



# City of Lawrence

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CITY COMMISSION

**MAYOR**  
ROBERT J. SCHUMM

**COMMISSIONERS**  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

January 8, 2013

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

**A. RECOGNITION/PROCLAMATION/PRESENTATION**

1. Proclaimed the week of January 14 – 22, 2013 as Dr. Martin Luther King, Jr. Week.

**B. CONSENT AGENDA**

**It was moved by Amyx, seconded by Cromwell** to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 12/18/12 and 01/03/13.
2. Approved claims to 108 vendors in the amount of \$1,045,068.31.
3. Approved Street Vendor license for Jacks Franks, NE corner of 9th & Massachusetts.
4. Bid and purchase items:
  - a) Authorized the City Manager to execute a contract renewal with Marsh McBirney – Hach, for the period of January 2013 through December 2013, for data delivery services associated with the wastewater collection system's long-term flow and rainfall monitoring program in the amount of \$52,800.
  - b) Authorized the City Manager to execute a Professional Services Agreement with URS Corporation for Multi-Modal Studies Project for the Lawrence Douglas County Metropolitan Planning Organization in 2013, in an amount not to exceed \$200,000 (\$35,000 from local funds).
  - c) Approved payment for 2013 Annual Software Maintenance fees to Harris Software (formerly Innoprise Software) for \$89,180.
5. Approved Special Use Permit, SUP-12-00220, for the City of Baldwin and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. Submitted by the City of



Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8832, for Special Use Permit (SUP-12-00220) for the City of Baldwin and RWD#4 Metering Station, a Minor Utility, located at 4100 O'Connell Rd. (PC Item 2; approved 10-0 on 12/10/12)

6. Received report related to Downtown redevelopment issues and opportunities and referred the report to the Historic Resources Commission and Planning Commission for comment and recommendations on the matters outlined in the report. The City Commission will consider HRC and PC recommendations at a future regular meeting.
7. Authorized the City Manager to execute a contract with the law firm of Fletcher, Rohrbaugh & Chahine to provide indigent defense services in municipal court.
8. Authorized the Mayor to sign a Release of Mortgage for William and Katherine Mooney, 1409 E. 18<sup>th</sup> Terrace.
9. Reappointed Stacey VanHouten to a Sister Cities Advisory Board position for a term that expires 12/31/15.

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

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

**D. REGULAR AGENDA ITEMS:**

1. Consider approving rezoning, Z-12-00191, of approximately 20 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record. Adopt on first reading, Ordinance No. 8829, to rezone (Z-12-00191) approximately 20 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. (PC Item 2B; approved 8-0-1 on 11/12/12)
2. Consider adopting on second and final reading, Ordinance No. 8824, to rezone (Z-12-00191) approximately 90 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. (PC Item 2B; approved 8-0-1 on 11/12/12)
3. Consider approving Special Use Permit, SUP-12-00225, for an Institutional Development Plan for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses on approximately 90 acres located in the NE quadrant of the intersection of W. 6<sup>th</sup> St/Hwy 40 & Kansas Hwy 10 (K-10). Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record. Adopt on first reading, Ordinance No. 8833, for Special Use Permit (SUP-12-00225) for an Institutional Development Plan

**for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses on approximately 90 acres located in the NE quadrant of the intersection of W. 6<sup>th</sup> St/Hwy 40 & Kansas Hwy 10 (K-10). (PC Item 4C; approved 6-3-1 on 12/10/12)**

Mary Miller, Planner, presented the staff report.

Schumm asked what the votes against at the Planning Commission were.

McCullough said one of the commissioners had concerns with the proposal for the Special Event Permit because the process didn't include neighborhood notice. It did require owner approval and a public process, but not neighborhood notice. It was noted and explained at the planning commission meeting that typically Parks and Recreation properties didn't go through the special event process, but this would be a unique arrangement. One commissioner had a concern regarding transportation infrastructure to the site. There was also a commission concern with not having full knowledge of the agreements, which was not had at that time.

Schumm asked if that was beyond the scope of the planning commission.

