

Mayor Cromwell called for public comment. None was received.

Amyx said the biggest change was that the recommended land use changed but the process would be public for applications.

Warner said yes for the three properties on Clinton Parkway.

Amyx said as much discussion as we have had on this property in the past he wondered why there was no comment this evening.

Carter said he thought this allowed the most flexibility. Since it was a gateway we needed public input and process but we needed flexibility to develop the gateway. He said he always had concerns with conditional zoning. He said he was fine with this.

Cromwell asked about the process as this stands.

McCullough said as rezoning requests came, a condition would likely be that site plans came before the city commission. For example, Remington Square was going to bring forth a rezoning request and a site plan at the same time. The gas station required a special use permit which was a public process. The idea and intent of the planning commission was that a little higher level of approval was needed.

**Moved by Carter, seconded by Dever, to approve Comprehensive Plan Amendment, CPA-3-1-11, to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan and adopt on first reading, Ordinance No. 8667. Motion carried unanimously.**

**3. Consider Text Amendment, TA-4-6-11, to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material. Initiated by City Commission on 5/3/11. (PC Item 6; denied 6-2 on 8/24/11).**

Mary Miller, Planner, presented the staff report.

Amyx asked what report was cited regarding the heat island in New York.

Miller said it had been provided by the applicant in their research materials.

Jane Eldredge, representing the applicant, said there was a lot of research involving this issue. The field was rapidly evolving. Much of the research involved athletic fields because that is where much of the turf has been installed. The issue tonight was very important as a general policy matter. One of the things we have said is we want clear rules, not case by case basis for review. We are asking tonight to approve the text amendment. The first issue regarding correcting an error or inconsistency in the code was important because some synthetic grass was approved and others not approved even though the site plans were the same, and that was confusing. The next issue was whether the code clearly prohibited artificial plants, and that was not so clear. There were definition sections in the land development code. When we came to the section just cited by Miller, the section on artificial plants, vegetation was not defined but plants were. When we define landscape materials we define both living and non-living. When the city wants a safe landing area in a playground, they use rubber mulch. Artificial turf was appropriate in certain circumstances, for example where there was a fire and the ground was compacted. The turf was used in combination with living elements also. She said it was true that synthetic turf got hotter than grass, but it did not get as hot in landscape uses as it does on athletic fields. Infill is the particulate matter that goes into the turf to help the blades stand up and look good. At KU football stadium it was primarily rubber and at the baseball field it was primarily sand. In the residential area the turf was permeable and it had infill. She passed around a sample of turf and infill. She said lead was not an issue in new generations of turf. She had the turf used at Oread analyzed and there was no lead. Zinc was an early concern but not as much in later studies. Infections and allergies were not in issue because you didn't have ragweed or other weeds. In terms of staph bacteria a study at Penn State indicated there was no problem. In terms of the concerns about the safety of artificial turf there were none. Regarding the environment, the amount of fertilizer, pesticides, and herbicides used to make a lawn stay decent through a Kansas summer was significant. The grasses used were not native to Kansas or even the country. There is no possibility of runoff of chemicals from a synthetic turf

lawn. There is no mowing to generate emissions. When the applicant asked for the text amendment it was at the suggestion of staff that if it was to be used it should be consistent. She said when the code regarding artificial plants the concern was not regarding synthetic turf but about flower baskets. Most Kansas communities were silent on the use of synthetic turf. Conserving water was something synthetic turf accomplished. Even though water was a profit center for the city she believed the city wanted to conserve water. Synthetic turf was expensive to install, more so than grass, but it was a lot less expensive to maintain. One of the recurring themes in the comp plan was to use landscaping that reduced long term maintenance costs. Using synthetic turf is not inconsistent with natural environment. Lastly, she said they came up with a series of standards and specific changes to the code. In 20-1003e regarding interiors of parking lots, turf should be changed to say "natural or synthetic turf." In 20-1009 it should say no artificial plants except for turf should be used. In 20-1701 synthetic turf should be added to the list of non-living materials permitted, and the definition of landscaping should refer to both the living and non-living materials. The code for Greensburg, KS, said artificial turf would be permitted as landscaping. The issues were raised about what the turf should look like in five or ten years. The turf should have an 8 year warranty. It should be properly installed. It should be properly maintained to simulate the appearance of a well maintained lawn. It should be separated from the flower beds. There should be standards regarding color. Face weight should be at least 88 oz. Machine gauge should be at least 3/8". The weight and height of infill, and the drainage rate should be specified. Synthetic turf should mirror the quality of the development.

