

9)

Discuss a possible amendment to moratorium ordinance, Ordinance No. 7651.

David Corliss, Assistant City Manager/Legal Services Director, presented the report. He said the moratorium on building permits that was established in Ordinance 7651 would expire December 6, 2003. Since the ordinance was enacted the Planning Commission had forwarded recommendations. The City Commission had acted on the nodal plan, discussed the text amendments, and directed staff to provide additional information on those text amendments. The proposed rezonings for properties at the northwest and northeast corners of 6th and Wakarusa had been discussed by the Planning Commission. The Planning Commission had indicated that they would take that item up again at their January 28th meeting and they would be looking at the adopted nodal plan. The City Commission might wish to extend the moratorium to account for the Planning Commission timeframe for review and recommendation and he had an ordinance ready for the City Commission to do that and it would extend the moratorium to March 1, 2004.

He said the Commission might need to briefly discuss and direct staff in regards to development that might occur along the 6th Street corridor as it would relate to the improvement of West 6th Street. He said in his memo that the Commission received last week, he indicated that KDOT anticipated bidding the West 6th Street improvement in February of next year and it was his understanding that it would now be March of next year. He said hopefully there would be satisfactory bid and then construction could begin in the spring of next year and be completed in 2005.

He said the Commission might want to discuss the recommendation to whether or not development should occur in that area prior to the completion of a West 6th Street and how the Commission would want future development conditioned in that area. He said they would like discussion from the City Commission in regards to extending the moratorium so then they could follow through on the nodal plan in the appropriate rezoning and also direction on the developments that the building that should occur along west 6th Street knowing now what they know about the improvement of West 6th Street and that it would likely start in the early spring of next year and completed in 2005. He said staff needed to know if the Commission would allow building permits along that corridor during construction or did they wanted to wait until construction was substantially completed and whether they wanted to condition occupancy.

Vice Mayor Rundle asked how for north of 6th Street would that govern.

Corliss said one of the key issues was that along 6th Street there was not going to be direct access to 6th Street with the exception at Hereford House, southwest corner of 6th and Wakarusa. He said there would be a right-in and right-out at that location. The McDonald's intersection would be moved to the west where there would be a right-in and right-out. There would not be direct access along 6th Street. The Kansas Department of Transportation had acquired where there was not already plat restriction on access, they had acquired access for property for the 6th Street improvement. He said that was an issue as to how far the Commission wanted to place any type of restriction.

Vice Mayor Rundle asked if there was any of the residential portion of that development being built now west of Wakarusa.

Corliss said southwest clearly had continued residential growth all the way out along Harvard Road and West of Congressional Drive. He said he discussed the Fox Chase Addition that would provide a Harvard Road link between where it was now over to George Williams Way.

Vice Mayor Rundle asked if Queens Road would be the logical place to start.

Corliss said that could be done as well because Overland, Congressional and Wakarusa Drive to Queens Road was completed and then you could go west.

Mayor Dunfield called for public comment.

Jim Bowers, attorney, representing 6 Wak Land Investments, said there was no legal basis upon which to impose a moratorium on that area. He said client's property was zoned, planned and eligible for building permits within the moratorium area.

He said there were only two building permits that had been requested in that area, both of which were denied by Victor Torres, Director of Neighborhood Resources, after the court directed Torres to make a decision. The basis of the denial in both cases had nothing to do with the moratorium, although the moratorium was in affect. He said there had been no change in circumstance effectively since then and there was a basis upon which to continue the moratorium. He urged the City Commission not to extend the moratorium.

Alan Cowles, speaking on behalf of the West Lawrence Neighborhood Association, said the WLNA strongly supported the continuation of the moratorium.

Commissioner Highberger said if the City Commission were to act on those rezonings at that time, he assumed there would be nothing to prevent the City Commission from lifting the moratorium at that time. He supported continuing the moratorium for the same reasons that it was initiated in the first place.

Corliss suggested that the City Commission declare an emergency and adopt on first and second reading Ordinance No. 7728 which extended the moratorium enacted by Ordinance No. 7651 to March 1, 2004.