McCullough said they had that discussion but it didn't alleviate the concern.

Amyx asked about the buffer on the south of Rock Chalk Park. Looking at the comparison to when the park was on the west side of K-10 highway seemed quite a bit deeper.

McCullough said there were differences in elevation. There was also Comprehensive Plan language regarding buffering for the more intense uses overall. This particular site plan is meeting code and has been designed in such a way where the uses that butt up against the homes are building faces.

Schumm said on the other side we were concerned with some of the outdoor uses. Here the stadium and track are further away, with the lighting and noise that may come with them.

Amyx said regarding the SUP portion, one of the things he needed to ask about was, as we look at the separation of the requests tonight, realizing they aren't the final decisions on the rec center building. In the event that anything were to change regarding our building size, or a change of use, would it have to go back through the SUP process.

McCullough said there was code guidance regarding when the changes were within administrative authority. As changes are presented we would look at the land development code and make a determination.

Amyx asked if reducing the size would require the SUP to come back to the City Commission.

McCullough said typically reducing the size would not.

Amyx asked about the process and what the timeline would look like, once consideration was given to the land use issues.

David Corliss, City Manager, said the City was in discussions with the University of Kansas Endowment Association, Bliss Sports, Thomas Fritzel, and KU Athletics for the preparation of the necessary documents. City staff had not executed any agreements, but only responded to the City Commission's earlier direction which was to prepare those documents for the Commission's ultimate consideration. Staff was in the development process with all those different agreements. Staff understood that KU wanted to proceed with their portion of the site and the Commission would likely see, perhaps even before seeing the Development Agreement, items that were related such as Industrial Revenue Bond Financing for the KU portion of the property. The development agreement would follow the outline of the City Commission's direction and the general statements set out in the letter from the KU Endowment Association as to what it would include as far as the recreation center aspects. Also, regarding the plat one of the documents was the land transfer which was approximately 26 acres. It would be transferred to the City which was the recreation center, tennis courts and approximately 700 parking spaces and was a separate agreement. Finally, as part of the development agreement or perhaps separate, there would be common area use and maintenance agreement. He said staff hoped to have all those agreements drafted by mid-February for the Commission's final decision.

Amyx said if the SUP was approved, what would be the process to make changes to the lot the City would be involved with.

Corliss said the Endowment Association owned the lot. It would be part of the development agreement that would set out the appropriate uses and structures for obtaining the property and having something built on that property.

Corliss said advisory board members and staff would provide some additional background on the project.

Jana Dawson, Parks and Recreation Advisory Board, reiterated the board's support. The board submitted this as the best option and location for meeting our recreation needs. We are down to six games in a rec basketball season. We have 3 gyms and we should have 20 to serve our citizens. We lack facilities for seniors. We have some options for indoor tennis and pickleball. We reiterate the local needs but also the tournament needs. There was a tournament this weekend at KU because classes were out of session. People brought their dollars here and spent them in our restaurants and stores. The board encouraged approval of the requests tonight.

Ernie Shaw, Parks and Recreation Director, said we had some figures to share. In youth basketball, rec teams could only play about 6 games. We have 123 teams of youth. All except 35 had to stop before Christmas to accommodate indoor soccer. There are about 500 games. We try to get at least one practice a week. There are adult basketball teams. There are adult volleyball teams. All these things share 3 gyms outside of the schools. We talk about efficiencies. We use 12-15 elementary gyms. There is a supervisor in each of those facilities. Bringing them together into a large facility will require fewer staff to supervise. Regarding side concerns, when the indoor aquatic center was built there were concerns about its size. We built it larger and we are still full today. We have two swim teams in town now. It's a very busy place. Everything we build, we have talked about these concerns, and we always fill the space. Recreation facilities aren't made to make money, but a facility like this gives us an opportunity to

bring revenue in when tournaments come into town. It's not a stretch to think that the community needs a facility this size.

Schumm asked if staff presentations were done.

