



City of Lawrence

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

CITY COMMISSION
MAYOR
MICHAEL H. DEVER
COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

November 25, 2008

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 Vice Mayor Chestnut presiding and members Amyx, Hack (by telephone), and Highberger present. Mayor Dever was not present.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Vice Mayor Chestnut proclaimed Friday, November 28, 2008, as the, "Salvation Army Christmas Kettle Kick-Off Day."

CONSENT AGENDA

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to approve the Lawrence Human Relations Commission meeting minutes of August 27, 2008; and the Hospital Board meeting minutes of October 15, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to approve claims to 413 vendors in the amount of \$2,186,708.00 and payroll from November 9, 2008 to November 22, 2008, in the amount of \$1,751,419.55. Motion carried unanimously.

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to approve the Drinking Establishment License for Salty Iguana, 4931 West 6th; WA Restaurant, 740 Massachusetts; Quinton's Bar & Deli, 615 Massachusetts; Yacht Club, 530 Wisconsin; It's Brothers Bar, 1105 Massachusetts; Wheatfield's Bakery, 904 Vermont; Teapouro Tea & Espresso, 712 Massachusetts; and the Retail Liquor License for Cork & Barrel, 901 Mississippi. Motion carried unanimously.



Ordinance No.8354, establishing no parking along the west side of Louisiana Street from 19th Street north 275 feet and establishing no parking along the south side of 18th Street from Missouri Street west 100 feet, was read a second time. As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to adopt the ordinance. Aye: Hack, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Highberger, seconded by Amyx**, to authorize the 2008 City of Lawrence employee longevity payments. Motion carried unanimously. (2)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the first item he wanted to highlight concerned the O'Reilly's Auto Parts store that was under construction on west 23rd Street, east of Checker's. This development was approved recently and administratively approved under the development code. The zoning was appropriate and staff worked with the applicant to ensure compliance with the City's development code. He said part of the development rule was to require the applicant to construct a left turn in the median of 23rd Street. He said he understood from staff that this project would not require any movement of the curbs of the street and would be able to use the existing pavement.

Commissioner Amyx asked if there was a left turn coming out of the O'Reilly parking lot.

Chuck Soules, Public Works Director, said there would be an area available to turn into, but there was no open lane.

Commissioner Amyx asked if there was approximately 30 feet to stack vehicles in the center turn lane.

Soules said yes.

Commissioner Amyx said if a vehicle was turning left, going west out of the O'Reilly's Automotive Center, he asked about the center turn lane and was concerned about blocking traffic.

Corliss said this was a significant public improvement and he wanted to inform the Commission of the progress. It was an improvement to the intersection of 23rd Street.

Commissioner Amyx said his main concern was the stacking of cars that were going to turn left. If there was 100 feet there, it would allow people to pull out safely.

Other items in the City Manager's Report were the website enhancements to the City's Planning and Development Services Department which would increase access to the public as far as transparency of the City's development process; the 2008 Douglas County property tax levy information; KDOT was suspending construction lettings for two months due to budget shortfalls and funding uncertainties; and, the permit review times in the Plan Review Division had improved significantly in September and October.

Vice Mayor Chestnut said the 2008 tax numbers were slightly up but flat which was the City's expectations.

Corliss said the assessed valuation number was a little better than what was in the adopted budget. (3)

REGULAR AGENDA ITEMS:

Conduct public hearing regarding the establishment of the maximum assessments for geometric improvements at 6th Street and Wakarusa Drive (Bauer Farm) and consider adopting on first reading Ordinance No. 8352, establishing the maximum assessments for improvements at 6th Street and Wakarusa Drive.

Vice Mayor Chestnut called a public hearing regarding the establishment of the maximum assessments for geometric improvements at 6th Street and Wakarusa Drive (Bauer Farm).

Chuck Soules, Director of Public Works, presented the staff report. He said the improvements included a right turn lane for entrances into Bauer Farm Lane and another exit

entrance, between tract 2 and tract 3. He said the improvements were petitioned by the owners of the properties. The benefit district would be 100% paid by the development district and the estimated cost was \$800,000. The improvements included the right turn lanes and a break in the median on Wakarusa Drive. The method of assessment was square footage.

He said staff received the KDOT permit and the developer was ready to start this project and was trying to get tract 2 developed by February.

Commissioner Amyx said he thought the typical method of assessment was front footage.

