have enough to go around, and if services came up here individually through the year we would probably want to support all of the requests. He knew Stewart would do great work with this but was concerned about the message sent to the other agencies that went through the right process.

Cromwell said this was not the ideal situation. Funding is tight for everyone and it is difficult to choose between them. There is some timeliness here that is important in moving forward with the designation. That is the kind of standard he would need personally to support "out of season" requests. We have to ask if there is a good reason the request is coming now rather than evaluating it during budget season with the other requests. He had never heard anything but positives about this organization. Healthcare inflation was astounding and the services Heartland provided were very important.

Dever asked for examples of other funding requests out of the normal process.

Corliss said Theatre Lawrence and SRS were two examples. We have had similar requests for social service items and probably would have more. It comes up infrequently and we try to come up with ways to respond according to Commission direction. In this situation he said he didn't see dramatic harm to the fund balance, but you did have precedent and the issue of the other requests already denied. In some cases those other requests were not funded because they didn't fit the parameters of the funding purposes.

Dever said he didn't see this happen a lot but it had happened. Primary healthcare was a higher level for the community than other requests like theater. We need to decide if this is an appropriate venue and whether we had the money. He said he couldn't think of anything more important than primary healthcare. They are trying to form a partnership with Bert Nash and the more legs we can give them will have a positive impact on the community.

Stewart said they had not made a request before. We don't have a relationship with the city commission but we do need the money and it is a critical time for the request.

Schumm asked how much is out there that this billing specialist may be able to recoup.

Stewart said they worked toward a 60/40 mix (60% uninsured and 40% Medicaid/Medicare). Over the long haul this will be a tremendous area of opportunity. He hoped it would pay for itself easily within a year.

Mayor Cromwell called for public comment. None was received.

Carter said he was swayed and could vote for this. When it comes to setting priorities for next year, this fits right in to keeping people working and maybe even creating jobs. He said he was okay with putting it to a vote.

Cromwell said no one was advocating for out of season social service funding requests. There are requests that come in from time to time for various reasons. Those reasons and the value of the request had been explained. Everyone is very interested in coming up with a community health center. Our trusted advisors in health care agree this is the way to go. This

fits right in with the values we want to see funded. This had potential to fund itself and hopefully won't need continued funding. He said he was in favor of granting the one time request.

Amyx said he appreciated those comments but thought we had a program set up for these kind of requests. He said some of them had been told no, and he couldn't tell them no and then approve this.

Moved by Carter, seconded by Schumm, to approve request from Heartland Community Health Center for a one-time payment of \$25,000 for a medical biller position. Motion carried 4-1 with Amyx in the negative.

3. **Consider authorizing staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding stormwater sewer improvements. The project is being funded with Sales Tax Revenue.**

David Corliss, City Manager, introduced the project.

Matt Bond, Storm Water Engineer, presented the staff report.

Mayor Cromwell called for public comment.

Ted Boyle, North Lawrence Improvement Association, said he encouraged the Commission to continue to have staff move forward on this project. They had been looking forward to this for many years, since before the drainage system. Many people thinking of flooding as the river, but this is storm water flooding. The railroad tracks act as a dam. Around Lyon's Park we can have 3-4 feet of water standing after a few inches of rain.

Cromwell said it was a simple request to continue our work.

Schumm said it was a slam dunk.

Moved by Carter, seconded by Schumm, to authorize staff to receive qualification statements for engineering services for the design of the Maple Street Pump Station and corresponding storm water sewer improvements. Motion carried unanimously.

4. **Discuss initiation of changes to the Inverness Park District Plan.**

Dan Warner, Planner, presented the staff report.

Carter asked about the plan the neighbors supported.

Warner said it was one or two, it wouldn't have been three. He wasn't sure they landed on one.

Mayor Cromwell called for public comment.

Scott Meyers said for the 35 that met through that process, the preference was no more multi family and keep it the way it was. He thought we need to look at our zoning laws on multifamily and look at population density. Also to make sure the site planning process clearly defines open space. Those clarifications would have eliminated this whole mess that we had been dealing with for two years.

Dever asked if in the meeting there was agreement for no changes to the plan.