Corliss said he would walk through a few more things. Yesterday the Mayor had asked for additional information regarding the funding of this facility out of the city's share of the county wide sales tax. We are comfortable with the projections. Casey Toomay, the City's Budget Manager, put together a memo walking through the assumptions with a 5 year snap-shop. We've had good growth in sales tax. We are looking at 2 percent annual growth in sales tax. He displayed a spreadsheet demonstrating the property tax reduction, additional funding for operation of the new center, and other aspects. Corliss said we think \$350,000 a year will be needed to subsidize the facility. We can continue to follow through on our city county commitment on the health building. This is not the only fund that funds recreation. General fund and alcohol tax also do. We occasionally issue debt for parks and recreation projects. We do rely on sales tax funding to maintain parks and rec facilities. He said regarding the debt payments, our debt actually went down from 2011 and a little up in 2012. We work hard to be conservative and keep our debt rating. This shows the existing debt payment coming out of sales tax reserve. The commission made a decision 10-15 years ago to put golf course debt in sales tax reserve which will be rolling off in a few years. We are proposing for the financing of the city portion a total debt expenditure of 25 million, 21 out of sales tax reserve. The remaining 4 million comes out of general obligation debt bond and interest fund. We do have a fund balance. We have unallocated funds also. One of the questions that came up is what happens if we have a thin year. We have good fund balance. If for some reason we had an economic downturn the first thing we look at is cutting expenditures to match them with revenue. We match expenditures to revenues and if that is still a challenge we have reserve funds. You can look at the full twenty year picture in the agenda materials. We know that over twenty years we'll have recessions and we'll also have years like last year with 5% sales tax growth. We aren't

sure we'll need the staff that was projected. We've been conservative on revenue and have a good comfort level. We have dealt with challenging times successfully. He displayed a list of sales tax projects from 1994-2012. He said he included some big projects including the aquatic center. We have followed through on parks and recreation needs. We have also spent money on open space acquisition.

Schumm said he wanted to note that even at 2% growth of sales tax from 2012 to 2016 the ending balance is greater than last year. In the 3% scenario it gets even better. There has also been some commentary that we haven't done much with that money but this report demonstrates that we've done a lot. We are not going to sacrifice what we have now for a new center. It is well thought out.

Carter said we are conservative on revenues. Are we still feeling that there will be a 3% drop in assessed valuation with a 1% increase annually going forward. Is that too conservative?

Corliss said he liked fund balance. He said he thought assessed valuation would go down 2-3% for building the 2014 budget. He said we are seeing the housing market rebound some. We had something like a 126 single family building permits last year. There is good reason for optimism that we are being conservative.

Carter agreed, and he wanted people to know how conservative we are being.

Christina Phelps, Convention and Visitors Bureau, said they supported Rock Chalk Park. Their mission is to attract visitors to the city and Rock Chalk Park would help with that. When people come they don't only play sports, they shop and dine here and bring additional economic impact. There are very few game changers in a community, but she was happy to be here now at a time to work with the city and hit the ground running with support of the facility.

Mayor Schumm called for public comment.

Paul Werner, Paul Werner Architects, said it was an exciting project to be working on. He displayed a map of the site. The facilities were championship caliber. The rec center included the aspects Miller had outlined. There are almost 1500 parking spaces which was an

advantage of building these facilities together. Traffic gets better day by day as projects in the area are completed. We have talked about needing a plan for bus traffic on major events. Detention pond sizes have been increased to minimize concerns. We have moved one pond to disrupt fewer trees. We have worked through some bio swales and other things to deal with stormwater. Photometric plans would be submitted. Lights would be LED with motion detection. The conditions are almost already done. He said he was happy to answer questions.

Hubbard Collinworth said he had two main concerns, one the total costs and the second transportation issues, being able to get to these games from where he lived a block east of Massachusetts.

Jay Wachs said a community is judged by the character of its amenities for its citizens. Prior to living here he had lived in Austin, which had made recreation a priority. To stay competitive with other communities we need to stay competitive with amenities in health, wellness and athletics. We must work together to make this project a reality expeditiously.