Moved by Highberger seconded by Rundle, to declare an emergency and adopt Ordinance No. 7728, on first and second reading, to extend the moratorium to March 1, 2004. Motion carried unanimously.

PLANNING

OFFICE

MEMO

DATE: January 22, 2004
TO: Planning Commission
FROM: Planning Staff
RE: Rezoning requests for the northeast corner of W. 6th Street and Wakarusa Drive and northwest corner of W. 6th Street and Folks Rd (Z-06-19-03 and Z-06-20-03)

The purpose of this memo is to update the Planning Commission on any new information that has been received by the Planning Department since October 1, 2003, regarding the rezoning requests Z-06-19-03 and Z-06-20-03.

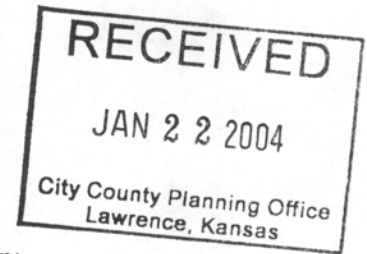
Planning staff has met with the property owner's representatives to discuss possible development plans for the subject properties. The property owner's representatives have also made a presentation to the City Commission describing possible plans for the development of both parcels of property.

However, as of this date the Planning Department has not received a formal submission for a proposed development on the subject properties.



January 21, 2004

Douglas County Metropolitan Planning Commission
c/o Linda Finger, Planning Director
P.O. Box 708
6 East 6th Street
Lawrence, KS 66044



Dear Commission Chair Burress and Members of the Planning Commission:

On behalf of my clients, who are the owners of the approximately 42 acres located at the north east corner of 6th & Wakarusa, known as the "Bauer tracts," I respectfully request that you defer your discussion of the zoning of these properties until your April or May meeting.

As you recall, the Planning Commission considered an area plan for this intersection last fall, and subsequently forwarded your recommendation for approval to the Lawrence City Commission. At your meeting, several commissioners expressed their belief in the importance of planning first, and zoning later. The comments suggested, very accurately, that such a sequence would give good direction to the owners and developers. At the same meeting when you discussed the area plan, you requested that staff schedule the zoning discussion for January, which would have been four months later.

In most instances, items you forward to the city commission are placed on their agenda within a couple of weeks, which in this case would have meant the item would have been considered by the city in October. In this instance, however, the Lawrence City Commission did not consider the area plan until December, more than two months after it had been on your agenda.

As you might imagine, not having the information available until December has kept both the property owners and the developer from moving forward with a development plan, which is an integral part of a discussion of planned unit development zoning. Staff is recommending planned unit zoning for both of the "Bauer" tracts, and we would very much like to be able to provide you with a proposed development plan at the same time you entertain the zoning discussion.

Now that we have received further direction from the city, my clients and the developer will be able to work toward this goal. You are all keenly aware of the time and effort that goes into creating a well prepared development plan, and we would like the opportunity to bring you the most complete information possible on which to base your discussions. I therefore respectfully request that you defer the zoning discussion until such time as we have submitted a plan, which we anticipate being able to have completed within the next 60 to 90 days. That timetable would allow the item to be on either your April or May agenda.

We were most appreciative of the positive dialogue that occurred during the area plan discussion, both with your commission, and with the City Commission in December. We very much look forward to sharing with you this spring our exciting ideas for the development of these tracts. Thank you for your consideration.

Regards,

Marilyn Bittenbender

2 December 2003

Lawrence City Commission
Lawrence, Kansas

Commissioners:

We represent the Buyers under contract for the approximate 43 Acres of land known as the Bauer Farm tract at the Northeast intersection of 6th and Wakarusa. This letter is written to formally request that you table any re-zoning of this property until we have had the opportunity to present our proposal for a mixed-use development of this site.

We have an opportunity to pursue the type of project that promotes conservation of resources and instills a sense of place, with innovative site planning, rich exciting architecture, with self-imposed land use restrictions and architectural controls that will enhance one of the gateways to Lawrence and the entire community.