Soules said the front footage method of assessment was along tracts 2, 3 and 4. The owners of the property wanted the whole property to be assessed. He said there was some benefit to gaining access in and out of Bauer Lane which was the reasoning in assessing it to everyone and square footage was the most appropriate way to assess.

Corliss said on a straight street, staff usually recommended assessing based on front footage, but staff had honored the property owners' request when unanimously stating they wanted the benefit district assessed on a square footage basis because those property owners were the ones paying for that benefit district and in many cases they wanted to allocate those costs in the development differently and the front footage method was appropriate.

Vice Mayor Chestnut called for public comment.

Upon receiving no public comment, **it was moved by Highberger, seconded by Amyx,** to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Highberger, to adopt on first reading, Ordinance No. 8352, establishing the maximum assessments for improvements at 6th Street and Wakarusa Drive. Motion carried unanimously. **(4)**

Conduct a public hearing regarding the establishment of the maximum assessments for the construction of a right-turn lane along northbound Stoneridge Drive at the intersection of Stoneridge Drive and Kelly Drive and consider adopting on first reading Ordinance No. 8351, establishing the maximum assessments for improvements at Stoneridge Drive and Kelly Drive.

Vice Mayor Chestnut called a public hearing regarding the establishment of the maximum assessments for the construction of a right-turn lane along northbound Stoneridge Drive at the intersection of Stoneridge Drive and Kelly Drive.

Chuck Soules, Director of Public Works, presented the staff report. He said Stoneridge Drive and Overland Drive were currently under contract for construction. Through a traffic analysis, it was determined that a right turn lane was needed on Kelly Drive to Stoneridge Drive. The property owner for this development had petitioned the City to change it into the Stoneridge Drive project. The estimated cost for the project was \$32,000 and the method of assessment was square footage which would be paid 100% by the property owner.

Commissioner Highberger asked how wide the intersection would be at Stoneridge and 6th.

Soules said there were four lanes on Stoneridge and a right turn lane which was 11 feet wide.

Vice Mayor Chestnut called for public comment.

Upon receiving no public comment, **it was moved by Amyx, seconded by Highberger**, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Highberger, to adopt on first reading Ordinance No. 8351, establishing the maximum assessments for improvements at Stoneridge Drive and Kelly Drive. Motion carried unanimously. **(5)**

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

12/02/08

Consent Agenda:

Adopt on second and final reading, the following ordinance(s):

- [Ordinance No. 8347](#), levying transit sales taxes
- [Ordinance No. 8348](#), levying infrastructure sales tax
- [Ordinance No. 8349](#), establishing a Sales Tax Audit Committee

- Approve Special Use Permit, SUP-09-09-08, for Westside Plaza for addition of a healthcare office (oral surgery), located at 4811 Bob Billings

Parkway. Submitted by Adam Williams, for NEK Management LLC, property owner of record. Adopt on first reading, Ordinance No. 8356, authorizing the Special Use Permit for Westside Plaza located at 4811 Bob Billings Parkway. (PC Item 2; approved 10-0 on 11/17/08)

- Approve Comprehensive Plan, CPA-2008-3, amending Chapter 6-Commercial Land Use – Inner-Neighborhood Commercial Uses to correct inconsistencies between the description in the comprehensive plan and the *Land Development Code* including location and an update as to where existing neighborhood commercial centers are located. Adopt on first reading, joint City Ordinance No. 8357/County Resolution No. _____, amending Chapter 6-Commercial Land Use – Inner-Neighborhood Commercial Uses for Comprehensive Plan, CPA-2008-3. (PC Item 3; approved 10-0 on 11/17/08)

Regular Agenda:

- Consider approving revisions to Downtown Design Guidelines. (PC Item 6; approved 8-0 on 10/20/08)

ACTION: Approve revisions to Downtown Design Guidelines, if appropriate.

- Consider approving Comprehensive Plan, CPA-2008-9, amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the K-10 & Farmer's Turnpike Plan and consider adopting on first reading, joint City Ordinance No. 8358/County Resolution No. _____, amending Horizon 2020, Chapter 14 Specific Plans for Comprehensive Plan, CPA-2008-9. (PC Item 4; approved 7-3 on 11/17/08)

ACTION: Approve CPA-2008-9, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans and adopt on first reading, Joint City Ordinance No. 8358/County Resolution No. _____, if appropriate.