Meyers said not to change the currently approved zoning. No more commercial use. Leave it alone and don't change it. Whether they waffled as a group between one and two, they understood the way it was planned now no one could develop the open space. The emphasis of the neighbors was no more multifamily.

Dever asked about the plan, whether they wanted no changes to the zoning to any of the parcels in the plan.

Meyers said yes.

Jamie Hulse said it was never put to a vote, but what most people thought at the meetings was to come up with a plan that would allow development but no more multifamily. If there was a way to allow commercial instead of multifamily. Her question was whether we could come up with a way to have no more multifamily and Warner had said no, so many people wondered why they were having the meetings. She said that the majority of the Planning Commissioners were not in favor of multifamily which was why they were surprised when it was approved. She said we should stop using the term vacant because it was open space, a piece

of the developed parcel. She said they were in support of having commercial with no option for multifamily.

Cromwell said he wanted to be clear that the idea of accomplishing some commercial on the open ground, she was suggesting some sort of commercial which would require upzoning. He said at Clinton and Inverness Parkway, on slide 5.

Hulse said there was a risk supporting a plan for commercial, because multifamily would be a downzoning.

Cromwell said if there was a way to accomplish that, there may be support for that. He understood that additional multifamily was not attractive to the neighbors.

Hulse said that was correct. The only opposition was from people that lived directly adjacent, and they didn't want a restaurant. Everyone else was supportive.

Cromwell thought he remembered that discussion, but that some people were opposed.

Schumm said he was trying to be very clear. He understood that the NW corner, commercial would be acceptable. The NE corner was Hy-Vee. The 5 acres of open area, did she see something possible there.

Hulse said that would change the density there.

Cromwell said that was what he was trying to ask previously.

Hulse said her feeling was that it was 15 acres, and it was maxed out already. If you choose to leave 5 acres open you shouldn't be able to come back later and make it more dense.

Schumm said previously Hulse had said the neighbors said no more multifamily.

Hulse said nothing at all on the 15 acres.

Carter said we heard clearly no more multifamily. He thought from there we need to determine what is the best use for that area, including the 15 acre lot. The best use may be open space. His concern was how that 5 acres would look. Would that be better open or not?

Schumm said something else to keep in mind was that if we say it is going to be open space, that is good as long as this commission sits here. A new commission could change it,

even to multifamily. He said realistically that 5 acres would get developed at some point. He couldn't see it staying open forever. Does it make sense to decide something positive that should go there?

Amyx said we could redo the district plan, but every Tuesday night we are asked to make decisions on requests that come forward. We are going to make those decisions on the best information offered by staff and the public. Something would probably be built on that 5 acres some day. Some 3 or 4 commissioners some day would probably decide the best use of that land was to develop something, based on the best information available at the time.

Carter said when it comes to this plan, are you...

Amyx said a few years ago we decided neighborhood commercial would be appropriate at the corner. He asked if we were ready to direct staff to initiate that, as far as the text of the district plan.

Carter said it already has that.

Amyx asked if a larger amount. The 5 acres on the east side of Remington Square.

Carter asked if it is the best use of that land is to remain empty or to direct something for that land, even directing that no downzoning to multifamily. He asked if Amyx was in favor of leaving that undeveloped.

Cromwell said currently we have a plan calling for higher density, but without specific zoning. A request came before us and we denied it. The question was if that wasn't what we wanted, maybe we should change the plan to be clear to developers what we want there. We are being asked to provide today clarification of what the future might hold for that area. It is difficult when you see a vacant patch of grass not to think someone would want to develop it someday. That is something we have to consider and that is what we are asked to determine.

Schumm said regarding the 5 acre open space, what can go on there other than multifamily that would fit in a plan like that.

McCullough said small office uses, daycares, service facilities. That open space is considered developed from a land use perspective because it was included in the existing developed Remington Square. The exercise would be to determine what was appropriate.

Schumm said it could be a residential office.

McCullough said yes.

Schumm said it could be written in that no multifamily was allowed.

McCullough said yes. The commercial designation at Inverness is a little more open ended.

Schumm said he lived in a neighborhood with residential office and it works well with the neighborhood.

Cromwell asked how much the actual corner, where the lot line is.

McCullough pointed to the map. He said we were looking at 40,000-50,000 square foot and some outbuildings that could possibly fit there.