Doug Gaumer, Chamber of Commerce, said he added his name to Wachs comments. On behalf of the chamber, he said they were in full support of the project. It filled a void for our youth but also attracted people to the community. He urged approval of the project.

Rick Hird, representing Jack Graham, said he appeared before the City Commission a month ago and at that time, he thought they were very clear that Mr. Graham did not oppose the development of a sports park in Lawrence. There was obviously a great need in the community for a sports park. However, the concern was proper zoning and the use of the facility for non-sports activities. Since last meeting, they reached an agreement with Mr. Fritzel whereby they would not file a protest petition forcing a super majority vote. In exchange Mr. Fritzel agreed to install the fence along the east property line. He said they appreciated that gesture, but did not address the underlining concerns with the zoning and the SUP. The zoning as a GPI District was problematic in this case, because they simply did not have the information needed to make a decision on that basis. As Corliss' said, those agreements were still being formulated. He said

when Miller was presenting the staff report she showed other GPI zoning in the area which included Free State and the City Water Tower. There were no “for-profit” activities by a private entity on those properties and were truly institutional public, not-for-profit use. GPI was not a proper zoning if a private entity was utilizing it as for profit. He said at their last meeting, he asked the City Commission if they had seen the agreements with Bliss Sports and the answer was “no.” Apparently those agreements were still being formulated. That being the case, it was hard to understand how the City Commission could approve an SUP for the use of the land if they didn’t know what those agreements were. The notion that staff believed that the Special Events Permit process was sufficient to protect adjoining land owners was faulty. The reason was simple, most of the special events permits were approved administratively. Those that did reach the City Commission were generally approved, but what was most important was that there was no notice to adjoining land owners. If a landowner did not carefully monitor the City Commission agenda, which very few did, they wouldn’t have notice of the application pending and was unfair. He said if there were things the City Commission were prepared to say “no” to, what were those things and why didn’t the Commission go ahead and prohibit them now with the zoning. If tractor pulls were going to be deemed offensive and not approved, why would they approve the zoning that included the right to have those types of events? He said they needed to take a look at the underlying zoning because he did not think it was correct for this situation. The SUP did not provide the protection to the community. The objection was not the Rock Chalk Sports Park as a community recreation and sports facility, but it was all of the other uses which no one knew those uses. In the absence of that information, he asked the Commission to defer the SUP for one more month. If the agreements were in place by mid-February then the City Commission would have the information to make a more informed decision.

Melinda Henderson, League of Women Voters, said she was not aware that we were going to combine all three items so she had prepared separate remarks. On item 1, the rezoning of the 20 acres, she thought you were all aware that one of the major goals of the

league is to have transparency in government. She couldn't find any transparency regarding why we need to be rezoning that right now to GPI. She said she reviewed the file a few weeks ago. She had asked if we knew what the use was for the 20 acres and we didn't know. She said one of the questions the application asks is if you are proposing a preliminary plat. We don't have one for this portion of the property yet. The concept plan is only for the 90 acres. The application says you will be submitting additional applications – an SUP. When you look at the plat all you get is a plat for the 90 acres. The concept plan doesn't show anything on the 20 acres. So, as you may remember, the League, whenever we have a rezoning request we like to see at least a preliminary plat. She said she might need an additional three minutes.

Schumm said she could have three more minutes.

Henderson said her suggestion from the League was to rezone the 20 acres Urban Reserve unless someone can give us a concrete reason why it needs to be GPI at this time. She said regarding the SUP, the League supports Hird's suggestion to defer for at least another month and try to get the prohibited uses defined. The League has submitted her letter expressing their concerns about that. We are totally in agreement with Mr. Hird. A couple of minor things: she hoped for the consideration of a requirement for recycling facilities. She said she saw some notes about trash facilities, but it would be nice to see recycling facilities.

Schumm said Henderson represented the League and had wanted to comment on two separate agenda items which is why he allowed her more time.

