

## MEMORANDUM

**TO:** All Planning Commission Members  
**FROM:** Mike Treanor, Free State Holdings, Inc.  
**DATE:** February 23, 2004  
**REGARDING:** Bauer Property

As you may already know, I entered into a contract to purchase the Bauer property on February 4, 2004. The purpose of this memorandum is to summarize our vision of how the property could be developed, and to ask for your support to bring a high quality mixed-use development that the citizens of Lawrence can be proud of and support.

The Bauer property is divided into two tracts, the "West Tract" which consists of approximately 18 acres, and which is bounded by Sixth Street, Wakarusa Drive, Overland Drive, and Champion Lane. A curb cut for Champion Lane has been created, and the roadway has been dedicated, but the road has not yet been built. The "East Tract" is an approximately 24 acre tract bounded by Sixth Street, Folks Road, Overland Drive, and Champion Lane.

As you know, the Planning Commission and the City Commission recently passed a "Nodal Plan" for this area. Our proposed plan of development is highly consistent with this Nodal Plan, and we have created a more detailed concept, at least as far as general uses, which is attached. In general, we are contemplating a mixed-use development that will incorporate the concepts of mixed-use development that are encouraged by Horizon 2020 and The Mixed Use Development Handbook published by the Urban Land Institute (ULI). All buildings and structures will be designed to be consistent with a theme focused on the historical use of the property as a farm. We anticipate that landscaping and other natural features will incorporate a

grassy "bio-swale" stream leading to a retention pond (located on the West Tract) and utilize native limestone and native grasses and wildflowers.

I understand that the focus of the upcoming Planning Commission meeting is to consider a City of Lawrence initiated rezoning request. I believe that the best rezoning decisions are made with a maximum of information, which is why I am providing you with the concepts that we have developed to date. We do not have a formal development plan filed, as there simply hasn't been time to complete the engineering work necessary for such a submittal.

### **General Discussion of Plan of Development**

Keeping in mind that the development plan may need to change to be responsive to the ultimate purchasers' requests and requirements for property, the following discussion is intended to briefly summarize our current vision for development of the property. Please reference the attached site plan of the property, and the proposed uses. My discussion will begin with the corner located at Sixth & Wakarusa, proceed to the east along Sixth Street, then north to Overland and Folks Road, and finally back to the West along Overland Drive.

**Drug Store.** One possible use we are contemplating for the corner of Sixth and Wakarusa is a drug store of approximately 10,000 to 15,000 square feet. The parking lot for the building would probably also contain a pad site for a smaller user, possibly including a bank, of approximately 3,000 square feet.

**Retail / Office Mixed Use.** This tract will be the "heart" of the development and contain a mixed retail and office use property, with approximately 30,000 square feet of retail commercial space located on the entry level, and office space of between 15,000 to 30,000 square feet located on the second floor. I am planning to relocate my offices to this location, and we have several other users interested in the office space. Facing Sixth Street there will be a public space that is an important principle of good mixed-use planning. Along the north side of this tract will be a stream that will serve as storm water detention and act as a landscape feature

of the project. Based on our preliminary calculations, we should be able to provide approximately 500 parking spaces, which should be more than adequate to serve the retail and office customers.

The east side of the retail/office mixed-use tract will have a drive-through restaurant pad site adjacent to Champion Lane.

**Roundabout - Retail / Restaurant.** We have redesigned the configuration of Champion Lane to provide for a round-a-bout. This was done for a number of simple reasons:

1. Extension of Champion Lane straight through to Overland Drive would create a "drag strip" like effect for persons exiting the high school. The school is not in favor of this road. This design permits access through the property to the high school but dampens traffic speeds, and effectively forces most traffic to and from the high school to use either Wakarusa Drive or Folks Road by way of Overland Drive for access to the school, which is what should be encouraged since the Sixth Street intersections of both Wakarusa Drive and Folks Road are controlled by traffic lights.
2. The north side of Champion Lane, if extended straight through to Overland Drive, runs directly through a part of the property that is at a lowest elevation that is better suited for storm water detention/water feature than a location for the road.
3. The pond that is shown towards the back of the property helps act as a buffer between the development and the high school.
4. This plan contemplates relocating two restaurant/retail pad sites away from the high school, and gives the retail development closer proximity to Sixth Street rather than to Overland Drive. If commercial retail development is all located on the West Tract, we lose the opportunity to provide a greater buffering effect between the retail commercial development and the high school.