Carter said one solution might be to take what is in the plan and remove the open space that is part of the 15 acres. He didn't think we wanted to leave the plan unchanged. The other question is whether we want to do more and designate it as something else or open space. Does it really add value as open space or would it be better as commercial.

Schumm asked if planning this was a function of the planning commission.

McCullough said if a change was initiated it would receive a public hearing at the planning commission, and recommendations would come back to the city commission.

Dever said he thought we were talking about making alterations to one portion, not the entire plan. Maybe we are trying to rectify a loophole we had seen. He liked Carter's idea of removing the language. He asked what the densities could be.

McCullough said 16 dwelling units per acre.

Dever said we have to admit that as this area develops the value of those 5 acres will increase and the pressure to develop it will increase. Let's be honest and identify if we are or

are not interested in steering the development of that parcel. We either need to value the RM15 type development and dictate no more development, or identify this parcel and specify a land use.

Cromwell said the best thing we could do was to specify and recognize that someone is going to do something there someday. We should consider now what would be beneficial, recognizing that we don't desire more multifamily. Perhaps some buffer of residential office might be a good design practice. He said he thought that protects the value to the neighborhood and acknowledges some value of development to the area.

Dever said the neighbors were assuming this was open space and that is all that was intended and there should be nothing else.

Cromwell said he agreed with that, but someone would come in later and want to develop it. We needed to acknowledge and plan for that.

Schumm said we heard that argument and didn't know if that was an argument against multifamily or against any development. It would not stay vacant forever. How do we help that be what we want it to be. The neighborhood has said no more multifamily. The answer to the questions Dever posed would be answered at the Planning Commission. A transition between land uses would be considered also.

Amyx asked what is the natural progression. If additional multifamily is not used, what is the natural progression.

McCullough said we would study that and present it to the Planning Commission.

Cromwell said in making a change and saying it is okay to develop that open space as something, what is plausible on the existing developed area.

McCullough said we had tools to apply to that, like conditional zoning.

Cromwell said he would be interested in that.

Carter asked what is typically the transitional development there.

McCullough said the plan has to have specific language. Perhaps it calls out specific categories of land use. It will be difficult to remain at the sector plan level. It will have to be more specific, churches, office, single story buildings.

Cromwell said specificity will be helpful. Calling out specific land uses and preventing additional density will be the best course of action.

Schumm said we all hear substantial comment about notification and we want people to be notified so we don't have backlash that people weren't notified when it comes back to us.

Cromwell said it is difficult to keep up with this but he appreciated everyone's attention in following it.

Moved by Carter, seconded by Schumm, to initiate a text amendment to remove language on the 5 acre parcel specifying it to be high density multifamily and come up with specific appropriate uses for development. Motion carried unanimously.

At 8:43 p.m. the City Commission recessed for a short break.

At 8:52 p.m. the City Commission returned to regular session.

5. Consider land use information related to recently adopted code amendments (TA-6-17-09) for Congregate Living and Multi-Dwelling Structures. (Requested by City Commission at their July 12, 2011 regular meeting and considered at their October 4, 2011 meeting and returned to Planning Commission. Considered by the Planning Commission at their November 14, 2011 meeting.)

Scott McCullough, Director of Planning/Development Services, presented the staff report.

Cromwell said we hadn't talked about what is a basement and what is an attic. He had been in basements that were 4 feet high and some that were 8 foot high.

McCullough said we would have to get to that level of detail.

Cromwell said that becomes difficult. When do you stop being a crawlspace and when do you become a basement.

McCullough said we get into those kinds of discussions.

Carter said we do have strict definitions of what is habitable.

Cromwell said some of it is what is habitable now versus later.

McCullough said a lot of what we see is improvements that are needed to get egress windows. It is rarely that it is not touched and we just do interior finishes.

Amyx said we adopted the Oread Neighborhood Plan and we are going to do the overlay districts. How does this work with those?

McCullough said this would be city wide, including outside of Oread. The Oread Overlay Districts may affect this code in Oread.

Mayor Cromwell called for public comment. He asked that comments be kept narrow to this particular issue.