McCullough said regarding the process history, as this was submitted several months ago, staff began coordination meetings with the applicant in attempt to not only regulate from land use, but also as participants in the city lot and city park lot as part of the trail system. There had been proposed, in concept, some development of trail system through the City park lot and even 20 acres to the northwest. Staff encouraged the applicant to submit a rezoning application for both separate lots to GPI. At the time there was some development proposed on that lot. As the process evolved the application got a better idea what they wanted on the

property. The applicant decided to hold off on the final development of the lot to the northwest. There was still an active preliminary plat application and the property had been annexed. The property still needed to receive some City zoning district. Staff believed it was appropriate to zone GPI, given the ownership of KU Endowments and given its potential for its development in conjunction with the city park adjacent with Rock Chalk Park to the southeast. There were no amended development plans presented, but had a pending plat application and rezoning application. Staff thought it was prudent and appropriate given the zoning analysis. The Planning Commission believed it was appropriate. The protection for the future was that it required a SUP even for any trail system development because it was greater than 10 acres for GPI district zoning which required institutional development plan, to go through that zoning vehicle to get final approval by the City Commission.

Schumm asked about the current zoning on land diagonally through the center of that property.

McCullough said that property was annexed within the last couple of years and needed City zoning designation as well. It was pending OS, which was an Open Space District which would allow some of those passive recreation uses like the trail systems. It was pending OS-FP because it had floodplain overlay district and were working through some of those technical issues to present, continue, and end that process as well.

Erin Paden said she recently moved back to Lawrence and upon moving back she thought about things that were important to her. One thing was being able to walk places. Her only concern about this park is that it is so big and she understood it was cheaper to build one big park out here, but adding to existing structures or adding some new structures would be nice. Those were her only issues. We definitely needed some more recreation space.

Heidi Simon said she was a mother of three active boys. She strongly supported the project. She lived in west Lawrence and was in strong support. All three of her boys play basketball and have seen seasons cut short and limited to no practice time. Second, were the

economic possibilities because they travel to tournaments all over Kansas, Missouri and the Midwest. We spend our money to stay in hotels, shop, eat. We would much rather spend that money in Lawrence. Third was the idea of making Lawrence recreation go from good to great. This project is big and bold. Some may say build another center like we have already done, but that wouldn't meet the need we have. They pale in comparison with other communities. This is our chance to do something great.

Bob Etsel said he had been a parks commissioner in St Louis. The things we build today are going to be here for a long time. It will not always feel like "way out there" in west Lawrence. He said in ten years who knew what people wanted to do in terms of special events, so a process that allows you to consider those individually would be great. The area is gorgeous, the grasses, trees, and geologic features. It will be a beautiful facility.

Hank Booth, Chamber of Commerce, thanked commissioners for their work on this. It has been well reviewed by all participants in the project. He understood there were aspects to be determined still. He said this opportunity to move forward now and give the University an opportunity to turn dirt out there would allow us to hold the 2014 Kansas Relays in a facility that was met standards that only 3 or 4 other sites in the county could meet. He said in the introduction to the KU Temple game, Allen Fieldhouse was labeled the mecca of college basketball in the United States today. Broadcasters said any fan of college basketball needed to visit Lawrence and experience the history and tradition of basketball here. He said this rec facility was a great addition to that tradition.

Schumm said it was kind of off the subject, but he said he was getting some emails, including LAN, regarding putting this to a public vote. If there is interest we need to discuss this and if not we need to outline the process.

Amyx said the vote that happened in the mid-90s, there has been a lot of discussion about that. He said he personally believed if we are going to issue GO debt the public has a right to petition the governing body. For him, he would look at that if it happened.

Schumm said that was the distinction here between, for example, the library and this project. The library required a tax increase. In this case there is not a need to raise taxes to accommodate this. He believed that was the difference. He believed you are elected to do the job. There had been a lot of meetings, maybe 50. He had listened to a lot of different people. You worked on behalf of the city and did what you thought was best for the city. We wouldn't get anything done if we went to a public vote every time there was some opposition.