5. The retail commercial development located on this Retail / Restaurant site is consistent with the commercial retail development located on the south side of Sixth Street. See the site plan of the Bauer property and the location of the retail commercial development located across the street.

I understand that there may be concern about permitting development of commercial east of Champion Lane because of the desire to avoid a "commercial strip" similar to how 23<sup>rd</sup> Street was developed. I believe several factors are present that would prevent this from occurring. First and foremost is the limited access. One of the problems with the 23<sup>rd</sup> Street "strip" is the number of curb cuts, and we start this project with limited access to 6<sup>th</sup> Street. Further, by designating all of the uses for the entire tract at once, we will put into place office uses directly to the east. I believe that by proper design and use designation, we can absolutely avoid both the "strip" look, and the "strip" functionality. This concept, property planned and executed, will provide outstanding architectural features, landscaping, a public area, and a "focus" that draws attention to it. This unique project will be designed to integrate into its natural surroundings and historical use as a farm. In addition, architectural standards will apply to the entire project, including the commercial sites, so that the entire development will appear integrated, and provide a consistent, uniform theme, and esthetically pleasing appearance.

**Office Tracts.** Moving east along Sixth Street, the proposed plan shows two separate tracts for office use. We envision this portion of the East Tract being zoned RO to permit this type of development. The proposed rezoning plan initiated by the City of Lawrence for the East Tract shows this property as PRD. Staff's report, however, indicated that RO zoning would also be appropriate, and it would certainly be beneficial to the timing and cohesiveness of the project to obtain our desired use classifications at this time.

**Residential.** Moving north to the northeast portion of the property, this portion of the property is suitable for residential development. We anticipate that there will be "high end"



townhome type of development proposed for this portion of the property. Either the PRD or the RO designation would be appropriate for this portion of the property.

**Medical / Community / Office.** It is my hope that this tract will become the new home for the Lawrence Community Theater or similar use. We anticipate a method of making the tract attractive and affordable for the theater, although we have not discussed any details, we look forward to furthering our communication. The community theater has expressed interest in this location, and I am very excited about the possibility of locating their new facility on this tract.

**Office Tract and Restaurant.** Moving west to the west side of the pond and north along Overland Drive, there will be two smaller pad sites that can be used either for office sites or the southern site may be a commercial pad site, depending of course on the amount of commercial retail space permitted to occur in the development.

**Family Entertainment / Retail / Mixed Use.** Located on the northwest corner of the property at the intersection of Wakarusa Drive and Overland Drive will be a possible mixture of uses including possibly an office, bowling and family entertainment center, or possibly a retail building. We do not have any particular user identified for this corner at this time.

There are a number of additional issues that I would like to address as part of this plan of development:

A. **Moratorium on Development.** The rezoning initiated by the City of Lawrence recommends that a moratorium on development of the Bauer property apply until the 6<sup>th</sup> Street road widening that is going to be undertaken by KDOT is complete. It is my understanding that bids are being let on this project right now, and the improvements to Sixth Street are anticipated to be complete sometime in eighteen months. We would very much like to move forward with installation of infrastructure and other physical improvements to the property (storm water detention, etc.), and would ask to be allowed to begin this work prior to the completion of the

Sixth Street improvements. For these purposes, access could be obtained from Wakarusa, Overland Drive, or Folks Road while the road widening occurs. I certainly understand, however, that access to Sixth Street from Champion Lane may need to be delayed until the road widening project is complete.