Candice Davis said we were here to clarify intention of the Planning Commission regarding the parking standard. It was clear that they had overwhelming support for not including unfinished spaces. Finkeldei was emphatic. The Oread residents initiated updating the boarding house code three years ago to address the parking standard in a fair and equitable way. Boarding houses were expanding because they had a lower parking standard. The body of the amendment was supported by the exception made no sense because it negates the one space per bedroom. No boarding house was small. The exception was close to the size of the average house in Oread. Parking is already a horrible issue and very difficult. Preserving old houses is important and a boarding house isn't the only way to do it. A blight code and rental registration program would be helpful. She said the Oread Residents Association supported an interpretation of the code that did not consider unfinished spaces.

Amyx asked of the properties that have been redone, what kind of problems exist from those buildings right now.

Davis said it had to do with occupancy. There was a disruptive element with similar issues to the single family over occupancy.

Melinda Henderson said she was here as a former Oread resident. She supported staff recommendation number 4. During her time at 10th and Ohio she saw Ohio Street turn into less

of single family homes and more congregate living. The first house she lived in on Ohio nearly double in size and she was appalled and amazed that it happened. She was lucky that the house she lived in had off street parking, because if it did not she would have had trouble finding a parking space. The trash was especially a problem in terms of disruptive issues that Candice mentioned. She said she would like to see Oread continue to thrive and she encouraged the Commission to follow staff's recommendation. It is not the Commission's job to make sure every developer's initiative is profitable.

KT Walsh said East Lawrence Neighborhood Association supported staff's recommendation. They already had a boarding house in their neighborhood that was a problem.

John Brewer said the improvements had improved his neighborhood, but his main beef was parking during the day. He said he supported option 4 and didn't want to see parking increase any more.

Ellie Lecompt said she did a study to see how many spaces were on the street. There was approximately one space per structure on the street. Some of the places have spaces in the back, but if you have 8 people you will have two that have to park on the street, which is more than is available. She said she concurred with concerns about noise and trash and other disruptive issues. Many residents were transient and not invested in the neighborhood.

Fadil Abumaz said it had been three long years when every aspect of this text amendment had passed. It was disappointed that amendments were requested, and that boarding houses continued to be vilified. We tend to overemphasize the anecdotal stories. She said she had submitted a long list of the rules and regulations that exist. It is daunting to renovate a home in the Oread neighborhood. Boarding houses have brought a lot of the homes up to code. Houses that have been left to abandonment have been made safe. She encouraged the Commission to leave the amendment as it was today.

Rob Farha, Oread Neighborhood Association, said when we rehabbed houses we lowered density and increased parking. If you choose option 2 it is all a numbers game. If you

choose option 3, you should look at the definition of habitable. If people already live there it should be included.

Tony Bachus said when you talked about attics and basements, houses that are already converted could become illegal. If parking is a problem, why not just regulate it. He knew people had problems but he worked in that area all the time and was able to find parking. What had been legal previously needs to be redefined. There is a sudden rush to be found legal and recognized for what the buildings really are. The houses are there, what do you want to see happen to them. We have to find a way to make them usable. You are not going to find young couples who can afford those large houses, and the people that can afford them are going to live on the golf course or somewhere else nicer.

Paula Kellog said she had to negotiate the building code department and the HRC when she renovated a home. She said she was appalled at the safety and maintenance issues in Oread when she had looked for a rental for her child. Landlords can be historic preservationists.

Dustin Brown said he and his wife live in and love the neighborhood. He gained a respect for the neighborhood as a student and bought a home there eventually. Option 4 seems to clear this up and allows us to move forward.

Dennis Brown, Lawrence Preservation Alliance, said in single family zones there was a healthy mix of owner and renter occupied. In multi dwelling designations it's more complicated. No where is this more true than in the Oread neighborhood. In Oread situation balance is the key to healthy land use. LPA believes congregate living is a legitimate use but a potential 20 percent of structures in a neighborhood is not a proper balance. For such a large number of structures to potentially qualify for a parking exemption that's less than the standard was before this text amendment process was initiated is inappropriate. If attic space, unfinished basement space is eliminated from interpretation of this exception, congregate living can exist and an additional small number of structures can qualify for the exemptions. That's a reasonable and balanced approach to take and LPA believes it's the best preservation approach to take.