Dever said the city manager and staff did a great job outlining the history of the sales tax and where the dollars have been spent. Hundreds of decisions have been made about where to spend public dollars. There have been large investments such as the aquatic center. There was no vote on that. It was decided by the commission. That shows that the public made the right choice in electing their representatives. There have been two of the last three referenda since he has been on the commission, and they were made because we were going to ask for more money to do something. Here we are reallocating existing dollars to new projects after they have been freed up. We can achieve dozens of goals for the community with this project.

Cromwell said he echoed some of the previous comments, particularly, regarding not asking for new tax dollars. He said he had clarified with the Recreation Advisory Board that this was the big project they were going to get in the near future, and if this is what they would spend it on. They confirmed that multiple times. We don't need to take this to a community vote. That would be appropriate if this was a drastic change or an increase in taxes.

Carter said he felt comfortable through his countless conversations with people for and against or in the middle looking for more information, and he was comfortable that the majority of the public wanted to see this happen. He said what has happened between that last meeting and today was that LAN has put out a notice that they had a unanimous decision to recommend putting this issue to a public vote. He said he wished that could influence him more, but he was concerned about the relevance of LAN at this point. Given all of his discussions with anyone for or against this project, for LAN to have a 100% unanimous decision that they did not want the

City Commission to make a decision told him that the majority of each of our neighborhoods did not want to see this project go forward and for him, that was impossible to believe. He said his concern was that LAN was becoming more of a faction, more polarizing, smaller and less inclusive as opposed to being more inclusive. He said going forward, he would like to be able to lean on LAN and similar organizations for public input. He said he did not feel like it was a representation of the neighborhoods' opinions on this project. He said they had seen one or two more editorials in the local newspaper that spoke against the City Commission moving forward and making a decision which was the only other thing that had happened. He said if they wanted to get the majority involved, if the City Commission passed on this project, the majority would be coming out of the woodwork with shock and extreme frustration at the City Commission not doing what the citizens elected them to do.

Schumm said he thought that was a fair discussion and sets a direction that we are going to proceed with a commission decision, and he heard unanimous support of that.

Amxy said unless there was a petition.

Carter said on the approval of special events, even though we don't have all the agreements, we do have the ownership information. In any case KU Endowment and KU Athletics would have to sign off on it before it came to the city.

McCullough said yes.

Carter said that added a few extra steps. He said he didn't see some of the worst case events even getting to us because the land owners weren't going to sign off. He didn't think we had an idea of every event that could or could not take place. He thought there were good concerns, but administrative approval wasn't a rubber stamp and things would come to us when appropriate. Road 902 is proposed chip and seal. Is that appropriate?

McCullough said with further development of Mercato and north of Rock Chalk, it would eventually be improved to city standards.

Carter said if the use is heavier than thought we can require upgrade.

McCullough said it could be required to be upgraded with development.

Dever asked if we had not discussed maybe having all items come before this board for a time.

Corliss said he understood that for sports/athletic events they are allowed by right. For non-athletic events those would require a special event permit from the city which would come to the city commission for approval. He said he believed over time we would see that we don't need that level of oversight. We have done something more here than we have in our other parks. The comment from Hird is that there weren't public notice requirements, but Corliss said he looked at the commission as having the ability to judge if something was noxious to the community. Given the level of investment in these facilities he thought we would all be wise stewards of the uses. He didn't see that it was likely that they would approve events that would threaten their main uses. We have also the ability to regulate and change regulations. We regulate land, not land owners, and we have the ability to tighten regulations if we need to. We are starting out with more stringent regulations than we have on any of our other parks.

Schumm said additionally for the proposed uses they have to go through the planning process for the individual parcels.

McCullough said correct. There were a couple of values of play. The value of the Institutional Development Plan was for owners that come to the area to be able to find at the Register of Deeds the use of that large property, but in the same vein those parts of the site plan had not been developed to the point of the City or applicant wanting the approval. He said the only thing he would add to the issue of sport and non-sport was that evolved through the process as a concern from Graham which was a valid concern and was not something brought to staff by KU or the applicant where they wanted a KU facility, plus the ability to have all those other types of multiple venues. He said this was a fair discussion.

