

From: Scott McCullough
Sent: Wed 12/10/2008 10:57 AM
To: 'Tim Herndon'; Mary Miller
Cc: bush@askmcgrew.com; David L. Corliss
Subject: RE: Maple Leaf Square (Doolittle Subdivision)

Tim,

There were three meetings that I attended. I think you attended the last one. Each time we highlighted issues that would need additional review and analysis if an application were submitted – number of access points, lot sizes, compatibility, etc. I am always careful to not pass judgment in pre-application meetings as there are too many reviewing agencies involved and too many elements to review. It is unfortunate that meeting attendees might misinterpret our respectful discussions for signs of approval.

We will send the letters at our earliest convenience and work to correct any mis-quote on the applicant's reasons.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
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From: Tim Herndon [mailto:timh@LANDPLAN-PA.COM]
Sent: Wednesday, December 10, 2008 10:43 AM
To: Mary Miller; Scott McCullough
Cc: bush@askmcgrew.com; David L. Corliss
Subject: Maple Leaf Square (Doolittle Subdivision)

Mary (and Scott) -

At no time during the numerous pre-submittal meetings with staff, nor during the course of any conversation during the review of this project, were we given an indication that staff would recommend denial of the applications for zoning and platting. Only today, three work-days prior to the day of public hearing, are we made aware of non-support on the part of the Planning Office or City staff.

1. Near the top of page one of both rezoning staff reports, the Applicant's Reason for Request is mis-quoted, so neither of the responses would make sense to the reader. Please carefully re-read both rezoning applications and re-issue the staff reports so that commissioners and other readers will have an accurate indication of our reason to request the rezonings.
2. Both rezoning staff reports cite letters in opposition:
 - a) At no time, until now, was the applicant made aware that letters from any neighbor had been sent to the City.
 - b) The reports state that the letters are attached -- they are not. We have not seen them. Please send copies of the letters.

Thank you. - Tim Herndon

From: Mary Miller [mailto:mmiller@ci.lawrence.ks.us]
Sent: Wednesday, December 10, 2008 7:54 AM
To: Tim Herndon
Cc: bush@askmcgrew.com
Subject: FW: Staff reports for Maple Leaf preliminary plat and associated rezonings, variance and waiver

I neglected to attach the staff reports with my previous email.
Thanks,
Mary

Mary K Miller, AICP, City/County Planner- mmiller@ci.lawrence.ks.us
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From: Mary Miller
Sent: Wednesday, December 10, 2008 7:22 AM
To: 'Tim Herndon'
Cc: 'bush@askmcgrew.com'
Subject: Staff reports for Maple Leaf preliminary plat and associated rezonings, variance and waiver

Tim,
The Planning Commission agenda has been posted online at the Planning Website www.lawrenceks.org/pds
The agenda will include the attached staff report as well as communications which have been received from neighboring property owners.

This item will be considered by the Planning Commission at their December 15, 2008 meeting in the City Commission Room at City Hall. The meeting will begin at 6:30 pm. The applicant will have the opportunity to make a presentation and to respond to public comments.

Please feel free to contact me with any questions.
Thank you,
Mary

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From: Tim Herndon [mailto:timh@LANDPLAN-PA.COM]
Sent: Wed 12/10/2008 1:42 PM
To: Scott McCullough
Cc: greg@moorevaluation.com; bradfink@stevensbrand.com; Sheila Stogsdill; Mary Miller; David L. Corliss
Subject: RE: comments on Maple Leaf Square

Thanks, Scott. I appreciate your perspective, too. The **bold** note you provide was on the Oct. 29 initial plan review comments. Since that time, we met with the Plan Review Committee, revised the plat and several attachments. We received staff's follow up letter [suggesting no opposition] eight days ago. Enough said -- no problem. See you Monday night if not sooner. - Tim

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]
Sent: Wednesday, December 10, 2008 12:15 PM
To: Tim Herndon
Cc: greg@moorevaluation.com; bradfink@stevensbrand.com; Sheila Stogsdill; Mary Miller; David L. Corliss
Subject: RE: comments on Maple Leaf Square

I appreciate that perspective, Tim. It warrants explanation about the different phases of process. The plan review period is typically a period of making sure the application is technically sound as it pertains to the many elements of the city code. A great deal of the time and effort at this stage is spent on reviewing the code and not on whether the application meets Golden criteria or other analysis of the merits of the request. Analysis is performed during the time between resubmittal and preparing the staff report when we review the Golden criteria, comp plan conformance, etc. The timeframe in which we operate, typical for every planning agency I have worked for, does not allow for analysis during the same time period that code review is occurring.