Shiffee Leau said seven congregate living homes were on her alley. The problems came when those homes were also used as party houses. She supported option 4.

A woman said it was hard to listen to some of the testimony, particularly about parking, to imply that parking is not a problem. It really is a problem. She displayed a graphic to explain the parking situation. She said it depicted a typical block with 16 houses and 21 parking spaces along the street. Most of the blocks in Oread had parking only on one side. If there are 16 houses on the block and 20 percent are boarding houses, there are three boarding houses on a typical block. With a .5 spaces per bedroom, you could have ten bedrooms in a house with 5 cars on the street. That leaves 9 spaces for the other 13 houses on the lot. Allowing more boarding houses increases the parking problem.

A woman passed out an article about a boarding house on the 1100 block of Ohio. On the back page Candice Davis talks about the 12 bedroom boarding house that we did, and said the efforts were useful and she was hopeful to see more improvements like this. She had done four houses on the street and they have been great, they have not been menaces. She said in 2008 twenty properties exchanged owners and 4 were foreclosures. In 2011 there were 10 properties that changed hands and 7 were foreclosures. It was an interesting trend. There were 150 houses that would not qualify for boarding houses. They were the elephants in the room. It takes money to save houses.

Debbie Melks said recently there had been 4-5 houses that had been modified into boarding houses. One was a very tiny house that is now an eight bedroom house. The house on her side of the block was redone and a single family was living there. Doing away with the parking restrictions to save the houses was a false argument. They didn't have to be redone as boarding houses to save them. The parking issue is not an issue just about saving homes. We recognize that some homes don't have parking and are just too large to be single family homes.

Ted Boyle said North Lawrence Improvement Association supported the Oread Residents Association. In an 8 bedroom house there was probably more than one person living

in each bedroom. Boarding homes were a business. It wasn't done out of the goodness of their hearts. It was making money, and it shouldn't be done at the expense of parking. He urged the commission to up the ante on the parking situation.

Cromwell said he thought Oread Neighborhood was complex. It was a wonderful mixed of rentals and owner occupied. It is complicated and unique and spending time on it is justified. The reality is that there is a wide variety of people and homes and you can't paint them all with the same brush. It isn't fair. There are a lot of people renting there that are following the rules and are delightful. We do need to deal with blight and we do need rental registration. It is impossible by changing the regulations to make a boarding house that already existed that was under a certain number of square feet become illegal. He said he hoped we believed 3500 sq ft without counting basements and attics was adequate for the exception and a better way to go.

Carter said he was on the Planning Commission when they came up with the 3500 sq ft. Speaking for himself, the main idea was that it was a reasonable number to save large houses. The question now is whether 83 houses was too many and 10 houses too few. Neither of those numbers is necessarily what they were after. The location of where those houses go is also important. Regardless of what we say here the overlay district could override it. The parking exceptions will add minimally to the parking issues. There are not going to be 83 new boarding houses. 27,000 students and staff were on campus and there were 13,000 students without parking on campus. Quality of housing and quality of life in Oread is important. The issues we keep hearing, and he said he had been in 13 public meetings regarding this, in the end he was concerned about the goal of quality of life being lost. He was sorry that some people did not agree with him, but he thought they are on the same page. He just didn't think the amendment accomplished it. We keep coming back to things where we don't know what the impact will really be. Increased code enforcement could certainly help. He said we can't deal with behaviors through zoning. We need to plow ahead with the Oread Neighborhood Plan. A lot of these are just not going to be private residences. If we do something with habitable basements

his preference was option 2. He preferred raising it to 4000 sq ft and he guessed it would bring the number of potential boarding houses to something between 10 and 83. It could potentially save a few more homes, but he didn't think it would have a major impact on the neighborhood.

McCullough said it would be 41 homes or 9%.

Dever said he is a fan of preserving homes, making a profit, and making things safe. What he was seeing was a parking issue. If that is going to be the lynch pin maybe we need to regulate it. We have a world class bus system and satellite parking. Regulate the parking that is so precious to people and remove it from the discussion. He would love to discuss that in the future. The reason for the exemption is that the theory is that the parcels are too small to provide parking and make enough income to afford redevelopment and renovation of the properties. We are separating the two values. Preserving the old structures and parking. He said he thought it was reasonable not to put staff into a position of determining what is habitable. He said he was not sure if square footage or habitable space was the issue. It could be splitting hairs and take thousands of hours of staff time to determine. Maybe square footage is not the way to go.