- 2009 Legislative Priority Statement.

- Review items related to keeping of live fowl and domesticated hedgehogs.

- Consider approving Comprehensive Plan Amendment CPA-2008-6, amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the West of K-10 Plan and adopt on first reading, Joint City [Ordinance No. 8340](#)/County Resolution No. _____, approving CPA-2008-6. (PC Item 5; approved 6-2 on 10/20/08)

ACTION: Approve CPA-2008-6, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, and adopt on first reading, Ordinance No. 8340 approving CPA-2008-6, if appropriate.

- Consider approval of 45 mph design speed for 31st Street Concept

Study. [DGCO Memo](#)

- Consider changes to the sidewalk snow and ice removal ordinance.

12/09/08

Consent Agenda:

- Adopt Resolution No. _____, declaring the boundaries of the City of Lawrence, Douglas County, Kansas. This is an annual state law requirement.

Regular Agenda:

- Conduct public hearing to discuss the condition of the dilapidated structure at 1207 E. 13th Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.
- Receive staff report on economic development issues and policies.
- Consider changes recommended by the Eco2 Commission to be adopted into the Eco2 Plan for Douglas County.
- Status update on Baldwin Woods Open Space Project.
- Receive staff report regarding panhandling.

12/16/08

- Receive staff report on the structure at 617 W. 4th Street.
- Consider the following items related to Lawrence SmartCode:
 - a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.

- b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-7, an amendment to Horizon 2020, Chapter 14 Specific Plans, if appropriate.

- c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The “Lawrence SmartCode” is an optional development code that is parallel to the City’s existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the “Lawrence SmartCode” are available for review at the Office of the Lawrence-Douglas County

Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The "Lawrence SmartCode" is also available at www.lawrenceplanning.org. Adopt Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

ACTION: Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.

12/30/08 City Commission Meeting is at 9:00 a.m. and is planned to be short.

01/06/09 Consider the following items related to the rezoning of the property located at the southwest corner of Clinton Parkway and Crossgate Drive:

a) Consider approval of CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center and adopt on first reading, Ordinance No. 8299, for Comprehensive Plan Amendment (CPA-2008-10) for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center. (PC Item 2; approved 5-4 on 7/21/08)

ACTION: Approve CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center, and adopt on first reading, Ordinance No. 8299, if appropriate

b) Consider approving a request to rezone a tract of land, (Z-05-12A-08) approximately 3.324 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive. Submitted by Mission River LLC, for Inverness Park Limited Partnership, property owner of record and adopt on first reading, Ordinance No. 8303, rezoning approximately 3.324 acres (Z-05-12A-08) from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive. (PC Item 3A; approved 5-4 on 7/21/08)

ACTION: Approve the rezoning of approximately 3.324 acres (Z-05-12A-08) from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive, and adopt on first reading, Ordinance No. 8303, if appropriate.

TBD

· Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for

TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)

- Consider approving Text Amendment TA-12-27-07, revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 PC; item 18; approved 7-1-1 on 7/23/08 meeting. TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code; PC item 9; approved 7-0 on 9/24/08)

ACTION: Approve Text Amendment TA-12-27-07, revisions to Sections 20-701, 20-702, 20-1101, 20-1109 and 20-1701 of the City Development Code to revise Protection Standards for Environmentally Sensitive Areas and provide more precise definitions, if appropriate.

- Adopt on first reading, [Ordinance No. 8300](#), incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (Text Amendment approved by City Commission on 10/14/08).
- Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, revised [Joint City Ordinance No. 8283/County Resolution No. _____](#), for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (Tabled from the 10/21/08 CC meeting, BoCC Approved 3-0 11/12/08, PC Approved 7-2 5/21/08)

COMMISSION ITEMS:

Moved by Amyx, seconded by Highberger, to adjourn at 7:05 p.m. Motion carried unanimously.

APPROVED:

Rob Chestnut, Vice Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 25, 2008

1. Ordinance No. 8354 – 2nd & Final Read, no parking W side Louisiana St, 19th St N 275 ft
2. 2008 City of Lawrence employee longevity payments.
3. City Manager's Report.
4. Ordinance No. 8352 – 1st Read, Max Assess, 6th & Wakarusa Dr.
5. Ordinance No. 8351 – 1st Read, Max Assess, Stoneridge Dr & Kelly Dr.