This mixed-use development will encourage compact development of retail, entertainment, office, residential uses and cultural activities. Our plan will be approached comprehensively with input from feasibility analyses, market studies, planners, architects, end users, financial consultants and consultants skilled in the development of new suburban mixed use developments. We will study the history of the site and incorporate any knowledge we find on past use that helps us to tie our new development to our historic past. It will hopefully be viewed as an attractive pedestrian environment with open space and features that promote outside activities and will be an enjoyable place to just "be". In short, a development that is greater than the sum of its parts.

Smart Growth ideas first appeared in the Urban Land Institute publications in 1997. These are the sound, good common sense ideas balancing community, economy and environment. These are the ideas and recommendations that are incorporated in the Mixed-Use Development Handbook produced by ULI and referred to above. These ideas and recommendations can result in a powerful, exciting project if the mix is carefully and correctly planned and designed. However, as ULI states in their handbook, retail is the straw that stirs the drink. It is and always has occupied the most prominent public spaces within a community. It is critical to the project to have the kinds of retail uses that we all visit, exciting and unique restaurants; service, convenience and lifestyle shops and media outlets.

I don't know what the proper mix is to achieve our goals. We are just now in the beginning stages of formulating our ideas and ideals and have not yet brought on our outside consultants. However this will begin in earnest if we can receive a clear indication from you that the Commission is interested in the pursuit of our goals.

Therefore we are asking that you suspend consideration of re-zoning of this tract until we have had an opportunity to come before the planning commission and city commission in study session and present our ideas and eventually the formal request for re-zoning this site.

SPENCER FANE

BRITT & BROWNE LLP

ATTORNEYS & COUNSELORS AT LAW

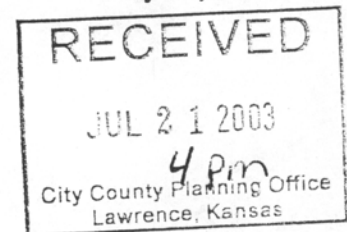
RICHARD H. HERTEL
DIRECT DIAL: (913) 345-8100
rhertel@spencerfane.com

File No. 2181101-1

VIA FACSIMILE 785-832-3160
AND FIRST CLASS MAIL

Ms. Sue Pine, Chair
Lawrence-Douglas County Planning Commission
Lawrence-Douglas County Metropolitan Planning Office
P.O. Box 708
Lawrence, KS 66044-0708

July 21, 2003



Re: Northwest Corner of 6th Street and Wakarusa Drive; Rezoning Nos. Z-06-19-03 and ~~Z-06-20-03~~

Dear Ms. Pine:

We represent Carolena, LTD and HenrysFlower, L.L.C., the owners of the two parcels located in the northeast corner of 6th Street and Wakarusa Drive which are the subject of the above rezonings. These entities are controlled by Maryan B. Tebbutt and JoAnne B. Taylor, respectively. Although both women live elsewhere (Cincinnati and Arlington Heights, Illinois), each has been active in efforts to rezone these parcels since their annexation in 1995.

We received the Staff Reports on the proposed rezonings late Friday afternoon. The Staff Reports set forth for the first time the "restrictions" included in the proposed rezoning. These restrictions will have a significant effect on the value of these parcels and the owners' ability to develop them. Consequently, the owners would like to be involved in the rezoning process.

Unfortunately, both Ms. Tebbutt and Ms. Taylor are away from their residences and do not have copies of the Staff Reports. They are also unavailable for Wednesday's meeting. They and their advisers will need time to study and evaluate the Staff Reports. Therefore, we respectfully request that these rezonings, item nos. 13 and 14 on Wednesday's Planning Commission Agenda, be tabled until mid-September to allow them to study the rezonings and to make arrangements for their participation in the rezoning hearings. Since: (i) these parcels are currently zoned for agricultural use; (ii) there is no development plan under consideration for these parcels; (iii) they are subject to the City's 6-month moratorium (Ordinance No. 7651); and (iv) the City proposes the issuance of no building permits for these parcels until the 6th Street improvements have been substantially completed, this postponement will not prejudice the City and will allow for a more thorough evaluation of the proposed rezonings.