Carter said regarding parking, one of the things he had felt was that it came down to behaviors, not parking. Parking was used to regulate how many boarding houses and related nuisance issues could happen. It is more about the concern about the quality of life and stuff that comes with boarding houses. He was focused on addressing the nuisance issues.

Dever said the issues needed to be separated. We are losing focus. We really want to get at behavioral issues.

Cromwell said we were trying to solve all the problems of Oread through parking. The discussions on parking would continue and be an issue. There are a variety of ways to handle parking. There are neighborhoods with these problems in every college town and they had been addressed by things like permit parking. We have to look at one particular issue now and not expect to solve all of the problems in Oread through parking.

Carter said you would only need to determine habitable spaces on request and he couldn't see it being overwhelming.

McCullough said there was some efficiency at keeping it at gross square feet. It probably adds a field site visit. Now we didn't necessarily go inside the structure. That is a desktop review now but may require us to spend some time on site.

Cromwell said we aren't sure of the number with habitable basements and attics. If we want to increase the number, we don't know for sure. It would be nice to know right off the bat, from a developer point of view.

Amyx said he understood that we gave direction to staff to use the 3500 gross square footage, and he was sure that had been used many times. Parking was the real biggie. The thing we are looking at here is how many of these buildings can we help save. That was the goal. The parking problem that may be caused is a real deal. He said he didn't know what the right number was. One of the things we need to talk about, and something not smart to decide on a Tuesday night, if we created a problem before, he would rather have the discussion in a study session. He wasn't sure we were headed to a solution tonight.

Schumm asked what would we accomplish in a study session that we couldn't tonight.

Amyx asked if we were going to talk about this parking.

Carter said not tonight.

Dever said compromise was the key to this thing and clearly it needs to go further. No one is quite comfortable with this.

Schumm said we were using parking as a yard stick to regulate density; density was the real issue. The density was college kids and they may be a little more rowdy than we are today. We didn't have good numbers when we started. We didn't know what 3500 sq ft would yield in total number of houses. Now we have a grid showing it. He said he had thought 20% or 89 was too many. There are some very nice structures that have been rehabbed and some real dumps that have not been. He said he was big on historic preservation and safety. He wanted to see

livability standards improve. By our action, with the mechanism of parking, he would like to see more than 20 large houses be candidates for rehab but 89 was too many.

Cromwell said we had to go with what we thought would do the most good and least harm.

Amyx asked if we could look at where these homes were.

Carter said ultimately we are moving forward with a plan that will override this. We might say with overlay districts that there are certain blocks where boarding houses are appropriate. The Neighborhood Plan is going to say where these things should go.

Cromwell said he agreed. Regardless we have to go with a compromise tonight and it would also be considered in the overlays. It may hold some weight in the future.

Amyx asked if this was a holding pattern.

Dever said we are sincere about doing these. Square footage is not a perfect tool but it is what we have.

Schumm said he wanted to stay at the low end of the range. That would get the large houses. He was looking at 4500 sq ft plus basements. Those would be the largest ones.

Cromwell said that was plus 20.

McCullough said it was 20 more eligible for the parking exemption.

Schumm said you could refer to this as the parking bonus.

Cromwell said he was comfortable with that number.

Carter said he would prefer the 41 but he was good with that as well. There are not going to be that many applications between now and the Oread Neighborhood Plan. Not seeing investment during the time of uncertainty was a concern to him.

McCullough said if we initiate a text amendment, we need to know what to do during the interval in interpreting the existing code.

Cromwell said we have an opportunity to change staff interpretation without a text amendment, a restriction of possible exceptions to the parking standard. We may want staff interpretation to start now, or not.

Dever said he didn't know what that means.

McCullough means dropping down to 3500 plus basement. We haven't seen a run on applications so it may not be a concern, but he is bound to get the question what the code standard is today.

Schumm said if we have a meeting of the minds tonight we should direct staff to interpret it that way.

Cromwell said if we decide 4500 plus basement, we don't have code to support that now.

Corliss said if you are going to direct staff to interpret code we still have to have some basis in the code.