Carter asked when the conversation with Linda Finger occurred.

Eldredge said August 3.

Carter said that was after the turf was installed.

Eldredge said yes.

Amyx asked if the 8 year warranty on fade resistance was the life of the material.

Eldredge said that was just the fade resistance.

Amyx said there were not standards suggested regarding the life of the material.

Eldredge said the language regarding maintaining it to stimulate the appearance of the healthy lawn should address that.

Amyx said he agreed that the regulations should be clear. He said he didn't want to see nine years from now a discussion about whether the turf needed to be replaced. Is there a replacement plan or term that should be specified?

Eldredge said the language was good enough in her opinion.

Amyx asked if the 8 year standard should be the life cycle of the material. He asked what would happen if a cigarette burned it or an animal soiled it.

Eldredge said it would not burn and it could be cleaned.

Carter asked if there was language regarding when the turf should be replaced.

McCullough said they had not drafted standards for that. We have not been confronted with that to date.

Carter said he thought he read somewhere that there would be 60 days given after the department determined that it needed to be replaced.

Eldredge said the residents of the apartment complex had signed a petition asking to keep the turf.

Carter said the text amendment was not specific to a project.

McCullough said yes, but it had implications for the Frontier Apartments.

Mayor Cromwell called for public comment.

Gwen Klingenberg said the issue of it being allowed at Frontier because it was at Oread had to do with alternative compliance, which the code stated did not establish a preference. She said synthetic turf was presented as environmentally friendly. You had to water the turf to keep it clean. At the property in question it was being used as an ash tray. The turf didn't allow as much permeability as natural turf. She said there was a great difference in temperature at ground level, as much as 60 degrees. She said grass is cooler because it releases moisture back into

the air. Under the trees the heat island effect still existed. The surface temperature of the synthetic field in a study was 39 degrees higher than natural turf and 8 degrees higher than asphalt. The soil under artificial turf does not contain microorganisms like natural turf. In some schools they have to water the turf to keep it cool enough to be safe. It was not just a piece of turf that goes on the ground. There has to be prep to the ground with a whole system that helps it drain somewhat better. The applicant has not set those standards. We need to take into consideration that you have to water it to clean it, and you may use chemicals to clean it. The companies that make it say it has to be replaced every ten to twenty years. The cost is really a lot higher.

Ted Boyle, North Lawrence Improvement Association, said it seemed like this fake grass is something North Lawrence residents don't want to see in their neighborhood. He said it would set a precedent city wide. He asked how many jobs it would cost to landscapers if maintenance of landscaping was eliminated. If turf was damaged on older turf the color of the repair may not match. He asked how many manufacturers there were and who would regulate the quality. He said they did not want it in North Lawrence because of the water issues. He said he hoped the request would be denied.

Hubbard Collinworth asked about the undersurfacing of the material versus a natural material, what was the cost differential on that. The other question was regarding the runoff. There were drainage problems in North Lawrence. There were too many iffy questions and it needed more research.

McCullough said Commissioner Carter did correctly note one of the proposed standards given to the planning commission. The one that permitted it outright with standards would need development of standards, but the option to permit it as alternative compliance allowed the Planning Director to make a determination and require replacement within sixty days.

Carter said that just left it at the discretion of the Planning Director.

McCullough said yes.

Carter asked about utility markings.

Eldredge said at the Oread Hotel the Utility Department just calls the hotel and they pull back the turf. As for turf markings, latex paint can be washed off.

Amyx asked about the alternatives.

McCullough said the options were putting language in to clarify that it is prohibited, to allow it in limited fashion through alternative compliance, or to permit it outright as a replacement to sod. Those were the options the planning commission considered.

Schumm said limited fashion is what took place at the Oread.

McCullough said yes.

Schumm asked if that was the first such use.

McCullough said yes.

Schumm asked if that was because of unique conditions at the site.

McCullough said the request noted there was an overabundance of shrubs and landscaping and the synthetic turf was a border to that.

Schumm asked if that was an administrative or city commission approval.

McCullough said administrative.

Carter asked if option two is basically what we already have, but saying specifically that synthetic turf is an option for alternative compliance.

McCullough said to set specific standards as to when, where and how it would be used

Schumm asked what McCullough's opinion was regarding the applicant's site as alternative compliance.

McCullough said he did not think it would qualify at that level of use at the property.

