

# THOMPSON RAMSDELL & QUALSETH, P.A.

Law Offices

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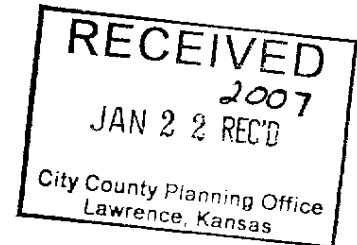
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\*Also admitted in Illinois and  
in the District of Columbia

January 22, 2007

## HAND DELIVERED

Sandra Day  
Planning Department  
City Hall  
6 East 6<sup>th</sup> Street  
Lawrence, KS 66044



Re: *Aberdeen on 6<sup>th</sup>: Reconsideration by Planning Commission*

Dear Sandy:

At the behest of the City Commission, the referenced matter will be before the Planning Commission at tonight's meeting. The item is presented for the Planning Commission to reconsider in light of comments made by the City Commissioners at their meeting on December 12<sup>th</sup>.

It is my understanding that a PDF file of a modified Plan was sent to you by Landplan last week. If that is not correct, please let me know and we will get the PDF file and/or hard copies delivered to you immediately. The modified Plan was developed by the Applicant to address the comments of the City Commissioners. The modified Plan is the one that we discussed with you and Corey Lang last week (with a couple of very minor text corrections). For sake of consistency with the manner in which this modified Plan is being presented to the Planning Commission tonight, I will refer to the modified Plan as the "Alternative Plan", and to the Plan that was considered by the City Commission as the "Pending Plan". There was another modified Plan created after the City Commission meeting that included some 1-story buildings. To the extent there is any discussion of that Plan, I will refer to it as the "One-Story Plan". However, because of comments by the neighbors and by Commissioner Highberger, the One-Story Plan had a very short half-life and has been abandoned.

The Planning Commission voted 9-1 to recommend approval of the Pending Plan. The Alternative Plan is substantially similar to the Pending Plan, but it has been modified to address the City Commissioners' comments in the following manner:

1. Changing the two 2-story 8-plexes that had been located on the southwest property line to three 2-story 4-plexes (single bedroom units).
  - a. The footprint of the 8-plexes that were removed was close to 4200 square feet. The footprint of the 4-plexes is less than 2200 square feet. Thus, the scale (or visual mass) of the 4-plexes is more consistent with (or even smaller than) the scale of the neighboring houses. To provide a comparative perspective on that, the square footage of the footprints of houses along Stonecreek include the following: 3019 square feet; 2381 square feet; 2286 square feet; 2611 square feet; 2150 square feet; and 2112 square feet.
  - b. The 4-plexes have also been re-oriented with a north-south axis so that the balconies and patios do not face the single family residences to the south (as did half of the balconies and patios on the 8-plexes).
2. The 8-plex located closest to the Langs' house was also changed to a 2-story 4-plex.
  - a. The southernmost point of the footprint of that 4-plex is approximately 140 feet (+ or -) from the northernmost point of the Langs' house.
  - b. This change also allowed for the detention basin to be stretched out to the north.
3. A 4-plex was added to the "island" where the clubhouse and pool are located. This was accomplished by turning the pool from an east-west axis to a north-south axis. Adding this building in this location moved some of the density that was along the southwest property line toward the north – another request of the City Commissioners and the neighbors.
4. Another modification made because it enhances the project and protects the neighborhood was to change the duplexes proposed for the southeast corner of the project to single bedroom 4-plexes, and to orient the 4-plexes to the north; that is, toward the internal area of the Project. A band of landscaping has also been added to the south side of these two 4-plexes (which in terms of footprint size and visual mass

are roughly the same size as the previously shown duplexes) to further separate them from the single family homes.

In addition to the comments of the City Commissioners, the neighbors provided a list of comments about the Project. The Applicant's responses to those comments are noted below in the italic type:

- A. Whether all of the units will be managed by the same company: *Yes.*
- B. Whether a crash gate will be required on the southeast access drive, and whether the gate will be permanent: *The Applicant's position with regard to the gate is this: The fire department has expressed its preference for the drive to remain open (email to Planning Staff dated December 14, 2006). Therefore, to mitigate concern over the issue of potential liability for not having two points for ingress and egress, the Applicant is waiting for the City Commission to determine the requirements. Applicant understands that Staff is recommending a gate be installed, and that the neighbors are requesting restricted access. Thus, while it certainly seems that the City may require a gate, the Applicant has not included a gate on either the Pending Plan or the Alternative Plan, but rather is waiting for the City Commission to consider the proposed condition. If the City does mandate the gate, the Applicant will add the notation to the Plan.*
- C. Whether the landscaping will be as dense as the landscaping of Tuckaway Apartments on 6th Street: *The landscaping will be as shown on the Plan that gets approved. Both the Pending Plan and the Alternative Plan provide landscaping that exceeds the requirements of the Code, and the landscaping has been enhanced along the south side between the detention basin and the Langs' house. In addition, the Alternative Plan has increased the landscaping on the south side of the 4-plexes on the southeast corner of the Project.*
- D. Whether the project can have lower density along the southern and southeastern edges of the property: *See discussion above.*
- E. Whether one story 8-plexes will "look out of place" and whether they would result in more of the Project being visible to the neighbors: *This is a reference to the One-Story Plan that was floated, but not enthusiastically received. As a result, the Alternative Plan removes all one story*