Carter said regarding the tennis court lighting, there was mention about different hours and he asked if that would be part of what the City Commission would be approving at this time or later in contracts.

McCullough said that part was part of the conditions that would be approved at this time.

Carter said the reason he asked was that given the location of the tennis courts and lighting, this was so far away. He said his only concern was limiting the hours if it would have no effect whatsoever on the neighbors and why would they limit the lighting.

McCullough said because there was residential planned across George Williams Way, we discussed it with Parks and Rec and they were accepting of it.

Carter said he just didn't see it being an issue.

Corliss said if we follow through on the restrictions and we find out they are unnecessary, we can go back through the process with neighborhood notification and have them changed, but he thought it was appropriate to start off with that level of restriction.

Schumm said 10:30 or 11:00 and 11:30 on the weekend.

McCullough said for the tennis court lights were 10:30 and 11:00, for the KU facility, 11:30 recognizing the additional distance.

Schumm said regarding the 20 acres and Henderson's point about urban reserve was there as much value there as going to GPI?

McCullough said of what staff knew today of that property and its potential, he believed more prudent zoning right now was GPI because that's what they understood it to be able to set up for. It was also prudent in that there was no immediate development plans, but at the same time, it would add a layer of process to rezone it to something appropriate, probably GPI or some other zone that took some of those recreation uses in the future. The GPI afforded the most protection to adjacent owners because it required that SUP.

Schumm said let's go back to the agenda items. The first was the rezoning of the 20 acres.

Amyx said he had one last question on the SUP. He said potentially this is not the last time to consider this, we could consider it again at the funding level. He said he brought that up because he had done his best to separate out his feelings on the land use and the rec center. His concern would come in a little on the size of the building and the SUP, but not so much the zoning. He said they are different. We are going to have to look at a place to accommodate things like Red Dog. We don't want to forget those. We've had those discussions. The zoning is not an issue for him. He understood that KU has met the requirements of the zoning ordinance.

**Moved by Carter, seconded by Dever**, to approve rezoning, Z-12-00191, of approximately 20 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6th Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east and adopt on first reading, Ordinance No. 8829. Motion carried unanimously.

**Moved by Dever, seconded by Amyx**, to adopt on second and final reading, Ordinance No. 8824, rezoning approximately 90 acres (Z-12-00191) from County A (Agricultural) District to GPI (General Public and Industrial Uses) District, located east of Kansas Highway 10 (K-10) and north of W. 6<sup>th</sup> Street, adjacent to the Baldwin Creek City Park. Motion carried unanimously.

**Moved by Carter , seconded by Cromwell** , to approve Special Use Permit (SUP-12-00225) for an Institutional Development Plan for development of General Entertainment and Spectator Sports, Active Recreation, and Outdoor and Participant Sports & Recreation uses located in the NE quadrant of the intersection of W. 6<sup>th</sup> St/Hwy 40 & Kansas Hwy 10 (K-10), and adopt on first reading, Ordinance No. 8833. Motion carried 4-1 with Amyx in opposition.

**E. PUBLIC COMMENT:**

Hubbard Collinworth said he wanted to reemphasize the transportation need for the elderly and that we look at expanding our transportation abilities to cover their needs.

Schumm said we would have transportation service to that facility.

Collinsworth said one of the problems we have with Lawrence Community Shelter was transportation, and we have a small problem, but it goes close.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**H: CALENDAR:**

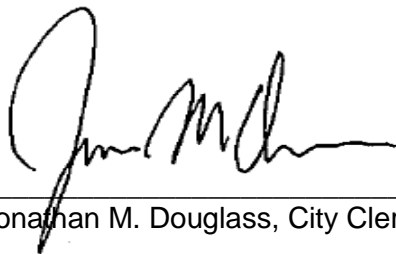
David Corliss, City Manager, reviewed calendar items

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

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

**Moved by Carter, seconded by Cromwell,** to adjourn at 8:49 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 22, 2013.**



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Jonathan M. Douglass, City Clerk