B. **Traffic Issues.** We are very cognizant of the concerns regarding traffic as this intersection continues to develop. One of our highest priorities is to create the type of project that will provide a sensible blend of traffic patterns in order to minimize peak periods that would conflict with traffic going to and from Free State High School and the surrounding residential neighborhoods. As shown on our map (Tab C) there will not be much, if any, conflict with traffic using this development and traffic to and from the high school. Most traffic moving west on 6<sup>th</sup> Street seeking to access the commercial part of the development will enter and exit from Champion Lane. Traffic going north on Wakarusa seeking to access the commercial development will be able to use a right turn lane. The KDOT road widening project on 6<sup>th</sup> Street will substantially help with traffic issues because an additional lane will be added, which dramatically increases the efficiency of the traffic flow. We fully anticipate providing traffic studies when we submit specific development and site plans for the various tracts.

C. **Limitation on Uses.** Probably the most serious issue in the proposed rezoning request is the proposed limitation of uses on the commercial part of the Bauer property to "Inner Neighborhood Group" uses. "Inner Neighborhood" uses include Laundromats, shoe repair stores, and other similar extensively neighborhood uses, but not much else. These limitations will be fatal to the project because they do not allow for the types of mixed uses that are being proposed for the project. We absolutely understand that there is to be no "big box" approved for the commercial portion of this development, and our project does not include such an element. We have, as a community, stated that we desire to see our new developments incorporate many concepts found in "new urbanism," including providing pedestrian friendly spaces, inviting open

areas, heavy landscaping, etc. The key to providing such an environment is that the people using those sidewalks and plazas need a destination; they need a critical mass of density and uses to attract them. In other words, people need to have somewhere to go if we expect them to utilize these features.

I believe that the foregoing plan of development will result in a high quality, attractive development that the citizens of Lawrence will be proud to claim. I ask for your support in making this vision a reality. In summary, I respectfully request that the Planning Commission consider the following revisions to the Rezoning Request for the East Tract and the West Tract, if both properties are going to be zoned:

1. Zone the West Tract and the identified portions of the East Tract as PCD-2, with a restriction that is consistent with the Nodal Plan that limits commercial retail development on both the East Tract and the West Tract.
2. Zone portions of the West Tract and the lots located along Sixth Street of the East Tract that are identified for use as office as RO.
3. Zone the portion of the East Tract identified as appropriate for residential development as PRD;
4. Remove references to restricting uses of commercial retail zoning to Inner Neighborhood uses; and
5. Remove references in the rezoning request that would restrict construction of improvements prior to time the 6<sup>th</sup> Street improvement project is completed; provided, however, that it is appropriate to provide that no access to the project from Champion Lane can be utilized until the 6<sup>th</sup> Street improvement project is complete.

Thank You.

# Memo

**To:** Planning Commission

**From:** Planning Staff

**CC:**

**Date:** February 25, 2004

**Re:** Deferral requests/recommendations

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Staff has gathered the following input regarding the property owner deferral requests:

- The City Commission indicated at their Tuesday, February 24, 2004 meeting that, as the applicant in Items 10, 13, 14 and 15, they would like the Planning Commission to proceed with all Items as presented by Staff.
- Regarding Items 7A & 7B, Stonegate IV Addition, the applicant's representative stated a preference for deferral over denial, but would like the opportunity to speak to the Commission prior to deferral action.

Since these Items are on the Consent Agenda, they would have to be pulled from the Consent Agenda in order to allow the requested presentation time. Staff recommends a time limit be set for this presentation if it is allowed.

If the Commission wishes simply to defer without the presentation, the Items may be left on the Consent Agenda with Staff's recommendation for deferral.

- Regarding Item 10, Alvamar Realty (property owner) stated to Staff that it would like to retain the deferral request for Item 10 and a representative would be present to provide information about the continued request.
- Regarding Items 14 & 15, the property owner's representative had requested time to present a concept plan for the subject areas. Staff has not reviewed this plan as it has not been formally submitted.
- It should be noted that allowing presentation of information that has not been reviewed by Staff is contrary to the recently adopted revised Planning Commission By-Laws. (Re: Items 7, 10, 14 & 15)
- The Commission has a precedent of dealing with ALL deferral requests prior to the Consent Agenda for the benefit of the public.