*residential buildings from the Project, replacing them with 2-story 4-plexes.*

- F. Whether there are problems with the quality of the storm water run off: *The Applicant has complied with all storm water requirements, and must defer to KDHE and the City on this issue. Based on discussions with some of the neighbors and with their attorney, it appears at least part of their concern is related to Sixth Street, and is unrelated to the zoning and Plan for the Applicant's property.*
- G. Whether building elevations can be provided: *Illustrative elevations have been generated and made available, and will be shown at the Planning Commission meeting. However, the extensive renderings from the numerous and various vantage points requested by the neighbors have not been created.*
- H. Whether the appearance of the buildings will be consistent "on all sides and comparable to the architecture and building materials of the existing neighborhood": *There has been a condition recommended by Staff and agreed to by the Applicant to address the issue of building materials and compatibility with the neighborhood. This condition applies to both the Pending Plan and the Alternative Plan. In accord with the proposed condition, the Applicant will be using materials that are compatible, but not necessarily the same as, the materials that are on many of the houses in the neighborhood (e.g. T-111 siding will not be used at the Project).*
- I. Whether multi-family development might eventually occur on the adjacent property now owned by a church: *The Applicant can't speculate on this issue, and has no control over what the church might do with its land.*
- J. Whether the property owner may attempt to re-zone the land directly west of the single family homes (west from Stonecreek): *The single family zoning that the neighbors desire on the tract to the west of their homes (and south of the west half of the Project) will become effective when the Plat is filed. Thus, the Applicant would hope that the neighbors might be supportive of the pending Project, as approval of it must occur for the Plat to be filed.*

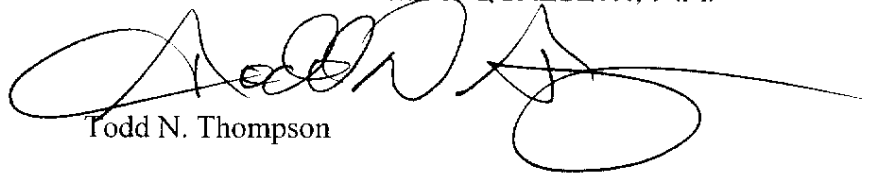
Sandy Day  
Planning Department  
January 22, 2007  
Page 5

The Planning Commission recommended approval of the Pending Plan on a 9-1 vote. We believe the Alternative Plan is even better, and that the changes made from the Pending Plan are all consistent with and in favor of the comments that the Planning Commissioners have previously made during the lengthy consideration of this Project. We ask the Planning Commission to renew their prior recommendation of approval, but with the added condition that the Pending Plan be amended to match the Alternative Plan. That is, the Planning Commission is asked to return this item to the City Commission with a recommendation that it be approved subject to the same conditions as last time, but with the additional condition that the Preliminary Development Plan be revised to match the Alternative Plan.

Please let me know if there is anything you need from the Applicant, or if you have any questions prior to tonight's meeting.

Sincerely,

THOMPSON RAMSDELL & QUALSETH, P.A.



Todd N. Thompson

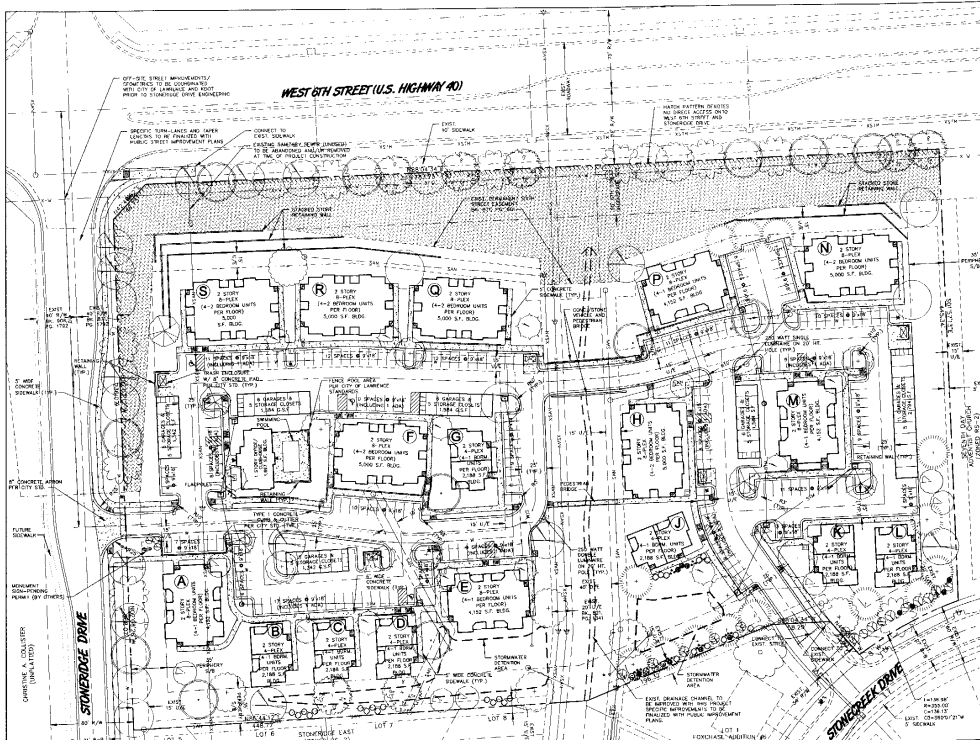
TNT:lg  
cc: MS Construction Co., Inc.