The first review comment letter that you received at the end of October included this paragraph that we have made standard in all of our review comments:

"These comments do not represent an analysis of the merits of the request nor do they represent staff's potential to recommend approval or denial of the request unless noted otherwise. The comments simply attempt to gather additional information about the request in order to complete the required review."

This was installed specifically to inform applicants that a review of the merits of the project is not being conducted and should not be expected. Note that our correspondence hints at neither support nor denial and instead focuses on whether the application meets the code. Please let me know if you have questions.

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From: Tim Herndon [mailto:timh@LANDPLAN-PA.COM]
Sent: Wednesday, December 10, 2008 11:51 AM
To: Scott McCullough
Cc: greg@moorevaluation.com; bradfink@stevensbrand.com
Subject: FW: comments on Maple Leaf Square

Scott - I don't want to wear you out with this stuff. You said not to misconstrue respectful discussion, which I generally agree with. However, Mary's 12/1/08 letter (attached) was provided as a follow-up to the revised documents Landplan prepared after we attended the Plan Review Committee meeting, in anticipation of the upcoming PC hearing. Still no hint of staff non-support. My client reviewed the attached staff comments and let us know he was okay with them. Hopefully, this more adequately explains our surprise by receiving recommendations for denial today.

Thanks again. - Tim

From: Mary Miller [mailto:mmiller@ci.lawrence.ks.us]

Sent: Monday, December 01, 2008 2:45 PM

To: Tim Herndon

Subject: comments on Maple Leaf Square

Tim,

I provided the revised plats to the reviewing departments and received some comments back on the revisions. I am mailing out an additional comment letter today, and have also attached it with this e-mail. I understand that there isn't time to make additional revisions to the plat, but I wanted to let you know what comments I've received.

Please feel free to contact me with any questions.

Thanks,

Mary

Mary K Miller, AICP, *City/County Planner*- mmiller@ci.lawrence.ks.us

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December 1, 2008

Tim Herndon
Landplan Engineering, P.A.
1310 Wakarusa Drive
Lawrence, KS 66049

RE: PP-10-13-08; Maple Leaf Square Addition

Dear Tim:

Thank you for the revised plat and the response letter. I provided copies of the revised plat to the departments who indicated they had concerns with the original plat; mainly, the fire/medical department, City Utility Department and City Stormwater Engineer. Their comments on the revised plat are listed below:

1. Fire: the revised plat included a note which stated that the fire access would be installed after the 35th dwelling unit had been constructed. The Fire Inspector indicated that the access would be required with the 30th dwelling unit, per the City Fire Code.
2. City Utilities:
 - a) The fire hydrants, valves, and any other water appurtenances not on or immediately adjacent to side-yard lot lines need to be relocated. Public improvement plans will be required. Driveway access restrictions are not an acceptable solution. There should be a note on the preliminary plat that they will be addressing this on public improvement plans.
 - b) The manholes raised to final grade can be addressed on the public improvement plans (if not sooner). This can be added to the note mentioned above.
 - c) As per city code 19-214(C) states that "duplexes are two distinct residential dwelling units and thus require two separate private sanitary sewer service lines that both directly connect to the City's main."
 - d) City code 19-214(A) states that each lot shall have direct access to the main and that this access must not cross property ownership lines. The duplex for Lot 1 Block 1 will result in a private service line for the east side crossing the future lot split line to tap into the main on the west side of the lot. Add this sewer main extension to the preliminary plat.



Mary K Miller, AICP
City County Planner

C: John Bush, Doolittle Farms, LLC; 4321 W 6th Street; Lawrence, KS 66049