Cromwell said looking at the Oread and this site, artificial turf is not something he wanted to see in wholesale use across the city. He said there were pros and cons environmentally and they pretty much balanced each other. Standards were needed regarding

quality. The best use of it was as borders, not in large contiguous areas, but in small areas he could definitely see its value.

Carter said he largely agreed with that. With staff time, attorney time, and expert time to date he didn't think one side or the other would sway him. We just needed to ask whether substantial use of this was desirable. A little language regarding alternative compliance would be okay. We needed a little bit of flexibility. He said he would like to leave it open for borders and limited uses. He asked whether McCullough would like to have the flexibility to make a determination regarding alternative compliance and if he would stand by the Oread decision.

McCullough said he stood by that decision.

Carter said he would favor requiring alternative compliance with standards like Eldredge provided plus a standard about when it needed to be replaced at the Planning Director's discretion.

Dever said he appreciated the debate over the environmental pros and cons of grass vs. low maintenance vs. synthetic. He thought the comparison the city did was fair. The heat issue was definitely a concern and that was a reason to clearly define where it could use. He said low maintenance yards could absorb a lot of heat but generate it also. We considered grass to synthetic but we did not compare low maintenance to synthetic heat generation. What we probably want to strive for is low maintenance. If we are going to use heat as a primary reason to prohibit this, we need to look at low maintenance also. This was difficult because this was not just a hypothetical but also an actual use. He said he could support limited uses. We needed to talk about how much water and pesticides were used for traditional lawns. Our city touts pesticide free parks as a benefit and we can't ignore that with synthetic. He said he was torn but we should not prohibit its reasonable use.

Schumm said he would not want to disallow it and there were applications where it would look better longer than natural turf. He said at this point he was opposed to large tracts of synthetic turf used. He has seen it replaced at KU several times as new technologies came out.

He said he was not sure what a long term overall approach to it would be. He said one of the standards that could be included would be a percent of the total area of landscaping or lot size. In small narrow strips where it would be difficult to grow grass it would be appropriate but not in large expanses.

Amyx said he went out and looked at the property on Frontier. He said it was a good looking piece of property. The question was whether it was appropriate to have it anywhere else in Lawrence. He said he would guess there would be a problem having it in a place like North Lawrence with water problems. He said there are places it is probably better to use this material rather than grass. Would we deal with this particular project or the policy?

Cromwell said we had to deal with the policy.

McCullough said with this particular project we allowed a temporary certificate of occupancy with the understanding that they would comply with the code as it is determined through this amendment process.

Amyx said the suggestion he would make is that the planning director would make the decision and an appeal to the city commission would be appropriate. As for the replacement time he wasn't sure that should have to come to the commission level. He said we had to have a basis or starting point and would we start with the applicant's proposal.

Cromwell said we had the list of items in the records.

McCullough said we had enough comments and information to do that.

Cromwell said he did not see a reason to go back to the Planning Commission.

Schumm said we were enhancing the alternative compliance issue.

McCullough said yes, but what they were considering was contrary to what the planning commission recommended and in that case we usually had the planning commission take another look.

Cromwell said with a supermajority we could keep it at the City Commission and staff level. A simple majority could send it back to Planning Commission.

Carter said there was so much presented already and we had the jist of it here. He was in favor of keeping it as this level.

Amyx asked if we had the option of tabling it until such time as we have alternative compliance standards drafted for consideration.

Schumm asked if we had to vote on the planning commission recommendation.

McCullough said you could table the planning commission request until such time staff brought back the language.

Amyx said an action could be to table the item until such time that staff brings back text amendment language that would reflect city commission discussions regarding limited uses, where, when, how and other issues.

**Moved by Amyx, seconded by Schumm,** to table the Planning Commission recommendation to Text Amendment, TA-4-6-11, to the City of Lawrence Land Development Code, Chapter 20, Articles 10 and 17, regarding synthetic turf as landscaping material, and direct staff to prepare a text amendment on the use of synthetic turf in certain circumstances as discussed by the City Commission and reflected in the minutes of this meeting. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Ted Boyle said they were discussing the bridge work at the North Lawrence picnic yesterday and the project appeared to be lasting longer than expected, until November or December.

Chuck Soules said he would talk to KDOT and get information for Boyle and the City Commissioners.

Boyle asked whether they would have continuing first respondent protection.

Cromwell said that would be his preference but there was a real cost. He said he hoped the project would proceed quickly.