Present: Todd Thompson, Paul Werner, Cory Lang, Sandra Day

Mr. Werner presented a proposed development concept for the multi-family development that included two story four-plex units along the south side of the development. There was discussion about the size (square footage) of the buildings because there were two versions of the same drawing. The point of the drawing was that the buildings were generally smaller in size than what was previously approved by the Planning Commission is intended to be a response to directions from the City Commission meeting.

Key issues of discussion included:

- Access restricted to the local street. Mr. Lang inquired why it has not been previously shown on the drawings. It was discussed that from the applicant's perspective, there may be liability issues for "gating" the second access on the east side of the property to Winthrop Court. The Fire Department commented that secondary access was required and Planning recommended it be restricted. It was clarified that the Fire Department stated a preference – full access, and that the staff recommendation in the staff report reflected a compromise position for the neighborhood that maintained access to the site for emergency purposes.
  - The recommendation by staff and the action by the Planning Commission are advisory in nature. The Applicant is waiting for specific direction (approval action) by the City Commission to require the restricted access to mitigate liability concerns.
  - It was noted that the staff recommendation has not changed and continues to include restricted access.
  - Mr. Lang reiterated the longstanding concern about the opening of the street at some point in the future.
  - The type of gate has not been determined.
  - Staff stated that the recommended location would be at the end of the public right-of-way on private property so that the maintenance responsibility would be that of the property owner not the public.
  - It was noted by Mr. Lang that the type of gate feature should be aesthetically pleasing and that it should extend far enough across the property so as to prohibit drivers from driving around the restriction as a cut-through to the local street.
- Landscaping along the south property line was also discussed as an issue of concern. There was disagreement as to the requirement or agreement on the part of the applicant that the landscaping along the south property line would be provided in a manner the same as or similar to that of the "Tuckaway" development located on W. 6<sup>th</sup> Street.
  - It was questioned if irrigation would be provided and determined that it would be evaluated as part of a Final Development Plan for the property; if not then landscape materials proposed would be of such species as to be drought tolerant
- Elevations of the project were discussed very briefly. It was noted that there was no drawing that shows the look of the project as seen from the abutting public streets. Mr. Lang expressed interest in the view of the project from his rear yard through the development.



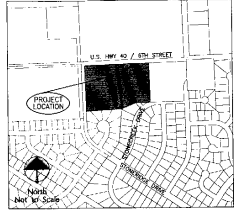
General Notes

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LAWRENCE, KANSAS.
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Building Information and Parking Summary

Building	Building Area	Building Type	Total Units	Net Floor Space	Net Floor Space per Unit	Parking Ratio	Parking Required
8-FLY (2-STORY)	4,152 S.F.	1-BEDROOM	32	8,304 S.F.	N/A	1.5 SPACES/UNIT	48
8-FLY (2-STORY)	5,000 S.F.	2-BEDROOM	40	10,000 S.F.	N/A	1.5 SPACES/UNIT	60
4-FLY (2-STORY)	2,100 S.F.	1-BEDROOM	20	4,200 S.F.	N/A	1.5 SPACES/UNIT	30
OFFICE/CLUBHOUSE	1,800 S.F.	N/A	N/A	1,800 S.F.	N/A	2 SPACES/100 S.F.	4
TOTAL PARKING REQUIRED:			142 SPACES		142 SPACES		
TOTAL PARKING PROVIDED:			142 SPACES		142 SPACES		
TOTAL PARKING PROVIDED:			142 SPACES		142 SPACES		

Location Map



Legal Description

Plant Schedule

Plant	Qty	Species	Size	Time
1. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
2. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
3. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
4. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
5. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
6. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
7. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
8. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
9. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
10. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10

Site Summary

Category	Area	Notes
EXISTING BUILDING	13,052 S.F.	13,052 S.F. (13,052 S.F. x 1.0)
EXISTING PARKING	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
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EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)
EXISTING DRIVEWAY	1,100 S.F.	1,100 S.F. (1,100 S.F. x 1.0)

A Preliminary Development Plan for

Aberdeen on Sixth

Lawrence, Kansas

THE OCCUPANCY OF THIS SPACE SHALL BE FOR OFFICE USE ONLY.

Landplan Engineering, P.A.

LAYOUT & LANDSCAPE PLAN

1. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
2. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
3. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
4. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
5. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
6. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
7. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
8. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
9. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10
10. BIRCH	10	BETULA PULVERULENTA	10' TALL	10/10