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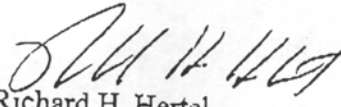
BRITT & BROWNE LLP

ATTORNEYS & COUNSELORS AT LAW

Ms. Sue Pine, Chair
July 21, 2003
Page 2

If you have any questions or require any additional information, please call.

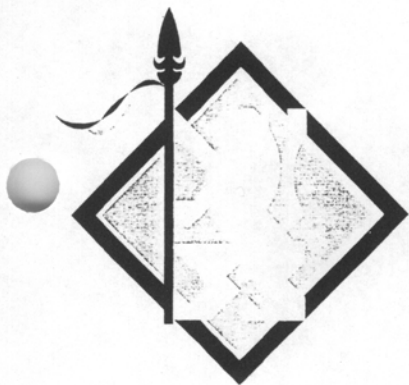
Very truly yours,


Richard H. Hertel

RHH/pak

cc: Ms. Linda Finger
Mr. Bryan Dyer
Mr. Dave Corliss
Ms. JoAnne B. Taylor
Ms. Maryan B. Tebbutt

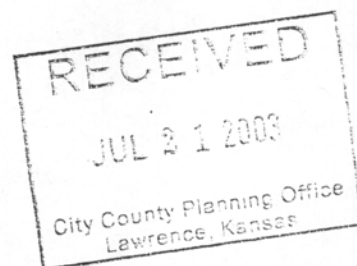
Items 12, 13, 14



The Bristol Groupe

Bristol Partners, LLC • Real Estate Development • Investments

July 21, 2003



Lawrence/Douglas County Planning Commission
City Hall
6 East 6th St.
Lawrence, KS 66044

Attn: Sue Pine, Chairperson

Dear Commissioners:

It has come to my attention that there is an agenda item on this Wednesday's Planning Commission item(s) regarding re-zonings at the northwest and northeast intersections of 6th & Wakarusa. I am the owner of the shopping center on the southwest corner of the intersection. We also have a parking lot and a site for a future building at the corner of 6th & Congressional.

While I don't know the intention as it relates to the zoning of the northeast corner, I do know that the northwest corner is already zoned and this action is against the desire of that property owner.

I have two concerns with the proposed action: First, we need retail synergy at the intersection. It is important for the future of our tenants that the amount of square footage, which is currently zoned at the intersection, can ultimately be built out. Second, I think it sets a bad precedence to re-zone a property which has already gone through the entire approval process. What good is that process if the City can decide later to come in and change the decision?

Developers make sizeable investments counting on consistency in the process. Reversing, or even changing, an earlier decision would be removing any shred of consistency from that process.

Sincerely,

Greg DiVilbiss
Partner

Date: 7/16/03
From: Marilyn Bittenbender
To: Linda Finger

Subject: Bauer tracts

Linda, as you are probably aware, I have been representing the two owners of the properties known as the "Bauer" tracts on West 6th Street. I have just become aware of several recently initiated discussions regarding the possible future development of those tracts, which I have relayed to my clients; Maryan Tebbutt and JoAnne Taylor. While I am intrigued by the proactive interest that is being shown regarding these parcels, I am writing to request that any further activity be delayed until my clients have had an opportunity to participate in these discussions.

The two tracts under review are the last pieces of a larger parcel that has been in my clients' family for many years. The first parcel was divided off and sold to the Lawrence School District several years ago, for the construction of Free State High School. Since that time they have sold additional acreage, which has been developed into a variety of residential uses.

Even prior to the time the school district purchased the Free State site, the two 6th Street parcels have been contemplated in various planning documents for mixed retail, office, and multi family uses. My clients have consistently worked cooperatively with the city, with staff, and with the school district to facilitate the development of their properties in a quality manner that has been consistent with the overall goals and policies of the city. Prior to, and throughout, the time the other corners of this intersection have been developed, the northeast corner has waited for the "right" project to evolve that would be a development in which all parties could take pride, and would be a good fit for the area and for the community.