McCullough said the code says 3500. We may get an application tomorrow and whether we want to meter it down to get to 4.5% of Oread properties. The City Commission's intention is to get somewhere between 83 and 10. Do you want to interpret the code including or excluding basements.

Cromwell said there wouldn't be a run on this. This had been in the works a long time.

McCullough said we would operate as we had since last January in the absence of new direction. He thought it would take a few months to get back to you, February or March.

Dever said gross square footage, including the basement?

McCullough said the appraiser data wasn't 100% accurate. We would need site plans to determine eligibility.

Amyx asked if we are saying 20 homes are now going to be eligible for the parking standard. Let's say over the next several years there are 20 that meet the exception. Do we just stop at that point?

Cromwell said at that point you would look at the successes and failures of what you have created. He couldn't foresee that far.

Carter asked if the motion would be 4500 sq ft gross and continue interpreting as you have been.

Schumm said that is what is implied.

McCullough said the code would have to be amended.

Cromwell said in the interim we would have to do 3500 with or without, for the time being.

Schumm would say stay with the lesser number.

Cromwell said then the motion would be to change the interpretation and initiate the text amendment.

Carter said on the chart it says basements. We have talked basements and attics.

McCullough said he couldn't give an exact number on the attics.

Carter asked if this number included attics or not.

McCullough said he couldn't say right now. The planning commission's intent was to exclude the attic and basement space. He didn't think the appraiser data included attics.

Cromwell said we would see this again?

Amyx said no. He said he suggested the vice mayor's motion of 4500 and change the interpretation. Could we have staff write what this initiation would be and put it on consent next week.

Cromwell said he wanted to hit that 20. That gets at the intention. Ultimately advice to the Planning commission would be that we want to see something that people can understand, with or without attics.

Schumm said he withdrew his previous motion.

Moved by Schum, to initiate a text amendment to limit the number of Oread homes to not more than 4.5% that could receive the .5 space per bedroom standard.

Cromwell said we could halt it where we are now and pick it back up after getting the answer regarding the attics question.

Dever said if we pick a number of percent we are not defining the square footage. He heard that some people wanted to preserve the larger homes.

Cromwell said we could get the answer to the question next week.

McCullough said yes. He understood the direction to preserve the large structures.

Dever said the attic could be habitable and occupied.

Cromwell said that was what we didn't know and wanted the answer to. He wanted to make sure the numbers we see are in fact.

Corliss said we could provide the list of the 20 homes and whether the sq footage including the attics and basements.

Cromwell said it would be good to know the exact number and whether the parameters we are reading include the attics.

Schumm withdrew his motion.

Moved by Schumm, seconded by Carter, to defer initiation of a text amendment to receive information from staff on whether attic data was used in staff's options on structure size to determine threshold for parking requirements. Motion carried unanimously.

E. PUBLIC COMMENT:

Carol Bowen said listing the top 20 may not work because they may all be in one block. The overlay districts would spread the district. That may be a reason not to list the top 20.

Serena Hearn said the houses had been standing for a hundred years. She would bet that the six bedroom homes had six students living in them. She was concerned about what would happen if there was not enough space to put in six parking spaces.

Cromwell said they would have to follow the rules.

Hearn said we had to recognize the economic reality we live in. She said she also wanted to know if we concreted over everything what would happen with flooding. You were

outlawing and making it difficult to renovate homes. If this is about parking, perhaps there is another solution like Dever talked about. KU is back in session and a lot of people park there that don't live there. She said she was concerned with the over 400 houses. She said people were glib about the financial thing, but right now she can't borrow money from a bank. There is an economic issue here that has to be looked at. She said she was trying to put a bigger look at this thing. She didn't know if that was helpful.

Cromwell said those things were always in mind.

Hearn said there were 200 houses to think of. There were 150 houses that were on the edge. There were only ten houses moved last year, and 7 were in foreclosure. There was a sustainability issue of how to pay mortgages. At least before some of them could come into conformity, but now you are making a bigger number of nonconforming. No one has even looked at the flooding issue.

Farha said he wanted to make sure the ones that had been done right were still okay.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

None.

H: CALENDAR:

David Corliss, City Manager, reviewed 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 10:55 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk