



# City of Lawrence

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CITY COMMISSION

MAYOR  
ARON E. CROMWELL

COMMISSIONERS  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

June 21, 2011

The Board of Commissioners of the City of Lawrence met in study session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, and Schumm present. Commissioner Dever arrived at 4:07 p.m.

**A. STUDY SESSION:**

1. City Commission Study Session regarding the 2012 Budget.

The City Commission recessed at 6:00 p.m. The City Commission resumed the regular session at 6:35 p.m.

**B. RECOGNITION/PROCLAMATION/PRESENTATION**

1. None.

**C. CONSENT AGENDA**

Rob Farha requested that consent agenda item number 6, Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to "Congregate Living" and "Multi-Dwelling Structure" uses, be pulled from consent for separate discussion.

**It was moved by Schumm, seconded by Amyx** to approve the consent agenda as below, with the exception of item number 6. Motion carried unanimously.

1. Approved City Commission meeting minutes from 05/24/11 and 06/07/11.
2. Received minutes from various boards and commissions:



Lawrence-Douglas County Bicycle Advisory Committee minutes of 01/18/11,  
02/15/11, and 03/22/11

Lawrence Cultural Arts Commission meeting of 05/11/11

3. Approved claims to 225 vendors in the amount of \$1,753,288.40, and payroll from 06/05/11 to 06/18/11 in the amount of \$1,916,825.98.
4. Bid and purchase items:
  - a) Approved change order #1 in the amount of \$28,094.29 to Public Works Project No. PW0929, 2009 Sidewalk Gap Program. This work is part of the KU lighted pathway project and was included in the original project scope and budget developed in 2010.
  - b) Awarded the construction contract for Bid No. B1123; Project UT0810DS – Phase II of Watermain Replacement Program; Kentucky Street from 12<sup>th</sup> to 19<sup>th</sup> Street, 9<sup>th</sup> Street from Tennessee to Vermont including alternates 1, 2, and 3 to the low bidder RD Johnson Excavating in the amount of \$1,423,333.00 and authorized the City Manager to execute the contract.
5. Adopted the following ordinance(s) on second and final reading:
  - a) Ordinance No. 8634, amending Chapters 4 and 6 of the City Code regarding alcohol licenses, to incorporate state law changes requiring biennial licensing.
  - b) Ordinance No. 8635, amending the maximum amount of compensation that a Judge Pro Tempore for Municipal Court may receive, from \$50 per day to \$250 per day.
  - c) Ordinance No. 8636, repealing higher fines and court costs for seat belt violations. This is necessary due to a change in state law.

- d) Ordinance No. 8637, to rezone (Z-3-11-11) approximately .3 acres from IG (General Industrial) to RS5 (Single-Dwelling Residential), located at 525 & 527 N 7<sup>th</sup> Street. (PC Item 12; approved 9-0 on 5/25/11)
  - e) Ordinance No. 8638, for Text Amendment (TA-3-5-11) to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to change “Detention” from a use permitted by right in the IG (General Industrial) District to one permitted with Special Use approval. (PC Item 13; approved 9-0 on 5/25/11).
6. THIS ITEM WAS PULLED FOR SEPARATE DISCUSSION AND VOTE. Voted to not initiate Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to “Congregate Living” and “Multi-Dwelling Structure” uses.
7. Approved installation of speed cushions on 11<sup>th</sup> Street and W. Campus Road. The city will pay for the construction cost upfront and then get reimbursed 100% by KU.

Rob Farha said he asked for item 6 to be pulled. He said 6-17-09 was initiated 2 years ago. They went back and forth on the language and came up with something workable, a compromise. Now this was being initiated four months later basically contesting the compromise that was made. He said it was a slippery slope submitting text amendment after text amendment until somebody gets exactly what they want. He said we just spent a year and 8 months going back and forth on this.

Scott McCullough said the value of the text amendment was to utilize larger structures on smaller lots, to give some relief to those structures such as congregate living and multi-dwelling structures. There were discussions about the exact structure size and parking requirements. He said we now have a pretty good list of the actual structures and lots.

Hugh Carter said part of the idea was to help preserve some of the larger structures.

Scott McCullough said that was correct. It was also allow the rehabilitation of some multi-dwelling structures.

Hugh asked if this affected 25% of the structures.

McCullough said the Planning Commission never focused on the goal of a certain percentage, but on the structure sizes and the parking.

Mike Amyx said preserving those big buildings was a goal and asked if there been any applications for such projects.

McCullough said one.

Candice Davis, Oread Residents Association, said she supported this amendment because during the two years Rob Farha mentioned, the number of 3500 square feet was very much in discussion. The 25% number is accurate based on the appraiser's office. 3500 square feet was selected looking at applications for boarding house structures. If you consider 20-25% of the houses qualifying, it would nearly take up all of the on street parking, which would be unfair to other residents of the neighborhood. She thought the compromise of .5 spaces was acceptable for exceptionally large structures only. This has created an incredible problem. The average size house in the Oread Neighborhood is slightly under 3500 square feet. It was not clear at the time the decision was made was whether 3500 included unfinished square footage as well. She thought it needed to be looked at again.

Gwen Klingenberg said she and LAN had been involved in this issue. After hearing of the number of houses that would have access to this idea, she thought these house sizes we are looking at are not exceptional. LAN looked at 4000 square feet as a starting point. It was decided that this should get in the books and we could come back and take a look at it again in the future and this is what was being done now. It was an appropriate initiation.

Fadila Boumaza said none of the parties got all what they wanted but an acceptable compromise had been reached. She encouraged commissioners to decline this request.

John Joserand said he went to a lot of the meetings associated with this issue. The characterization of it as a compromise is not accurate. He said 25% was not a unique exception and he supported further review.

Carter said his understanding was that moving forward with the overlay districts is the bigger fix to the issue. He said they were only just beginning on the real fix. He said he couldn't see this getting out of control at this point. There had only been one application since the adoption of the standard. He asked what the urgency was.

Davis said these numbers are wrong. They are unfair. The City Commission agreed on one parking space per bedroom. The only applications that would come would be for .5 spaces. She said they had the numbers from the appraiser's office. You could look at those numbers and see which houses would fit the standard. She said she was tired of things not being fair for everyone.

Carter asked if there was a lack of faith in getting the overlay districts done, having the neighborhoods working with the landlords on the plan. He asked what the impact had been so far.

Davis said she bought a house on Ohio. It could have applied to be a boarding house if you counted the unfinished basement. Already across the street are two boarding houses with 8 people each. It would be useful to identify what houses would qualify. She could demonstrate the parking taken up on the street given the 20%. She said she did not have faith.

Amyx said this should be on the regular agenda. He suggested deferring it and discussing it at a later meeting.

McCullough said they had information that could be added to the agenda materials. We were talking about opposing, complex values.

Carter said the choice was putting it on a future agenda or just not initiating. He said given the 18 months and who knows how many hours spent on this already, he thought there was a longer term solution that should be pursued instead. If we just keep on the same route

the neighborhood had been going on we would be chasing our tails. We needed to focus on longer lasting things.

**Moved by Carter** to not initiate the text amendment.

Amyx said the fact that we only had one application was significant. He believed we would be back at this some day. He was willing to second the motion so we could have a vote, but we would have to deal with this.

**Seconded by Amyx** to not initiate the text amendment.

Dever said he would like to understand more of the history so he could understand the background better.

Amyx asked what additional information he would like.

Dever said the unfinished space was an issue.

Cromwell agreed that he didn't have enough information.

Carter said the flaw in the issue was that there was only one application since the adoption of the standard. The 20% was a doomsday scenario. There was a backlog of work for Planning staff. We are really opening something up here that we just finished and we have only had one application. It was premature and an overreaction. We are caught in the middle of something rather than focusing on the neighborhood plan.

Dever asked whether staff usually commented on this type of initiation.

McCullough said normally initiating a text amendment was a consent agenda item. Previously it was not focused on the number of structures that could be impacted by the code. It could be said that it was good to apply to lots of structures because it would preserve structures. Others would say it contributed to proliferation of boarding houses. It would be good to be very specific that the Planning Commission should discuss only this narrow standard and not all of the standards that had been worked on.

Carter said if the proliferation was a concern, he said the uncertainty of the Oread Neighborhood without the neighborhood plan in place was a concern. The unintended

consequences were a concern. They could mean no more new investment in the neighborhood. He thought the concerns about the parking were slightly overblown.

Schumm said he didn't have enough information. This deserves a full blown agenda item.

**Moved by Carter, seconded by Amyx**, to not initiate Text Amendment (TA-6-8-11) to various sections of the City of Lawrence Land Development Code to review parking standards related to "Congregate Living" and "Multi-Dwelling Structure" uses. Motion carried 3-2 with Commissioners Schumm and Cromwell in the negative.

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

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

**E. REGULAR AGENDA ITEMS:**

**1. Receive staff report regarding public harvesting of fruit trees on city property.**

David L. Corliss, City Manager, presented the staff report.

Mark Hecker, Assistant Director of Parks and Recreation, presented additional information.

Mayor Cromwell called for public comment.

Boog Highberger said he had been working with the Lawrence Fruit Tree Project on this issue. There are some cities that have taken steps to encourage urban agriculture. He said regarding picking the fruit being a danger to wildlife was overstated. There are few trees currently. He understood the concern of hurting the plants. The amount of activity this would encourage was minimal. The issue of land leased by the city could be dealt with by adding language concerning it. All this ordinance did was decriminalize picking fruit, it didn't add any liability.

Eric Farnsworth said Hecker had stated the case well. Amending the ordinance opened the door to additional activity but did not mandate it. He said he would like to see more public orchards but that would be a long process. It made sense to decriminalize picking fruit. It would