Because of their desire to see a quality project develop on those front tracts, my clients initiated a plan for the west parcel more than a year ago. As you know, the plan they brought forward was known as "Wakarusa Village," and was reviewed by the planning commission and city commission last April. That plan received many positive comments from staff, the planning commission, and the city commission. It was a pedestrian friendly, "plaza" type of development known in retail vernacular as a "lifestyle center." Based on the square footage request however, the plan was not approved on a vote of 3-2, with Commissioners Rundle and Hack voting in favor.

This was obviously a disappointment, as my clients and I felt that project incorporated many of the goals and objectives of the city, and represented a "smart growth" concept. Since that time, we have continued to discuss plans and ideas for these tracts, and are still hopeful that a retail

plan with other mixed uses; that would be received well by staff and by the respective commissions, will be forthcoming.

Your professional staff, and past and current planning and city commissions have all been very committed to "process," and making sure that all stakeholders have an opportunity to be at the table to discuss issues of community importance. The development of the 6th & Wakarusa intersection certainly falls within that category, and I would certainly hope that the property owners would be considered primary stakeholders. The recent discussions regarding the update to Horizon 2020, and the proposed rezoning discussion just initiated by the city commission, both have the potential to impact my clients dramatically. It is with serious concern then, that we see these discussions proceeding with such apparent haste.

In a conversation I had a couple of days ago with Bryan Dyer, he indicated he hoped to meet with my clients to obtain their input prior to the zoning discussion, which is currently scheduled for the July 23 planning commission meeting. In attempting to reach my clients to determine if this would be feasible, I learned that as of yesterday, one had not yet received the formal notification, and the other had not been home for several days to receive my messages. They were, therefore, both unaware of the timing and pace of these varied discussions.

Both of my clients live in other states, and they have each had extensive travel requirements this summer. Their remaining summer schedules are such that neither of them will be able to be in Lawrence prior to the July 23 meeting, and in fact Maryan Tebbutt will be unavailable between now and the first of August. JoAnne Taylor will be out of the country during much of August, including the August planning commission meeting, and will not return until the first week of September.

Early to mid September would thus be the earliest possible date the owners of these properties would be able to be in Lawrence, and have an opportunity to participate in these very important discussions. I therefore urge you to postpone making any recommendations on these items until the property owners have had an opportunity to come to Lawrence to engage in dialogue with you and Bryan, and your staff. I further urge you to delay scheduling any formal discussion of these items until, at the earliest, the September planning commission meeting.

I would be most appreciative if you would forward this request and advise me of the response. Thank you.

Regards,

Marilyn Bittenbender

cc: Sue Pine, Chair, Planning Commission

David Dunfield, Mayor, City of Lawrence

Items 14 & 15



23 February 2004

Ms Linda Finger
Lawrence Douglas County Metropolitan Planning Office
6 East 6th Street
Lawrence, KS 66044

Re: Bauer Farm Tract

Dear Linda,

Attached is a memo regarding the re-zoning of the Bauer Tract. We entered into a contract to purchase this property as of 2.04.04. We are in the process of design for presentation of a Preliminary Development Plan and re-zoning request.

We respectfully request deferral of this item so that we may finish our planning and zoning request. However, if you wish to proceed we request that we be able to present as the applicant on the project.

Respectfully submitted,

Michael Treanor
Principal

phone: 785.842.4858
fax: 785.842.7536
cell: 785.766.1555
email: mtreanor@treanorarchitects.com

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 23rd 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 23rd Street "strip" is the number of curb cuts, and we start this project with limited access to 6th 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 6th 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 6th 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 6th 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 6th 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 6th Street improvement project is complete.

Thank You.

Memo

To: Planning Commission
From: Planning Staff
CC:
Date: February 25, 2004
Re: Deferral requests/recommendations

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.